

# City of Springdale Council

May 15, 2019

President of Council Vanover called Council to order on May 15, 2019.

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

Mrs. McNear provided the Invocation.

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

The minutes of the April 24, 2019 meeting were considered.

Mr. Hawkins made a motion to accept the minutes; Mr. Anderson seconded. The minutes were approved with six affirmative votes and one abstention (Mrs. Emerson).

The minutes of the May 1, 2019 meeting were considered.

Mrs. Emerson made a motion to accept the minutes; Mr. Hawkins seconded. The minutes were approved with seven affirmative votes.

## Committee and Official Reports

Civil Service Commission	Mr. Coleman	-	No report
Rules and Laws	Mrs. Emerson	-	No report
Finance Committee	Mr. Hawkins	-	No report

## Planning Commission

Mrs. Sullivan-Wisecup: I do have a report. We had a special meeting on May 6<sup>th</sup>. Red Dog at 12010 Princeton Pike came to talk about signage and that passed with a 5-2 vote. They are here today as well for the public hearing. Zipp's Car Wash at 11346 Princeton Pike came for signage and that was approved by a 7-0 vote. They actually had come back to ask for less signage and different area signage, so, we approved that. We did meet last night, May 14<sup>th</sup>, and we just had Showcase Cinema Deluxe 18 at 12064 Springfield Pike. They were coming for a minor improvement requiring Planning Commission approval. They were changing their signage. They have done all new renovations on the inside and they wanted the signage to match their renovated inside and to include the IMAX and they are no longer the 18 deluxe, when they did the renovations, it went down to 14 deluxe, so they needed to change that signage as well and that was approved with a 7-0 vote and that concludes my report.

## Board of Zoning Appeals

Mrs. Ghantous: So, I'm confused on our dates. So, our BZA date was the day before, right, so, no report on BZA.

## Board of Health

Mrs. Emerson: The Board of Health met on May 9<sup>th</sup>. The Health Commissioner's Report; the Public Health Accreditation continues to be worked on with the primary focus for this summer being getting ready for the site visit. Food and restaurants; the Habaneros Mexican Restaurant is being completed at 925 East Kemper Road where the old Macaroni Grill used to be. Produce Pop Ups was held on April 26<sup>th</sup>. It served about 100 families. The next one is scheduled for May 17, this Friday at 10:00 a.m. in the Heritage Hill Elementary School lunchroom. The Mosquito Control Program which is being funded by a grant that the Health Department applied for and received, is underway. They're hiring two student interns to help with that program. Public Transportation Initiative Meeting was held in late March. The leadership of the City of Springdale planned to meet again with representatives from SORTA in the upcoming weeks to discuss the public transportation needs of Springdale. The Nurse's Report; the Children's Fair was a big success again this year. It was held at the Community Center and 507 students attended which included students from nine of the Princeton District schools. One dose of Narcan was administered for the month of April.

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Mrs. Emerson (continued): There continues to be a steady rise in Hepatitis A in the State of Ohio with 2,210 cases and seven related deaths. That was from a time of January 2018 to April 2019; a little over a year. The Board of Health takes a summer break and will return in session on September 12, 2019. That concludes my report unless there is any questions.

Capital Improvements	Mrs. Emerson	-	No report
O-K-I	Mr. Anderson	-	No report

### Mayor's Report

Mayor Webster: I was going to open my remarks by saying, "I'll just say a few words", but, I'm sure you'd all laugh at that. I would like to say a few words about our successful income tax ballot issue that was voted on May 7<sup>th</sup>. For those of you that haven't heard, we successfully passed the levy by 70% for and 30% against, so, overwhelmingly supported by the community. I'd just like to take this opportunity to thank everyone who supported that levy. Not only voting for it, but those of you here on the dais that chose to support us financially, some of the City folks that helped with the literature. We had City employees helping deliver this, on their own time I might add. Putting up signs, passing out the literature, not only some people up here on the dais, but I know myself, my family and a lot of other people. Once I start down that road of trying to identify everybody, I'm going to leave somebody out, but I really would like to make special note of the fact that we did have support from our Fire Department. Not just the fire union, but also the Administration at the Fire Department. Here, again, not on City time, but gave up their own time to help us pass that out. We really appreciate that. I think all of that effort contributed to the overwhelming support that we received from our constituents. Now, I realize that only 10.7% of the registered voters showed up to vote for that. I like to think that the other 90%, probably ten of those could care less about what happened. They're only on the registered list because they want to vote for the President every four years. Other than that, they never show up. But, the other 40% or the other percentage, whatever that is, that is the large majority of that 90%, I think that it shows that they were very happy with where the City is today. I think it shows that they are very happy with the job that this Council, this Administration is doing and providing the services that they pay for and that they are very confident that the issue was going to pass and that they didn't need to go out and support. I can guarantee you that if they were unhappy, they would have been out at the polls. You can bet on that. So, I think I would take a lot of pride in the fact that that they are happy with what is going on in the City. I'd like to say that whether you voted for or against the levy, that we will continue to be good stewards of your money. This was 15 years since we last asked for an increase and we would not have been here at the polls on May 7<sup>th</sup> had it not been for the actions externally to the City of Springdale, most notably the State. With that, I'd just like to say, "Thank you Council". It could have been easy to play politics with this, but, everybody on Council said, "Politics be damned", it's necessary and let's go forward with it and for that I thank all of you for your support. The other thing I want to comment on this next Friday, the 24<sup>th</sup> is when we are going to celebrate Memorial Day at our Veteran's Memorial. Mr. Josh Monson from our Parks and Recreation Commission, I believe he served in the Marine Corps. He will help me lay the wreath. That ceremony will take place at 1:00 p.m. at our Veteran's Memorial. As all of you know it's a very "low key" event. Say a few words, we'll lay the wreath and that's about it. Also, I'd like to report that we have \$193 left in our campaign fund. The expenses didn't come in quite as high as we thought they would. If someone's got a great idea, I'd like to hear it. If I don't hear anything, I would suggest we maybe donate this to one of the local food pantries. Mr. Braun says that's perfectly legal. There's a certain hoop we have to jump through, but we can do that, so if I hear of any other suggestions. Do you have one Mrs. McNear?

Mrs. McNear: I recommend that we give it to S.O.S. (Springdale Offering Support).

Mayor Webster: Well, that would be fine, we would very graciously accept that. I did not mention that since I'm so closely associated with S.O.S.

Mrs. McNear: Since it's so closely associated with the City, I think that's where it should go.

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Mayor Webster: We can go either way.

President Vanover: That was my thought.

Mr. Braun: I just wanted to point out Council doesn't have to make the decision, but, if you want their input, they can provide that to you because it's not Council's funds. I just wanted to be clear.

Mayor Webster: It has to be a 501c3 and S.O.S. certainly is. I'm sure the food pantry down at the Nazarene Church, I'm sure they are 501c3. Those of you that contributed, please let me know before you leave here tonight where you'd like the money to go and we'll make that happen because Mr. Darby wants to get the account closed out. The final thing I've got is that tomorrow, we will have our 15<sup>th</sup> annual State of the City luncheon down at the Community Center. I think, last I have heard, it's sold out again this year, 102 people or something like that. It's always a big success. I know some of you will be there, so, look forward to seeing your smiling faces again tomorrow. With that, the only other thing that I have is a proclamation, if my voice holds up here.

*WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and*

*WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and*

*WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services; and*

*WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and*

*WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.*

*NOW THEREFORE, I DOYLE H. WEBSTER, Mayor of the City of Springdale, do hereby proclaim the week of May 19 through May 25, 2019 as*

*"NATIONAL PUBLIC WORKS WEEK"*

*In the City of Springdale and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life."*

With that, I'd like for Mr. Agricola to step forward. (Applause)

Clerk of Council/Finance Director

Mrs. McNear: The General Fund update for receipts through April 30, 2019 based on the receipt of \$18.839 million dollars is \$7.261 million dollars or 38% of the anticipated receipts. That is made up of five general fund receipts resources which are Earnings Tax, Real Estate Taxes, Paramedic Services, Local Government Funds, and Mayor's Court. That subtotal is \$6.429 million dollars or 89% of the revenue that we have received to date. For expenditures on our Net Budget of \$19.156 million dollars; we have spent \$6.026 million dollars which is 32% of our budget. The General Fund Ending Balance through April 30, 2019 is \$3.001 million dollars and that concludes my report. Thank you.

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Administrator's Report

Mr. Jones: As you are aware and this Council is aware, we pulled the Comprehensive Plan from the budget this year and we did so, reluctantly. One of the things that we are going to do is work with Hamilton County on a "Bridge Plan" and that will be held at the Rec Center on May 22<sup>nd</sup> at 6:00 p.m. Hopefully, this is not the first time you've heard that, and we'd love to have you. Also, the Springrose Development groundbreaking is May 23<sup>rd</sup> at 10:30 a.m. The City Building will be closed in observance of Memorial Day on May 27<sup>th</sup>. That is all this evening.

Law Director's Report

Mr. Braun

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No report

Engineer's Report

Mr. Shvegza: As far as projects, Olde Gate Drive Reconstruction will begin again around June 3<sup>rd</sup> at which time they'll close that section of the roadway so they can remove the existing pavement and replace that. We expect the project to be completed mid-July. On the 2019 Street Maintenance and Rehabilitation Programs, we did open bids today. There were two bidders on the Rehabilitation Program and one bidder on the Street Maintenance Program and we're in the process of reviewing those bids right now. Landan Lane Reconstruction; again, we're waiting to bid that because of having received the OPWC loan, so we will bid that later this year. Last item is the Fire Department vehicle exhaust removal system. That's the one where the Fire Department had obtained a FEMA Assistance to Firefighters Grant in the amount of \$80,000. Obviously, for that amount it had to be put out for public bid so the plans are out for bid now. Bid opening will be May 22<sup>nd</sup>, report to Council on June 5<sup>th</sup>, award contract June 19<sup>th</sup>, and construction/completion by early August. That concludes my report.

Mayor Webster: I wanted to go back to the 2019 Street Maintenance and Rehabilitation Program. The schedule calls for us to award the contracts on June 5<sup>th</sup>, so we just opened the bids today and I understand Don and Jeff had been perusing the numbers and so forth. So, we won't know the recommendation until you walk into the Council meeting or until you get your packets on Friday. I'm hoping everybody is okay with that because we really need to get this money. This is bond money. If we don't have this spent on road projects by the middle of March next year, there's all kinds of consequences to that. So, we very much need to keep these projects on schedule. We'd like to bring those ordinances in on the 5<sup>th</sup> of June; you're next meeting.

Communications

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None

Communications from the Audience

Ms. Morgan: Good evening.

President Vanover: Good Evening.

Ms. Morgan: I come because I noticed last week a couple of trees had been taken down on my street and my concern is the tree that's across the street from my house, that needs to be cut, that whenever the garbage truck or big trucks come through, it makes a mess and I have to clean it up. So, if you could come up there on Cedarhill and check out the tree, it needs to be trimmed. Also, I do notice that the speed sign has been removed and put back up; but it doesn't work. I personally test it, when I drive past, so, it's not working.

Mrs. Zimmerlin: You mean the one that the Police Department has put up? Okay

Ms. Morgan: I do see them put it up and take it down. It needs to be corrected so that it works. I think that's about it.

President Vanover: Can we get you to state your name and address for the record please?

Ms. Morgan: Victoria Morgan; 705 Cedarhill Drive. Thank you.

President Vanover: Thank you. Anybody else? (None)

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### Ordinances and Resolutions

#### Ordinance No. 8-2019

AN ORDINANCE APPROVING A ZONE CHANGE FOR THE REAL PROPERTY LOCATED AT 12000 AND 12050 PRINCETON PIKE IN THE CITY OF SPRINGDALE

President Vanover: Okay. At this point then we'll open a Public Hearing. We have a presentation this evening.

Mr. Taylor: Just wanted to provide somewhat of an update. I know this has been languishing for a while and I'm sure there's some curiosity. I just thought maybe I'd try to clear that up before the applicant makes any comments. The Planning Commission unanimously was in favor of the rezone at the very first meeting because it's a difficult site, and Planning Commission believes that the uses that are proposed are a real positive for the site and will work very well. The issue that became kind of a stumbling block was the signage that the applicant had originally proposed. There has been a considerable amount of discussion and back and forth and negotiation between Planning Commission and the applicant to get to the place where the Planning Commission at the special meeting that Mrs. Sullivan-Wisecup referred to was voted in favor by a 5-2 vote. Basically, the resolution at this point is there will be one sign on the interstate. It's to be 360 square feet which is 180 square feet per use, which is in line with the rest of the signs that are visible from the interstate for the other various businesses. There's going to be a 60.7 square foot monument sign on (Route) 747; about 35 square feet of which will be a LED changeable copy board. Again, considerable discussion at Planning Commission level and, I believe, the highway sign actually came down from over 900 square feet to 360 square feet. It's a static sign now. At one point, they had asked for changeable copy on both sides. Again, a lot of back and forth, but I think Planning Commission was ultimately satisfied with where we are. That is all I have. The applicant is here if there are any other questions.

President Vanover: Thank you sir.

Mr. Sears: Good Evening Council. Darrell Sears with PSA Architects 9392 Montgomery Road, Cincinnati, Ohio 45242. I'm here on behalf of Circle Storage and Red Dog Pet Resorts. I believe that we have worked with Planning Commission to develop a good PUD development plan for the proposed site. It's a difficult site for almost any use in there. I believe that the two uses that we've got proposed are perfectly suited for the site as well as minimizing impact on traffic at the intersection of (Route) 747 right at the end of the exit ramp for (Interstate) 275. We've been working with the Commission with the signage and we've actually already taken their comments from the last meeting and we've adapted all the signage in compliance with those comments as well. We're ready to move forward with this project with the Council's approval here tonight. We'd like to get it expedited as quickly as possible. We're here to answer any questions you have on the development, on the buildings, on the signage, or any of the business operations or information on the business. If you have any questions, we're here to answer them.

Mr. Anderson: I just have one question in reviewing the plans. I appreciate the sign. I think the way it's come down and the uses that you have come up with for the site are great. My question is around the fencing that's been established here. This is an eight foot high chain-link fence with barbed wire outriggers. That's what's on the plans I have now. Is that still . . . .

Mr. Sears: The barbed wire has been omitted per the Planning Commission.

Mr. Anderson: That was my primary concern. I'm not a fan of barbed wire. The chain link fence is bad enough, but having barbed wired at the entrance to our City; I would not be a fan of that. Thank you. So, that's deleted from the plan? (Mr. Sears confirmed with a head nod). Thank you.

President Vanover: We are in a public hearing if anybody in the audience would like to speak either for or against. You are welcome to join in the conversation.

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Mr. Hawkins: With regard to the sign that's going to be on (Interstate) 747, I thought that there had been an agreement that's going to have a brick base.

Mr. Sears: (inaudible {off mic})

Mr. Hawkins: I just wanted to make sure because what we talked about wasn't in the packet. It was something different.

President Vanover: Any further discussion? (None) At this point then, I will close the public hearing. Council you have heard the reading of Ordinance No. 8-2019. What is your pleasure?

Mrs. Ghantous made a motion to adopt Ordinance No. 8-2019; Mr. Hawkins seconded.

Mayor Webster: I'd just like to have a clarification. I was at the Planning Commission meeting a week ago, ten days ago, whenever. I left there with the impression that you were going to have a pole sign on Interstate I275. You're also going to have an 8.5 foot monument sign that would change every ten minutes. Is that still the game plan?

Mr. Sears: I believe that's what the Planning Commission came up with. The final decision was every ten minutes and that's what we were going to do. We were going to follow whatever Planning Commission has in their final decision.

Mayor Webster: So you have agreed to that then.

Mr. Sears: Yes.

Mayor Webster: Okay. I'd just like to say I think Planning Commission has bent over backwards to try to work with you folks and I think they've done a marvelous job. I was very impressed with the way they handled the situation the other night. I thought it was a great compromise and I think that the applicant was certainly a player in this and we appreciate that. I think it is a very difficult site. You've got a lot of intersections coming together there. A lot of flashing lights and traffic signals and so forth and so on and I think to have something changing every eight seconds would be catastrophic there. I personally would get my red pen out I think and exercise my authority there if that was on the agenda tonight. So, that's why I wanted clarification on that. I think it's a good project. I hope Council sees fit to support it. Thank you.

Ordinance No. 8-2019 passes with seven affirmative votes.

Ordinance No. 9-2019

AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE REAL PROPERTY LOCATED AT 12000 AND 12050 PRINCETON PIKE IN THE CITY OF SPRINGDALE

President Vanover: We are in a public hearing. Again, if anybody would like to address Council on this issue, you are welcome to come forward.

Mr. Sears: Darrell Sears, PSA Architects. Same kind of continuation of the prior conversation. We are here to answer any questions that you may have.

Mrs. Emerson made a motion to adopt Ordinance No. 9-2019; Mrs. Ghantous seconded.

Mr. Hawkins: I just wanted to say that I think these two businesses would be great to have in Springdale. I think the buildings and the layouts are all excellent. I do have some concerns still regarding the signage. Just for the record.

Ordinance No. 9-2019 passes with six affirmative votes and one opposing vote (Hawkins)

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Ordinance No. 11-2019

AUTHORIZING THE CITY OF SPRINGDALE'S PARTICIPATION IN THE OHIO ASSOCIATION OF PUBLIC TREASURERS 2020 WORKERS' COMPENSATION GROUP RATING PROGRAM AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 11-2019; Mrs. Emerson seconded.

Ordinance No. 11-2019 passes with seven affirmative votes.

Ordinance No. 12-2019

AN ORDINANCE APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SPRINGDALE, OHIO AND THE GLENVIEW HOMEOWNERS' ASSOCIATION, INC. FOR THE INSTALLATION OF A SIGN

President Vanover: Okay, Council, this is a first reading on this ordinance. Is there any discussion this evening?

Mr. Shroyer: Just for clarification, there was a sign there now. Is this a replacement sign? Is this a replacement license; a license already existed?

Mrs. Zimmerlin: There was no license previously.

Mr. Shroyer: Because they weren't required at that point?

Mrs. Zimmerlin: I'm not sure. I can circle back with the Building Department to find out, but, to the best of my knowledge, there was no license in place prior to this.

Mr. Shroyer: Is this something we've done before? Have we issued these licenses to others?

Mrs. Zimmerlin: They're building it in our "right-of-way" and the property is owned by the City, so that's why we're issuing the license.

Mr. Shroyer: But, have we issued similar licenses for use of the "right-of-way" anywhere else in the City?

Mrs. Zimmerlin: We have not.

Mr. Shroyer: We have not?

Mrs. Zimmerlin: We have not.

Mr. Shroyer: Okay. Thank you.

Mrs. Emerson: Is this the Homeowners Association's idea to put this sign in? Are they the ones that have come forward and asked for this?

Mrs. Zimmerlin: They did. They contacted the Building Department and asked to put in the sign. They then contacted me and I started working with Joe (Mr. Braun, Law Director), and we worked with their attorney. They came to BZA and received two variances.

Mrs. Emerson: Even though none of the other subdivisions throughout Springdale have a lit LED sign?

Mrs. Zimmerlin: That's Council's decision. That's up to you. We "tee it up" for you, and then you make the decision.

Mrs. Emerson: Because, the current one now is a stone one, right that just has "Glenview" on it?

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Mrs. Zimmerlin: It is.

Mrs. Emerson: So, my suggestion is why can't we put that type of stone monument up and put a spotlight on it versus a LED that none of the other subdivisions in Springdale have? Just food for thought.

Mr. Braun: I just wanted to weigh in on the councilman's (Mr. Shroyer's) question about whether we had this in the past. By doing a formal license agreement like this, it protects our right-of-way. Should the sign fall in disrepair, should the property be used for another purpose, should it get hit like it did here, that ends the license agreement and gives you the opportunity to revoke it. Particularly, if it goes into a state of disrepair or they try to radically change it in any way (the sign or the dimensions), it comes back to you and we can always remove the sign and end the license agreement. I did want to be clear, this is not perpetual and goes on forever. I don't know if you did it in the past, but it is certainly, legally, it is a wise idea to have an agreement like this to empower you to be able to revoke that should you need to and place limitations as Council member Emerson pointed out on what it consists of. If you do want to change what you permit that sign to include, we can amend the license agreement to do that.

Mr. Anderson: I was just going to make a comment similar to that. When the group came to BZA, we had the discussions about what's appropriate as a replacement sign from one that was hit. BZA had approved it "as is", but we had required that they create a contract or a license with the City so that we could enforce the maintenance of it and the look and feel if there were problems with it or if it fell into disrepair. So, that's what's coming before us here is that license agreement. I'm not saying we can't. We certainly have the ability to decline the whole thing. I just wanted the Council to be aware that BZA reviewed and approved the usage and the appropriateness of that, which is BZA's purview. But, we sent it back, under recommendation, to have the license agreement so that we would have control over it because it is a new sort of thing and it is in the right-of-way which is unique. It is really the only place that they could put a sign like this. So, they're replacing a sign that was damaged and BZA reviewed the use. This is to protect us, so just keep that in mind that BZA did approve the use. Thank you.

Mayor Webster: Well, from what I'm hearing, it sounds like we should have had a license all along here and we didn't, so I think that's good. I think the sign is very attractive, but are you folks with the Homeowner's Group by any chance (Mayor Webster was addressing the audience) No? (audience members shook their heads "no"). Is there anyone here that's with the homeowner's group? (No response from the audience). I'd just like some detailed explanation as to what is lit in the sign and what it's going to look like and so forth and so on. Do you know the details of it Jeff (Anderson)?

Mr. Anderson: Yes. We certainly had some and I suspect they'll be here next time. If not, we'll reach out to them. They provided pictures to BZA. It was an internally lit sign so that the letters were glowing. It looked a lot like the brick sign except it gave that illumination. There are pictures in the BZA kit and it should be available.

Mayor Webster: So, all members of BZA approved it?

Mr. Anderson: It was approved unanimously by BZA. There was a picture in the packet.

Mayor Webster: I've got that, but it doesn't show me what's lit.

Mr. Anderson: It's internally lit, so the letters would glow.

Mayor Webster: I think it's very attractive.

Mr. Hawkins: I'm not on the HOA (Homeowner's Association) Board. I do live back in Glenview. I did attend an HOA meeting when they first had a discussion about the sign and what the sign might look like and there was a vote as to which sign those residents wanted and that sign went to BZA and is now before you. In terms of it being backlit versus putting a spotlight on it, I think the idea was that it would show better illumination and would be a more attractive sign if it was backlit. In terms of the difference of the two, the reality is that the



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Mr. Hawkins (continued): Homeowner's Association is going to be responsible for the maintenance of that sign regardless. There was a lot of discussion. I know the residents back there. They were decently attended meetings and they just had a meeting Tuesday and I wasn't able to attend because I was in the Planning Commission meeting. I don't know if they had more discussion about that, but I know previously, significant input was given with regard to the signage there.

Mayor Webster: I think we definitely ought to approve this, because, if we don't, we have one Council member and one City Administrator that won't be able to find their way home (laughter).

Mr. Shroyer: Just, again for clarification, and I think Mr. Anderson cleared it up but, we are approving of disapproving a license, not a sign; correct?

Mrs. Zimmerlin: Yes.

Mr. Shroyer: BZA has already made the decisions on the sign. We're (Council) yes or no to a sign in the public right-of-way.

Mrs. Zimmerlin: Yes, this is the license for the use of the right-of-way.

Mr. Shroyer: To a sign. Whatever has been approved by BZA?

Mrs. Zimmerlin: Yes.

Mr. Shroyer: Thank you.

President Vanover: And, just for clarification, the lighting source, the interior lighting source is LED. It's not a LED sign per se, but that is the standard nowadays with lighting. Council this is a first reading. Is there any other discussion? We will see it back again.

Ordinance No. 13-2019

DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING THE CITY ADMINISTRATOR TO DISPOSE OF SAID SURPLUS PROPERTY AND DECLARING AN EMERGENCY

Mrs. Emerson made a motion to adopt Ordinance No. 13-2019; Mrs. Sullivan-Wisecup seconded.

Mr. Hawkins: I guess I just wanted to make sure. I see the emergency clause, I also see in our package referencing a first reading and a second reading.

Mrs. Zimmerlin: It's supposed to be a first reading for tonight. It's a first reading.

Mr. Hawkins: So should "declaring an emergency", the emergency clause still be in there?

Mrs. Zimmerlin: No, it should not. It should be removed.

Mr. Hawkins: Thank you.

President Vanover: Alright, then I stand corrected. It is a first reading and we will address it again.

Mrs. Sullivan-Wisecup: Do we need to make a motion to remove the emergency clause on this?

Mr. Braun: What we'll do is we'll retype it and at the next meeting we'll have it prepared and you can adopt the amendment.

Mrs. McNear: We need to withdraw the first and second motions.

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President Vanover: Yes. We need to withdraw the motion and the second since we're not acting upon it this evening.

Mrs. Emerson: I'd like to withdraw the motion for approval.

Mrs. Sullivan-Wisecup: I withdraw my second.

Mayor Webster: I wonder why we want to eliminate the emergency clause. This is not a new topic. This is a topic that was in the budget. It was approved to replace this chipper.

Mrs. Zimmerlin: This is just the surplus property. This listing from all the departments.

Mr. Braun: The wood chipper is next.

Mayor Webster: Okay. Well, I'm sorry. I'm sorry. I'm sorry, I thought we were talking about the chipper.

Mrs. Zimmerlin: No. I just was going for clarification. This is not for the wood chipper; this is just general materials from different departments. The wood chipper is next and we would like to retain the emergency clause on that one.

Ordinance No. 14-2019

DECLARING CERTAIN CITY PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE CITY ADMINISTRATOR TO DISPOSE OF SAID SURPLUS PROPERTY AND DECLARING AN EMERGENCY

Mrs. Emerson made a motion to adopt Ordinance No. 14-2019; Mr. Shroyer seconded.

Mr. Anderson: Just a question. It's safe to assume that this might be considered an emergency because if we were to buy a new chipper quickly, waiting the 30 days would pose a storage problem for the new one?

Mrs. Zimmerlin: It would. Yes. We want to trade it in so we can get the credit. That's what we plan on doing with the chipper.

Mayor Webster: We've been offered \$4,500 for a credit for this with the trade-in on the new chipper.

Mr. Anderson: Thank you.

Ordinance No. 14-2019 passes with seven affirmative votes.

Ordinance No. 15-2019

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH VERMEER FOR THE PURCHASE OF ONE 2018 VERMEER WOOD CHIPPER MOWER AND DECLARING AN EMERGENCY

Mr. Hawkins made a motion to adopt Ordinance No. 15-2019; Mrs. Emerson seconded.

Mr. Anderson: Just a quick question. I have two copies in front of me of the ordinance; one was a \$4,000 trade-in and one was a \$4,500 trade-in. You had said \$4,500. So, it's the \$4,500 credit?

Mrs. Sullivan-Wisecup: Yes.

Mr. Anderson: Thank you.

Ordinance No. 15-2019 passes with seven affirmative votes.

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Ordinance No. 16-2019

AN ORDINANCE AUTHORIZING AN AMENDMENT TO SECTION 94.012(B) OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO, INCREASE THE MUNICIPAL INCOME TAX RATE TO TWO PERCENT (2.0%) AND DECLARING AN EMERGENCY

Mr. Hawkins made a motion to adopt Ordinance No. 16-2019; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 16-2019 passes with seven affirmative votes.

Resolution No. R8-2019

AUTHORIZING THE CITY ADMINISTRATOR TO FILE A FUNDING APPLICATION FOR CONGESTION MITIGATION/AIR QUALITY PROGRAM FUNDING THROUGH OKI FOR THE STATE ROUTE 747 AND KEMPER INTERSECTION REBUILD PROJECT

Mr. Anderson made a motion to adopt Resolution No. R8-2019; Mr. Hawkins seconded.

Resolution No. R8-2019 passes with seven affirmative votes.

Executive Session – Economic Development

Mrs. Emerson made a motion to go into Executive Session with the City's Legal Counsel per Ohio Revised Code, Section 121.22, G(8) to consider confidential information related to the marketing plans specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance. The information is directly related to the request for economic development assistance and is necessary to protect the applicant of the investment of public funds related to the project. Mrs. Sullivan-Wisecup seconded the motion. The motion passed with seven affirmative votes to go into Executive Session. Council departed chambers at 8:01 p.m. Council returned at 8:34 p.m.

Old Business

Mrs. Zimmerlin: I wanted to let Council know that staff has had several conversations concerning the parking ordinance. I would like to recommend that we be allowed to take that to Rules and Laws and have conversations with that subcommittee before we bring something back to Council. I will work with Mrs. Emerson and Mrs. Ghantous and we'll get that scheduled.

Mr. Shroyer: Council, you may recall some time ago, I talked about the issue of sump pump discharges and residential housing discharging water from their property that causes damage to or concern on adjacent properties. I think we had agreed at that point to pursue it with the Law Department, but during the course of changing legal representation, it kind of got put on the back burner while Mr. Braun was catching up on other issues. I believe that we are somewhat close to language or an ordinance that would address that issue if Council was still interested. I'd like to see Mr. Braun bring that in at the next meeting. Basically, what we're looking at is some type of legislation that would address the intentional discharge of water; whether it be from a sump pump, draining a swimming pool, obviously, when it rains, the rain is going to go where it goes. That's not what we're trying to address. But, we have some issues where one resident is intentionally discharging water and it's causing either damage or lack of use to another to another resident.

President Vanover: Council, do you have any problems? I think we're all in concurrence.

Mr. Shroyer: Thank you.

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Mayor Webster: I have a question. Mr. Shroyer, would this address the problem of sump pumps like Mrs. Wilson has up on Kenn Road or would this just be for swimming pools?

Mr. Shroyer: I'd ask Mr. Braun, but I think it's any intentional discharge.

Mr. Braun: Yes, I think that's what we would do is any intentional discharge. Any kind of discharge on or around the property. As you may recall, I wrote a memo for Council on that. I even attached some sample ordinances. It would be my intention to draft it broadly unless you tell me to rein it in.

Mayor Webster: That would be great.

President Vanover: Excellent. Well, I know in commercial developments, we hold their feet to the fire that they can't increase what existing flow is out there now. So, this is great.

### New Business

Mrs. McNear: Council, on your desk this evening, you had two liquor licenses. The first one is Productos Latinos Incorporated at 401 West Kemper Road. This is the new grocery store in the old Thriftway building. This is a new liquor license for D2-D3, which is "wine and mixed beverages for on premises consumption in their original sealed containers for carry out only until 1:00 a.m." and "beer only for on-premises consumption or in its original sealed containers for carry out until 1:00 a.m." The second one that we have is Taqueria El Monarca Corporation at 11449 Princeton Pike. This is a TRES from McClure Ramos Incorporated in Parkman Ohio. This is a D5 which is, "spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m. This is the new restaurant that's in the old Chipotle building and we've already had the applicant here and we previously addressed this. So, this evening, this is just more information for you. If there are any concerns or issues, let me know. Otherwise, we'll go ahead and have the paperwork filed. Any issues? (None) Thank you.

### Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission will meet on June 11<sup>th</sup> at 7:00 p.m. in these chambers.

Mrs. Zimmerlin: I wanted to let everyone know that the "Cop on a Rooftop" is this Friday, the 17<sup>th</sup> at Dunkin Donuts at (Route) 747 and Kemper. It is a fundraiser for the Special Olympics and our officers will be posted on top of Dunkin Donuts between 5:00 a.m. and 12:00 p.m. in the afternoon. You can stop out and see them and so can all the residents and make donations for the Special Olympics. There are also a couple of announcements from the Park and Rec Department. The Community Center pool is actually opening on Sunday, May 25<sup>th</sup> and holiday hours for Memorial Day at the Community Center will be 1:00 to 5:00 p.m. Fall registration for sports and swim team is also underway and that is for children ages 5-18. You can get more information by emailing [springdalesailfish@yahoo.com](mailto:springdalesailfish@yahoo.com).

Mrs. Ghantous: Board of Zoning Appeals will meet Tuesday, May 21<sup>st</sup> at 7:00 p.m. in the chambers here.

Communications from the Audience - None

### Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number I was addressed with Ordinance No. 16-2019; An Ordinance Authorizing an Amendment to the Codified Ordinances of the City of Springdale, Ohio Amending Section 94.012 Authorizing an Increase in Municipal Income Tax to Two Percent (2%) and Declaring an Emergency. That passed with a 7-0 vote. Item Number II was addressed with Resolution No. R8-2019; a Resolution Authorizing the City Administrator to File a Funding Application for Surface Transportation Program (STP) / Congestion Mitigation/Air Quality Program (CMAQ) Funding Through OKI for

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Mr. Hawkins (continued): the SR 747 and Kemper Road Intersection Rebuild Project. That passed with a 7-0 vote. Item Number III was addressed with Ordinance No. 8-2019; An Ordinance Approving a Zone Change for the Real Property Located at 12000 and 12050 Princeton Pike in the City of Springdale. That passed with a 7-0 vote. Item Number IV was addressed with Ordinance No. 9-2019; An Ordinance Approving the Preliminary Development Plan for the Real Property Located at 12000 and 12050 Princeton Pike in the City of Springdale. That passed with a 6-1 vote. Item Number V was addressed with Ordinance No. 15-2019; An Ordinance Authorizing the Purchase of a 2018 Vermeer Wood Chipper and Declaring an Emergency. That passed with a 7-0 vote. Item Number VI was addressed with Ordinance No. 14-2019; An Ordinance Declaring the 2001 Woodsman Chipper as Surplus Property and Authorizing its Trade-In as a Condition of Purchase of a New Chipper and Declaring an Emergency. That passed with a 7-0 vote. Item Number VII was addressed with Ordinance No. 11-2019; An Ordinance Authorizing the City of Springdale's Participation in the Ohio Association of Public Treasurers Workers' Compensation Group Rating Program for 2020 and Declaring an Emergency. That passed with a 7-0 vote. Item Number VII was addressed with Ordinance No. 12-2019; An Ordinance Approving a License Agreement Between the City of Springdale, Ohio and the Glenview Homeowner's Association, Inc. for the Installation of a sign. That was a first reading. Item Number IX was addressed with Ordinance No. 13-2010; An Ordinance Declaring Certain City Property as Surplus Property and Authorizing the City Administrator to Dispose of Said Surplus Property. That was also a first reading. All other matters were forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There is a request for Ordinance No. 12-2019 for a second reading; An Ordinance Approving a License Agreement Between the City of Springdale, Ohio and the Glenview Homeowner's Association, Inc. for the Installation of a sign. There is also a request again for Ordinance No. 13-2019; An Ordinance Declaring Certain Property as Surplus Property and Authorizing the City Administrator to Dispose of Said Surplus Property. There is a request for An Ordinance Authorizing an Agreement with the Contractor with the Best Bid for the 2019 Street Program (Rehabilitation) and Declaring an Emergency. There is also a request for An Ordinance Authorizing an Agreement with the Contractor with the Best Bid for the 2019 Street Program (Maintenance) and Declaring an Emergency. There is a request for An Ordinance Authorizing an Agreement with the Contractor with the Best Bid for the Fire Department Vehicle Exhaust Removal System and Declaring an Emergency. There is also a request for An Ordinance Authorizing the Mayor and Clerk of Council Finance Director to Enter Into an Agreement with CT Consultants to Provide Engineering and Design Work for the East Crescentville Road Improvement Project and Declaring an Emergency. There is also a request for an Ordinance regarding intentional discharge of water. I believe that is it unless Council or the Administration has anything else to add.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 8:47 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

\_\_\_\_\_, 2019