

## City of Springdale Council

September 5, 2018

President of Council Vanover called Council to order on September 5, 2018.

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

Mrs. McNear took roll call. Council members Anderson, Emerson, Ghantous, Hawkins, Shroyer, Sullivan-Wisecup, and Vanover were present.

The minutes of the August 15, 2018 meeting were considered. Mr. Hawkins made a motion to accept the minutes; Mrs. Ghantous seconded. The minutes were adopted with seven affirmative votes.

Mayor Webster: I'd like to ask Christine; Mrs. Russell to come up and give us an overview of the situation we have at hand with a liquor permit license and we have some folks in the audience here tonight that have an acute interest in this. She'll give you the overview of what we're trying to do here.

Mrs. Russell: Thank you Mayor. Good Evening. From time to time, we have liquor permits that come before Council. Groups that are using what is called the "TRES Process". Which is the Economic Development Transfer process. This is one such case this evening. We always ask the restaurant owner or operator to come in, tell us a little bit about their restaurant so that we indeed, know that it is an economic development project, and, in this case, it is. We're happy to have them before you tonight. The restaurant that is asking for the TRES license is Mi Cozumel. It is, what we all know as, Dos Amigos that is moving into the mall. They are changing their name to Mi Cozumel. I have tonight with me, Liliana Jaime. She is the owner and the operator and her attorney, Mark Gutentag and they are going to both come up and Liliana is going to tell you a little bit more about the restaurant and then Mark is here to answer any questions you may have on the actual TRES process and the liquor license.

Ms. Jaime: Good Evening. My name is Liliana Jaime. I am the owner of Dos Amigos, now Mi Cozumel. We are so excited to be now part of Tri-County Mall. This is a big project. It involves the planning of a new menu, more authentic. All of our materials are coming from Mexico, hand made by artisans from Mexico. Our glassware and an excellent chef coming from Mexico, Daniel. We are so excited. Of course, we need the liquor permit, which will be such a great help. We are happy to be part of Tri-County Mall. I think that will help both of us. You are more than welcome to stop by anytime to visit our location as it is still under construction. It looks fabulous. We also have an artist from Dayton. Her name is Mary Quinn. She is painting right now beautiful murals with traditional Mexican verse. The main reason we are here is to request our liquor permit; that would help us to expedite it please.

Mr. Gutentag: My name is Mark Gutentag. I'm an attorney from Columbus.

President Vanover: Step a little closer to the mic please.

Mr. Gutentag: I'm sorry. The primary focus of my practice is liquor law. Unfortunately, Alfredo Yan who is listed as the owner on the liquor permit is out of state at a funeral. Out of the respect of the Council, he asked me to appear along with his daughter to answer any questions that you may have. Fortunately, as Mrs. Russell has indicated to me, you have experienced a TRES transfer before. Which makes my job a lot easier rather than having to explain the pros and cons and what all goes into it. We are here to answer any questions you may have about the project. As of right now, the Economic Development award; a little over \$800,000 on the project. Underestimating right now that it will create at least 25 jobs, if not more, probably more down the road; some part-time, some full-time. This is a true Economic Development and hopefully the City will, obviously render some benefit from this project through tax dollars and what not and, hopefully, it will become a destination location. We are here to answer any questions that you may have.

Mr. Anderson: Just one question. What is your expected opening date?

Ms. Jaime: This is one part. The opening date will be pending on the liquor license. We cannot open without a liquor permit. We are trying to open the last weekend of September if it is possible. I don't know how the process is right now with the liquor department.

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Mr. Gutentag: Regretfully, and very, very, regretfully, the Division of Liquor Control right now is grossly understaffed. They project that a processing of a liquor permit is running about ten to twelve weeks. What we will plan to do is request that this application be expedited, which will speed things up dramatically. We may, at some point, when we return to this body or to the Mayor's office, request that maybe he even chime in to the Superintendent at the Division of Liquor Control. We're going to ask that the landlord as well chime in with the Superintendent at the Division of Liquor Control to request and expedite. It's hard to do because, again, they're so understaffed. I won't bore you with the reasons why, but we're going to do everything we can to get it open as fast as we can. The fact that this permit holder holds this permit and other permits and is in very good standing will help with that a great deal. We are going to do everything we can to push this through as fast as we can to get them open.

Mayor Webster: Here's what we'd like to see happen; they've got a form, or maybe Christine has it, but, anyway, it's a form that requests the Liquor Board to allow this transfer to happen. With Council's concurrence, either myself or Mrs. McNear will sign it tonight, get that off to the Liquor Control Board, then, sometime in the future, we'll get this "Do Not Object" Letter which you act on all the time and what we'd also ask tonight is that once we get that, give us the authority to go ahead and execute that, either Mrs. McNear or myself so we don't have to wait until the next Council meeting so we could possibly cut off two weeks of the timeframe there.

Mr. Gutentag: That would help dramatically.

Mayor Webster: So, I think with a single blow tonight, hopefully, you could accomplish both of those things. Getting back to the looks of your place over there. When Christine told me about the situation last week, I took it upon myself to go over and take a tour of your place, unaccompanied, doors were unlocked, I just went in (laughter), and I really enjoyed myself. I kept looking for the liquor, but the liquor wasn't there. Anyway, it really looks nice. You should be very proud of that.

Mrs. McNear: Just a quick question. I just need to confirm for my husband that you are still going to have the menu item of the dish in the pineapple?

Ms. Jaime: Of course we will. (Laughter)

Mrs. McNear: Excellent. Thank you.

Mrs. Russell: As you know, no vote is needed, but just your support and authorization for the Mayor to sign this is all we need tonight.

Mrs. McNear: Were there any objections? If none, then we can go ahead and file the paperwork.

President Vanover: Any objections Council? (None)

Mrs. McNear: If not, I'll pass this to the Mayor for his signature.

Mrs. Russell: Thank you very much and I'll keep you informed as to opening date.

President Vanover: Okay. Thank you.

Mr. Gutentag: By the way, I do a lot of practice in a lot of municipal buildings all over the State of Ohio in maybe 73-80 counties. This is probably the most gorgeous municipal building I've ever been in in the State of Ohio.

Mr. Hawkins: Sucking up will get you everywhere. (Laughter)

President Vanover: Flattery will get you everywhere.

Mr. Gutentag: That's why I waited until the end. Thank you so much.

President Vanover: Not a problem. Thank you.

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Ms. Jaime: Thank you so much. Once we have our opening date established, I will welcome you to our grand opening. We will send you an invitation. We'll be very, very happy to have you all there. Thank you so much.

President Vanover: Thank you.

### Communications

Mrs. McNear: I have one item dated August 23<sup>rd</sup> addressed to Clerk of Council/Finance Director regarding "follow up to my letter of August 14, 2018 required driveway apron replacement. To the Equalization Board: Just wanted to take the time to thank the City of Springdale for their action based my previous letter. Prius arrived this week and replaced the driveway apron yesterday. Thanks again. Respectfully, Dan Nienaber, 12000 Elkridge Drive, Springdale, Ohio 45240." That completes the Communications. Thank you.

### Communications from the Audience

Mr. Jenkins: First of all, my name is Joseph Jenkins. I'd like to thank the Mayor and Council for having me this evening. My main concern is I live at 676 Cedarhill Drive in Oxford Hills. Next door to us is a property that is a rental property. It is 678 Cedarhill Drive. We were just concerned about the upkeep of that property next to us. There is another Building Inspector that has been by, but there's trash cans on the side of the house. There's trash, in the back there's some overgrown weeds. I noticed today that they just cut the grass next door to the house, but they blew the clippings out into the street. I know we're not supposed to do that anymore, we're supposed to pick that up. It seems like the only time we get anyone to come out and do anything is when we bring it either to the Building Inspector's attention or something like that and I think it would be nice if they were monitored regularly. They've had some residents there recently, and those residents left last month. We're just thinking about the value of the neighborhood when we decide to sell our property. We pretty much try to keep our property up, our neighbors do. I have a neighbor of mine, Jim Strayhorn, he lives right next door to me. He's here tonight. That's just our main concern. My wife had some other things, I don't recall what else she had, but that's alright. Excuse me. It's been awhile since I've done public speaking (laughter), but I appreciate you having me here tonight.

Mayor Webster: What's the address of the house in question? 678?

Mr. Jenkins: Yes sir. 678, right next door. Councilman Hawkins came out and talked with my wife the other day. They discussed some things.

Mayor Webster: Is it vacant?

Mr. Jenkins: Currently, it is.

Mayor Webster: Is it a rental property?

Mr. Jenkins: Yes sir, it's rental property. They did cut the grass today, but the grass was probably waist high. They left a bunch of clippings in the street and everything and if it weren't for the rain, the rain kind of washed it down.

Mayor Webster: That's a violation. Because if they cut it as a result to the City order, they have to cut and rake and bag the grass. They can't leave it laying on the yard and they can't leave it on the sidewalk or the street, either one. We'll have an inspector up there tomorrow.

Mr. Jenkins: The backyard is unsightly because there is a lot of weeds and overgrowth in the back yard. We tried to treat our yard, but with the weeds there, the weed seeds come over and we have a hard time even keeping our yard up. The majority of our neighbors take great care of their property in that area.

Mayor Webster: It only takes one.

Mr. Jenkins: Yes sir, it sure does. That's all I have.

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Mrs. Zimmerlin: I just wanted to let you know that the Building Department is aware and they did send a violation notice today. As the Mayor said, we can have someone else go out and take a look again tomorrow to make sure they've actually cleaned up the property.

Mr. Jenkins: Thank you. Appreciate it. Any other questions or anything? (None)

Mayor Webster: Thanks for coming in.

President Vanover: We appreciate it. Thank you.

Mr. Jenkins: Thanks for having me.

### Ordinances and Resolutions

#### Resolution No. R14-2018

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS AND/OR STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) FUNDS, AND AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO EXECUTE ALL CONTRACTS AND OTHER DOCUMENTS (LANDAN LANE ROAD IMPROVEMENT PROJECT)

Mrs. Ghantous made a motion to adopt Resolution No. R14-2018; Mrs. Sullivan-Wisecup seconded.

Resolution No. R14-2018 passes with seven affirmative votes.

### Old Business

Mrs. Sullivan Wisecup: As you have all received the C.I.C. Report and recommendations. You have had time to look that over. We would entertain any questions or comments as well as we would like you to vote on accepting or declining the report and recommendations. Does anyone have any questions or comments they'd like to make? (None)

President Vanover: You need a vote from us to approve the published report?

Mrs. Sullivan-Wisecup: To approve the published reports and recommendations.

President Vanover: And the recommendations. At this point, I'll entertain a motion.

Mrs. Ghantous made a motion to accept the report and the recommendations as written; Anderson seconded. Council passes the motion to accept the report and the recommendations as written five affirmative votes and two dissension votes (Mrs. Emerson, Mr. Hawkins).

President Vanover: With the approval of the report, the Committee's work actually is officially done. I would entertain a motion to, I won't say "kill" the Committee, but dissolve/retire the committee.

Mr. Hawkins made a motion to retire the Council Investigative Committee at this time.

Mrs. Zimmerlin: I think we'll need to wait until after tomorrow's meeting to approve minutes before we dissolve the Committee.

Mr. Anderson: I think we can get clarification from C.I. C. counsel if we need to. It's my understanding that we can get direction to close the Committee and, as part of our closure activities, we will still meet tomorrow at our regularly scheduled meeting and finish any business that we have which would include approving the prior minutes. Then, if there's any additional action that this Committee or this Council would want to do, we would deal with that then. As part of the vote to close, we can close out officially tomorrow. Is that right?

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Mr. Abes: You can do it like that. I would also suggest that in the motion to close the Committee, that Council recognizes that the attorney/client privilege that obtained between me and the C.I.C. would now be held by Council because the C.I.C. will be dissolved and it won't be an entity that actually holds that privilege anymore. Because it was a Committee of Council, the privilege should be retained and Council should hold that privilege. So that would be my recommendation.

President Vanover: Mr. Hawkins, do you want to clarify your motion?

Mr. Hawkins: I will clarify my motion in that I move to retire the Council Investigative Committee and recognize that the attorney/client privilege held between Mr. Abes and Dinsmore and Shohl; it was once with the Council Investigative Committee now will lie with Council and Esquire Abes.

President Vanover: Do I have a second?

Mr. Anderson seconded the motion.

Mayor Webster: So do I understand that if this passes, Council is going to accept this report, but we can't talk about what's in it because of the attorney/client privilege?

Mr. Anderson: No, what Mr. Abes is referring to there was discussions that may have occurred between the Committee and the Counsel that we had for the Committee. What that refers to does not reflect or attribute to any of the public documents. So, the report, the subpoenas, the subpoena responses. Everything that was made public, remains public. If there was any other discussions of a legal nature, those would remain privileged as they were prior.

Mayor Webster: So, in other words, I can't talk about what I don't know about.

Mrs. Sullivan-Wisecup: Right. Don't talk about anything you don't know about.

Mr. Hawkins: I just want to get clarity. If this now goes with Council, there's only two people that know what those conversations were, so I am assuming that the other members of Council are not going to be told what those things are or that is going to be disclosed to the other members of Council now?

Mr. Anderson: So, as part of the investigative process, we had a number of deliberations and meetings. The deliberations in the open. Council, we received some legal opinions in private. All that says is that there is, in practice, if there is an open records request, for example, for all C.I.C. documents, that's when we'd have to address those issues. Because those, some of those, would remain privileged until whoever holds that privilege clears that. So, those are things that we can address after we close out the C.I.C. The purpose of the motion the way it was, was to make sure that there wasn't any question as to what happened for any of those documents that may exist that were held in privilege. So, you certainly have the option after the C.I.C. closes and we no longer have that committee, to request those documents. At that point, it would be up to the Council as a whole, if it's appropriate to remove that privilege and allow that to happen. From a personal standpoint, having gone through the process, I don't see a lot of value in doing that. I think the outcome that we discussed and published is a complete finding of fact and recommendations that we were reviewing. Don't overemphasize that part of the motion; it's housekeeping in my opinion.

Mr. Hawkins: I just wanted to clarify that there wasn't going to be some kind of further debriefing with Council regarding those things.

Mr. Anderson: No, my expectation is after the meeting tomorrow, and I certainly would welcome feedback from Mrs. Sullivan-Wisecup, that my expectation is with the recommendations completed, we would have some action from those recommendations that needs to come aside from it being the report, there was a number of findings that require follow-up and some of those should go to Laws and Rules and the Charter Revision and we should divvy those out appropriately. The C.I.C. proper, it's work, I believe, is complete.

Mrs. Emerson: I just have a question then. So, this privilege client/attorney privilege. Why are we bringing the rest of Council in? It should just be the two of you. So, that should say

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Mrs. Emerson (continued): that your name, Meghan's name and not include the rest of us here, correct? Because the rest is public record that we all know. So, the only one that's holding any private information is the two of you?

Mr. Anderson: Those documents may outlive our time on Council as well. The privilege should stand as long as the documents can exist with the document retention policy. So, if there's emails, there's a document retention policy for those. The privilege needs to lie with a group that can address that. I could be gone tomorrow. So, I never had personal privilege, the Committee did. All we're saying is that needs to move to another body that lives. If I'm mistaken, I look to my attorney (Mr. Abes).

Mrs. Sullivan-Wisecup: We had discussed that in our last C.I.C. meeting as saying that the retention process, if something happened to say that both Mr. Anderson and myself are gone tomorrow and then something comes up or whatever and you need this information, it would be held by the Council and not by us. So, if you need to know what was said or how to handle this so you're not re-doing all of the same process all over again, you'd already have some of the answers.

Mr. Anderson: It's my understanding that there are things that can pierce attorney/client privilege. We just need to be prepared for all those eventualities. It's just cleanliness for the Committee to move that responsibility to the body that created it. Unless there's another option. The privilege has to go somewhere. The alternative is that those documents become "orphaned" which could be a challenge for the City if somebody were to request them because then we have no way to assess whether or not we should release privilege or evaluate them if it's appropriate to release later. We just need to address it so they're not just "orphan documents".

President Vanover: Any other discussion?

The motion to retire the Committee was approved with seven affirmative votes.

Mr. Hawkins: I just had a question for either Mr. Vanover or Mr. Forbes. As we had some discussion at our last meeting regarding the use of legal counsel and the guidelines around that. I could not find, I didn't know where I could be cited to see that. I didn't know if it was something that was; if it wasn't a documented rule; or if it was a practice and procedure. I just wanted to get clarity on that so that everybody knows what folks can do, can't do that was something that was different than what I had thought when that got discussed. At the last meeting, I thought we had unfettered access to Mr. Forbes for review and things. So, I just wanted to check and see where that is or where I can make sure I'm following within the guidelines.

President Vanover: From my point of view, it was a historical practice that if Council wanted to investigate something, it first saw the light of day on Council floor. If Council so wishes to direct that research, fine, but, the problem wasn't as I stated the last time, we've got seven Council members that could be directing the Law Director to research seven different topics on something that we may never discuss or take any action on. I have no problem; people can bring anything to the floor of Council. You want to talk about anything, we'll talk about whatever. But, I just think it's a good practice to keep everybody on the same page and give the Law Director a little bit of reprieve and direction that it just comes to Council first. In this case, it was research on a gun legislation. Well, and since that time, both of those ordinances have been shut down and overruled by various higher courts and actually, the courts were very candid and very direct that the municipalities had no business in this arena. In historical practice it has always been and in walking through this, this is one of those things as some of the recommendations from the report, that we're going to forward to Rules and Laws and have it directed and added to Rules of Council. Then, go from there. It has been a historical practice for as long as I recall. Mrs. McNear, you were here in this seat before I was. That was how it was treated. I have no problem with you bringing something to Council. If you want to contact the Law Director on issues that we've got, or a question on something, I don't have a problem with that. It's just before we send him down a rabbit hole researching a topic, let's make sure that the body is interested in doing that. That's where my response came from.

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Mr. Anderson: I just wanted to be clear. I don't mean to debate the specific item that was addressed. I'd be happy to, in that specific case. A neighboring community had passed an ordinance. So, as part of public safety I would think it would make sense in that case to find out what the implications are for Springdale in preparation for a meeting. My concern, that I have is the same as Lawrence. I think the way that it was phrased last time, I'm glad you clarified that it was a standing practice. Looking over the minutes and how I was called out by name without advance notice, or any kind of warning, or discussion, was then implied that there was a rule that was broken. Which I don't believe is accurate. A practice is fine and I know, in other cases, I've done my best to do that. In that case, it did come across as a fiat statement of a broken rule, which I don't think is appropriate in this case. There is not a Council rule that I am aware of that was broken by requesting research. In contrast, the Charter currently states that individual Council people bring ordinances and the process for that is open to interpretation. I'm not looking to debate. I think it would be appropriate, if that is the rule and the process, let's put that through the Rules Committee and let's make the update. I'm fine with that. I just wish there was a little bit more of this open candor you discussed ahead of a name "calling out". I felt that was a bit strong. Especially, in light of the fact that it was not a rule that was broken, it was a custom. I'll leave it at that.

Mrs. McNear: I just wanted to add to what my recollection is in contacting the attorney is that we always made sure that the City Administrator was aware if we were contacting the Law Director, because we were spending money. That was one thing that was to make sure that we funneled it all through one place. It wasn't to be something that we were holding people back from having those discussions. It was just a matter of making sure we understood that we were spending the City's money when we made those calls. Thank you.

Mrs. Ghantous: Since we were talking about liquor license, did we ever hear back from Habaneros? I noticed that there is quite a bit of construction. We had that application for their liquor license and the address was wrong, if I remember correctly.

President Vanover: No, that was for a completely different restaurant.

Mayor Webster: That was for Juicy Crab.

Mrs. Ghantous: Oh, so Habaneros has their liquor license?

Mayor Webster: Yes.

Mrs. Ghantous: Cool beans. Thank you.

Mr. Hawkins: I don't know if this is truly Old Business, but maybe sort of since we had some of these discussions tonight. I guess it's sort of Old Business. Council had passed a Property Maintenance Code a couple of years back. We talked during the course of that about the frequency in which people can be cited. I know we had a couple of residents that were in tonight regarding the property on Cedarhill. For clarity's sake, is there any interval of time that the City would have to wait before a person or company was "re-cited" for a violation of Property Maintenance Code? For instance, this property on Cedarhill; they don't cut their grass, give them a citation; send them to Mayor's Court. Assuming they don't follow through and they continue to not do it, can we hit them again next the next day? Do we need to wait a week?

Mr. Forbes: I have to look at the specifics of the Code, but, generally speaking, before an actual citation is ever issued, there is a notice of violation that is sent. There's an administrative process that happens before an actual citation is issued. That Notice of Violation typically has in it a period of time that says, "You have 'X' number of days to bring the property into compliance". I can't answer your question exactly. There are generally provisions in a code that will say each could constitute a separate infraction. That being said, in reality, before we issue a citation, we go through a Notice of Violation process that has built into it a certain number of days for people to bring it into compliance. So, it is unlikely, using our traditional notice of violation process, that you're going to get a "ticket" we'll call it; a citation on Monday, and Tuesday, and Wednesday. That's generally not how the process works because of that Notice of Violation procedure that's built in to that.

Mr. Hawkins: Thank you.

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Mayor Webster: I think Mr. Hawkins, what you're referring to is, I think, we have language in the Zoning Code because it's a Zoning Violation and it's the second one within a certain amount of time that we can go right to a citation. We don't have to give another notice. For whatever reason, we don't have that in the Property Maintenance Code. If legally we could do it, we should have it. We've questioned it before, but I think there's some legality about having that in the Property Maintenance Code. We would welcome it. Believe me. Short of that, what we'll probably do is start calling out businesses in a public forum, but just tell the resident of Springdale that we've got a business that is on record on saying, "we're only going to cut the grass if we get a letter". Maybe that will help. I'm going to pay them a visit before we do that though.

Mr. Hawkins: Maybe a "public shunning". We'll shun them. (Laughter).

### New Business

Mr. Jones: On the agenda for next week, we have discussion of an ordinance involving the community reinvestment area and our Economic Development Director is here tonight and would like to do a brief presentation on that this evening and would certainly do a much more detailed one in an upcoming meeting.

Mayor Webster: President Vanover, if I may make a comment. I do have a conflict with this ordinance, so, I will not be participating in discussion and needless to say, will not be signing the legislation if and when Council gets around to passing that and I will also excuse myself and my family from the audience if our presence makes somebody feel uncomfortable. Anybody want us to leave? (No response). We can stay.

Mrs. Russell: As Mr. Jones and the Mayor teed up, I've been asked to just provide a brief description of the legislation that will be before you at the next Council meeting and it is summarized in the Pending Legislation Report, but we thought it would be important because this is something new for the City to give some information today, give you an opportunity to ask questions prior to the legislation being in front of you because it will come with the emergency clause. The purpose of the legislation is to create a Community Reinvestment Area in Springdale. Just a brief definition; a CRA as it is called, it's a defined area that, within that area, it provides the ability to abate property taxes and you do this in order to encourage either new development or to encourage renovation and remodeling of existing buildings. It's similar to an enterprise zone, which, I know, has been before you before. The key difference between the two is that a CRA can include residential property where, an enterprise zone can only include commercial property. The impetus for establishing this CRA is the residential development that is currently being considered by Planning Commission. However, when we were approached to look at doing a CRA, and we did our research, we thought that this actually would be a really valuable tool for the City, so we are proposing to define the area larger than just that project which is why we are taking this in parallel because we feel this is an important tool for the City regardless of the outcome of that process through Planning Commission. In general, the area that we are looking at will be the Route 4 Corridor, starting at Northland Boulevard on the south and extending to the southern side of Interstate 275. So, really, our neighborhood/business district. All of you that drive up and down that road, we definitely have some buildings that could use some investment and this may be a good tool to encourage that. Just to give, again, a brief overview on what the abatements would look like, the Community has a lot of flexibility in how we define those, so I'm going to tell you how we're proposing to define the abatements. We are proposing that we allow an abatement on the construction of new single-family homes that cost at least \$150,000 and that would be a 15 year, 100% tax abatement. I also need to mention that similar to a TIF, or an Enterprise Zone, the abatement is on the improved value. Whatever taxes are being paid today, would continue to be paid. The abatement is on that improved increment once the improvement is made. On commercial, we are recommending that new construction of commercial buildings be eligible and also renovation of commercial buildings that renovation costs at least \$25,000. Those would be eligible for up to a 15 year or 100% tax abatement and another nuance to this program is the residential abatements are by right. The homeowner simply needs to apply and they will receive a 15 year 100% abatement. Commercial abatements are negotiated on a project-by-project basis with the City and the Princeton School District. That's why, on the commercial side, it's an "up to" limit. We are working with the Hamilton County Development Corporation, called HCDC, that is the Economic Development organization for Hamilton

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Mrs. Russell (continued): County. They have a lot of experience doing these. They are helping us put together our application and all the supporting documentation which is a lot. We are really appreciate the help that they are giving. The ordinance that you will see in your packet, and will be before you on September 19<sup>th</sup>, it will authorize the City to submit the application to the State of Ohio and it will also authorize the creation of some positions and Councils that are needed to administer the program. You'll see that in there. Once the ordinance, if the ordinance is approved, it then has to be published in the newspaper for two consecutive weeks and, at that point, we can actually submit the application to the State. This is one step in a multi-step process to sending this up to the State. I'm available for any questions. I did save a few things to talk about on September 19<sup>th</sup> that I didn't say tonight, but, that's a pretty thorough overview.

Mr. Hawkins: Mrs. Russell, how far does the corridor go off of Route 4 and, specifically, does it include the residential development that is pending before Planning Commission and those homes?

Mrs. Russell: It does include that. I would say it kind of goes in and out. We looked very carefully at how far to extend it and tried to include key properties that either were good candidates for redevelopment or renovation, but it does include that property.

Mr. Hawkins: So, if that development is approved by Planning Commission and Council, ultimately those folks would have 15 years of a tax abatement for those homes.

Mrs. Russell: Yes.

Mr. Hawkins: Thank you.

Mrs. McNear: Mrs. Russell, a question about the residential abatement. So you said it is for houses that are \$150,000 plus. That's for the structure alone, that's not for the property, correct?

Mrs. Russell: That would be the value of the property with the structure.

Mrs. McNear: Thank you.

Mrs. Russell: I will make sure that what I just told you is correct prior to the next meeting.

Mrs. McNear: Alright, thank you.

Mrs. Russell: I'm pretty sure it's the value of the whole property. Thank you.

Mrs. Ghantous: Christine, the tax abatement is the Hamilton County Property Tax

Mrs. Russell: Correct.

Mr. Shroyer: I guess in light of some of tonight's discussion regarding contact with the Law Director, I've been made aware of a situation by a resident that I guess has produced probably a gap in our legislation or in our ability to address it. The issue is that a resident has a sump pump discharging above the ground on their property that obviously is uphill from adjacent properties. The sump pump runs nearly constantly and is creating a swamp of the property below them. The property below them obviously has asked that we get involved. What we have found is that we really have no mechanism to address that. I think the bigger issue is that anybody that would develop a water problem on their property or have a company come out or companies that are in the business of drying up basements basically put in some type of a surrounding footer tile and a sump pump and pump the water out. Under our current legislation, they can run that directly on top of the ground into the back yard and let it go wherever it goes as long as their discharge is ten feet away from their property line. I guess again, in light of tonight's discussion, I wanted to let Council know of my intent to talk to the Law Director about whether is a modification to our Property Maintenance Code, whether it is a stand-alone ordinance, whether there is some action that we can take to not only address the current issue, but future issues as they evolve. I have to believe that we need to have some type of mechanism to stop one resident from destroying another resident's property. Basically, the resident has no recourse. Thank you.

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President Vanover: Council, do you want to chime in, yay or nay?

Mrs. Ghantous: I agree with Mr. Shroyer, we need to take a look at it.

President Vanover: Well, I'm aware of that situation and I too, think we need to do something with this, so, have at it. Thank you.

### Meetings and Announcements

Mrs. Emerson: The Board of Health will meet September 13<sup>th</sup>. That's Thursday at 7:00 p.m. in the conference room adjacent to here. Thank you.

Mr. Shroyer: Just for Council's benefit and for any of the folks that may watch the video of the meeting. Just wanted to make you aware that a long-time Springdale Fire Department member and City employee passed away last week at the age of 92. Some of us, probably at least some of you probably remember Jack Combs was a long-time volunteer member of the Fire Department. Was the first full-time paid employee of the Fire Department and was responsible for the creation of our Fire Prevention/Fire Inspection Program which, essentially, exists today in the same manner and format as created by Jack, obviously with some updates and some fine tuning, but, just making people aware of Jack's passing and he was a long-time employee and a great contributor to the success of where our Fire Department is now. Thank you.

Mrs. Zimmerlin: The Civil Service will meet tomorrow night, September 6<sup>th</sup> in the Administrative Conference Room at 6:00 p.m. Citizen's Police Academy begins on September 10, 2018. The class is full, but there's always next year if you weren't able to register. I want to remind everyone that the ComeUnity Bash and Family MudQuest is Saturday, September 8<sup>th</sup> from 3:00 to 9:00 p.m. and MudQuest begins at 1:00 p.m. Winter Youth Sports registration is underway for basketball, volleyball, and cheerleading. You can contact the Community Center for details at 346-3910.

Mrs. Sullivan-Wisecup: Tomorrow, the sixth of September will be the last C.I. C. meeting. Come quick. We only have one thing on our agenda. So, if you want to attend, be there by 7:00 p.m. September 11<sup>th</sup>, that's a Tuesday, we have our Planning Commission meeting at 7:00 p.m. in these chambers. Thank you.

### Communications from the Audience

Mr. Strayhorn: Good evening, my name is Jim Strayhorn. I live at 674 Cedarhill Drive, next door to Joe, but I won't be like Joe, I remember what my wife asked me (laughter).

President Vanover: Smart man.

Mr. Strayhorn: I was waiting until the meeting and announcements was done and the ComeUnity Bash which is coming up this Saturday, is there a detailed flyer letting us know what is going to happen? The groups that might be there? The vendors, the food, or entertainment? Will there be fireworks, that kind of stuff?

Mrs. Zimmerlin: Well, there won't be any fireworks, but on the City's website, there is information if you go to the Parks and Recreation page.

Mr. Strayhorn: Parks and Recreation page.

Mrs. Zimmerlin: Yes sir.

Mr. Strayhorn: Okay great, that takes care of that. Then also, I heard about the CRA. You said that would probably be in the newspaper for the public to view. But, would the public have a say on that issue of that zoning area that will be for the CRA?

President Vanover: Mr. Forbes, correct me, is that an ordinance that we have to have a public hearing, correct?

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Mr. Forbes: Well, it is legislation that Council will consider and at any meeting, the public is always welcome to come and address Council. That ordinance that you'll be considering, it does not, as far as I'm aware, it does not require a public hearing like certain zoning matters do. It will be before Council for consideration, and the public is always welcome to address Council related to that, but there will not be an advertised, designated public hearing.

Mr. Strayhorn: So, is there any information available today to the public to review before the meeting on the 19<sup>th</sup>?

President Vanover: Christine?

Mr. Strayhorn: Come on Christine. (Laughter)

Mrs. Russell: I would be happy to share it at the time that we have the package ready for Council. I'll get your name and some contact information before we leave tonight. I'd be happy to share it with you.

Mr. Strayhorn: I heard about the sump pump issue. If there's going to be any legislation passed on that, there are some properties around town, I don't know what address you're talking about, but I know in our neighborhood there are other properties that way as well, but will there be any grandfather clauses because they were put in before this knowledge was available and to try to penalize resident who may have sump pumps going into other people's property, that needs to be taken into consideration because they had no idea that this would be a problem.

Mr. Shroyer: That will be part of the discussion with the Law Director and I think he could probably lend more insight into that. In my experience, in the majority of cases where we create a new legislation, it's not retroactive to existing situations. Now, the discussion in this case is that if somebody has an existing situation that's not creating an issue because of the natural lay of the land and the water runs off or is absorbed into the ground. The issue that we're currently having is that, for whatever reason, in the last six months, there has become an inordinate amount of discharge from this particular property and the property owner doesn't want to cooperate with either Cincinnati Water Works or anybody to find out if there's an underground leak, if there's some reason for the new discharge. Again, it would be up to the Law Director what can and can't be included. What we're looking for is not to penalize people with existing systems that are not causing any problems. It is to give us and the residents some recourse that's being damaged by some changed situation that we're not able to address in any other way.

Mayor Webster: Yes, we met with the property owner that has the sump pump, last Wednesday after court. She has agreed to cooperate with us and with Water Works and the Water Works are trying to arrange a time when the Water Works can come back out and to do some testing to see if there is any leakage. The way this lady's sump drains, it drains into a swale. It's just so much water that the swale won't handle it. It's just lying there pooling up. It started the middle of June, so it's really three months ago that it started. The sump pump has been in place for 26 years and never had a problem, both yards were bone dry and now all of the sudden, there's a water problem. It's been very perplexing on the part of Mrs. Burt, the lady who's receiving the water and the lady on Chardon Lane works a lot, she travels a lot and it's hard to get in touch with her, but she vowed her cooperation last week to the City and the Water Works.

Mr. Shroyer: So, that will likely resolve itself? What we're looking for is something on the books for future reference if we need it to be there. It's not an intent to create an ordinance and then go looking for people to enforce it against.

Mr. Strayhorn: Fantastic. Thank you. Thank you all for your time.

President Vanover: Thank you.

Ms. Morgan: I'm just coming back. Victoria Morgan, 705 Cedarhill and I'm just coming back to say that I noticed that the sign was put up for the speedometer, so I'm just wanting to see any results. I saw that it was up and now it's down tonight. I'm just questioning what's going on because after I came up here, a ball went out into the street and my grandson went to get the ball right on the side and a car came over the hill really fast, thank God, nothing

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Mrs. Morgan (continued): happened, but again, that is an issue that needs to be addressed on Cedarhill Drive. So, I was just wanting to see what happened with the sign. I'm just questioning.

Mrs. Zimmerlin: The Police Department did place the sign on Cedarhill from August 20<sup>th</sup> to September 3<sup>rd</sup>, for a total of twelve days. The speed limit there is 25 miles per hour. The average speed on the street was 19 miles per hour. Eighty fifth percentile for speed was 24 miles per hour, fiftieth percentile was 19 miles per hour. There was one high speed of 44 miles per hour. The lowest speed was five miles per hour. There was an average volume per day of 338 cars. I think it reflects what we've seen in other cases where we've placed the speed sign that the perception isn't exactly the reality in the situation.

Ms. Morgan: Okay, so, I don't know if that house is where a lot of that was coming from too, but I think you all live around the corner from me and I know, like I said, if it can just stay monitored, that would be great. Once you put something out, people notice it. I wouldn't have come up here if it wasn't a fact of the matter.

Mayor Webster: Believe me, we're not arguing with you, we know that speeding is a problem. It's an age-old problem throughout neighborhoods. I can remember when I was growing up playing in the street and mom and dad would say, "Get out of the street, get out of the street" because of speeders and then some people are just reckless in their operation of their vehicles and all we can do is caution our kids to stay out of the street and Police do everything that they can to try and control that, but they just can't be everywhere all the time. We'll be more than happy to use our sign where we have a problem to try and get some factual data on the thing.

Ms. Morgan: One more question about the trees. The City trees across the street from me, when the trucks come up and down the street, does anybody come around to cut these trees down because, again, my neighbor's tree is pretty long and when a truck goes up and down the street, I'm constantly . . .

Mayor Webster: Is this one of the apron trees?

Ms. Morgan: When the garbage trucks come up and down the street, it just tears up the tree, so they need to be trimmed. I did talk to one of maintenance men and he said he just came back from vacation and I was just wondering when those trees would be addressed.

Mayor Webster: I'm not sure that we have a program to trim those. If it's electric wires or something, the electric company, but you have underground utilities up there.

Ms. Morgan: Right, we have underground.

Mayor Webster: I think that's the property owner's responsibility. Let us look into it and see.

Ms. Morgan: I thought when it sits outside the sidewalk, isn't it the City's?

Mayor Webster: I think it's where the roots of the tree are and the roots of that tree are in that apron, and I think that's the property owner's responsibility. I believe, but we'll check on that.

Mrs. Zimmerlin: Let me check with Jeff Agricola.

Ms. Morgan: Because you have one that is dead and then the other one. I'm one of those people that really have a concern about the community. Thank you.

President Vanover: Thank you.

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Executive Session – Contract Labor

Mrs. Emerson made a motion to go into Executive Session for the purpose of Contract Labor. Mrs. Ghantous seconded the motion. The motion passed with a 7-0 vote to go into Executive Session. Council departed chambers at 8:04 p.m. Council returned to chambers at 8:57 p.m.

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number I was addressed with Resolution No. R14-2018; A Resolution Authorizing the City Administrator to File an Application with the Ohio Public Works Commission (OPWC) for Local Transportation Improvement Program (LTIP) Funds and/or State Capital Improvement Program (SCIP) Funding for Road Improvements on Landan Lane and Authorizing the Mayor and Clerk of Council/Finance Director to Execute all Contracts and Other Documents. That passed with a 7-0 vote. We also had a motion approval to have the Council Investigative Committee report approved which passed with a 5-2 vote. A motion to retire the Council Investigative Committee which passed with a 7-0 vote. All other matters are forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: Have a request for An Ordinance Authorizing a Contract with the Vendor Submitting the Best Bid for the Purchase of Rock Salt and Declaring an Emergency. A request for An Ordinance Enacting and Adopting the 2018 S-20 Supplement to the Springdale Code of Ordinances and Declaring an Emergency. A request for An Ordinance Implementing Sections 3735.65 Through 3735.70 of the Ohio Revised Code, Establishing and Describing the Boundaries of the Community Reinvestment Area (CRA) in the City of Springdale, Ohio, Designating a Housing Officer to Administer the Program, and Creating a Community Reinvestment Area Housing Council and a Tax Incentive Review Council and Declaring an Emergency. That is it unless the Administration or Council has any other requests.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 8:59 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

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