

## City of Springdale Council

August 17, 2016

President Vanover called Council to order on August 17th, 2016, at 7:00 p.m.

The governmental body and those in attendance recited the Pledge of Allegiance.

Mrs. McNear provided the Invocation.

Mrs. McNear took roll call. Council Members Diehl, Emerson, Ghantous, Harlow, Hawkins, Shroyer, and Vanover were present.

The minutes of the July 20<sup>th</sup>, 2016 Meeting were not available at the time of the Meeting and will be considered at the September 7<sup>th</sup>, 2016 Meeting.

President Vanover: With this, we'll turn over to Administration. We have an introduction.

Mr. Parham: Thank you, Mr. President. Council, as we have on a regular basis now added new employees to the organization, we bring them before you to introduce them to our elected officials as well as to the community, and then you'll get a chance to meet this individual. Chief Hoffman will handle the introduction.

Chief Hoffman: I'm here. Good evening and thanks for having us here. We have a special occasion tonight as Mr. Parham indicated. We're going to introduce you to our newest full-time firefighter. We had a vacancy in our full-time ranks, created when Bob Frank retired a few months ago. We had a hiring process that took place, and we were fortunate that one of our part-time employees was the individual selected. We always aim to hire a good person, and we definitely found a good person in this individual. In addition to that, he has a Firefighter 2 and Paramedic Certification, so he hit the ground running. In addition, he was working for us for four years prior to that, so he was ready. He brought some family members with him tonight, and at this time I'd like to introduce Adam Dunaway, who's our new full-time firefighter.

Mr. Dunaway: Thank you guys very much for this opportunity. I'm very humbled that I was chosen, and I'm very excited and I promise to serve the City of Springdale to the best of my ability.

Mayor Webster: I'd just like to say welcome aboard. You've just joined one of the finest fire departments in Hamilton County. We're very proud of the men and women of our fire department, and I'm sure you'll do 'em proud. So welcome aboard.

Mr. Shroyer: Thank you, Mr. President. Welcome aboard, Adam. I would echo the Mayor's sentiments. Not that I have any personal knowledge of that. I wish you well. I hope you have the career that I had with our fire department, and would like to hope I'll be invited to your retirement party in twenty-five years.

President Vanover: I'll just make one statement. In reference to the Mayor's comments, I would say not just Hamilton County. We have one of the finest fire departments in the country. I take no backseat to anybody, whether it's in Ohio, Southwest Ohio, or anywhere. We've got, we're blessed with an operation that is phenomenal and it runs from the top down and has for a number of years, so welcome aboard and congratulations.

Alright, I guess going back to Mr. Parham, we have a presentation from the Rec Center.

Mr. Parham: Thank you, Mr. President. Council, I'm going to ask Recreation Director Greg Karle to come forward. As you know, for the last couple of years, we've had our ComeUnity Bash event at the Community Center, and so by the next time we have our next meeting, we will be right upon it. So we want to have Greg come and do a presentation this evening.

Mr. Karle: Great. Good evening, and thank you for having me here tonight. I'm really happy to have an opportunity to share the exciting things we have planned for the ComeUnity Bash this year. This will be our fourth year for this event. I think it's really starting to become an event that our residents look forward to, and find a great deal of enjoyment out of. This year, it's going to be held on Saturday, September 10<sup>th</sup>, from 3-9pm at the Community Center. And with this event, it's been our goal to provide a family-friendly event where neighbors could come together and enjoy and celebrate a day in the park.

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The other important aspect of this event is a venue where our local service organizations can have an opportunity to not only raise funds, but to gain greater visibility to the community. This year, the participating organizations include the Springdale Youth Boosters, the Sailfish Swim Team, the Springdale/ Forest Park Lions Club, the Springdale Garden Club, Springdale Offering Support, the Springdale Elementary PTA, the Princeton Education Foundation, the Springdale Senior Citizens Club, the, and then I'm real excited this year we have our local Cub Scout group and Girl Scouts and Brownies will be joining us with a booth. So, all these organizations are going to provide reasonably priced refreshments and food, and I hope the public will patronize them and support them in what they do, and all the beneficial things that they do to the community, because I think that having these volunteer organizations, and civic groups are really what makes Springdale special. And I think this event gives everybody out there an opportunity to see all those special groups that we have, and the good things that they do to give back to the community.

As far as some of the activities, this year as we have in the past we'll have a performance stage on field four. We'll have a series of three different bands, and hopefully they'll appeal to any musical taste that people might have. Our first group is a group called the Dan Varner Band. They're, they've been the opening act for many top national country superstars, so they're pretty well known. They play traditional country kinda mixed in with a little bit of rock-and-roll. Following them will be the Bad Habit Band. They'll be at 5 o'clock, and they'll perform classic rock from the sixties and seventies. They've been a long-standing local band. They've been playing for over twenty years around Greater Cincinnati. The final band will be starting at 7:30. That'll be a band called Second Wind. This will be their third consecutive year with us, and if you haven't caught their show, they're just an outstanding show band. They're on stage. They give a great performance. They play smooth jazz, R&B, pop, classic rock, and funk. So, if you haven't seen them, try not to miss it because they're a great band. Some of the other entertainment, I know, I think all of you have been to the ComeUnity Bash before, but we, as you know, we have entertainment going on in several locations around the park spread out. The Cincinnati Circus will be back. They'll have their Big Show. There'll be two performances; one at 4:30, one at 6:30. That includes aerial acrobatics, flying trapeze, magic tricks, and much, much more. Also in that same area, we'll have a climbing wall. We'll have strolling entertainers, and some other games that people of all ages can participate in. And then, as if that's not enough, our petting zoo will be there with over thirty animals. There's both farm animals and zoo animals. We'll have some exotic animals. I expect to have a camel and a kangaroo, and with all of those you can get up close. You can pet them. You can feed them. It's a great experience. Children can even ride on the carousel pony ride. All those things are completely free of charge to the public. And then finally, as dusk falls on the grounds of the Community Center, we'll have our Balloon Glow. We'll have a display of half a dozen hot air balloons. They're tethered to the ground, but as they fire up their burners, it makes a real nice display on the night sky, and you can sit back and listen to Second Wind and enjoy the balloons as a great backdrop. So, all that entertainment's free of charge. I hope all of you will come out and enjoy a great day in the park and celebrate everything that's special about Springdale.

That's not all I had to say about that day. If you're looking for something a little bit earlier in the day, we do have our Family Mud Quest. That's a unique event. Our participants will have a sloppy obstacle course they go through. There's ten different muddy, slippery, sloppy obstacles that they have to go through, and it's a lot of fun. The event also is free of charge. It's for all ages. And if you register in advance by September 2<sup>nd</sup>, and you complete the course, you can get a free souvenir tee shirt. So, you know, it's a great event. Even if you don't want to get muddy and participate in that, come out and watch because it's an awful lot of fun just to watch the people do that. So that's the ComeUnity Bash. Any questions?

President Vanover: I don't see any.

Mr. Karle: Okay. While I've got the stage, I did want to mention a couple other upcoming events that we have. The Junior Olympics will be coming up on Saturday, August 27<sup>th</sup>, as we all watch the Olympics for adults. This is that time when we have all the little ones come out. It's for children four and under, up to ten years of age. It's an event that we've been having, hosting for over, I think well over forty years at the Community Center. There's eight fun events. They're competitive but they're, the whole goal of them is just to

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be a fun activity for the kids to do. And there's awards, but there's also a number of door prizes. Again, it's all free of charge.

Lastly, our Youth Sports Registration for winter sports is starting September 1<sup>st</sup>. That's for basketball, volleyball, and cheerleading for the youth. And that's all I have. Thanks.

Committee and Official Reports

### Civil Service Commission

Mr. Higgins: Thank you, Mr. President. The Springdale Civil Service Commission met on August 4<sup>th</sup>, with myself, Mr. Nienaber, and Mr. Coleman in attendance. Also present was Jerry Thamann, Assistant City Administrator, and Mr. Mark Pelfrey, a firefighter/paramedic with the Springdale Fire Department. A motion to approve the minutes of the July 7<sup>th</sup>, 2016 was made and passed with a 3-0 vote. Discussions and comments from the audience: Mr. Mark Pelfrey was there to address the Commission about the Captain's Promotional Process and the decision to exclude seniority from the scoring of the candidates. Mr. Pelfrey asked the Commission to consider adding back the service credits before the written test takes place and the process begins. In talking with Mr. Pelfrey, the Commission voted to approve the same standards which were used in the last two Captain's Promotional Processes which was the written test and the Assessment Center. I commented that the process had already started since the sign-up sheets were up. The written portion, the date of the Written Exam was already posted and had been scheduled. There was a request made to postpone the test. The Commission took under advisement Mr. Pelfrey's request to follow this current process very closely to determine if next time the process needs to be altered to include the seniority credits. Under Reports, there were none. Under Unfinished Business, the timeline for the firefighter's hiring process was presented to the Commission with the examination date proposed for September 24<sup>th</sup> at 9 o'clock. The Commission reviewed and approved the process. The next in the firefighter's promotional process, Mr. Thamann mentioned that in the event of a tie for the third spot, of the candidates to be interviewed there was no tie breaker. The process was to allow all candidates who passed the Written Exam to sit for the Assessment Center. The score from the Assessment alone will determine the rank of the top three candidates who will be interviewed. After some discussion, they made a motion that in the event of tie after the Assessment Center between two or more candidates for the third spot on the interview list, the tie will be broken by reverting back to the written test score of those which tied, and add in the service credits for those candidates. The person with the highest test scores with service credits added in will advance to the third spot. In the event that there remains a tie, the candidates with the earliest hire date will be awarded the third position. That motion passed with a 3-0 vote. All correspondence were read into the Minutes. Of note, tonight the Probationary Appointment of Mr. Adam Dunaway to the firefighter/ paramedic position. Next meeting is scheduled for September 1<sup>st</sup>, 2016 and the meeting adjourned with a 3-0 vote. If there are no questions, that concludes my report.

President Vanover: Don't see any. Thank you sir. Oh, sorry. Here's one. Mr. Shroyer.

Mr. Shroyer: Thank you sir. Mr. Higgins, has that test happened, and if so, do you know how many candidates were eligible and how many chose to take the test?

Mr. Higgins: The test has already happened, and I believe there were seven members that sat for the test out of, was there nine eligible?

Mr. Thamann: There were eleven eligible and seven sat for the test. We don't have the test results back yet.

Mr. Shroyer: Thank you.

Mr. Higgins: Thank you.

Rules and Laws Mr. Diehl - No report

Finance Committee Mr. Diehl - No report

Planning Commission

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Mrs. Harlow: Thank you, Mr. President. Planning Commission met on August 9<sup>th</sup> in these chambers. All members were in attendance.

Under Old Business, the former Princeton Bowl at 11711 Princeton Pike, Mr. Ray Schnieder from Circle Development was in for a Concept Plan Review and he is interested in looking at a proposed self-storage facility at this location. This had been tabled previously, so this was the second time that it was on our agenda, so it was under Old Business on August 9<sup>th</sup>. Mr. Schneider has received from our City Planner two pages of comments that would have to be addressed in order for this to be considered. And again, it was a Concept Review, so there was a lot of give and take going back and forth that evening. It was decided by Mr. Hawkins and myself that this was a Major Change to the PUD, so if there were ever to be any eventual storage self-storage facility at this location, it would have to come to Council before final approval. So the gentleman left with a lot of his questions answered. He told us that he had to go back and he had to talk with his people, his investors, and so Chairman asked if he wanted to table it or if he wanted it closed, and since it had already been tabled, Chairman suggested that we close it. He can always file another application and bring it forward again. So that concludes that piece of business.

Also at Tri-County Town Center at 11711 Princeton Pike, we had a request from one of the tenants there, Callos Resources, that they wanted to add the name Nesco in front of their name. This was approved with a 7-0 vote.

We also had Cassinelli Square at 11374 Princeton Pike, and this was a revision to the PUD Lot Split, and again this was another Lot Split that they wanted to do. And this was approved with a 7-0 vote.

We had a Public Hearing on proposed Zoning Text Code Amendments. That was our first reading, and we will continue that at our September meeting. And that will conclude my report. I'd be happy to answer any questions.

Board of Health Mrs. Emerson - No report

Capital Improvements Mrs. Emerson - No report

O-K-I

Mrs. Harlow: Thank you, Mr. President. OKI cancelled their July meeting, and they also cancelled their August meeting. They said that what they had on the agenda for August could be moved to September without an issue, so they freed us up for the summer. Thank you.

Mayor's Report

Mayor Webster: Thank you, Mr. President. I would like to read a Proclamation this evening. This was requested by Mr. Vanover, and very happy to accommodate this.

WHEREAS THE AMERICAN PAYROLL ASSOCIATION AND ITS MORE THAN 21,000 MEMBERS HAVE LAUNCHED A NATIONWIDE PUBLIC AWARENESS PROGRAM THAT PAYS TRIBUTE TO THE MORE THAN 156 MILLION PEOPLE WHO WORK IN THE UNITED STATES AND THE PAYROLL PROFESSIONALS WHO SUPPORT THE AMERICAN SYSTEM BY PAYING WAGES, REPORTING WORKMAN'S EARNINGS, AND WITHHOLDING FEDERAL EMPLOYMENT TAXES; AND

WHEREAS PAYROLL PROFESSIONALS IN THE CITY OF SPRINGDALE PLAY A KEY ROLE IN MAINTAINING THE ECONOMIC HEALTH OF THE CITY OF SPRINGDALE; CARRYING OUT SUCH DIVERSE TAXES AS PAYING TO THE UNEMPLOYMENT INSURANCE SYSTEM, PROVIDING INFORMATION FOR CHILD SUPPORT ENFORCEMENT; AND CARRYING OUT TAX WITHHOLDING, REPORTING, AND DEPOSITING; AND

WHEREAS PAYROLL DEPARTMENTS COLLECTIVELY SPEND MORE THAN FIFTEEN BILLION ANNUALLY COMPLYING WITH A PYRAMID OF FEDERAL AND STATE WAGE AND TAX LAWS; AND

WHEREAS PAYROLL PROFESSIONALS PLAY AN INCREASINGLY IMPORTANT ROLE ENSURING THE ECONOMIC SECURITY OF AMERICAN FAMILIES BY HELPING

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TO IDENTIFY NON-CUSTODIAL PARENTS AND MAKING SURE THEY COMPLY WITH THEIR CHILD SUPPORT MANDATES; AND

WHEREAS PAYROLL PROFESSIONALS HAVE BECOME INCREASINGLY PROACTIVE IN EDUCATING BOTH THE BUSINESS COMMUNITY AND THE PUBLIC AT LARGE ABOUT THE PAYROLL TAX WITHHOLDING SYSTEMS; AND

WHEREAS PAYROLL PROFESSIONALS MEET REGULARLY WITH FEDERAL AND STATE OFFICIALS TO DISCUSS BOTH IMPROVING COMPLIANCE WITH GOVERNMENT PROCEDURES AND HOW COMPLIANCE CAN BE ACHIEVED AT LESS COST TO BOTH GOVERNMENT AND BUSINESSES; AND

WHEREAS THE WEEK IN WHICH LABOR DAY FALLS HAS BEEN PROCLAIMED NATIONAL PAYROLL WEEK, I HEREBY GIVE ADDITIONAL SUPPORT TO THE EFFORTS OF THE PEOPLE WHO WORK IN THE CITY OF SPRINGDALE IN THE PAYROLL PROFESSION BY PROCLAIMING THE FIRST FULL WEEK OF SEPTEMBER PAYROLL WEEK.

NOW THEREFORE, I, DOYLE H. WEBSTER, MAYOR OF THE CITY OF SPRINGDALE, SO HEREBY PROCLAIM THE WEEK OF SEPTEMBER 5<sup>TH</sup> – 9<sup>TH</sup>, 2016 AS NATIONAL PAYROLL WEEK IN THE CITY OF SPRINGDALE AND URGE ALL CITIZENS TO OBSERVE THIS WEEK IN APPROPRIATE TO ITS SIGNIFICANCE.

That's really all I have. I do have one question while I have the floor though. Mr. Forbes, the Charter Amendments that Council passed, have those been filed with the Board of Elections?

Mr. Forbes: They will be filed tomorrow.

Mayor Webster: Tomorrow? Okay. Thank you. That's all I have. Thank you.

Clerk of Council/Finance Director

Mrs. McNear: Thank you, Mr. President. I have a General Fund report for our receipts through July 31<sup>st</sup>, 2016. Our receipts, based on the General Fund budget of net receipts of \$16.54 million. We have received \$12.368 million, which is 77 percent of the budget. Those (coughs), must be catchy tonight. So those major fun receipt sources are Earnings Tax, Real Estate Taxes, Paramedic Services, Local Government Funds and Mayor's Court. That's a total of \$11.587 million, or 81 percent of our receipts through July.

Our expenditures through July 31<sup>st</sup> as a net of the expenditures is \$16.708 million. For the year, we have expended \$9.705 million to date; that's 58 percent.

Our General Fund ending balance as of July 31<sup>st</sup> is \$5.457 million, and that concludes my report. Thank you.

Board of Zoning Appeals

Mrs. Ghantous: Thank you so much. Board of Zoning Appeals met yesterday evening, which was August 16<sup>th</sup>. I think we had a record-setting, the fastest meeting I've ever been to. There was one item on the agenda, and the applicant was not present, so we voted to table that. And then we adjourned. So it was very short and sweet.

Administrator's Report

Mr. Parham: Thank you, Mr. President. Council, I have just a couple items for you. At the July 20<sup>th</sup> meeting, we discussed as a result of the 2016 Street Project coming in extremely high and we rejected the bid, that we would redesign that project that consists of three elements. One, West Kemper Road rehab maintenance work that would comprise the cul-de-sacs off of Glensprings as well as the Oxford Hills Subdivision, as well as the rehabilitation of the Service Road off of State Route 4. We have now shifted the West Kemper Road project to 2017 Street Program. We have been soliciting proposals from contractors relative to the other two projects. I'm happy to share with you this evening that relative to the maintenance work, and we had a budget, or estimate, of \$51,505. We've been able to engage a contractor who will perform that work for \$36,100, so that saves us about \$15,000. We have also had discussions with, I do believe, five to seven contractors for the State Route 4 Service Road project. Three in particular I've been told are extremely interested. The challenge that they're experiencing that they

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shared with us is the one we've been talking about as, you know, as part of the, that we believe was a result of that high bid we received. Everybody's extremely busy. They're trying to find ways of squeezing this project into their agenda as well. So, but we think that should come out very promising as well. The estimate for that project was \$34,217. I think, just to show you the difference in the bid that we received from Barrett, they had a cost of about \$60,000 for that part of the project. We think we'll come in much less than the \$60,000, and hopefully somewhere less than the \$34,000. So I think that's working out well so far.

Next up, I have on Friday August 12<sup>th</sup>, we received bids for the asbestos removal and disposal as a part of the old Sheraton Hotel. I think as shared with you before, the project with O'Rourke has been delayed because of the asbestos that has been identified. We had bids that we put out to the market, and opened those on this past Friday. There were three bids received. The lowest, and what at this point is turning out to be the best bid, was by Aztec Services Group in the amount of \$113,490. I have to tell you that the next highest bid was about \$184,000 higher. We have checked the references for Aztec. We have received nothing but glowing comments from their references, and so if Council sees fit to adopt Ordinance Number 26 that is on the agenda this evening, then we will begin to engage them, sign the contract, and begin this process moving along. In the documents we have a deadline or a completion date for this part of the project for the end of September, and they seem pretty excited about it. They seem very confident about their proposal, their bid numbers. Mr. Agricola held a meeting with them on this past Monday, and so I think this may work out far better than what we thought it would. So we're looking forward to moving forward with that, if you so adopt Ordinance 26 tonight.

Finally, the City has been involved in the Aggregation Process since 2012. I think in June 2011, Council adopted legislation to place the issue on the ballot. The voters approved it that November, and then we entered into our first contract in August 2012. I believe Interstate Gas Supply (IGS) was our first supplier. Since then, I think we've been able to demonstrate an opportunity for residents to save with this program. Unfortunately, I think that the market seemed to have experienced a shift, and what we're finding is the savings has been very minimal to say the least. In our first couple of years with the Natural Gas Program, usually just as you're leading up to the winter season which is more identified from November till about March, we would lock in a rate, and for the most part we performed fairly well. In October 2014, we locked in a rate for a longer period. All indications we had at that time were that the market was going to either stay fairly neutral or potentially rise. It turned out that did not work out in our favor. The rates dropped severely. We compare ourselves to Duke Energy. March of 2015 was actually the last time that our locked-in rate was less than the rate that residents could have enjoyed under Duke Energy, if they simply had not been a part of our program. I honestly believe that when the municipality puts a program forth that is geared toward benefitting the residents and saving the residents, most residents are not going to take the step of removing themselves from the program. Therefore, if we were to continue with the program, I think what would happen based on this market that we find ourselves in now, I think it would not have a positive benefit for the residents. The Natural Gas Program is scheduled to expire this October. As a result, we will propose that the City not re-engage IGS or any other provider right now. This would allow the residents to go back to simply being part of Duke Energy. They always have that opportunity. If we find that the market begins to shift more in our favor, we can always have the ability to re-establish the program, because our certificate doesn't expire until February of 2018. We always have the ability to reengage a new supplier and put the program back in place, but right now I think we want to propose not moving forward with the program. The Electric Program will expire in October of 2017. I would suggest early on in that process, beginning of 2017, we're going to start looking at the market for electric, and if there's still an opportunity for savings for the residents, we'd recommend that we move forward. However, if we find that is not the case, then we would also follow suit with the Natural Gas Program. With that I'll answer any questions that you may have.

President Vanover: Mr. Hawkins.

Mr. Hawkins: Thank you, Mr. President. Mr. Parham, to the extent that you know, do you think that the decrease in the rates that Duke had was a result of purely the availability of natural gas, or do you think the fact that all these cities were doing the gas aggregate

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which in terms of the marketplace caused folks maybe to reduce prices. Do you think that played into a part, or was it more just the availability of natural gas in general, if you know. I don't know if you have that information or not.

Mr. Parham: Honestly, I don't know, but I would doubt that it's the latter. To my knowledge, in our area, there are very limited numbers of jurisdictions with these programs. If there are forty-eight jurisdictions (including townships, cities, and villages) in the Hamilton County area, to my knowledge most do not have a program. With the group that we were involved, there were only about four or five that have a natural gas program. I know there are a number of others, but there really aren't that many that have been taking advantage of the program. I know some communities have placed it on the ballot and it's been defeated. So I don't think that the problem is there are too many municipalities and townships that are participating in the program. I think a lot of it's the market. I think a lot of it is perhaps there have been a number of changes. I think there's a high, as I understand it, there is a higher reliability, on the part of Duke Energy in using more of natural gas. I was told, I think by our consultant Eagle Energy that Duke Energy has sold their electro-generation plants and they've gotten out of that business. Now they are purchasing from the market just like everyone else is doing. I honestly don't know the answer to that question, but right now I can tell you that, you know we were locked in at a rate of 0.536 ccf. Duke's rate has gotten as low in April of this year down to 0.3234. That was a severe drop that unfortunately if you remained with our program, you didn't have a chance to experience. And the most recent one, you are seeing a rise back in September. We are still at our current rate, but Duke now is at 0.4965 so that gap has closed, but I'm not sure how much more of a savings they'll be able to enjoy.

Mr. Hawkins: Thank you, Mr. President.

Mayor Webster: Thank you. You know, this was not an easy recommendation for us to make because as Mr. Parham indicates, the people that have signed up with the City's Aggregation Program expect us to save them money. They expect us to get the best deal and to save them money, and so a lot of them have had to wait out various lengthy contracts in order to get or to pay a termination fee to get into the City's program. So we really would like to have kept that group, the whole group together, if you will, but in good conscience, we just can't recommend an Aggregation Program that you guys adopt that we're going to sell to the, or have the residents buy into where it's going to cost them money. And so it's a, I guess the only thing we could say to the residents is just be careful. I mean you're going to have all kinds of energy suppliers are going to be ringing your doorbell and ringing your phone off the hook and mailings and so on and so on. Just be extremely careful on who you sign up with and make, take a good look at the termination fee and the length of the contract that you're signing up. So if it's a month to month, and sometime in the future it's advantageous for us to aggregate this thing again, we certainly will do that, and we'd like to have all of you come back and participate in that savings, but here again, it's one of those things where contrary to some belief, the City doesn't make a penny off of this thing. All we're doing is trying to save the residents money and so we're sorry that the market's what it is and we can't control it, so. Thank you.

President Vanover: Mr. Shroyer.

Mr. Shroyer: Thank you, Mr. President. Mr. Parham, as you said, people are, once they make a move we're inclined to stay there. Did we think there's any possibility that Duke is applying the same logic? In April, for their rate to be extremely low in April is a very low use of natural gas anyway. If they draw people back in April and May, do they use the same logic that in November and December as the rates go back up, those people won't go back to wherever they had been, they'll just stay with Duke?

Mr. Parham: I don't know. I would tend to doubt it. Again, how our program works is that once we create the aggregation, those who are not with another program and those who are currently with Duke Energy, automatically are included into our program. They then have to take steps in order to not be included into the program. Most people are not going to do that, and that's the reason the aggregation programs work. The energy companies understand this, as well. They'll give you a much lower rate for an aggregation program than they will give you for a program in which a community endorses their system, because an endorsement simply says, we recommend X, Y, and Z Company. The aggregation program captures everyone, and they have to then take some action in order to not be included. Under the endorsement, the

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individual has to take the action to be included and fewer people are taking the actions or want to take that step. Duke, right now, is in the market, like everyone else. Like IGS, who we have contracted with for the last couple years. They go out to the market and they purchase the generation natural gas, and then they provide the transmission and distribution, the poles and so forth in the underground systems. They're out there competing trying to find the best deal that's possible. IGS then goes out and tries to find the best deal that's possible as well. Sometimes it may come down to better knowledge of the system. I think in this case where you see the difference is we had a price that was locked in, and had we not been locked in for the period of time that we were, we may have been able to compete with a lower rate during that timeframe as well, but because ours was frozen and we had already stayed at that level, Duke had the ability to continue to adjust, and so you see where in April they've dropped down. They dropped down, and then you see in September they're coming back up.

Mr. Shroyer: But if we don't continue our program, then all of us in that program automatically go back to Duke unless we make a choice for some other provider?

Mr. Parham: Yes, sir. You would revert back to Duke Energy and then there is the Ohio PUCO website that has the Apples-to-Apples comparison. I think we had the article in one of our recent newsletters that sort of described the program and the Apples-to-Apples. On the Apples-to-Apples page, you can identify suppliers who are offering programs. Sometimes you'll see a supplier with multiple programs, but I would reiterate the Mayor's statements, even if you are one of those who are more pro-active in this process, is that you pay particular attention to the length of the agreement and whether or not there are exit fees. Sometimes you may join the program and the exit fees, even though we were able to save you a few dollars, the exit fees may make it cost-prohibitive for you to leave that program to come back to join us. The beauty about the aggregation program and Duke Energy, you can leave Duke Energy any time you want without any fees. You can leave the aggregation program anytime without any fees. But when you join one of these private programs, and IGS is one those, they have a private program as well, but they also have a fee if you were to attempt to leave theirs before your time expires.

Mr. Shroyer: But if we don't continue our program then I don't have an option to stay with it. If I'm suspect of Duke and their April rates as a loss leader where they're trying to get me back, and I feel more comfortable knowing that I'm locked in under our program over a longer period of time and want to play the averages, if we don't continue our program that's not an option.

Mr. Parham: I don't feel that Duke is out trying to lower their rates based on what people are doing and how they're reacting. I think Duke is just out buying their system. If you recall, when the rates began to drop in electric and natural gas, what Duke did at that time, it said we're not going to move away from being Duke Energy because people won't take the step to leave Duke Energy. What they did was, they created Duke Energy Retail and put them down to compete with everyone else, and because the name Duke, people are reliable, they think of it as a reliable business, something they're familiar with, they counted on them simply signing up with Duke

Energy Retail if they were going to move away from the program. So I don't believe, and since then Duke has sold that program because there's no need to have it any longer. The rates are, seem to be pretty much there and you're not getting that much of a savings. So there are other steps through that Apples-to-Apples program, and as the Mayor said, I'm sure we're getting, people are getting inundated with offers from other organizations. People are knocking on your doors, and by the way, if someone knocks on your door, if they do not have a solicitation permit, call the Police Department. Let them know they're there. They're not supposed to be in town soliciting without a permit, and some of them have been giving false information about our program and other programs. Honestly, I don't believe Duke is trying to gauge whether or not people are signing up or not. I think Duke is just setting their rates. There's a...

Mr. Shroyer: But if take motivation out of the equation and we look at just the market, if we have a bad winter and the rates go back up beyond what our aggregation was, then



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we're losing ground again. Individually, we're losing ground. If we chose to play the averages, and then just say over the length of the aggregation, I'm comfortable that whatever the market does, I'm gonna fall somewhere within the average. I guess the questions would be, does it cost us anything to continue our program, and make it available as an option?

Mr. Parham: It costs nothing. It costs nothing but time, energy, and effort. That's all. What would happen if we decide to engage in the program is that we would have to go through the process again. We'll have to find a vendor. Once we find a vendor then that vendor and the Administration is going to sit down and iron out the details of a contract. Once we reach that agreement with that supplier, the supplier has to put together an opt-out letter. That opt-out letter has to go to PUCO and in ten days PUCO responds. Once they've approved that letter, the supplier then sends that letter to the residents. The residents have twenty-one days to opt-out of the program. If they don't opt-out of the program in twenty-one days, they're in for the first step. The second step is Duke Energy then is responsible for sending a letter to the residents and saying this program is in place. Are you sure you want to stay in that program, or do you want to opt-out of the program, and that's for another seven days. When the seven days expire, then you can begin the program. Those are the steps. The consultant helps us to identify a vendor. They put together the RFP the last couple of times to find a vendor. After that point, it depends on whether you try to lock in a rate, or whether you try to have a variable rate. So those are the steps. That's the effort.

Mr. Shroyer: I just, personally I don't see a long term trend in natural gas prices declining. They might be at a low, but I still would take a two or three year guarantee as opposed to jumping because April was low. September's back up. October's probably gonna be the next jump. I just, if we don't believe that over the term of the program that it warrants the time and the effort, I'm good with that. I just personally would like to see it as a third option. Duke, a private supplier, or stay with the aggregate.

Mr. Parham: Again, the program that we're under right now, our rates have not been lower than Duke's rates since March of 2015. So, if you lock in another rate, you may run into that same experience again, and then it isn't benefitting residents. The only way that you don't is that you then try to do it on a variable rate, and then you're not guaranteed at that point in time. Under the variable system, Duke has to identify what their rate is going to be the month prior to, so for instance on October 10<sup>th</sup>, Duke has to notify PUCO, when they decide to do it, what their November rate is going to be. Then the municipality has five days to find their own rate, and lock in a rate.

Mr. Shroyer: Thank you, sir.

Mr. Parham: That's all I have. Thank you.

### Law Director's Report

Mr. Forbes: Thank you, Mr. President. Just one item tonight, and this is a topic that you may have seen in some news outlets recently, and that is related to the soon to be legalization of medical marijuana in the State of Ohio. That law passed. It was signed by the Governor, and it will become effective September 8<sup>th</sup> of this year. I bring it up because unlike the last time that issue came around to the ballot, this time, under this new state law, there is authority for municipalities to have some local control over these establishments. What the law says is that you basically have two options, well I say you have three options. The law says there are two, and that is you can either prohibit them completely or you can limit the number of them. I say the third option is, or you can do nothing and just see what happens. What the law also says is that there are basically two state agencies that are going to have to collaborate to get this program together. That's the State Board of Pharmacy and the Department of Commerce, although the State Medical Board will have some involvement too with the physicians. Those state bodies that have to get together to make all the rules and regulations, the law says that within a year, they have to have their, they have to have some of it ready, and then within two years, they have to have the whole program up and operational. Which given that, makes it a little bit difficult for local jurisdictions to make an informed decision on what you might want to do going forward. So the reason I raise this issue is what you may have seen some other jurisdictions doing recently, is entertaining a piece of legislation that's known as a Moratorium, which is kind of what I call sort of like a "time out" resolution that would say for some specific period of time, we're going to say time out, and you won't be able to do it, you won't be able to

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do that in the City until we have time to really investigate, see what the State regulations, see how they're coming together. I can tell you that the City of Sharonville just did that at their, I think at their most recent Council meeting. Other communities I know have done it, and others are considering doing it as we move forward. So I raise that because it's a question that Council may want to think about and may want to discuss or decide or at least think about whether you want to get a Moratorium in place. Typically they're for six months. That would give you some time to review things, and then if at the end of six months, if the State hasn't done what it's supposed to do, you can always consider extending that, but that's a typical Moratorium. So it's something for you to think about. You do have time. You have one more Council meeting, I believe, before the State law goes into effect, although it's not like on September 9<sup>th</sup> there are going to be retail dispensaries popping up because they can't. They have to get licensed through the State first, so you have some time to think about it but if you're interested in the concept of a Moratorium, it's even possible with your schedule that you could do one prior to the law ever going into effect.

Mr. Hawkins: Thank you, Mr. President. Mr. Forbes, so right now would those dispensaries fit under General Business? Is it something that would be GB, or is it something that we would have to decide?

Mr. Forbes: Well, and that's a real good question. Right now, I think the concern potentially is that it's just like any other retail establishment, so whatever your code, whatever districts your code allows retail in, it could be a permitted use there.

Mr. Hawkins: So there's nothing in the legislation with regard to how far it needs to be from schools, and...

Mr. Forbes: Actually, yeah. There is. That's already in the state law. It can't be within 500 feet I think of schools, churches, daycares. That's already taken care of at the state level. You won't have to, you won't even have to worry about that. What the state law says is, you have the option of, it says you can prohibit them completely, or you can limit the number of them, and again there's some question about what that means. I think the plain language of it means if you wanted to pass an ordinance that says there can only be one, then there's only one. But we're waiting to see what the state rules and regulations, how they roll out, so it's a question that, the good news is you actually have some ability to deal with this at the local level. We just need to start thinking about that.

Mrs. Emerson: Thank you, Mr. President. Who controls the amount of usage? Is that statewide, or is that municipality? So, being considered under the influence and working.

Mr. Forbes: None of that, oh and working?

Mrs. Emerson: Yeah.

Mr. Forbes: Well, let's say this. This new law is very clear that it does not change any employment law issues as they exist today. So you can still drug test employees. You can still have a zero tolerance drug policy as an employer, even if the person has a permitted use of medical marijuana.

Mrs. Emerson: How about driving?

Mr. Forbes: Actually, we already have, I mean the law in Ohio already exists about impaired driving and that won't change either.

Mrs. Emerson: Thank you.

President Vanover: Mayor Webster.

Mayor Webster: Well, in chatting with Mr. Forbes before the meeting, he shared with us that, you know, it's still in violation of Federal Law. That hasn't changed. And so there's a likelihood that this Ohio State Law might even be challenged on that basis, that it's in conflict with Federal Law. So I think the Moratorium really serves us well, so we can just say "hey, we can't even take your application." If somebody comes in the Building Department and

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wants to file an application to start a dispensary we can say “No, it’s a Moratorium”, and that will give us time to see what unfolds as far as someone challenging the legality of the State Law and also give these boards some time to roll out some regulations and rules. And then at the end of six months, if we’re not comfortable, we can always renew the Moratorium for another six months to allow the State to get their act together. So I just think that serves us well, so the Administration would highly recommend that you ask the Law Director to bring in a Resolution declaring a 180 day Moratorium.

President Vanover: Is that all of your report?

Mr. Forbes: That would conclude my report.

Mr. Diehl: Thank you. I couldn’t agree more and would like the Law Director to bring in the proper Moratorium.

### Engineers Report

Mr. Brueggemann: Thank you, Mr. President. We’ve had a lot of activity over the last month, so I will try to summarize the Engineer’s Report. Starting with the 2015 Street Program, that project is complete. The final project cost was \$369,499.71, which was under the base bid that was opened. That project is coming in under budget.

The State Route 4 Lane Addition, we had a pre-construction meeting on July 29<sup>th</sup>. At that meeting, we discussed the contractor’s anticipated date of delivery for the overhead signs. Unfortunately it’s a fairly long lead time on those signs, and it looks like they might not be able to be delivered until October. Our concern is starting construction in late October, so we’re scheduled to meet with the contractor again in September and get a better date for the delivery of those poles. Based on that information, the project more than likely will be postponed until the Spring of 2017 for construction.

The 2016 Program, I believe Mr. Parham addressed all the pertinent information regarding that.

The Cloverdale area resurfacing, Greater Cincinnati Water Works is proposing some water main replacement in the Cloverdale area. As a part of that, the City is coordinating our resurfacing efforts to coincide with the work that’s being done by Greater Cincinnati Water Works. So the City is planning to mill two inches of pavement and resurface with two inches of pavement on the following streets: Smiley, Cloverdale, Allen, Dimmick, Greenlawn, Harmony, Park, Rose, and Valley View. The schedule for this project, the basic schedule, is that we would bid the project in late September, and then that would allow us a spring construction. Concurrently, Cincinnati Water Works, their schedule is to do their construction for the replacement of the water main in the winter and to be completed in the spring of 2017. So our resurfacing project will immediately follow the completion of the water main work.

There have been no changes from last month on Glensprings Drive, so I’ll pass over that.

The 2017 Street Program, we have two parts to that. The first part is the rehabilitation and reconstruction, and that includes the Cameron area, and in those streets we will be grinding the existing pavement, doing pavement repairs, we’ll come back with a resurfacing, there will also be full curb replacement, catch basin repairs as necessary, man hole adjustments, and then we’ll also come in and address ADA ramps and do spot sidewalk replacement where necessary. The rehabilitation area also includes the Glendale Crossings area with everything excluding the Sheraton Lane, and again we’ll be grinding the existing pavement, doing pavement repair, resurface, and we’ll have catch basin repairs, man hole adjustments, and spot sidewalk replacement. It also includes the Grandin area, and again this will be grinding the existing pavement, pavement repair, resurfacing, full curb replacement, spot sidewalk replacement, catch basin repairs, man hole adjustments, ADA ramps, and some limited storm sewer upgrades and some storm sewer connections. The project also includes West Kemper Road from Kenn Road to State Route 4, and that work includes grinding the existing pavement, pavement repair, resurfacing, catch basin repairs, man hole adjustments, and again addressing the ADA ramps while we’re in there. The maintenance portion of the project includes the Glenview Subdivision and Sharon Road, and we’ll be doing pavement repairs and a cape seal. A cape seal is a type of micro-resurfacing that includes a SAMI, which is a stress absorbing inner membrane, and micro-resurfacing over top of that. Then that maintenance work will also include the Heritage Hill, Grandin, and Terrace Subdivisions, and again in that we’re gonna do some pavement repair, some crack seal, and a mastic overlay. We also will be addressing the

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Lawnview Avenue, and that will consist of a cape repair. And those are maintenance types of items. The basic schedule for the 2017 Street Program is to open the bids in late January and we would begin construction in the spring of 2017. That takes us to the Beacon Hill Subdivision streets and Kenn Road. For the Beacon Hill Subdivision portion of the work, that will include total curb replacement, catch basin repairs and adjustments, man hole adjustments, spot sidewalk repairs, again we'll address the ADA ramps while we're in there, pavement repair, driveway aprons, a cape seal, and then some isolated storm sewer repairs. The Kenn Road portion of the work is again total curb replacement, catch basin repair and adjustments, man hole adjustments, spot sidewalk repairs, ADA ramps, pavement repairs, storm sewer repairs, driveway aprons, and a resurfacing, a total of a two and a half inch resurfacing which consists of one inch of an intermediate course and a one and a half inch surface course. Finally, we have the Beacon Hill Subdivision streets and Kenn Road, the schedule for that project will be we will be submitting for the SCIP applications in mid-September. Hopefully we receive the funding to go through that entire process and that would result in a construction in the spring of 2018. So that is my report. AS you can see we've had a lot of activity and have been very busy over the last month. I will try to answer any questions if you have any.

### Communications

Mrs. McNear: I do have one item this evening. I did receive an email from Francis Kramer of 1029 Terrytown Court. This was received on Monday, August 15<sup>th</sup>. The request was to myself. It states:

*"I am asking council to amend the Property Maintenance Code to prohibit grass clippings to be left on the public sidewalks. Grass on the sidewalks is becoming more and more of a common practice. This does not say Springdale pride. The grass get slippery when it rains. The grass turns to straw. It is not nice to walk through or to look at. Why is this not litter.*

*Thank you,  
Francis Kramer"*

She did also provide a couple of pictures of some sidewalks that were in the Heritage Hill area. I can pass those around if anybody would like to see it. I think it probably looks much the same as what you see in any of the neighborhoods when people aren't cleaning up the grass clippings, sweeping up after they cut the grass. And that concludes the report.

President Vanover: Mayor Webster.

Mayor Webster: Thank you, Mr. President. Mrs. Kramer is a real watchdog if you will for the Heritage Hill Subdivision. I think she's in contact with the Building Department probably at least once a week. Points out a lot of the things in the subdivision, and really, I'm not being facetious, she really is a watchdog and does a great service to the community, but she continues to send me pictures of grass on the sidewalk. And I've told her, explained to her, that there is no prohibition against that, and the only prohibition is if we, if your grass exceeds ten inches, we send you a letter to have that cut, then part of that code says you also have to rake and bag the clippings. Other than that, if your grass is up to nine inches and you cut it and let it lay on the sidewalk, there's absolutely nothing we can do about it. Mrs. Kramer seems to think this only happens in Heritage Hill, and it doesn't. It happens throughout the City and we don't like it, but there's absolutely nothing we can do about it. And I told her, I said it's part of the Property Maintenance Code, so if it would make you feel better then send a letter to Mrs. McNear and Council to amend the Property Maintenance Code. We're not opposed to doing that, but someone is going to have to show us in detail how we're going to distinguish between just a few grass clippings on the sidewalk versus nine inches of grass. I can't imagine that you are going to propose a piece of legislation that's gonna have our inspector out there with a yardstick measuring the length of a grass clipping. If you do, we better add a couple more inspectors on the staff. So anyway, that's why you have this before you tonight, so if you want to talk about it under New Business or Old Business or something, fine. That's the history behind it.

President Vanover: Well, we've got some Public Hearings and stuff, so we'll bring it back on the tail of the agenda and see where we and what we've got at that point in time.

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### Communications from the Audience

Mr. Neu: My name is Paul Neu. I live in Heritage Hill, and we have so many skunks that you cannot go outside at night. I mean, Monday night I smelled one. Last week, my neighbor's cat got sprayed. Two nights ago, my dog got sprayed and now my house smells like skunk. I smoke. I go outside between nine and ten, eleven, twelve, you know I'll get up in the middle of the night. The dog wants out. I have to take a flashlight outside to shoo away skunks, and I mean in the last five years I've trapped probably fifty skunks and probably more raccoons than skunks. You know, and various other animals, neighborhood cats. You know it's just we need to do something about it. You're not allowed to shoot a gun in the City. I stopped a policeman one day and told him the traps, if you don't just barely set them, a skunk will go in the trap and come out. I asked him if I could shoot 'em, and he said, "as long as we don't get a call, we won't come, and check with your neighbors." So I checked with all my neighbors. They said, you know, cause their animals get sprayed all the time, and I have a goldendoodle and it costs a hundred dollars to take it to Petsmart. They've got a chemical they can put on it. Now she didn't get sprayed bad the other night, but Dawn works pretty well, but like I said, I smoke and I can't smell anything because I've been smoking for fifty years. My wife says the house still smells like skunk, and for a night, the night that it got sprayed, I mean it was unbearable. But you know, is there anything we can do about them?

President Vanover: Mrs. Harlow.

Mrs. Harlow: Thank you. We've noticed them. I live in the Terrace, and we've noticed them as well, and we have property on Smiley and we've had complaints of skunks over there as well. Some nights it's a very faint odor when I let my dog out about ten o'clock, and other nights it's overpowering.

Mr. Neu: Well you can't go out at night.

Mrs. Harlow: I can't imagine that you would be able to leave your windows open on a decent night because of that.

Mr. Neu: Yeah, I've looked out my windows and saw them in my yard. At one o'clock in the morning I opened my front door and there was one closer than from here to the step.

Mrs. Harlow: I haven't seen any, but I've certainly smelled them so I know what you're talking about.

Mr. Neu: You know, and it's, you know, I've caught, I've actually caught two in the same trap. I mean, you know. They're just, you know, overwhelming. You can't go outside at night. You can't let your kids play out past eight o'clock. I've got grandkids that, you know, at my house. "No, you can't go outside!" "Well, Grandpa's a grumpy butt." You know. But you, know it's I actually walked the dog out the other night, walked her around the side of the house, didn't see anything, let her go. She ran over to this side of the house, ran back, and got sprayed by a skunk. You know. And it's every night. My wife said the other day she came home at, she works 1-9 on Tuesdays at Kroger, and she said, "When I hit the church on Chester, or Crescentville and Chesterdale" she said "you could smell it." And I'm sure it's in Springdale, or Sharonville as well, you know, but it's just I mean they're everywhere. I mean there isn't a night that I, you know, that I don't, and I look for them because they, you know, but I mean I'll go outside and look down the street this way or this way, and you'll see, I mean I've seen five at a time. You know, but you know something needs to be done.

President Vanover: Mayor Webster.

Mayor Webster: Well, I'm not sure I have an answer as to what can be done. One thing that I know that does work to keep them away from your property is to buy some mountain lion urine.

Mr. Neu: Oh, I'm sure.

Mayor Webster: It's a predator to the skunks.

Mr. Neu: Or coyote or whatever.

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Mayor Webster: Just go around your property and...

Mr. Neu: Well, I mean it doesn't matter because my neighbors aren't going to do it. They're eighty years old. You know?

Mayor Webster: Hopefully they would keep away from your property and your dog and so forth, and I don't know if it's fool-proof but I just think it's probably worse in Heritage Hill now than it was before with the Golf Course being there overgrown.

Mr. Neu: I mean I've lived there thirty years, you know. For twenty-five years it's been fine. You see one or two dead on the road going to work once in a great while. You know, you might see five a year dead. You might see one run across the street in front of you on Crescentville or you know down by the elementary school where the creek is, but now they're, I mean, you can't drive through the subdivision at night. We came, we went to a concert at oh, Coney.

President Vanover: Riverbend.

Mr. Neu: Riverbend. And we got home about 11 o'clock, about twelve. Pulled in the subdivision and Monday's garbage day so it was Sunday night. Garbage cans were out. The minute you turned down Tivoli, which is the first traffic light off of Crescentville, you could smell them, and we counted three, and we live at the end of Tivoli on Castro. You know, I mean it's not far, but we saw three skunks, you know. It's, they're just everywhere. You know. And like I said, I caught seven in twelve days, I mean like I trapped them one or two days, then I wouldn't trap them for two or three days, then I'd set the traps out. And it's you know. Usually you can sneak up on the trap and not get sprayed, and I got sprayed. It's kinda like when you get, you take a towel and you throw it over the trap where they can't see you because of the metal plate. And once in a while they'll spray, and it's kinda like walking through a mist of perfume or cologne. And I mean, you know it's on you. But it's, you know. A lot of times you can, you know, bag them and take them to the creek before they get you, but I mean you know it's just such a pain in the butt to trap them that I'm done. I, you know, they can live there. It's overwhelming the number of skunks we have.

Mayor Webster: Well, as Council I think is aware, years ago we had an animal control program, and it was just, you know, I think every year it got more and more expensive. As I recall, this is off the top of my head, I think the last year is cost about \$18,000 for that program and that was back in '08-'09 when we had to endure some severe cuts...

Mr. Neu: Well, I can't use my property half the time.

Mayor Webster: ... had to do away with the program and, with the magnitude you're talking here, no telling what that program would cost us if we had it in place today, because it was a professional you know, animal control officer would go out and set the trap and then come back the next day and service the trap and take the animal away...

Mr. Neu: They don't. They call you and say if, I had them come out to my house. They said if we catch anything, give us a call. We'll come and take care of it. You know. I mean, so they're not all that. I mean, you know it's not like they're out checking it every day. You know, if you catch something, here's my card. Give me a call; we'll come get rid of it. You know. And, you know, most of the traps are, you know, fifty bucks. You know, I've got three of them. And, you know, they're just, it's a pain in the butt to get sprayed by them and it's, I mean, you know, and you can get from here to there, you know, from here to the wall there, clap your hands, and they'll take off nine times out of ten, or else they'll turn and look at you and then you take off.

Mayor Webster: as long as they're looking at you, you're okay. It's when they turn around...

Mr. Neu: Yeah, when they turn around that you're in trouble. But no, there are just so many skunks. It's, you know, and you know, my neighbors all said you, know, we'll sign a petition. I said, no, you don't have to sign a petition. We'll just go tell them about it and see

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what, but we can't use our property half of the time. You know, and we're, there's what two, three hundred houses. And you can't go out at night. I mean, so you're not using your, I mean, I have a, my patio is as big as my backyard. I mean as big as my house and on one end it's twenty feet and I had a basketball court back there you know when my son was little. Now I've got an eight-year-old grandson that wants a basketball hoop. He can't play at night, or you know. We have the neighborhood kids, you know, over and they can't come over. They can't, you know shoot hoops in the summer at, you know, and they're too young to go to the park, because you go down there, you know kids are down there smoking pot. So, you know. It's just kind of a catch 22 for me.

Mayor Webster: I wish we had a solution, but I don't have other than the mountain lion.

Mr. Neu: There you go. That doesn't do me much good.

Mr. Diehl: Well first of all, let me say I don't have a solution either. But it's apparent that we have a problem throughout the City with wild animals and they're interfering with the quality of life. And something needs to be done. And I have no solution to the problem.

Mr. Hawkins: Thank you, Mr. President. Does Administration know if the County has any kind of programs that may offer any relief?

Mayor Webster: Not that I'm aware of.

Mr. Parham: I'm not aware of any programs, and maybe if they handled them, they'd be handled through their Health Department. We still have a limited program through the City's Health Department. We have traps as well, but it really comes down to who's going to bear the burden or the cost of removing the animals. That's what it is. There's nothing magic about it. As the Mayor said, previously we had a program that we chose to be responsible for and it got to be cost prohibitive. So we placed onus back on the residents, and we've assisted through the traps. This is not just Springdale. It's neighboring communities. Everybody has skunks. They're all out here. I think some areas unfortunately have contributed to increasing the population, if you will. As the Mayor mentioned, the golf course no longer is a golf course. You have the high grass there. I was just over in that area the other day, the fifteen acres that's off of Pictoria Drive. There is high grass there, as well. It's in the neighboring communities as well. We all deal with this issue. It isn't exclusive to Springdale, and so the question is whether the City is going to take on the expense and the cost of trapping them, and if they are one of those six animals that if you catch them, you must euthanize them or you must release them exactly where you caught them, which doesn't really make sense, but that's the State law. So, there's no magical answer.

Mr. Neu: The high grass really isn't an issue with the skunks because they live underneath sheds and I mean, now the raccoons are, you know, they live in the sewers. I mean I can care less about the raccoons. They really don't hurt anything unless they get into your house, and they don't get in your house if you maintain your house. You know, pretty much. But the skunks have been around for five years and the golf course has only been closed, I mean hadn't been mowed probably in a year. I mean, in six months. I mean they closed the golf course this year.

Mayor Webster: September 1<sup>st</sup> last year.

Mr. Neu: You know, they're not...

Mr. Parham: I think they've been there... I'm sorry what's your name again?

Mr. Neu: Paul Neu.

Mr. Parham: Mr. Neu. I think they've been around a little bit longer than five years. They have been around for a while. We have, in the Heritage Hill area received complaints. I know the Health Commissioner has been out providing educational information. At one point unfortunately we did have one resident, who is sort of, well, she likes skunks. So, she was perhaps feeding and other things to encourage them.

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Mr. Neu: Wherever you have cats, you will have skunks. I mean, it's simple as that. If you have an outside cat, you will eventually have skunks. The magnitude of what we have them, it's ridiculous. I mean, they're just everywhere. I mean, you know, I'd like to be allowed to shoot them. I went to Dick's the other day, or not Dick's, Bass Pro, and they had pellet guns on sale, but their pellet guns are stronger than the twenty-two. I mean, you know, they, the bullets, or the pellets, travel...

President Vanover: Faster.

Mr. Neu: Twelve hundred feet per minute, or per second, and you know it'd break the sound barrier and crack, where a twenty-two, they actually have twenty-two shells that are, you know, they don't have a whole lot of powder in them and they don't make a noise. It's more like the old-fashioned Sheridan pellet guns. And like I said, if my pellet gun worked, I would use it, because you don't hear it, but you know, I don't want to get, you know, my guns taken away for shooting inside the City. I won't shoot them, but you know, it's, you can get from here to Tom, you know, and if you know. I've shot rabid raccoons in my neighbor's yard. I mean it looked rabid, and I called in to see if, you know, to have a policeman come out and shoot it, and they were all on accidents and I told her that it looked rabid. It wasn't afraid of anybody. My eighty year old neighbor came out and it just kind of looked at her, and I told her to get back in the house. I went home, got my shot gun, and shot it. You know, and it looked like it was either hit by a car or it was sick. It has distemper or something because it was mangy looking, but you know, it's, they're just everywhere.

President Vanover: Mrs. Harlow.

Mrs. Harlow: Yes, I was wondering if we could check with the Ohio Department of Natural Resources. They might be able to shed some light on what we might be able to do. I've found them to be useful in the past.

Mr. Parham: We can check.

Mr. Shroyer: Thank you, Mr. President. We have a, obviously a very stringent Property Maintenance Code in which we strive to protect, for lack of a better term, neighbors from neighbors. We require people to maintain their property, to maintain the value of the city and to protect the use and property of their neighbors' property. My opinion in this situation is that we have a community-wide problem, and probably something that we as a City will never eradicate, but it sounds to me like it has grown to the...

Mr. Neu: I mean it's...

Mr. Shroyer: ... the point that we at least have some type of an obligation to make an attempt to address it, whether that means that we spend some money, whether that means that we locate some resources, but I think if we as a Body are gonna insist that individuals spend money or effort to maintain their individual property in a manner than we think is out community standard, then I would believe that we have some obligation if we have a community-wide issue to address that same community standard on behalf of all of the residents of that community. So I would advocate that we or Administration look into whatever options may be available. If there's a price tag attached to it, then I think we need to talk about the price tag. Thank you.

President Vanover: Thank you very much. Mrs. Ghantous.

Mrs. Ghantous: I agree with Mr. Shroyer and Mr. Diehl. It's a big problem. It's a big problem in our neighborhood. We have coyotes in our neighborhood. There was a coyote on my patio on Saturday. All the way up at my back door, so and I see maybe once a week, once every other week one or two coyotes. We have raccoons, we have possums, we have skunks in our backyard.

Mr. Neu: Send them over to my house. I'd welcome a coyote or two...

Mrs. Ghantous: Maybe that's why, Margie, maybe that's why our skunk population has reduced, because of the coyotes.



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Mr. Shroyer: Yeah, maybe we can get an animal exchange program.

Mr. Neu: I'd gladly drop the skunks off at your house.

Mrs. Ghantous: I do agree with Mr. Shroyer that we need to talk about a solution and see what the price tag would be and then discuss if we can make something happen, because doing nothing is not the right answer.

President Vanover: Alright. Well, and I, full disclosure, talked with Mr. New earlier in the week. Actually tail end of last week, and invited him to come in. I can echo his sentiments. Our dog was sprayed. We've had dogs for a number of years, and this is the first time in thirty-five years that I've been there that we've had that issue, and there is nothing that will equate to what, and you don't have to, it's like he said, you just walk through it, because at 5 o'clock in the morning I was in with Dawn dishwashing soap, white vinegar, baking soda and something else, and I went to a customer's house later that day and I carried the aroma with me. It did, it took a good probably ten days to get it out of the house. So I guess, you know, see what the Administration, what information we can have, and then maybe we take that and get back together either as a sub-committee or something and see what we, what options we have.

Mr. Neu: Alright, thank you.

President Vanover: Yes sir.

Ordinances and Resolutions

### Public Hearing

#### Ordinance No. 18-2016

APPROVING THE PRELIMINARY DEVELOPMENT PLAN (PUD) OF APPROXIMATELY 6.86 ACRES LOCATED AT THE NORTHEAST CORNER OF TRI-COUNTY PARKWAY AND JAKE SWEENEY PLACE (ATRIUM HOTEL & CONFERENCE CENTER)

President Vanover: Okay, Council. At this point, we will open a Public Hearing and I would allow the presenters to make their presentation, and then anybody that would want to address Council for any reason in reference to this, either for or against, will have their chance, so Mr. Thamann.

Mr. Thamann: Can we just remind the applicants to use the microphones the most they can so we get it on the recording?

President Vanover: Sure. Very good. Thank you, sir.

Mr. Phillips: I'm going to start with a question. It appears the first two... oh I'm sorry. Already broken a rule, haven't I? Hi, my name is John Phillips. I'm an attorney. I represent the Atrium Hotel that would like to become the Atrium Assisted Living Facility. My questions for Council was it appears the first two Ordinances are both related to the property in question. Do we want to have a second reading of the second Ordinance and do them together so they're both in front of you?

President Vanover: I think protocol is we have to keep them separate because they are two...

Mr. Phillips: Okay.

President Vanover: Mr. Forbes, you can...

Mr. Forbes: I mean it would, you will see, they are related to the same project. The first one is the approval of the development plan itself. The second is just the actual rezoning from the current zoning to the PUD that's being requested. They're two separate items that take action separately. What I would suggest though is that really, this first public hearing is where really the issues are going to be presented and discussed. You do have to act on the other one separately.

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President Vanover: Exactly.

Mr. Forbes: But I think the point is the real meat will be in this first public hearing.

President Vanover: I guess to his point, procedurally, we... can we read the second and... no. That's...

Mr. Forbes: No, because they're two separate items, you need to take them sequentially. Address one.

President Vanover: Alright.

Mr. Phillips: Okay.

President Vanover: There we are.

Mr. Phillips: Okay, I understand. We have two PowerPoint presentations this evening for your consideration. The first one is going to be presented by one of the principals in this project, and his name is Sonny Patel, and he's put together a presentation to discuss with you who he is, what this project is about, and why we think it is a good idea for the City of Springdale. So I'm gonna turn it over to him first and then we'll get to the second one. Thank you.

Mr. Phillips: Is it on now? Hello?

Mr. Patel: Okay, thank you. So my name is Sonny Patel. Before you ask, yes it is like Sonny & Cher. It is Sonny. One of the things that I'll walk away with, no matter what happens throughout the course of today, I've got two take-aways. One – I could potentially turn the property into a marijuana dispensary. Something I've learned today. That was meant to be a joke, a light-hearted joke. And number two, I've learned so much about skunk trapping. I never thought that I would ever learn as much. So, no matter what happens today, I'm in good spirits because I've learned something positive out of today.

So I am Sonny Patel and I am speaking on behalf of my father, who unfortunately can't be here today. He is one of the owners. He is one of the main individuals that really poured their blood, sweat and tears into this property over the last ten years as we've had the hotel. I'm really here to really put a face on who the owners are of the property. We met with the Springdale Planning Commission board two months ago and we had our attorney speak on our behalf, and there was some questions on behalf of the board, and some comments made about the owners, and our ability to run a successful property and our ability to, you know if given the opportunity, to run an assisted living facility. And those comments were in a negative light, and I took impunity to some of those comments, and I had to sit there pretty quietly as there was questions raised about whether or not we had the diligence or the conviction to run a successful property. So I said, you know this time around, I have a second opportunity. I wanted to make sure that the Council has an opportunity to put a face to who is going to be owning, sorry, owning, operating, outing their blood, sweat and tears, putting their investment dollars in here day-to-day, making sure this is a success not only for us, for the community, and for the City of Springdale, which is why I'm here today. (To Mr. Phillips regarding slideshow: Oh, that'd be great, oh no it's all good.) So I'm going to start on a little bit of a lighter tone. I don't know if any of you have done this, but I actually did a Google search on your last name, or do some research on who you are, but I did that research on who Patel is. My name is Patel, P-A-T-E-L, and my parents were immigrants coming here to this country. And if you look up on Wikipedia, I know the first thing you'll say is Wikipedia is not a legitimate source, and it's not, but a community source. But I looked up Wikipedia, and you look up Patel, and you will see that there is a Patel Hotel Phenomenon. What does this mean? In the 1950's and 1960's, a lot of Indians immigrated to this country. My parents were some of those immigrants, and they came here with little in their pocket. They didn't speak a whole lot of English, didn't have a whole lot of education. Hotels and motels were something that we knew we could work at because it was labor-intensive. If there's one thing that we can do is we can put the labor in. We can actually put our blood, sweat and tears into making something successful. They started out almost thirty-seven years ago. We had a Best Western. I must have been three years old. They had a Best

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Western in Lebanon, Ohio, just no more than half an hour away from here, and this property wasn't doing very well. It was their first property. My mom was the housekeeper, my dad was the front desk manager, my brother was five years older than me and I'm just a little rug rat running around. We struggled the first few years of this hotel. My dad is sitting there, he tells me this story all the time and it inspires me. He told me the story. He's like, "Sonny I needed to do something different at this hotel. Something to attract bodies. Something to drive revenue." At that time thirty-five years ago, satellite television just came. It was the first time satellite, these big, remember it's not Direct TV. These big monstrous twelve foot satellite dish TVs started coming out. My dad had an idea. He was like, how do I pivot? You know, how do I pivot this hotel that's struggling into something that can be of value, that can bring taxpayer dollars to the community? So he invested what little dollars he had. He begged and borrowed, and he got a satellite dish. This twelve foot big dish put in the back of the property, and he advertised on the screen, he advertised "Free HBO" and the people started rolling in. That was the first time my dad pivoted in business. Why is that relevant today? Because we've got another property where we're trying to pivot. You know, we're faced with a challenging economic time. We've thought about a lot of different things, lot of different alternative options. I didn't think about the marijuana dispensary, but this is the only alternative option that we could come up with after many, many years of investing our dollars, and I'm talking about it here. So that's who my family is. That's who my dad is. We're a family of conviction. We're a family of, we believe you put the hard work in. We believe that if you do that right thing, you'll be rewarded for doing the right thing. And those are the values that have been instilled in me.

So for the folks that aren't familiar with this hotel, I'd like to give you a little bit of a history. This hotel is about, Mitch how old? Thirty-five, thirty-six years? Old property. Old property. We acquired the property about eight or nine years ago at its worst state. It was completely deteriorated inside and outside. My dad, when he was given the opportunity, this was not a great time economically-wise. This was 2007-2008. 2007-2008 as well all know, if anyone watched the news in the last decade, that was the peak of the financial crisis. So not a good time. At this time, there wasn't many lenders lending to private institutions. People were building Hyatts and Hilton Gardens and Hampton Inns and Marriotts. They weren't investing in independent hotels, so it was time. So we decided, my dad decided, he had a vision. If you know who my family is in this City, if you're a part of the Indian community, I'm going to guess that many of you aren't part of the Indian community, but if you know, you know my dad's name. He's heavily engaged in the community. He saw an opportunity to invest into a property that he can bring families in, he can have weddings at, he can have receptions at, birthdays at, sweet sixteens at. We completely remodeled, that top left picture, completely remodeled the dome. New tiles, new railways, new carpeting. We put new beds in, new chandeliers in. We did the other banquet facility as well, put projector screens in. We tried to build up the banquet side of the business. And we did it. You know, forget about the dollars and the revenue for a while. If value and worth was based purely on the amount of people you touch, if that's the way you measure success, then this hotel has been a success, because we've touched thousands of people that have come into this property in the last seven or eight years and we're asking for a chance to continue that journey, continue that vision into this hotel. We have not let it deteriorate. We've tried, put our own pocket, our own savings. Our other properties, they are successful. We've got a successful Hampton Inn in Kings Island. It's got a great location. It's got an amusement park. I wish there was an amusement park in every exit, because the hotels in that exit are doing really well. But there revenues are coming in here, this Atrium Hotel, because that's the only way to survive. Take money from another business and put it into this one so you can live another day. Just a quick note on that Hampton Inn, we just got our latest customer satisfaction scores from corporate. We are the number one rated for customer satisfaction Hampton Inn in the state of Ohio. My dad wears that with a badge of honor because more customers come through that door and they walk out with happy faces. That's the kind of people we are. Hospitality is in our blood. It's in our DNA.

So, you know, why are we here? Unfortunately you can't measure success purely on how many people you've touched any how many people you've made happy. At some point you have to make something. You have to make a dollar, and about a year and a half ago, my dad asked me, he was like, "Sonny, I've got an idea. I'm seeing this growing trend. My other business partners are doing it across the nation." He's like, "Sonny, let's really think about, hard look about converting this property into an assisted living facility." He's like, "I need your help." My dad is 67 years old. He doesn't know how to open up Word. He doesn't know how to open up Excel, but he said, "Sonny this is what you're good at. So could you help me?" So I started this journey with him, the last year and a half. We enlisted the help of MKC, and architectural firm. We enlisted the help of Langworthy Consultants, a consulting firm out of Cleveland, Ohio

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to do a market analysis, just to make sure that our idea wasn't just "let's just do it and let's hope for the best". We needed to make sure the market was going to support the idea, right? That's why we did a market analysis, and we have that and we're happy to share with you in detail, anybody that would like to understand more about that market analysis. We've got the drawings. You'll see here we've got the renderings. You'll see them here as well. So all that work, a year and half's worth of work and investment has led to this moment. This moment today. Our story, our journey either stops or continues based on the decision before the Council today.

So like anything else, we wanted to make sure we were prepared. In fact, we first attempted to come to the Planning Commission board in March, I think it was, and we sat in the meeting and we started to hear the other people kind of come up and there was a lot of questions about landscaping and light poles and shrubs and greenery, and all these different things about landscaping, and I remember taking aside our attorney and the owners like, "Guys, you know, I feel pretty confident in our story and pretty confident in our message, but I want to make sure this is bulletproof. You know I want to make sure we go back, we get a re-drawing of the renderings, re-drawing of the landscaping. I want to make sure we do it right." So we asked for a continuation, twice, if you remember. And we came back. This time we came out more prepared than ever. I did not believe that we had a better message or better story. Unfortunately that message didn't resonate, which is why we're here today.

So what I'm trying to do, what we're trying to do is really prevent this hotel from being another fallen hotel in a newsletter. This is a copy of your April 2016 Springdale Newsletter, and in it it talks about another property that I'm sure Council knows very much about. And in this article, there is a quote that particularly touched me.

*"It has always been the City's hope that the private sector would purchase the property and redevelop it into some productive and attractive use for the community. When it became clear this would not happen, the City had very little choice other than to acquire the property in order to bring about the desired change."*

Mr. Patel (Cont.): So this, we have a hotel, another hotel in question, and we've got a plan, a ten million dollar investment plan. We think it's productive. We think providing an affordable alternative facility for our community members is an attractive use for the community. We think it's going to be an attractive use for the surrounding businesses. Having a revitalized landscaping plan, having a, turning a blighted property into something much nicer and streamlined. We think that adds value that will support fellow business people in the community. Our goal is to put a brighter future onto the property that's in question before you at 30 Tri-County Parkway.

There's a few articles in my research today, and I can't speak on behalf of Council's experience with hotel conversions, so forgive me if this is repetitive to you. So I did some research. This is an article from MB Financial. They are a hundred, sorry, \$15 Billion commercial investment banking firm in Chicago, Illinois. The gentleman's name is Brian Robinson. He's a Senior Vice President Commercial Division Manager at the bank. He's talking to his prospects on a trend, and the trend is simple: "Hotel conversions transforming market for assisted living."

*"From coast to coast, real estate companies are turning hotel properties into assisted living facilities. It makes logical sense because demand for senior living facilities will increase as growing number of baby boomers will need senior apartments."*

Mr. Patel (Cont.): He goes on to say:

*"Hotels are ideal for conversion to assisted living facilities, since they're already equipped with many of the necessities for assisted living spaces including individual units with private bathrooms, lobbies, common areas, and landscaping grounds."*

Mr. Patel (Cont.): Check, check, check, check. Finally in this article, he talks about the occupancy rates:

*"Assisted living occupancy rates are fairly high, almost 90%, according to the National Investment Center. Given one quarter of Americans are over age 55, the housing crunch may materialize when baby boomers reach their mid-seventies and wish to move to assisted living facilities for health reasons."*

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Mr. Patel (Cont.): So why does this matter to Springdale? Okay, we got the, we got the national average. You know, is that national average going to be applicable to this City? I look at Census data, projections on where the demographic switch is going to happen, in a four mile primary market analysis. So a PMA. We don't look at just the City of Springdale. The City of Springdale, when you're building a facility, you're looking to attract new, attract new residents to the City. Just look a shopping mall would attract people from all over the place. Just like a restaurant would attract people from all over the place. We're trying to do the same thing. So there's going to be a shift. Within four miles, and we should have extended it to ten miles, but for four miles, the population's going to change from ages sixty-five to seventy-five by 21.75%, in the overall population, less than 1%. So think about that for a moment. What's happening to your population change? You got a generation that's getting much older. That's going to shift while your general population in four miles stays relatively flat. That's a problem. That to me, you know, the way I look at data is, you know I don't want to undermine Mr. Neu's comment about skunks being a community problem, but I honestly foresee this to be a potential community problem if there's not alternative options for assisted living facilities.

Mr. Patel: So ultimately we're here not to talk about how feasible and whether it's applicable. I think this is a zoning question, and I'll be the first one to tell you I'm not a zoning expert. I don't plan to be. I don't foresee myself being. I don't know the first thing there is to know about variances and temporary permits and that kind of stuff. I can only talk to you about what I see in the market and what I think is right. Not for myself, not for any- not for the business, but for the community and for the City.

This property in question, this property that I'm going to talk to you about is a Ramada Inn in Columbus. It's in Whitehall, near the Columbus Airport. This Ramada Inn is about 50 years, it's an old property. Let me just flash forward to some images so you get an idea. So this is an old property. You get an idea of where it's located. And they approached the Board, and they got overwhelming support. Overwhelming support. The Planning Commission voted and the City confirmed, and the best part is, is that they partnered. The community, the City Council actually partnered with the developer and they actually gave because they were so aggressive for, they were so eager to get private dollars in, they got, get this, they got a ten year, forty percent tax abatement. That's what this city was wanting to do to attract a developer to take a blighted property and convert it into something that could be special again. This is an example where the Planning Commission recommended approval for the deal and the city rezoned the property from a General Commercial District to an exceptional use. It was an \$8.4 million investment with 70 new jobs. That's a pretty good story, if you ask me.

Talk to you about another property. Birmingham, Alabama, I know a little bit far away. I found, by the way, I found hundreds of examples of this, right, because this is a growing trend. I selected just a handful. I didn't want to go through each and every one. I got two more. This is a property that's 1978, so almost 38 years old. A former Hilton Garden Inn got bought by Bell South in 1990. It got turned back into a hotel and over those years it became blighted. Well, same story. City partnered, read other articles around this property. This is the second property this gentleman is going to convert. It's the same story. Old, aged property, blighted property, partnership converting this property into something that can be re-used, revitalized.

I thought this was interesting because it's in Sacramento. Rockland Hotel This particular hotel got challenged by an influx of brand new hotels. And independent hotel that got challenged by Hilton Gardens and Marriots (unintelligible). This is funny because the Rockland Planning Commission actually worked proactively with the hotel operator and said, let's start looking for a senior industry specialist. Proactively. That's partnership. I thought it was a great story. And that proactive (unintelligible) is already under way.

This is a little bit close to heart. This is a bit... this is in Allegheny, in Pittsburgh, In fact, why is this close to heart? This happened the week after we met with the Planning Commission Board, June 20<sup>th</sup>, 2016. We met on June, what, 15<sup>th</sup>?

*"Ross Commissioners on Monday gave the go-ahead for a developer to convert a hotel overlooking the Monongahela into assisted living. The Board unanimously voted to request a conditional use request."*

Mr. Patel (Cont.): Just another example. So I'll end you with this thought. I showed you this, I showed you this newsletter at the beginning. And I did some Photoshop. I did some Photoshop. So I turned the pages and I put the, I put an Atrium photo in the top left, and I put our dome on the bottom right. Took out the Atrium. I don't want to be on the cover. If our hotel

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is on that cover, can we say that quote, together? Can we make that same quote? Where we turn down potentially a private developer that's willing to make this 146 unit hotel with 146 rooms, a banquet facility, anything else. We're thought about ideas. We considered some of the idea, but turning this into anything else then this is the only feasible approach that we can conclude. I don't know what the alternative is. I don't think there is an alternative. This \$10 million. This is 50-60 jobs. This is taxpayer revenue. This is dollars that can help hire that animal control group that you guys don't have, that you cut the funding for. Right? This is how businesses help communities. So I'd like to be a part of this community for many, many years to come. I still have this vision. We still have this vision. I hope you share that vision with us. That's it for me. Thank you so much for your time.

Mr. Phillips: The second part of this is going to be a second PowerPoint that we're passing out now, and I'll get it started while you're getting your handout.

Okay, at this point you should have a copy of a PowerPoint I'm going to walk through, and you should have a copy of the Market Feasibility Report. I'm going to introduce myself. I'm John Phillips. I am the attorney for the Atrium, for the Assisted Living Facility. I am here to ask you to pass an Ordinance allowing the PUD and to allow the Atrium to be changed into an assisted living facility.

So the question is, why are we here? You got two Ordinances in front of you. I thought we were gonna discuss them together, but I think once we discuss the first one, we'll know what's going to happen on the second one probably. So, we're asking you to pass both of these Ordinances. You already know what's being proposed. We're asking you to allow the owners, who have been trying to make a go of it out at the hotel, to convert this facility into a 139 person assisted living facility and adult daycare with support services. It will have rehabilitation facilities, as well as a health and fitness facility. And one of the questions that came up when we were in front of Planning Commission, and understand that I do not fault your Planning Commission for what job they did, okay. They have a job to do; they did their job. You, on the other hand, I believe have the obligation of long-term vision, and I think that's where the difference is.

The question the Staff had in one of their comments was that twelve percent of the City, I'm sorry twelve percent of the City's current housing stock is comprised of Senior Housing Units, and the question is, is that enough? And our response is to look at our feasibility study, and the first thing I note is that Census data research shows that the demand for assisted living facilities is in short supply. This is right out of the Langworthy Company Consultants document that you have in front of you. The second piece of data that I got was, what does the City of Springdale look like? You have 20% of your population over the age of 65. That's from the 2015 Census. That compares to 14.9% of the United States on average. Your elderly population, based on the 2015 Census, consists of 903 residents between the ages of 65 and 74; 835 between the ages of 75 and 84; and 508 over the age of 85. That gives us a total of 2,246 residents over age 65 and that computes to 20.086%. An alarming statistic for the City of Springdale is 40% of your seniors living in Springdale live alone. The Atrium assisted living facility will provide a place where these seniors do not have to live alone. It's community living.

It is a huge bonus. So is there a need for affordable senior housing? One of the questions that came up before Planning Commission is, give me some resource data that I can put my teeth into to prove that this is something our community needs. So I went to look for it. Two months ago, May of 2016, the Bi-Partisan Policy Center, which is a government group, the Senior Health and Housing Task Force, which is composed of these four people: Two former heads of the US Department of Housing and Urban Development; a US Senator, Alison Schwartz; and a former US Representative, Ben Weber. This is their letter from the task force to governments across the country:

*"America stands on the cusp of a major expansion of its senior population, a circumstance that will impose unprecedented strains on the Nation's fiscal health as well as its healthcare and housing systems. Despite the high stakes, public policy has failed to keep pace, underestimating the profound nature of the demographic transformation now underway. As a result, the United States is dramatically unprepared for the challenges that lie just ahead."*

This report is three months old.

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Staff also had a comment, "it is not clear at this point how much demand the City has for additional senior housing units." So the question now becomes, let's look at your demographics. Assisted living beds in Hamilton County are 96% occupied, and that is from your Council on Aging. If you need a bed, you may not get one in Hamilton County. I can tell you a personal story. My mother-in-law needed a bed. We had to go to Warren County to find an open bed that could assist her.

The next thing we talked about it, okay, maybe we need it, but maybe you're still overbuilt. Maybe you're still not convinced you need this facility in Springdale. This is another page out of the market report from Langworthy. This is what's called a Market Penetration Rate. It shows that the Market Penetration Rate for a facility at this location would be 10.8%. Now, I gotta tell ya, I was not an economics major. So what does that mean? And the answer is, the lower your Market Penetration Rate, the higher the demand for the product you are offering. If your Market Penetration Rate is below 25%, that is considered a market has excellent potential for whatever it is you're trying to put in that location. We are at less than half of that entry point. We're at 10.8%. This is in the Langworthy document that was given to you.

The question now becomes, okay, you've shown and you've proven we have a need for it. Is it something people will buy? Is it permitted in Springdale? And the answer is yes, if you pass these two Ordinances tonight. It's not an excluded business. It's not like a landfill, for example, where you say well we just don't zone for landfills inside the City of Springdale. This is different. This is permitted, but you have to have the vision to allow it. Now, as a hotel, this is from your Tri-County Plan for Revitalization. We tried to work within your plan. Okay, we're not trying to work outside your plan. We're not trying to derail your plan. We're not trying to make you abandon your plan. We're trying to say this does fit within your plan. Okay, and your plan from page 24, recognizes that this is where hotels oughtta be. In this quadrant up here, this is where we are, this little triangular red square right there. Now your plan also recognizes that mixed-use is a viable option, and it points to this property right here at the intersection of Kemper and I believe this is Princeton Pike, a being the location where they believe you could put residential units and that would be a good use for that property. Now, if I had a good strong throwing arm, I could hit that property with a rock standing on the edge of the Atrium property line. It's a half a block away. So we're just off the mark with this location. So the question is, there we are, right there. This is where your Land Use Plan says would be a good place to put some residential housing. We're not far away.

Another perceived obstacle: "It is expected that most of the residents of the proposed facility will not have access to a car, therefore if they wanted to go anywhere outside of this facility, they would have to walk. Based on the adjacent land uses and streetscape conditions, residents of this facility would most likely need to rely on family or friends for transportation." Our response to that is, first of all this is an assisted living facility. This is not a nursing home. Residents can still have their cars, okay. If they're able to drive, they will drive. If they're not able to drive, then an assisted living facility provides shuttle service. This facility will have dedicated shuttle service for its residents. What's that mean? It means it's ideally located close to shopping and close to professional offices. In other words, this is the perfect location, because you want to be close enough that you can shuttle your people back and forth to where they want or need to go. Now another point that we'd like to point out is from your Tri-County Plan for Revitalization, we have three touches on your proposed mass transit system. Now I know that's a vision, and that's long-term. What we're asking you to do is be the long-term visionaries here. Okay, because the next slide we'll show you, I believe it's the next one, you, we're on the lines. But importantly, is the statement from Staff that said they're going to have to rely on family or friends. What I say to you is that's part of the beauty of this facility in your community, is it attracts people into the community. I can tell you, again, I can only speak from my own personal experience. When my mother-in-law was in a nursing home, we were out there every day, okay. Where that nursing home was in Warren County, we were literally shopping there. Why did we do that? Because we're already there. Okay, if you're at the nursing home, you say well let's stop at Kroger's. Let's stop at the hardware. Let's stop wherever. That becomes to go-to place, because I don't wanna, I don't wanna make another trip. Businesses around this facility will have higher traffic, not just from the people living here, but from the people visiting here.

So is a residential facility inconsistent with your Land Use Plan? This is a little redundant, but yeah, there's the facility that's being proposed in your long-term plan. There we are, half a block away. I don't know why I'm going backwards. Okay, there we got it. I'm sorry. Here is the, here is your transit routes. There is the shuttle in the black, and I believe

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the red is the proposed tram. There we are. You got the tram here. You got the shuttle here. You got the shuttle here, on three touches.

Mixed use concepts are encouraged under your Revitalization Plan. "This paired with the second thrust that focuses on attracting new development and redevelopment, and approach that includes mixed use concepts" is what your plan provides for. That's what we're asking you to consider and to do. I mentioned earlier, this is ideally located between the retail and the office sector. Interestingly in your Tri-County Plan, they actually drew us inside the retail sector, right there. That's the Atrium. That's us in the purple circle. This is the Redevelopment Corridor as was laid out in the plan. Once again, this is where they're proposing residence; this is where we are.

This is the statement about "the lodging facilities in Springdale are not overly appealing, nor are they in general viable facilities". We couldn't agree more. If you're not aware, between the Planning Commission meeting and today, the Atrium Hotel has closed. It is no longer taking reservations. It is no longer in business. It got to the point that the cost of utilities exceeded the revenue being generated. The decision was made to turn off the lights, lock the doors, and put all our fate in front of you.

Again, from your plan for revitalization, multi-family housing is recommended. This would be a multi-family housing type of component. It's not individual units. It is obviously sort of a group living, assisted living facility, but it says something that caught my eye. "The City," huh it doesn't show up when I shine it on the screen. I'll bet that was intentional. "The City should conduct market/ feasibility studies to determine the actual demand for such residential uses." The reason this is here is we've done that for you. The Langworthy study says we can make a go of this right here on this corner. The study says, "demands for new residential environments by both young professionals and empty nesters exist and would represent a significant contribution to the residential population of Springdale." Okay. What we're saying is give us a chance.

This aerial photo was taken on a Monday, November 23<sup>rd</sup>, 2015. We are currently in the General Business District. This is us right here. The General Business District includes all of your office space, for the most part. 33% vacancy in your office space in Springdale. Cincinnati metro has 20.67%. All suburbs 22.7%. You are 50% higher than the rest of the suburbs. You are 65% higher than the City of Cincinnati, and by the way, once again, this is the area where your long-term plan says, "hey I think some housing right there would be a good idea." You can see where we are. Across the street, across a parking lot and you're on our property.

Will it revitalize the area around it? This facility will support retail development adjacent to the north and east up in here. It's going to support the professional staff and offices that are going to exist, or hopefully come into being down in here after we locate there. Again this is where they're recommending residential component from your long-term plan.

So why should you approve this PUD? Because your long-term plan says that the maintenance and enhancement of jobs and wages, retail sales, revenues, and tax receipts by area governmental bodies must be your major priority. As a hotel, the Atrium is not a viable business. It has closed. There are no jobs. There are no wages. There are no retail sales. There are no tax receipts coming out of the Atrium right now. If not approved, the property is and remains abandoned. If you approve this, you will get 50 plus good paying jobs. My source for these salaries is from a website called payscale.com, and they tell you how many salaries are being averages to give you what you're looking at. And you start with your Assisted Living Executive Director, and these are based on assisted living facility personnel, and he or she is somewhere in the \$69,435 range, and most of your jobs, Care Director is \$58,000. Wellness Director \$55,000. Registered Nurses \$54,000. Assisted Living Administrators \$52,000. Certified Occupational Therapy Assistant \$50,000. Down to Certified Nurse Assistant and the Institutional Cook who is going to be providing the meals for the people living there. Employees will live, shop, and pay taxes to Springdale. Another reason why this should be approved is there is an unpaid tax bill that you should want to collect. This facility is behind on its taxes. It has an unpaid tax bill which is in the arena of \$100, \$840 some thousand. That's up \$20 thousand just from the Planning Commission meeting, due to interest and penalties. We would love to pay that. The only way it gets paid is if this project is approved. The facility also adds 139 persons as residents. These are people who live at the facility. If they have income, they pay taxes to the City of Springdale and they become your shoppers. They support your other businesses. You're adding 159



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visiting families to your community. You will attract other businesses that will rely on the Atrium for revenue. Restaurants, gift shops, banks, retailers at the consumer level. You will also be adding professional support to your local businesses such as doctors, dentists, healthcare providers at the facility, from the 139 residents.

Restoring the facility with significant curb appeal is, we believe, vital to your long-term plan. It is the perfect location. There's a group, there's two authors called Perkins Eastman, and they publish a report, or not a report, they publish the book Senior Living. It's now in its second edition, and they say "the best place for an assisted living facility is the center of the community, convenient to public transit, shopping, services, healthcare providers, and family." You don't put it outside the community because now you have to transport your elderly citizens into the community to get the services they need. It's better if they're already there.

If this is approved, there will be a \$10 million investment into the renovation and repurposing of this property. Those are dollars invested in the City of Springdale. This is the budget that comes along with this project. I know it's too difficult to read on the PowerPoint, but you have it in front of you. The budget is a little over \$9.6 million. For purposes of discussion, we're saying \$10 million. We have the letter of commitment to finance this project. This is not pie-in-the-sky. This is not if you do this, now we go look for funding. Funding is in place. We start construction when you say go.

And finally, we talk why would repurposing this facility be in your own best interest? And what I have to point to is, remember the former Sheraton Hotel and Conference Center.

Located at 11911 Sheraton Lane, it was zoned Planned Unit Development. That allowed it to be used for a variety of uses, including offices, hotels, medical office use and others, including an assisted living facility. Christine Russell, your Economic Development Director for Springdale, said "the City needs to put something new there." "No one builds hotels with ballrooms and nightclubs in the suburbs anymore. It kind of became a dinosaur." And that's a February quote from this year right out of your Business Courier. The Sheraton sat vacant for eight years before the City of Springdale purchased it. We are on the same treadmill. The Atrium is right now vacant. Like I said, if approved, construction starts now. As stated in, it's interesting. Sonny and I actually did our presentations independently of each other and we both came up with some of the same quotes. As stated in your newsletter Spring of 2016,

*"It has always been the City's hope that the private sector would purchase the property and redevelop it into some productive and attractive use for the community. When it became clear this would not happen, the City had very little choice other than to acquire the property in order to bring about the desired change."*

We're here to say, okay, the private sector has landed. We're here to bring about the desired change to this hotel. You all wanted somebody to do it for the Sheraton. You didn't get it. And as a result, it cost you \$1.95 million in taxpayer money to purchase the property and it cost you \$587,000 - \$1.6 million, whichever bid was approved, to demolish it. You managed to get a \$50,000 grant from the Hamilton County Commissioners, and we learned tonight it's going to cost a little over \$100,000 to remove the asbestos. If the Atrium fails, and this is not approved, I fear we are on the same treadmill because we can't keep it open. If you allow this to go forward, it costs the City of Springdale nothing. You get an immediate \$10 million infusion of cash. In other words, you get the desired change you were looking for with the Sheraton.

What does failure to grant this look like? Your back real estate taxes do not get paid. You lost 50 plus professional paying jobs. You lose \$10 million in renovations. Your local retail and professional businesses lose out on that potential revenue stream and there could be future litigation to determine whether the current zoning is unconstitutional. Given that your office vacancy is 65% higher than the average in Cincinnati and 50% higher than other suburbs, I question whether this property is appropriately zoned. But let's say you win that litigation. You still end up with an abandoned hotel. Winning is a huge loss for the City of Springdale. In conclusion, we would like you to allow the zoning to be changed. Let's make it a PUD. That is what is in the best interest for the people of Springdale, Ohio. As your Economic, as Christine Russell said about the former Sheraton, "the City needs to put something there." This is your opportunity to allow the private sector to risk its money instead of taxpayer money or a redevelopment. Let's put something new there. There have been changes since your Revitalization Plan was issued a few years ago. Most importantly, we don't think our proposal means you throw out your Revitalization Plan. We are simply asking that you scoot one of your parameters a half a block over. Let us be a residential facility, pursuant to a PUD at this

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location. And the question I'm proposing, is why not give us a chance? We're here to answer questions. Whatever you would like to ask us, we're turning it over to you now.

President Vanover: Mrs. Harlow.

Mrs. Harlow: Thank you. Yeah, I have some questions and I hope you'll bear with me. What is the square footage of the rooms please?

Mr. Amit Patel: My name is Amit Patel. Square footage is going to be roughly around 350 square feet per room. They will be individual units, not shared units. Each unit will have a, its own bedroom and bathroom, and an outside kitchenette which will consist of an outside sink, microwave, and a fridge.

Mrs. Harlow. Okay. And then, you mentioned, and I'm sorry, I'm all over the page with notes, but you mentioned Ross, a development in Ross. What was the zoning prior to it being converted for you?

Mr. Amit Patel: Sonny will answer that.

Mr. Patel: It's an easy answer. Mrs. Harlow, I don't have the answer for you, but I'd be happy to gather that information and do the research and present it in front of the board at the appropriate time.

Mrs. Harlow: Okay.

Mr. Patel: Thank you.

Mrs. Harlow: And then one of the statistics that you gave was that there's 40% of seniors living alone in the Springdale area. Now, are those 40% in individual homes, or are you taking in the other retirement communities that are in the Springdale area in this 40%?

Mr. Phillips: I do not know. I got that from the 2015 Census data. Now...

Mrs. Harlow: Well, then I would have to believe that that census date then took in the entire Springdale community, so 40% would also take into consideration Maple Knoll, Baldwin Grove...

Mr. Phillips: I believe that...

Mrs. Harlow: the Sterling House, so I'm pretty sure that it would cover the entire community.

Mr. Phillips: But my understanding is, that if you are a resident, the way I understand the Census works is that if you are a resident in a community living environment that is not considered living alone. That's not the way the Census data is accumulated. Living alone means single person in a house, single person in an apartment. A single person in a room in an assisted living facility is not considered to be living alone, because they are not alone for purposes of being independent. That's my understanding of the way the Census data is put together, so for example people who...

Mrs. Harlow: Well some of those areas that we're talking about, at Baldwin Grove and Maple Knoll, are not assisted living.

Mr. Phillips: They are independent living?

Mrs. Harlow: They're independent.

Mr. Phillips: Okay, and that I understand, but I'm just, I'm trying to portray to you what the Census data is telling us.

Mrs. Harlow: Well I want accurate data, so that's why I'm asking the questions. I hope you understand. And then, you made a comment on one of your slides that the Atrium would

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support the professional and office buildings around it. Can you tell me how the Atrium is gonna support buildings around it when basically you're going to be an independent location, where your, most of those are office buildings. How do you plan on supporting the buildings around it?

Mr. Patel: Yeah, that's a great question. I'm very happy to answer that question. I look at it at its current state. The hotel, and I look at a property that is blighted from the outside. This property is at the entrance of your business park, right? If I was trying to attract more businesses to these vacant properties, the 33%, I'd like to see a property, whether that has physical therapy has adult day care, that has a refreshed image, that protrudes confidence when a prospective business is entering that business park. That brings residents and brings fellow family members to a community that can go to the Benihana across the street, that can go to the Jersey Mike's just down the road. I think those restaurants and the shopping places that community can bring in absolutely can benefit. Potential retailers and restaurants and other business members around the area. There was a question about sidewalks. You know, one of the Staff comments about sidewalks, that we didn't have any to transport. I have a simple solution for that. Build sidewalks. We talked about sidewalks earlier today, about having grass. I think it's feasible to build sidewalks. We'd be happy to be a part of that discussion. To answer you, I hope I answered your questions, Mrs. Harlow, but I think there's, the list goes on in how the benefits can absolutely help prospective businesses, prospective restaurateurs, prospective retailers by having more individuals stay within the primary market area.

Mrs. Harlow: Okay.

Mr. Phillips: Well the second part of that is, you are also going to have 139 residents in the Atrium Assisted Living Facility. Those are people who are gonna need podiatrists, doctors, dentists.

Mrs. Harlow: None of that is around that area though. What's around that area over there is office buildings, car dealerships, so that answer that question. My next question would be, the past due taxes on the property. I don't see that on the spreadsheet, on the commitment spreadsheet. Does the past due taxes have to be paid before a new business can be opened there?

Mr. Allen (off mic): Let me talk about that, if I could for just a couple minutes.

Mrs. Harlow: Because I don't see it on your spreadsheet.

Mr. Patel: It's a good, it's a good question.

Mrs. Harlow: That's almost a million dollars.

Mr. Patel: Absolutely, that's a great question. It's a great question. It should be absolutely included...

Mr. Allen: I'm Mitch Allen. I'm the bankruptcy attorney for Springdale Hampshire House Hotel and I know that I've talked to a couple of you before, but the other board members may not realize this, but this property went into Chapter Eleven Bankruptcy in 2013. We have a plan of reorganization, and that plan of reorganization would require that if we are able to refinance this property, able to redevelop the property, that we pay these taxes back. So we have a plan that would allow those taxes to be paid back through the plan over ten years, which is something that's otherwise not normally allowed under the State Law. You can go out about five years. The Treasurer can only allow something like that, but under Bankruptcy Law we were able to go out longer, so we could do that. Obviously if more money is generated, then we'll pay off those taxes faster because there are penalties and there are interest involved with those taxes, so you know, internally our idea would be to try to get these taxes paid off within the first couple of years of operation. Our plan allows for ten years of it. The problem that we've got right now was that when we proposed the plan, we believed that by June of this year, we would have this plan in place and implemented. Obviously at this point, we've been denied at the Planning sessions, and now we're here, the problem is this is why the hotel had to go ahead and shut down. We have to give reports periodically to the Bankruptcy Court every quarter, and explain what we're doing with the money we've got in bankruptcy estate and how we're operating the business. So at this point it was no longer justifiable to continue operating this

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hotel, incurring the expenses and not having the revenue there. The plan provides that if we're denied here, essentially we're going to turn this hotel over to the mortgagors on the property, and that is the guys who owned it before. So let me step you through just a, and I know I'm kind of going long, but let me just throw something in here because it's important for you to understand this. This hotel property went into receivership in 2002, okay, so the case for that is a Hamilton County case and it's a 2002 case. So it went into receivership. A receiver was appointed. It's been struggling all of that time. Prior to Mr. Patel's father, Jitu Patel, buying this property, he bought it from another fellow named Patel, whose name is Anil Patel. He bought it from him. Anil bought it out of the receivership in 2007 or 2005, turned around and sold it to Mr. Patel, Mr. Jitu Patel. So what ended up happening was, that property had not been operated. Mr. Anil Patel is from California. He and a group of investors from California had bought this thing. Those guys have the mortgage on the property and they've never been paid, so they've sat around for another ten years with their money not being paid back to them, trying to make a go of this thing. Mr. Jitu Patel and his investors have put money into this, over a million dollars of investment into this piece of property to try to make it go. So this is really our last chance. If we don't make this work, then we're going to end up turning it back to them, according to our bankruptcy plan, and these are filed with the Bankruptcy Court, so anybody could read these, but our bankruptcy plan provides that we're going to surrender it back to the mortgage holders, and then of course they're in California. They're not going to operate or do anything with this. They're probably just going to let it go through the Sheriff sale process, which we stopped by filing the Chapter Eleven case. So at the point, the Treasurer will proceed forward with the foreclosure and at this point \$850,000 is owed. We have an appraisal that we did for purposes of reducing the property taxes on this property back in 2010, and it was an operating hotel at that point. We had bookings, we had people coming in and staying in the hotel, and it was only valued at \$1.5 million at that point, so I would be seriously doubting that this thing would bring anything like the amount of money that's needed to even pay off the real estate taxes at a Sheriff's sale, because there's just not enough value there at this point. It's not an operating hotel and we can't justify continuing with that. But that I think answers your questions on the, on how we plan to pay the taxes back. Yeah, so there is a plan in place and it would be paid through this bankruptcy estate.

Mrs. Harlow: Then I guess one last comment is, one of the things that we so desperately need in Springdale is a quality hotel, and there are plenty of businesses around that area that could support it. We've got new businesses coming in that area bringing hundreds of jobs. We really do need a new quality hotel.

Mr. Allen: These guys might be able to speak to that better, but I think the market conditions for, as Sonny indicated, for an independent hotel are completely changed. I mean if you had a flag on this hotel, it might be one thing, but you know, I'll let them speak to that issue.

Mr. Patel: I wanted to say a few words on that and then I'll pass the mic to you. You know if there was a better person or family to take on that task, I don't think there's anybody in this city, Greater Cincinnati area, better than my father and the network of people that he's got. We've got two properties; one in Sharonville and one in Mason. Our friends and colleagues, our best friends, are building properties all across the 75 North corridor and they're always looking for opportunities for growth. I mean if you go down Union Centre Boulevard, and you go down all those exits, exit 19 down 75, you see Homewood Suites, Hilton Garden Suites, Hyatt Places. You've got new properties being built left and right. Those are all Indian-owned hotels. Those are all part of the community that my father is very much a part of. We've already been investing in this community. We'd love to take share into another property, so the market dynamics work. Now our network, the AAHOA, it's the largest hotel association in the world, Asian American Hotel Owners Association. We're part of that. At one point my dad served as the board of that organization. So, it's a great comment. I agree with you 100%, because I see it too. This property is 35 years old. The standards at which Hilton and Hampton and Marriott and Hyatt have, this property would never stand a chance. It never would. And the location that your plan even supports doesn't support our location for it. You need a brand like that. You know we've got a Hampton and Hilton Garden Inn. We've got relationships with the Hilton community. We'd be happy to start those conversations and work in partnership with the City and the Council to being about that desperately. Complete agreement with you.

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Mr. Amit Patel: I mean honestly it's, we know how to run hotels. We've been doing it for the last forty years. If the market was there for us to keep running it, we would. It's pretty much that simple. We've looked into franchising it. It's just not feasible for this place at all. So, we'd love to... we don't want to do this. I mean, we want to do it, but we would rather run it as a hotel. It's just not possible anymore.

Mr. Allen: Let me add just one other thing on that hotel issue too, just so that you know. These fellows have the Hilton garden, and Sonny mentioned that, the one that's on the other side of 75, down near Princeton School. That's their Hilton Garden, so they know the area. They know the hotels, and Mr. Patel, Jitu Patel, had tried for years to get a flag as they call it in the industry, a brand, for this hotel over here. He just simply couldn't do it. As Sonny indicated, it just doesn't, the facility itself is too large for many of the hotels. The state of the hotel, it's a 35 year old building, the amount of money that would be required to bring it up to those standards if it could even be done would not be justifiable, so to do something with that particular location as a hotel doesn't work. They've tried it. They've tried it for, you know, since 2007. They have been trying to do that with this piece of property, so you're talking 8-9 years of attempts.

President Vanover: Mayor Webster.

Mayor Webster: I'd just like to comment on the taxes. You know, bear in mind that the numbers we see here are the total taxes due. That's not Springdale's share. We get less than 6% of the taxes that are paid. Most of the taxes go to, as you know, the school district, and so even a lot of the back taxes, penalties and interest and so forth, most of that goes to the County. I think, I don't think we get a whole lot of that if any. Jeff, do you know? No, we do not. So, we're looking at less than 6% of these totals here that would come to the City.

President Vanover: Mr. Shroyer.

Mr. Shroyer: Thank you, Mr. President. If we could go back to the financing for a minute. Your presentation says a \$10 million investment or upgrade. Is that \$10 million in new money after the previous mortgages are paid, and whatever outstanding debt exists at this point through the bankruptcy process? Do we start at zero and we're going to invest \$10 million, or that includes the payoff of previous debt?

Mr. Allen: yeah, that would include the payoff of previous debt. There's about, there's obviously in our bankruptcy plan, we factored in \$620,000 for the taxes. That's the first priority because of the taxes by statute take the first priority. Now there's a problem with that because, quite frankly the auditor didn't go back, or the treasurer didn't go back and recalculate it after we got the taxes reduced, so the valuation was reduced. The Board of Tax Appeals reduced the taxes on the property, and it was retroactive back to an earlier date, so it should be about, probably about \$500,000 that's owed under that. Of course, the penalties have continued to accrue because we haven't been able to pay it so we've gotta deal with the penalties as well. And then the first mortgage on the property is about, I mean in real terms, it's about \$3 million. We agreed to a much discounted mortgage value to pay off to the mortgagors over, or to the mortgagees, over a period of twenty years. Yeah, I had forgotten my own bankruptcy plan. Over twenty years, so it was a much reduced rate. They would continue paying that. So this money, although it's going to pay some if these things like taxes obviously, it isn't, we're not going to pay a lump to the mortgage holders. They will be paid over twenty years. Now obviously again, if once the property gets running, our internal thinking is, we would get the property running, refinance the property at that point, pay off those mortgage holders so that they get out of it, make sure that the taxes are all paid off so that they're out of it. When you create a bankruptcy plan, naturally you're going to do it conservatively. You're going to say okay, you know, I need forever to get this stuff done. And if we can get the creditors to go along with it, which we were able to do in this case and get the bankruptcy court to approve it then yes we're going to take that, but internally, you want to get those folks out of there as quick as possible because we had to include an interest rate for all of them. So the taxes are getting their statutory rate. We included an interest rate for the mortgage. We included interest rates for any other things that came up. So yeah, we want to get those out of there as quick as possible.

Mr. Shroyer: The previous investors then are not part of the new program? They go away and it's a new set of investors?

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Mr. Allen: yeah. The ones that held the mortgage, what happened was, and again everybody's named Patel, so we gotta make sure we're clear on who we're talking about, but Anil Patel and his group of investors reduced theirs to a mortgage, so they're just owed the mortgage. They're not investors anymore. They just hold a debt note and the mortgage on the property. The new investors, who are represented by Amit and Sonny and Jitu Patel and their group of investors, they have put a lot of money into this property. They will continue going forward as the equity holders of the Springdale Hampshire House Hotel, LLC. So those guys are going to continue to be involved. They're the ones who've been involved with it for the last nine years. They're going to continue to be involved, but they've got a new set of funding and they've also got some other people with expertise who are going to come in for the nursing home portion of those.

Not nursing home, but assisted living facility portion of it. So they will bring some new expertise in to help them administer that.

Mr. Shroyer: Thank you.

Mr. Diehl: Sonny, I have a question for you.

Mr. Patel: I was looking up Mrs. Harlow's question.

Mr. Diehl: Before I ask you a question, let me just tell you, you made a great presentation.

Mr. Patel: Thank you, sir.

Mr. Diehl: Okay. Here's my question to you. What other location have you looked at to put this assisted living center in?

Mr. Patel: You know what? My father always taught me one problem at a time. So we've got one challenge in front of us, and that's in front of us. We have thought about it since the first time we got indication from the Administrator's Office that they would not support this proposition. That question did occur to us, and we've had a lot of sleepless nights thinking about that same exact question, is do we push forward? Do we even go to the Planning

Commission board? You know, we've already got preliminary notification that we don't have a chance. You know, even I stand today and I don't think I've got a chance. So I've thought about that question. We have looked. My dad is, you know, unfortunately he's got his network and he's got other people that are struggling with hotels, with independent hotels, and he's talked to those individuals and he's partnered with them, and he just told me about eight acres with Kiram Patel, one of my dad's closest friends, has got a nursing home. Gosh, I wish I knew the exact location, but it's a potential property. And it's outside the City of Springdale. So we thought about it. We've had the dialogue. We've had the conversation, but when you've got emotional and personal investment, and when you put your blood, sweat, and tears into a property, your own dollars, you want to make, you want to get it right. And that's why we're here today, is we think, we don't want to do it anywhere else. We want to do it here in Springdale. And we think we've got the property to do it.

Mr. Diehl: So are, are your main objectives to build the assisted living facility, or to save the land?

Mr. Patel: I would say our main objection is to do something that's right for the business owner, ourselves, for the City of Springdale, and for its community members. That's our core objective. We want there to be a win win win situation, where all parties come out happy. We want to earn the trust and confidence of each one of you. I want a unanimous approval to say yes, because I don't want there to be any doubt that we don't have the conviction to do this. That we don't have the investors to support us. We want to do right. Do we think that there's opportunities to do a second assisted living facility? Sure, maybe here in Springdale. Maybe in somewhere neighboring. Maybe around the Greater

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Cincinnati, because there's apparently a belief that you can do it, but just not here. I'm not buying it. With all due respect. I know there's personal emotion into that. Please take that for what it's worth. I think this is a viable location. I think the property is actually more suited for this type of use than it is a hotel in fact. 14,000 square feet of space, community space, banquet space, gathering space.

Mr. Diehl: Well, you mentioned, Mrs. Harlow asked you how this complemented other locations. Now I'm at the same spot. I don't see how this complements what we already have. I don't see how they complement our office complex at all, and when everything's said and done, that's our bread and butter.

Mr. Patel: Sure.

Mr. Diehl: Okay. And I don't see that.

Mr. Patel: And I, I would love to work with the City, work with yourselves, and what we can do to this property whether that be exterior improvements, landscaping improvements, signage improvements, lighting improvements, sidewalk improvements that can add value to this area, that can enhance the entrance to this business park. I'd like for Benihana that's across the street from our property to get more residents. I mean we keep on talking about this business, but we're forgetting there's a restaurant across the street. You know we're forgetting that there's a Jersey Mike's just in walking distance. We're forgetting that there's Mitchell's Salon right there. There's a FedEx Kinko's right there. There's a lot of businesses that can benefit.

Mr. Diehl: And all those businesses that you just named, they all complement the office complex in one way, shape or another. However, I don't see that with the nursing home, or the assisted living. Anyway, that's just my two cents.

Mr. Patel: And I appreciate your feedback, and yeah if...

Mr. Allen: If I could say one thing just to tell you a little bit and attorneys don't do this very often, so I'm going to tell you, give you a little insight into how we got to this process, but it involves discussions that I had with Sonny's dad. I mean I've known his dad or over 20 years. I've represented him for that length of time on all the hotels and other properties that he's had. And Sonny's dad's a good friend of mine. He doesn't give up easily. My advice, before 2013, before we filed the Chapter Eleven was, we sat down and we had some very difficult decisions, and we had very difficult discussions. And I advised him at that time, let's get out of this thing. I mean if the, if we can't work something out with the treasurer, then let the treasurer foreclose and we'll walk away from this. He doesn't want to do that, and the reason he doesn't want to do it is threefold. First of all, he's got his own investors. He's got the people that he knows who have invested in this thing. He's got the mortgage company that he wants to pay. He's got the treasurer that he wants to pay. The creditors, they've otherwise kept all of their other creditors paid, but these were the ones that were too big. They just couldn't generate enough revenue, couldn't bring enough money from investment in to do this. They want to pay these people. They don't want anybody to lose on this deal. The second thing is, he has his own personal pride. He doesn't want to fail at something. He's been a successful businessman his entire life. He's thought through these problems. He's solved them. He doesn't want to fail at this. But the third thing that Mr. Patel told me is he said look. He said I can't, I don't want to be associated with leaving an eyesore in this City. He said you know, if I fail here, what's going to happen with this piece of property? This City is going to end up having a derelict piece of property that's sitting there, and I don't want to be the guy who created that. Now that's a very real discussion with him. That was a very real concern with him in 2011, in 2012. We come up to 2013, the treasurer has foreclosed to try to collect the taxes, the back taxes on this property. We file the bankruptcy. Again, we have these difficult discussions again. What is in it for you, Mr. Patel, if I file this? You know, Jitu, I sat down with Jitu. If we file this bankruptcy, other than you spending a lot of money to try to get this to work, what is in it for you? He said if I can walk away with nothing but all these other people walk away with no loss, and we don't leave an eyesore in this city, that's what I want to do. So that's where that came from. And with respect to your question regarding the other, how this is a compatible use, one of the things I would think about is this. We're going to have 139 rooms here. There are going to be 139 residents in this place. These folks are going to need physician services. They're going to need their doctors. They're going to need nephrology services. If these empty office buildings have space, they can put these

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types of businesses in those empty office buildings, in those spaces. You can put a nephrologist in there. You can take people, you know, what 1,000 feet to get their treatments. You can do things like this. Physical therapists, the physical therapists that may be required that cannot be done in the facility could be done outside. So there are medical uses for this, and of course, once those things come in because there's an assisted living facility here, then they will gather other patients and other customers from other areas. You can have insurance companies that will come in. Investment companies that will come in, because these people, you know, we're not necessarily talking about people who have no money. We're talking about people who can afford to pay to live in an assisted living facility. They probably have investments. They may make use of stockbrokers, investment counselors, people like this who would then fill up those office spaces. So, you kind of got to think about not just how, you know, what are these are going to do for the office building, but who are they going to bring into these office buildings? What kind of businesses are going to come in, in the marketplace to service this assisted care facility?

Mr. Patel: Sorry, last comment. Just to answer your question, I had just a moment to try to gather my thoughts. It sounds like now speaking from both Councilman Harlow and Councilman Diehl that this question of, how is it going to benefit surrounding businesses keeps on coming up. I look at it today, and I look at the property as it stands today, and it's not benefitting the businesses today, even at its current state. So what's the alternative? The alternative is we can continue not helping, or we can do something. I think one of the quotes that we had brought up, it's time to do something. We can't turn it into a movie theater. We can't turn it into a financial institution. I work, in my full-time position, you know, I work for NCR National Cash Register. I work with financial institutions doing branch transformation. They're pivoting their strategy all the time, and we're trying to pivot our strategy now. The answer is, not do nothing. I think having more people, more foot traffic, more traffic coming to this property is an added value to their area, to the demographic. I mean the condition of this property is not helping anybody. So let's do something. And I'm open for suggestions, but suggestions I haven't heard haven't been anything that I would say is practical or reasonable for a property that's got 146 rooms. The only other alternative is to demolish it, and I don't think that's anything anybody here wants. Thank you, Mr. Diehl.

Mr. Allen: I was just going to make one more point there too, and this is something I think I said at one of the other meetings, but one thing you have to think about too, is these folks have to be able to do something that they believe there's some reasonable chance of success with what they have to bring to the table as well. And you know, I think the example I gave before is if you remember when you know, when we've had situations in the past where people have changed outside of something that they're accustomed to doing, they're not able to do that. Many sports figure have, you know, gone from basketball and tried to play, you know professional baseball or something and it doesn't work. These guys have the ability and have the expertise in the hotel and hospitality industry. They also have expertise and they can bring in expertise in a very closely related industry, which is assisted living. They would not be able to expand into something that they have no expertise into. They would just simply fail at it. So you know when we're looking at something like that, you've got to play to the strengths that you have, and this is one of those strengths that they do have.

Mr. Shroyer: Thank you. Mr. Patel, I would echo Mr. Diehl's comments. Excellent presentation. I'm of the opinion in most cases that you own the property; you know what you can do with it. I'm not going to try to make a determinations whether I think you're making the right move or whether you'll make it work or won't make it work, but my thought process is more, you know, what we're here to do as far as the City. To that extent, if you would indulge me for a minute while I try to educate myself with some answers, maybe from our Business, or our Building Department or the Administration rather than from your aspect and I guess my first question would be, based on their presentation, if they were in fact caddy-corner across the street on that property in that zoning, would we be here?

Mayor Webster: If I could answer that, yes we would be. You know when we did the Revitalization study, part of the recommendation as they aptly point out, called for some residential. We've got too much retail. We need to have some mixed-use development. But it was never to have institutional housing, and that's really what we're talking about here. This is institutional housing. We were talking about having condominiums, maybe high-end



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apartments, something that a young professional, couples, empty nesters, as they pointed out, would occupy. But not institutional. So yeah, we would still be talking about it. If you wanted to put assisted living or any kind of institutional housing on that other corner, yeah we'd be, we'd have the same objections to it.

Mr. Shroyer: Under the current zoning, we'd still have that...

Mayor Webster: Yeah, absolutely. I mean, you know I think there's an old adage in real estate that's location, location, location, and that's exactly, you know, the problem that we have here, and I don't want anybody to believe that, you know, when we think senior housing's bad, or not in my backyard. That's not the case, and I think my evidence of the fact that we've got 12% of our housing units right now occupied by senior housing. So we're not, we have no aversion to having senior housing, as long as it's in the right place, with the right setting, with the right amenities, with some open space, some outdoor where you could have some outdoor activities, and all that kind of stuff. So that's the objection that we have.

Mr. Patel: May I comment? Mr. Shroyer, Mr. Webster, just a few comments if I may, respectfully. A few comments if I may, respectfully.

Mayor Webster: I'm sorry?

Mr. Patel: I said a few comments if I may, respectfully.

Mayor Webster: Yeah, go ahead.

Mr. Patel: So thank you for your feedback, and so I get the statistics with the 12% figure. So you mentioned a few things about the property about open space, about landscaping, and some of the amenities that you mentioned. I'm not sure if anyone here has been into the property because the property has all of that, respectfully. When I talk about an atrium, a dome, that's open space interior. We talk about the landscaping plans. We submitted phenomenal landscaping plans. That's the greenspace that we're talking about. And we talk about a population that, if you look at the statistics and Census, we're seeing that this a target population for growth. That this, I showed a statistic that said that you're going to have a population shift, 21% by 2019. This demographic needs to be engaged in the community, needs to be part in the center of the community. You need that revenue from those, those are buying are grocery stores. They're buying at Costco or Sam's Club. They are shopping at retail destinations. That community, you know putting them on the outskirts and not having them engaged. With all due respect, and it is a lot of respect, that feedback is, I think this location... you say location, location, location? We've had that same conversation many, many times. I don't think there is a better location. We're just zoned wrong. We're right in the center of where people can go out and go to Tri-County Mall. We're right at the center where they can go to the salon. We're at the center. Why, why delineate between mixed-use young couples or seniors? Why have that delineation? Sorry, a lot of that's opinion, and I hope you take my comments with the respect. I wasn't trying to (unintelligible). It's, I've done a lot of research the last eighteen months. I, I'm a quote unquote self-educated assisted living facility expert now, because I want. I've asked the same questions that you've asked, and I wanted to make sure I got it right, because I saw the same thing that you're thinking. Is this the right location? We would be idiots if we didn't think this was the right location. We wouldn't be here today.

Mayor Webster: If I may respond to that. I mean you didn't choose this location to build an assisted living. You've got a situation, a bad situation, where you've got a defunct hotel and now you're trying to salvage something out of it. It's not like you went out and you looked at all these open fields and "Oh! Right there! That's where we want to build an assisted living!" That didn't happen at all. So let's, you know, let's not say oh this is the perfect location. It's perfect because it's a solution to a problem you have, and I appreciate that.

Mr. Patel: Thank you. Correct.

President Vanover: Mr. Shroyer, continue.

Mr. Shroyer: Yeah, continuing along that thought process and again without offering an opinion whether I think you'll make it or you won't, if we approve the zoning change and the

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project goes ahead, if we don't it's pretty obvious that it's gonna sit like it is for a number of years. If we approve it and it goes ahead, and five years from now or eight years from now it doesn't work, we're basically back where we are right now. Have we gone someplace we can't get back from? Is there an option for zoning change back at that point, or have we opened a door that we can't close in the future if this doesn't turn out to be what we thought it was?

Mr. Phillips: Maybe this is a question for Jeff Forbes. I believe I know the answer, but he probably is the person that should answer it.

Mr. Parham: In response to your question, we're never at a point where we can't go back. You always have the ability to rezone property. Quite frankly, I'm not sure you have to rezone property. You don't have to rezone this current property. There are many uses that are permitted that are currently acceptable for this location. He mentioned one that he said isn't feasible for them. A theater is one of those. An assembly hall with meeting rooms is one of those. An office is one of those. A restaurant, retail sales and services, of course a hotel, medical offices, outpatient clinics, ambulatory health care facilities, health and fitness clubs, facilities providing post-secondary education, meeting facilities, financial institutions, dry cleaners, convenience stores, bars, and there's many, many more. Those are just about seventeen of them that are identified in our code. They've identified a use where they believe they can turn this particular location or piece of property around. In their estimation, and that's why we're here this evening. We're not here because this is, as the Mayor said, the best location that they identified. They are in an unfortunate situation. They probably have gone out to research to find out what can help them turn it around. Make that pivot as he talks about. And this is what they've come up with. The problem is, their pivot move doesn't fit within what the community vision is for that location. That's why we're here this evening. They would like us to adapt the community's visions for this location to help them rescue this piece of property. There are many options of what can happen there. And even if you were to approve this tonight, and if it, five, eight years it did not survive, that property would be there again. Somebody else is going to be before us making a presentation to either have a new use that is already acceptable, or they're going to be asking for you to change the zoning to fit something else. And you're going to make a decision for the community as to whether or not the suggested use fits in this location.

Mr. Shroyer: I guess I would go back to the discussion of the GE Park property, when the community obviously and boisterously didn't want the use that was proposed. And I think the answer from this side of the dais at that time was, we don't own the property. We have some control of the zoning, but that project was very similar in that we agreed to make some changes to the use of the property because at that time that development was, for lack of a better term, more in line with what we would like to see there. I just don't, you know I understand the thought process. I have a problem with the issue that they own the property and you know either we make a decision to let them move forward with their property or they walk away from their property and we have another Sheraton.

Mr. Phillips: And to expound a little bit, with all due respect to Mr. Parham, it's not like those options weren't looked at for this property. Okay, this property has been evaluated not just by the owners and investors, but understand how many people are involved in layering this project to the point where we could reach you. Okay, you've got the Bankruptcy Court. You've got a bankruptcy trustee and a federal judge overseeing what we're doing here. This is what they approved was for us to come and talk to you and say this is what we can do with this property to make it work. If it doesn't work, we turn it over to the bankruptcy judge and we say we tried. We gave it every effort we could. We went and made our best presentation to the City of Springdale to try and make this work. We couldn't come up with any of the uses that it is currently zoned for that is viable, and that's the rub. We really want to make this work, not for us on this side, not for you on that side, but for the collective community. For everybody. And that may sound all self-serving and oh, he's just blowing smoke, but I mean you've heard that a couple of times tonight. I heard Sonny say it. If this works, it works for everyone. It works for your elderly. It works for your community. It works for these investors, It works for the Bankruptcy Court. It works for the auditor. It works for the, for your revenue department. It works. If it doesn't work are you any worse off? Someone asked that question and I thought it was a great question. Five years from now

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does it mean you've let the genie out of the bottle, the zoning is now all buggered up and you can't get rid of it? I don't think so. You can always fix that. You know how to change zoning. That's what you're here tonight to do. We're simply saying give us a chance. You're the last stop. So, I'm happy to answer any other questions. With all respect, I mean Mr. Parham has been very helpful in this process. I understand his concerns, and I know you all have these concerns. Apparently we need a break.

Mrs. Harlow: We need a break.

Mr. Phillips: Do we want to break and come back? What do we want to do?

President Vanover: Well...

Mr. Phillips: I mean Mrs. Harlow has asked for the break.

President Vanover: I have a hard time breaking in the middle of a public hearing, so let's bring this public hearing to a close and then we'll take a break.

Mrs. McNear: I would say if you really have to go, then step away for a moment because you can hear in the restrooms.

President Vanover: Yes.

Mr. Phillips: We can pause if you want, if someone really needs a...

President Vanover. No. Mr. Parham, did you want...

Mr. Phillips: We won't call it a break; we'll call it a pause.

President Vanover: Did you want to respond?

Mr. Parham: Yes, please.

President Vanover: Go ahead.

Mr. Parham: Mr. Phillips, as I suggested when I shared with Council, I believe the Patels and their representatives have gone out and investigated these efforts, okay? So I don't doubt that. Whether this is a viable piece of property, whether this is a viable development or some other development is viable for that property, I think it is relative to, in this case I guess I would refer to it as being relative to whatever the financial debt of the party who owns it. It may not be viable to overcome their current financial challenge, but there are other viable uses for this property.

Mr. Phillips: If those other viable uses could generate sufficient revenue to pay off that debt, that debt no longer becomes an obstacle. But we...

Mr. Parham: Again...

Mr. Phillips: Okay all I wanted to say is what we determined is this is the best way to achieve that viable option. Now is there another way? If there is, we don't see it. That's what I'm saying is we have studied it from that angle. Yet we find ourselves where we find ourselves. And you find yourselves where you find yourselves. We'd love to work with you. That's all I'm saying.

Mr. Parham: Okay, and we'd love to work with you as well. I've said that from the beginning at the first meeting I had with the family. Again, whether it's viable to meet their obligation, they know their finances. They know their challenges. There are many property owners in this community. Mr. Shroyer, you own your own home. Part of this process is not only to allow individuals to have the use of their property, but it's also to protect the neighbors. If, and unfortunately we've had such a situation where someone suggested putting a pig farm next to your home. I don't think you're going to want that, but they have the ability to use their property as they see fit to use their property. This isn't only about allowing the individual to use

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their property. You give them the ability to use their property to get the best value and the best use out of that property, as long as it's consistent with the community standards and the community. You brought up GEEAA Park. I'm glad you did. That was on my list. If there is this, and it is a part of this presentation and was presented at the Planning Commission presentation, this high desire and need to have more assisted living in our community. We don't doubt that there is perhaps that need that's there, but we have a piece of property that's already been approved by our (Planning) Commission and by this Council to have assisted living in GEEAA Park. It's been sitting vacant for about, I think three or four years. Maybe a little longer than that, and yet no one has rushed to construct assisted living there. It is already approved for assisted living. You can start tomorrow, once you submit your plans. That's the fit. It's there in that location. We welcome it there. This isn't the location the community believes is the best fit for that type of use. We do believe in partnering with you. We do believe as well in allowing the private sector to come to us, or to take a piece of property and develop it. Just like I sat down with your family, and I expressed my concern about that use, there were many others who came before us at the Sheraton site and we gave them the same response, that that particular project was not something that we were in favor of. To be up front and honest with you, just as I did with your family, if I don't think it's a fit, we're going to be honest and tell you that. If we believe it's a fit, we work with you. So that wasn't a piece of property that we just simply waited for the private sector and didn't have any discussions with anyone. We had many discussions with individuals who wanted to turn it into senior housing; who wanted to turn it into expensive apartments, and when we asked "what's expensive apartments?" their answer was \$500 a month; who wanted to turn it into condos and a hotel combination. We believe in first and foremost trying to let the private sector work through the process, and we work with them. There's a ton of development in this community that we've worked with them. When you sat at that Planning Commission meeting and you heard the feedback from the Commission members to that applicant and it came back positive, more than likely, the use was already determined and agreed upon. The problem the Planning Commission said with your project is that the use isn't what we agree upon. If you had a project that you presented, and I understand, that project may not help you out of the financial challenge that you're facing, but if it was a project that fit within the community values and vision, we're working with you. We're partnering with you. That's what we do, but when it doesn't fit, we're honest enough to tell you that as well. There is other senior housing that will stay at GE Park. We had proposed and approved 108 units that were focused toward seniors. Forty-eight (48) of those units were constructed. Still 48 of those units are only constructed. The other 60 will never be built. For a long period of time, only 32 of those were finished. The other 16 was finally finished when somebody else took over the project and began to then put money back into the project and redevelop those, or not redevelop but enhance those, and have an aggressive marketing strategy that they finally sold, and now all 48 are occupied. I think there's two back on the market, but 48 are now occupied. The other 60 will not be constructed. Those were targeted at seniors. That was at GE Park. Adjacent to it is the property that I spoke about earlier, the assisted living facility that's already been approved by not only the Planning Commission, but by this Body as well. I think that's all I have right now.

President Vanover: Mr. Hawkins.

Mr. Hawkins: Thank you, Mr. President. I had the opportunity, as Mrs. Harlow did, to be on Planning Commission and get to hear the presentation at that time as well as tonight. Now I'll commend you, as I think you've been commended several times that this presentation tonight was very good. Everybody didn't have the opportunity to hear the one at the Planning Commission. That one was not as poignant, okay? That one had some misinformation with regard to the photos from a weekend, talking about the empty parking lots. That one had some irrelevant information talking about there's a church there. Doesn't really matter with regard to the decisions that are being made. It also had some poignant information with regard to some of the statistics. The presentation tonight focused on what my concern is, which is really around, I see we have two different choices. On the one hand, we can approve this plan. Quite frankly, it's not perfect. I don't think it's horrible either, but it's not perfect with regard to this change in zoning with regard to this type of facility. I don't see it as a detractor from the office space around it. It may not be as helpful as a hotel would be for an office, but I don't see it as necessarily a negative detractor. Versus, if we say we're not going to approve this, then we're hoping that either you all or someone else comes through with another use to go forward with that is hopefully viable. I don't believe

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this property is going to be a hotel. Ten years from now, five years from now, obviously today it's not. I don't see that happening. I'm not saying that it's couldn't happen if someone wanted to dump millions and millions and millions of dollars into it, but I think the cost benefit analysis someone's going to go through is probably going to say, we don't have an amusement park here. There's not some other main attraction. If you're not getting people from the office to come in there, it's not going to happen. So, I don't think that's going to happen. Now, as Mr. Parham indicated, there are other things within the general business district zoning that folks could put in there. As I'm looking at the building and trying to forecast what that may fit without raising the building, I think that number of different types of things condenses considerably. Not saying there aren't some things, but I think it condenses considerably. So I wrestle with the idea of not a perfect business at that location with the whole idea of I don't want another Sheraton in our community. That's my whole concern. I was the only person that voted for it from the Planning Commission. I thought it was something that Council needed to make a decision on. I wrestled with it at that point in time. I wrestle with it now as well, but those are the, that's the issue for me. I'm wrestling with those two things, and the biggest thing, and that's why this presentation was so poignant for me tonight, was I don't want another Sheraton. And so as I think about it and I'm weighing those things, I'm weighing you know, if we change the zoning we could change it back. I'm weighing what impact is there with the community with regard to the comprehensive plan that we set in place several years ago. But those are my concerns, and that's what I'm wrestling with. But I do want to commend you on, you guys came in tonight and you at least, as far as I'm concerned, focused on the issue that's my issue, that's it's this or it's that.

Mr. Allen: And if I can just add a couple of pieces of information for you and I'll do this quickly. Just for the record, the case where this, this case was, this hotel initially went into the receivership, that's case A024464 in the Hamilton County Common Pleas Court, and I'll tell you this for the record. If you bother to look at that, there were four offers on this piece of property. The first three were frauds, okay. The only one that actually was legitimate were the guys that purchased this piece of property and turned around and sold it to Mr. Jitu Patel and his group. Alright, the first three offers were fraudulent. The judge was going crazy on this case because the guy who owned the property before kept coming in and getting people to make fraudulent offers that they would back out on. A very competent receiver, Leonard Appel, I don't know if any of you know him, but he was the receiver on this. He's done many pieces of property in Hamilton County. Very competent man. I've worked with him many times. This was a piece of property he could not market to anybody. There were no legitimate offers until the fourth one, that actually purchased this. So one thing that, you know, I think that Mr. Hawkins is thinking about here, and I think this is what we're trying to get across is, yes, you can sit back and say the market should come in, and I believe in the free market. I mean generally speaking, if there's a great business opportunity, somebody's going to come in and look at it. The problem is, there may be seventeen different things that you could do with this piece of property, but none of them are economically viable, so nobody will come in and do it. And that's the problem that you've got. I mean you know, there, when I was a kid, you know, my parents said you can be whatever you want to be. Well, I couldn't really be a professional basketball player. I really couldn't be a professional baseball player. Why? Because I lacked the talent. I lacked the skill. I'm not good at it. There are other things that you can't be either because there's no market for it. I can't be a, you know, a farrier or something. I don't, you know, put shoes on horses. So because again, the market is very small for that. So you have to look at what is realistic here and the question becomes, what is realistic for this piece of property. That 2002 case means that the receivership, so this property was having financial problems for years before 2002 and there was a bar in this piece of property, because Doug Hawkins, who's the trustee on this, actually bartended at the bar that was in this piece of property. So back in 2002, by that point, they had financially crashed. A receiver was appointed, a foreclosure was instituted, and that receiver could not sell this property on the market to anyone. It was finally sold, and since 2002 they have tried to rebuild this property, so if there was something that could be done, it would have been done in all these years. You know, we've sat down. We've looked at it. Mr. Patel's looked at this. Their whole group has looked at it and they've studied everything and they came up with the best proposal they have for it dealing with this piece of property. It's not that they just want to build an assisted living facility; it's that that's the best use they can come up with for this piece of property. And also on the issue of the assisted living facility, just again I want to emphasize this issue. We're not talking about a nursing facility. We're talking about people who are mobile, who can get out and go around and maybe, maybe their spouses passed away. Maybe they no longer want to live in the house that they were living in. Maybe they don't have

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kids that can take care of them. Maybe they don't want to live with their kids, but they want to live independently, but they need somebody around just in case something happens. And that's the type of facility we're talking about. Alright?

President Vanover: Mr. Shroyer.

Mr. Shroyer: If I could just follow up on my comments and Mr. Parham's comments, and I understand that you know, that I own my home and the community has an obligation to protect me from the pig farm. I think my point is, they're not building a pig farm. I don't see where what they want to do is gonna be detrimental to any of the surrounding community. I don't see it harming the office complexes. I don't see it harming the retail. I would agree that given a perfect world, there were probably some things off of Mr. Parham's list that I would pick that I would probably prefer to see there, but then that goes back to my feeling that I don't own the property. We don't have a property owner standing here saying "I want to do this" on this list, We have the people that own the property standing here saying "here's what I want to do with my property", and I don't think it's that far off from what the original thought or use for the property was. We have hotels in the City right now that people live in permanently. I mean if they just decided that they were going to move seniors into the motel rooms and charge them a monthly rent, could we stop that? That's all. Thanks.

President Vanover: Mr. Parham.

Mr. Parham: Thank you, Mr. President. I thought I just had one question. At no point was I suggesting that these gentlemen are attempting to construct a pig farm or anything of that nature, so that was not the reference. The reference was simply suggesting that sometimes people want to put things next door to you that you don't want next door to you, and the community doesn't want next door to you.

Mr. Shroyer: I understand that. But I don't think that's the issue here. I haven't heard anybody...

Mr. Parham: Well, I think, Mr. Shroyer, you and I have a different vision of what that is. And that's okay. I think that one of the stats that we've heard a number of times is that there's a 33% vacancy rate, and we also saw Mrs. Christine Russell, Economic Development Director, quoted on a number of times. She's become quite popular this evening. So I asked that author to collect information for me. Right now Springdale has 2.4 million square feet of office space. Of that, and this is from our 2016 State of the City Address that we have every year. You guys are more than welcome and invited to attend, but there's only 21.4% vacancy office in Springdale, not 33%. I don't know where the source of your information is, but since she is charged with getting out and meeting with the property owners, meeting with the brokers, understanding to assist them with our programs to help them fill vacancies, I tend to rely more on her information as opposed to...

Mr. Phillips: CPRE. That's where we got, I'm sorry, CBRE. And what does CBRE stand for? Cincinnati Board of Real Estate. It's not a statistic we made up.

Mr. Parham: I think they're... CBRE.

Mr. Phillips: Yes.

Mr. Parham: They're brokers, I think. They're brokers.

Mr. Phillips: Okay. I'm not trying to misquote. I'm not trying to misstate. I'm simply saying that's my source for that information. If you have different information, you have different information,. That's all I can say about that. I don't know which one's right.

Mr. Parham: I think her.

Mr. Phillips: Okay.

President Vanover: Anybody else?

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Mr. Phillips: Just an observation. I haven't seen any one of our neighbors here saying they don't want this pig farm next to them, so I think the rest of the community is at least silent on the issue. So hopefully that's an indication that the community is not opposed to us.

President Vanover: Well, while I've got the chance, I too wrestled with a lot, and quite honestly as the Mayor pointed out, I take issue with calling residential residential. This is not residential. By our code definition, a residential unit contains a kitchen, which means a stove, other cooking utensil. We have a refrigerator and a microwave, essentially what just about every motel room, hotel room in the country has. So this is not residential by our definition or in my eyes, and as Mrs. Harlow mentioned that you know, wanting to get the facts, well those are the facts. And just point, somebody maybe have your fact checker, your Sacramento Business Journal slide, it says December the 5th, 2015. Well, if you read the dateline on the article, it's December the 5th, 2013 at 6:21am PST, and it was updated December 5th, 2013 at 8:40am PST. So that was two years prior to this information.

Mr. Patel: I think that was a slide error. I apologize. I think. Yeah, sorry. It wasn't certainly my intention to try to misinform anybody, but you're right. I think with a typo or a slide error when I duplicated slides. As good as I am at PowerPoint, sometimes I fumble with my fingers. I apologize for that.

President Vanover: That's fine. Let's just keep our facts and points out there.

Mr. Patel: Understood.

President Vanover: I guess at this point, we're still in a Public Hearing. Is there anybody else in the audience that would like to speak either in favor or against this issue? Okay. Second call? Third and final call? Okay, we will close the Public Hearing. Council, you've heard the reading of Ordinance 18-2016. This is the second reading. What is your pleasure?

Mrs. Emerson, inaudible

President Vanover: Yes, good point, Mrs. Emerson. Mr. Forbes, correct me if I'm wrong, but because this is overriding Planning Commission issue, it has to be a super majority.

Mr. Forbes: That's correct. It would, it takes a two-thirds vote which is five. It would take five affirmative votes.

President Vanover: Right. Okay. That stated, Council what's your pleasure?

Mrs. Ghantous moved to adopt Ordinance 18-2016; Mr. Diehl seconded.

Mrs. Harlow: I'm sorry, I pressed the wrong button.

President Vanover: Mrs. Harlow.

Mrs. Harlow: Yeah, I'm conflicted about this as well. After, I don't like to see us override Planning Commission. I don't, I'm, I don't want to see a vacant piece of property sitting there. I agree. This is really a very, very difficult one. It's very difficult for me. When I was, Mr. Patel had called me yesterday at home, and I told him I wasn't comfortable discussing this at home, that there was no sense in reviewing Planning Commission, and he said, "well your vote was regrettably no on Planning Commission" and I said yeah it was, because I wear two hats on Planning Commission. I wear a hat for the Planning Commission member, and then I also wear a hat for a Council member, and the Council member hat says I don't want to see \$10 million of economic development walk out of this City. And I don't know that we can keep this from becoming a blighted property if, you know, we've got an offer on the table, and I'm just not sure that we could keep it from being a blighted property if we don't move forward, and I don't want to see another Sheraton. It's taken us however many years, eight or ten years to gain control of that through how many different ways did we try in order to get that down? And that building though, was not a healthy building. That building had all kinds of issues that, God forbid, I hope this building doesn't have. But that goes back to 1998 when we had the mold and remediation issues with that building. So it was never actually from that point forward a very viable structure. So I'm really, I'm really betwixt and between on this one as well.

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President Vanover: Mayor Webster.

Mayor Webster: Thank you, Mr. President. I think this thing boils down to, do we believe in our zoning code? Do we believe we should have a zoning code? I mean, the zoning code, as Mr. Parham said, is there to protect adjoining residences, and you know, you don't want a, and I'm not going to go the pig farm route, but you don't want a tire shop next door to you. You don't want, you know, the various uses mixed together, and I think that we have spaces in this City that are zoned for institutional housing, whether it be senior, group homes, assisted living, and so forth so on. But it's not right in the middle of our office district, and that's really, you know, what we're talking about here. And I feel sorry for any business owner that falls on hard times, but does that say anything like if you own a business in the City, and you fall on hard times, just come before the City and you can, regards to the zoning, and you can seek relief. And I really don't think that's what our zoning code should be all about, and so that's my two cents.

President Vanover: Anybody else? Okay, Mrs. McNear, will you poll Council? We had a motion and a second.

The motion failed with a vote of 3-4 (Diehl, Emerson, Harlow, Vanover voted against the Ordinance).

Council took a short recess.

Public Hearing

Ordinance No. 19-2016

AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF SPRINGDALE, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 6.86 ACRES LOCATED AT THE NORTHEAST CORNER OF TRI-COUNTY PARKWAY AND JAKE SWEENEY PLACE FROM GENERAL BUSINESS (GB) TO PLANNED UNIT DEVELOPMENT (PUD) (ATRIUM HOTEL & CONFERENCE CENTER)

President Vanover: Okay, this is the second reading. At this point we will now open a Public Hearing on the issue. Is there anybody that would like to address Council for any reason?

Mr. Phillips: Hello. We'd like to present all of the evidence that we just presented to you, address all of the comments that you addressed to us in the same exact way, and we've agreed to do that according to a stipulation with your Law Director by saying that all that evidence comes in as if it were fully administered in front of you a second time. Fair enough?

President Vanover: Mr. Forbes?

Mr. Forbes: That's perfectly fair to me, and with Council's consent to that, I think that's probably the wisest way to proceed.

President Vanover: Council, do you have an issue?

Mr. Phillips: Or we can do it all over if you want.

President Vanover: No. Alright, sounds good to me. Alright. So all the evidence has been presented as if we just walked through it again. Is there, I guess at this point is there anybody else that would like to speak to this issue while the Public Hearing is still in process? Second call. Third and final call. Public Hearing is now closed. Council this is the second reading, and we can act upon it this evening. What is your pleasure?

Mrs. Ghantous motioned to adopt; Mrs. Emerson seconded the motion.

President Vanover: Mr. Hawkins.



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Mr. Hawkins: Thank you, Mr. President. Just for the record, because the Preliminary Development Plan was defeated, I'm going to vote against this, seeing as there is no point in changing the zoning with the preliminary plan being defeated.

President Vanover: Alright. Any other comments? Mrs. McNear, will you poll Council, please?

Mrs. McNear began to poll Council, but the voting was stopped for clarification.

Mr. Diehl: (unintelligible)

Mrs. McNear: You want the entire reading, or just the by title only?

Mr. Diehl: Just the by title.

Mrs. McNear: By title?

Mrs. McNear repeated the by title of Ordinance 19-2016.

Mrs. McNear: So if you vote yes for this, then...

President Vanover: It changes the...

Mrs. McNear: ...then it changes the zoning.

President Vanover: Mrs. Emerson, oh wait. Mr. Forbes.

Mr. Forbes: I want to clarify, make sure Council understand what's going on. The first Ordinance that you dealt with tonight was considering the proposed development plan. This Ordinance that's before you now is to actually amend the zoning map to change it from GB to PUD. So this is related to the same project, same property, as we stated, everything that was presented in the first public hearing has been incorporated as part of the public hearing for this Ordinance too. And if you vote yes, then you have rezoned the property to a PUD.

The motion failed with a vote of 1-6 (Emerson, Diehl, Harlow, Hawkins, Shroyer, Vanover voted against the Ordinance. Mrs. Emerson's initial vote was in favor, but she changed it after clarification of the Ordinance).

Ordinance No. 24-2016

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A COST SHARING AGREEMENT WITH GREATER CINCINNATI WATER WORKS (GCWW) FOR THE CLOVERDALE AREA PAVEMENT REHABILITATION PROJECT AND DECLARING AN EMERGENCY

Mrs. Harlow moved to adopt; Mr. Hawkins seconded the motion.

The Ordinance passed with a vote of 7-0.

Ordinance No. 25-2016

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH NEXTSTEP NETWORKING FOR TECHNICAL SUPPORT SERVICES AND DECLARING AN EMERGENCY

Mrs. Emerson moved to adopt; Mrs. Harlow seconded the motion.

The Ordinance passed with a vote of 7-0.

Ordinance No. 26-2016

ACCEPTING A BID AND AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT FOR THE ASBESTOS REMOVAL AND DISPOSAL PROJECT AT THE FORMER SHERATON HOTEL AND DECLARING AN EMERGENCY

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Mr. Hawkins moved to adopt; Mrs. Emerson seconded the motion.

The Ordinance passed with a vote of 7-0.

Ordinance No. 27-2016

REDUCING AND RECERTIFYING SPECIAL ASSESSMENTS LEVIED FOR THE PURPOSE OF CONSTRUCTING CERTAIN IMPROVEMENTS AND DECLARING AN EMERGENCY

Mrs. Emerson moved to adopt; Mr. Diehl seconded the motion.

The Ordinance passed with a vote of 7-0.

Old Business - none

New Business

Mrs. McNear: Council, you do have a couple of liquor license requests. The first one we have is Walgreens, doing business as Walgreens. 385 Northland Boulevard, Springdale, 45246. This one, I'm not sure what the type is. STCK. Sounds like stock.

President Vanover: Oh, it's a C1, C2 and a D6.

Mrs. McNear: C1, only in original sealed containers for carry out only. C2 is wine and mixed beverages in sealed containers for carry out. And then D6...

Ms. Russell: Mrs. McNear, I took a look at this. I think they're just updating their stockholdings, which is one of the requirements for a liquor permit when there's changes in ownership. I don't think there's any change to their actual license that they're carrying. I think they're just doing their duty of updating their ownership information.

Mrs. McNear: Okay.

Ms. Russell: That's that STCK.

Mrs. McNear: STCK? Yep, that is, that is the type. I had not seen that one before. Let's see, and a D6. D6 is the sale of intoxicating liquor on Sunday between the hours of 10am or 11am and midnight. Any objection to this particular item?

President Vanover: I see none.

Mrs. McNear: Okay, well I'll make sure that paperwork gets filed. The second one we have is Ajai Arman LLC, dba Jai's Indian Restaurant at 11482 Springfield Pike, Springdale, 45246. This is a new license request. This is a D2, which is wine and mixed beverages for an on premise consumption or in original sealed containers for carry out only until 1am. This is in the Wimbledon Plaza. Any objection to this item?

President Vanover: I see none.

Mrs. McNear: Alrighty, thank you.

President Vanover: Alright. While we're still in New Business, and due to the late hour, the grass clipping thing, if I don't get any argument from Council we'll continue that to our next meeting. Okay? Alright.

Meeting and Announcements

Mr. Thamann: Thank you, Mr. President. The Police Department will be again handling their Citizens Police Academy, which will begin September the 12<sup>th</sup> and run through November the 14<sup>th</sup>. There will be classes every Monday from 6-9pm except for Halloween night, which is October 31<sup>st</sup>. You can obtain an application off the City's website or at the Police Department itself. If you have any questions regarding the program, they ask that you call office Joe Ture at 346-5530. This is a great opportunity to meet and get to

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know our Police Department, and also it gives you the opportunity to see policing from a totally different perspective, to interact with the department, and see firsthand what the role of a police officer and law enforcement professionals do. So, it's a great opportunity. They're taking applications. I understand they already have about eight applications submitted. They have never had a cut-off date or number, but they look around fifteen to twenty. If they get too large, they can't get everybody through the program. But again it starts September the 12<sup>th</sup> and it's Monday night through November the 14<sup>th</sup>. Thank you.

President Vanover: Mrs. Ghantous.

Mrs. Ghantous: Sorry. Board of Zoning Appeals will meet on Tuesday, September the 20th. 7 o'clock.

President Vanover: Mrs. Harlow.

Mrs. Harlow: Just a reminder that we will have the shredding of the documents down at the Community Center which is a free service, August 20th. I think it starts at 10 o'clock in the morning.

President Vanover: Okay. Anything else? Alright.

Communications from the Audience - none

Update on Legislation Still in Development

Mr. Hawkins: As you look at your Internal Memorandum, item number one was addressed with Ordinance number 19-2016, Ordinance regarding the zoning code changing for the property up there by the, currently the Atrium. That failed with one affirmative vote, six votes against.

Ordinance number 18-2016 was addressed with item number two, which involved again the same property and the preliminary plan change. That failed with a 3-4 vote.

Item number three was addressed with Ordinance number 27-2016, and Ordinance reducing special assessments levied for constructing certain improvements at Pictoria Island and declaring that an emergency. That passed with a 7-0 vote.

Item number four was addressed with Ordinance number 25-2016, and Ordinance renewing an agreement with Nextstop Networking for technical support. That passed with a 7-0 vote.

Item number five was addressed with Ordinance number 24-2016, an Ordinance authorizing a cost-sharing agreement with the Greater Cincinnati Water Works, and that passed with a 7-0 vote.

Items number six, seven, eight, nine, ten and eleven are all forthcoming.

Recap on Legislative Items Requested for Next Council Meeting

Mr. Hawkins: there is a request for an Ordinance enacting and adopting the 2016 S-17 Supplement to the Springdale Code of Ordinances and declaring an emergency.

There is a request for a Resolution authorizing the City Administrator to file an application with the Ohio Public Works Commission for local transportation improvement program funds and/or state capital improvement program funds, and authorizing the Mayor and Clerk of Council/ Finance Director to execute all contracts and other documents.

Also have a request for a Resolution authorizing the City Administrator to file an application with the Ohio Public Works Commission for local transportation program funds or state capital improvements funds, and authorizing the Mayor and Clerk of Council/ Finance Director to execute all contracts and other documents. Now that one's for Beacon Hill. The other one was for Jake Sweeney Place.

Also a request for Resolution authorizing the City Administrator to file an application with the Ohio Public Works Commission for local transportation program funds or state capital improvements funds, and authorizing the Mayor and Clerk of Council/ Finance Director to execute all documents and contracts for Glensprings Drive.

And there's also a request for legislation for a Moratorium for medical marijuana dispensary.

President Vanover: Administration, are we covered?

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Mr. Parham: The only thing I would add is that I think you indicated item number six was for future, but that one was addressed tonight. Sheraton Hotel asbestos.

Mr. Hawkins: Aww, excuse me. I did. With regard to item number six, and Ordinance authoring and agreement with the contractor with the best bid for asbestos removal and disposal project at the former Sheraton Hotel and declaring an emergency, was addressed with Ordinance 26-2016, which passed with a 7-0 vote.

President Vanover: Mr. Diehl.

Mr. Diehl: Yes, excuse me. Where are we on the wild animals that we were going to take a look at?

President Vanover: Well, I think what we'll do is allow, you're talking the skunks?

Mr. Diehl: Yes, and whatnot.

President Vanover: And whatnot. Okay. I guess we ask the Administration to check with ODNR and see if there's anything new out there, and then I would expect to bring it back before this Body and we can talk it out. Mr. Parham?

Mr. Parham: We're going to make contact with ODNR and I think someone asked about Hamilton County. We're going to check with them as well, see what they do. And then either we can present it at the next Council meeting or we can send you information. However you choose to have it.

Mr. Diehl: Present.

Mr. Parham: I'm sorry?

Mr. Diehl: Present.

Mr. Parham: Present. We'll have that for you at the next meeting.

President Vanover: Make note of that statement, Mr. Parham.

Adjournment

Mr. Hawkins moved to adjourn; Mr. Diehl seconded the motion. Council adjourned at 11:12pm.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

\_\_\_\_\_, 2016