

## City of Springdale Council

August 21, 2019

President of Council Vanover called Council to order on August 21, 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 July 17, 2019 meeting were considered. Mr. Hawkins made a motion to accept the minutes; Mrs. Sullivan-Wisecup seconded. The minutes were approved with six affirmative votes. (Mr. Anderson abstained).

### Committee and Official Reports

#### Civil Service Commission

Mr. Coleman: Civil Service Commission met on August 1<sup>st</sup> at 5:25 p.m. All members were present. It was a relatively short meeting. There was only one item of business that we wanted to bring ourselves up-to-date on and that involved the Property Maintenance and Zoning Inspector position. Four candidates were interviewed for the position. As a result, there was one job offer that has been made and we're waiting on the candidate to clear the background check, drug test; that sort of thing. Hopefully, in the next couple of weeks, we'll have a new Property Maintenance and Zoning Inspector position. The other items on the agenda were pretty much correspondence where Mrs. Zimmerlin advised the Commission of the permanent appointment of Mr. Andrew Korb to the position of Firefighter in the Springdale Fire Department, effective June 12<sup>th</sup>. The other item involved Mrs. Zimmerlin advising of the permanent appointment of Mr. Zachary Cogley to the position of Firefighter/Paramedic in the Springdale Fire Department effective June 14<sup>th</sup>. With that, the meeting was adjourned and our next meeting is scheduled for September 5<sup>th</sup>. That will conclude my report.

President Vanover: Thank you sir.

#### Rules and Laws

Mrs. Emerson - No report

#### Finance Committee

Mr. Hawkins: Finance Committee met on August 1<sup>st</sup> of this year. That matter was entirely an Executive Session. Finance Committee also met today, on August 21<sup>st</sup>. In both meetings, all members were present with regard to the meeting today. Had a discussion with regard to rolling stock. You have some legislation that's before you this evening. Discussed the replacement of two police vehicles. We had planned and initially prior to some financial issues, had initially thought we were going to be planning for three vehicles. This would be two vehicles. We also had planned, initially, to have two new vehicles for fire as well. All those things came out of the budget based on some financial distress that we had going on. We also had some discussion with regard to some 2020 potential projects. One, being the Police Department women's locker room. It's something in the works that is going to go out to bid; an action that's going to go out to take place in 2020. As well as the Rec Center's roof would also get addressed in 2020 as well. That concludes my report unless there are any questions or there's anything that Mr. Shroyer wants to add.

Mr. Shroyer: Nope.

#### Planning Commission

Mrs. Sullivan-Wisecup: The Planning Commission met on August 13<sup>th</sup> at 7:00 p.m. We have two things before us. The first one was Tri-State Signs on behalf of Jake Sweeney Mitsubishi at 169 Northland Blvd. They came with a Development Plan. They had new signage that they needed on two faces. The just basically wanted the branding of the Mitsubishi sign was going to be in LED and neon. They just needed it to be approved with the red for the Mitsubishi branding and it was approved 6-0. We only have six people in attendance. We also had PSA Architects on behalf of Red Dog Pet Resort and Spa and Circle Self Storage at 12000 and 12050 Princeton Pike. That was a Final Development

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Mrs. Sullivan-Wisecup (continued): Plan. Originally, we had a big laundry list of things that needed to be addressed. They just stood up and said, "We're willing to do everything on the list. We'll work with the City. We're turning everything into them." It was very, very easy and everything was addressed and everything was said that they were going to go ahead and meet all of the Code and everything else, so it was a pretty easy meeting and that also passed with a 6-0 vote. That concludes my report unless you have anything to add (addressing Mr. Hawkins). Any questions or anything? (addressing Mr. Hawkins)

Mr. Hawkins: No ma'am.

Mrs. Sullivan-Wisecup: Thank you.

President Vanover: Thank you.

### Board of Zoning Appeals

Mrs. Ghantous: Board of Zoning Appeals met on July 23<sup>rd</sup>. We had three items on our agenda for the evening. The first item ended up being continued. That was DeCastro Management representing Kerry Automotive. You've heard me say before that they've come. We're still trying to resolve some concerns with the lighting that was changed during their remodel. We kind of think that they probably did what we asked them to do. Everything indicates that they did take the comments that they got when they did meet with us the first time. So, they were supposed to come and kind of present to us the corrections they put in place. That didn't happen, but, they are scheduled to come at the next meeting and, hopefully, that's going to wrap that item up. The owner of 678 Allen Avenue came requesting a variance to a setback requirement to allow for construction of an addition. That was denied with a 7-0 vote. The owner of 11678 Greenlawn came requesting a variance for the rear yard and the side yard setbacks to allow erection of a shed. He has a very unusually-shaped lot. We did grant that variance with a 7-0 vote. That was all that we had for the evening. Our next meeting is on August 27<sup>th</sup>. Jeff (Anderson) do you have anything to add? (answered, "No"). Any questions? Then that will conclude my report.

### Board of Health

Mrs. Emerson: The Board of Health remains on their summer session, so there's no report.

Capital Improvements

Mrs. Emerson -

No report

### O-K-I

Mr. Anderson: Both the July and the August meetings for OKI were cancelled due to facilities issues. So, there's no report for this report and likewise for last month when I was unavailable. Thank you.

### Mayor's Report

Mayor Webster: I have very little to report. We've busier than the devil all summer, but when it comes down to giving you a report, I'm a little skimpy on details. Anyway, as of August 1<sup>st</sup>, I did fill the vacancy that we had on the Park and Recreation Commission. Laurie Merz from Naylor Court has been appointed to take Doug Stahlgren's place, who moved up to the BZA. Laurie and her family have been very involved with youth sports for a number of years as sponsors. Her husband is a coach. She was a quasi-assistant coach. She'd been very active in the boosters. She's always a driver for our parade and everything else. The whole family has a long history of involvement with youth sports. We welcome Laurie to our Park and Recreation Board. That concludes my report.

President Vanover: Thank you sir.

### Clerk of Council/Finance Director

Mrs. McNear: The General Fund Update through July 31<sup>st</sup> for receipts. We have a net budget of \$18.839 million dollars. We have received \$11.738 million dollars which is 62%. Those funds are made up of five general receipt sources; Earnings Tax, Real Estate Taxes, Paramedic Services, Local Government Funds, and Mayor's Court. That is a total of

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Mrs. McNear (continued): \$10.556 million dollars or 90% of our receipts. For the expenditures through July 31<sup>st</sup> on a net budget of \$19.156 million dollars, we have spent \$10.648 million dollars which is 57% of the anticipated budget. Our ending General Fund balance through July 31<sup>st</sup> is \$2.442 million dollars. That concludes my report.

### Administrator's Report

Mr. Jones: As a reminder, the CiTiRAMA is coming up. The banner is up and you can check those dates out and make plans to attend. You can see the houses are going up on both parts of that subdivision and it should be a really good event. The only other thing that I had to report is that we started the process of the five-year budget a month earlier to try build in a little cushion for our staff. It takes a little pressure off at the end and then it will allow us to segue into the annual budget. That's all I have this evening. Thank you.

### Law Director's Report

Mr. Braun: I have two things to report. Our office is following a settlement that is going on in Cleveland that may affect the City of Springdale. It relates to the opioid case. There was a nationwide class action filed and part of that case involves a disbursement of funds to every local government in the State of Ohio. There should be a decision issued in the next 60 days in that case, but, just for Council's edification, if that class action is approved, Springdale's allocation of the settlement fund would be around \$23,683. That would be a one-time payment that could be used for your Fire, your EMS, or Safety funds. We're going to watch that and I'll update you. The second thing I may have mentioned, but I think it's worth repeating is that the Ohio Supreme Court did accept certification of the appeal of the case involving centralized collection of income taxes. Our office does intend to file a brief. Those briefs are not due until November. However, our office will be filing a brief on behalf of the City of Springdale expressing our concern and disagreement with the centralized collection of income taxes and more importantly, with the assessment of fees back to the City of Springdale for that. We believe under our charter and our home-rule power that that is reserved to the City of Springdale. I will update you more when I know it or we have our brief finished, I'll make sure I circulate that to Council.

Mr. Hawkins: I'll preface this with anytime the City may get money, I'm all for it. But, what's the base of the class action lawsuit?

Mr. Braun: This was a lawsuit against opioid manufacturers. It was a nationwide class that was consolidated into the northern district of Ohio and Cleveland. Judge Polster up there, it was almost, how many cases? Almost 10,000 cases across the country were consolidated into one. It relates to the funds that cities like Springdale have had to expend in dealing with the opioid crisis; \$24,000 is a drop in the bucket in my mind, but, given that it's going to be distributed across the whole country, it's "found" money and maybe we can find something to do with it that will impact those individuals.

Mr. Hawkins: Thank you.

### Engineer's Report

Mr. Shvegza: As far as the project updates. On Olde Gate Drive Reconstruction, there was an issue with the asphalt base coarse that was placed. It was determined that the pavement was actually too thin. It was determined that the asphalt was placed too thinly, so, if you'll notice today, they've since removed all the asphalt and will re-do it later. 2019 Street Program. Crack sealing has been completed on that project. The application of the onyx treatment will begin September 6<sup>th</sup> and be completed September 9<sup>th</sup> and the overall contract completion date on that project is September 27<sup>th</sup>. Nothing new on Landan Lane. Fire Department Vehicle Exhaust Removal System; the construction start is scheduled for early September and will be completed by mid-November of this year. East Crescentville Road Improvements; the survey work is complete and the base mapping is underway. Pavement core and soil borings were taken and the lab analysis is now taking place so we'll have a basis for the pavement design. That concludes my report.

President Vanover: While we're on Crescentville Avenue, there was some traffic counters and, actually, this afternoon as I was coming through there, they pulled them. Was that in relation to our development going in over there? Do you have any idea?

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Mr. Shvegza: Nothing that I know of; no.

President Vanover: Okay.

Communications - None

Communications from the Audience

Ms. Speed: Good evening. My name is Laura Speed and I've lived on Lawnview since November of 2000. My husband and I purchased our home in 1998. We love Springdale; couldn't imagine living anywhere else. Over the past few years, we have been noticing quite a bit of transition as more and more of the houses in the Terrace are becoming rentals. I don't know if this is a citywide trend, but I kind of suspect that it is. I would like to propose that the City look at this trend and possibly discuss passing an ordinance or enacting zoning restrictions that would limit the number of rental homes in each neighborhood. Home ownership promotes stability. If there are moving vans constantly in and out of a neighborhood, it certainly causes instability. Not knowing what your neighbors look like can cause suspicion, undue concern. Home ownership also promotes a sense of community and when renters are constantly moving in and out of an area, it weakens that community aspect and Springdale is a wonderful community. Tenants are more likely than property owners to violate City ordinances. Not out of disrespect, but simply because they are uninformed. There is a house on Lawnview that has their empty recycle bin leaned against the front of their house. It's been there since last week. I know it's a rental and I know the tenants just moved in. I'm sure they have no idea that they're breaking a City ordinance because they're not part of the community. Owner occupied homes are more likely to be properly maintained. Tenants have no investment in the property that they rent and owners who rent their homes out are less likely to check up on a property if their owner doesn't call with concerns or issues and is paying their rent on time. The house next door to me has been a rental since we moved in. The current tenant has lived there for many years. I'm sure it's been at least ten years. The property owners arrived a few weeks ago and did some outside maintenance. My husband was outside and they apologized for the extremely overgrown bushes between our houses stating that they had not been to the property in two years. Unmaintained houses and yards bring down property values which can cause loss of revenue for the City. If a neighborhood is full of poorly maintained homes, then non-residents will not want to come to that area to dine out and to shop. On that note, I have a second, much less serious proposal. I would like to propose that the City look into sponsoring a trail. Richmond Indiana has the chocolate trail, and Butler County has the donut trail. Since we have so many wonderful and unique Mexican restaurants right here in Springdale, I think we should have either a salsa trail or a taco trail. I know there are several Hispanic grocery stores as well. I would think that if it was the City of Springdale Salsa Trail, that they might want to be included as well. There could be a small gift for completing the trail, like a t-shirt, or a keychain or something. I would think that would be a fun way to bring non-residents into our City, which would increase revenue and bring awareness to all the things that Springdale has to offer. If, when you are discussing it, I would think that Fairfield would want to be involved. I know there's several Hispanic restaurants right here, right in the area. I would think that would be a great thing to bring people to this area. Thank you.

Mayor Webster: Mrs. Speed, thank you very much for your comments. For whatever it's worth, I agree with you 100% about the rentals and we see that as a problem and that's not just your area. That's happening all over the City. I think it started off with maybe, what we refer to as "starter homes", but now that's not the case anymore. It doesn't matter what price homes. More and more non-owners are buying property and leasing them out in the City of Springdale. I don't think, and I'll yield to our Law Director here, I don't think there's anything we can do to prohibit that from happening. I think if somebody wants to plop down their hard-earned money for a piece of property that there's nothing that says that they have to live in it. I think they have a legal right to lease that property out. However, I think the City, that just comes back to the City to make sure that we have a good, strong housing code and I think that's something that, you heard our Civil Service Chairman give the report about our Housing Inspector. At one time, we had two and a half people in our Housing Department in Property Maintenance enforcement. Right now we have zero people. We have one full time person

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Mayor Webster (continued): who gave us eight days-notice and quit. We've going through the Civil Service process here to get that replacement. Hopefully, within a week or two we're going to have, we'll be back to one full-time person, but we've got to get him trained. Right now, we're relying on an outside service that gives us like three or four hours a day, five days a week. That's woefully inadequate. We need to get that restored back to the two and a half people that we used to have. To be honest with you, I'm not sure that that would even be enough with the rate of all of these rentals coming on the market. I think, we're probably even going to have to beef that up. I think we're going to have to take a good long look at that. We're probably going to have to come back to Council to have that Code upgraded. I think that we amended it a few years ago to make it a little less stringent on the landlord and the tenant. We used to have, once a year we had a mandatory inspection. The landlord, today, still has to pay \$50 a year for a rental permit. But, anyway, you didn't get your permit until we did the inspection. Well, that caused quite an inconvenience for some of the renters, so we backed off that and said, "Okay, we'll only inspect the inside of the house when it changes tenants." So, I think we need to probably take another look at that. I think maybe that's a little too generous. I'm not saying we need to go back to annual, but, anyway, I think we just need to take a whole good, long, look at our property maintenance code and beef up the code and beef up the enforcement effort and I will be the first to admit that we're not doing a good job with that. Hadn't thought a whole lot about the salsa trail, but it's ironic that you bring that up, because we have had a couple of meetings we call "bridge meetings". We're getting ready to undergo a comprehensive plan for the City, which is probably going to last a year and a half, two years before we can complete this plan. So, anyway, we had all the members you see up here plus our Planning Commission, our BZA and several other Department Directors were involved. But, just throwing out ideas and so forth and so on. One of the ideas that probably got the most conversation was marketing. We don't have a marketing effort in the City. Our Economic Developer back here, all 90 pounds of her (laughter), does a great job, but she's not a marketing person. She's looking out trying to get new businesses to come into the City and so forth, but I think this would fall under the bailiwick of a marketing person to come up with new ideas for the City and new entertainment ideas; stuff to bring people in. So, it's ironic that you bring that up. We're certainly open to exploring that. Thank you very much for your comments.

Ms. Speed: As far as the rentals. I don't know the law at all because I'm sure it varies from state to state. I know Traverse City, it took several years, but I know Traverse City passed some laws or ordinances to prevent Airbnb's, that kind of thing; the quick rentals and then I read another report that, and I'm sorry, I don't remember where it's from. I have chemo brain. But, another report to where they talked about passing ordinances to prevent rentals. But, that was more when the bubble burst and there were companies coming in and buying up houses cheap, renting them out and in two years selling them at a profit. So, that was in that report that I read. I know there's got to be something out there to help us.

Mayor Webster: We'll explore all options, believe me.

Ms. Speed: Thank you.

Mayor Wester: Thank you.

Mr. Shroyer: I also totally agree with you and live in the Terrace in the same area that you do and what you mentioned that the owner of the home has not been to the property in two years is, I think part of the enforcement problem that our Building Officials have is our current code, for the majority addresses the owner as responsible for maintenance and upkeep. There's been some discussion as to when we look at that code and look at reviewing that code if there are some of those things that we can put the responsibility on the resident; at least the outside things. Trim the shrubbery, cut the grass. The things that are obvious from the street. What they do inside the house is of little of our control. But, rather than have to try to chase down an owner that may not even live in this state, if we're able to change some of that wording and make the resident responsible, we may be able to at least address some of those issues.

Ms. Speed: Thank you.

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Mrs. Ghantous: I think the salsa idea is a great idea. I think that's really a cool idea, but the reason I really got called on was, so, we're notified when a tenant turns over, right? We know usually, we're supposed to know.

Mayor Webster: The Code says that the owner has to file for a rental permit before it can be occupied and it has to be inspected.

Mrs. Ghantous: So, we are supposed to know, we probably usually know when there's turnover. Then, at that point, do we give the renter, the new occupant, do we give them a basic list of rules, like "Don't leave your recycle bin out leaning against your house". You know, right now, I'm not coming up with good examples. "Don't park your car blocking the sidewalk", I think, to Laura's point, they couldn't possibly know these things that the rest of us know because we've lived here a long time. I just wondered if when we're notified that there's a turnover if we could put something in place to at least educate some people about some of the basic things that aren't allowable.

Ms. Speed: I think like a Welcome to Springdale packet.

Mrs. Ghantous: Yeah, perfect, right.

Ms. Speed: We have things like the Rec Center information, it could have a lot of . . .

Mrs. Ghantous: So we do have a good welcome packet. We do have that, but it doesn't have like, "Don't leave your recycle bin out forever", and "Don't leave your trash cans out forever" and that kind of stuff, but if that could be included, it would help with maybe 50% of the problems.

Mayor Webster: We could certainly take a look to see what we're giving new tenants. I'm not aware that we're giving them a packet.

Mrs. Zimmerlin: I'm not aware that we're giving them a packet, but it's definitely something that we could look at. We could talk to the Building Department and put something together.

Mrs. McNear: And, I think that a Welcome Packet should extend to homeowners as well. Because, I have new neighbors that are parking cars on the front lawn and various other things. I think it should be not just for renters. Thank you.

President Vanover: Well, I'm in your corner. I've been chewing our City Administration's ears for a few months now about this because I'm in Heritage Hill and the exact same thing. In a quandary, typically, historically, it's always been individual owners that bought these properties. Well, now, there are a couple, as I call them, "big boxes" that are buying the properties.

Ms. Speed: Conrex is buying them up really quickly.

President Vanover: Yes, and it's getting, I foresee, the difficulties in dealing with them and I completely agree and you're not falling on deaf ears because I've been carrying that torch for a while. So, light another fire. That's it. Thank you again for coming in and thank you for your research.

Ms. Speed: Thank you.

Mr. Karle: Good Evening. I think all of you know me. I'm Greg Karle, Parks and Recreation Director. It's a pleasure to be here tonight. It's that time of year I enjoy coming up and sharing the things we have planned for the ComeUnity Bash in 2019. This will be our seventh year of this event. Unfortunately, that counts two years of rainouts. Last year, we did get rained out again, and, I promise you'll have 100% better time this year than you did last year. Regardless, I think it's an event that our residents have come to enjoy and look forward to. This year, it's going to be held on Saturday, September 7<sup>th</sup> from 3:00 to 9:00 p.m. at the Community Center. For this event, it's always been our goal to provide a family-friendly event

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Mr. Karle (continued): where neighbors can come together and enjoy and celebrate a day in the park. It also gives us an opportunity to have a venue where our local service organizations can raise money and also gain some visibility to the community to share with them the things that they do. Some of the groups that are involved this year are the Springdale Youth Boosters, the Sailfish Swim Team, Springdale Garden Club, Springdale Offering Support, Princeton Education Foundation, Compass Church, and both our local cub scout, girl scout, and brownie troops. I think we've got a good group of community organizations that will be there and they're all going to be providing food and refreshments that I hope our residents take advantage of and help support them and give them the means to do the good things that they do for the community. As far as some of the activities, we do have, I think, a nice lineup of entertainment. Musical entertainment-wise, we have a series of three bands that will perform in the amphitheater. The first one is the Dan Varner Band. They take the stage at 3:00 playing traditional country music, country rock, and newer country. Coming along at 5:00, we have The Remains. They play decades of high energy rock and roll from the sixties on up to current music. Then, our final band of the night is the Everyday People Band. They're a group that is a highly sought-after band in the area. They provide concert-level performance, playing Motown, R & B, pop, and even disco. As far as other entertainment that we have; if you've been there before, you know we have a lot going on throughout the park. We have the Cincinnati Circus that will be there again with their big show. If you haven't seen it, it's pretty amazing. They have a flying trapeze act. They have aerial acrobatics, magic tricks. Those shows will be at 4:30 and 6:30 p.m. Also, there will be a climbing wall and various games and strolling entertainment that they will provide. If that's not enough, we do have a petting zoo. That's a lot of fun for all ages. It includes over 30 animals that are both zoo and farm animals. You can have a close up experience. You can pet them, touch them. Children can ride a pony carousel. All this is completely free of charge. I'm pretty excited this year. I think we'll have a good crowd with that being the opening day for the CiTiRAMA, I'm hopeful that people will go to CiTiRAMA, see all the activity that we have going on next door at the ComeUnity Bash and come down and see what great things are going on in Springdale. So, please come out and enjoy the day. Also, if you're looking for something to do earlier that day, we have the Family MudQuest. It is one event that we were able to complete last year, despite the rain. It actually made it a lot more muddy, but we did get that in. If you're not familiar with it, it's an obstacle course. A muddy, sloppy obstacle course that people run. It's open to all ages. You get the opportunity to crawl through mud pits, slide down muddy slopes, climb up hay bales, and we let you do that for free. So, it's a great time. The only thing that we ask is that you register in advance. If you do that by September 1<sup>st</sup>, and of course complete the course, then you can obtain the much sought-after MudQuest souvenir t-shirt and wear it proudly. Please come down and join us on the 7<sup>th</sup> and I guarantee a great time. Any questions?

Mr. Hawkins: I don't have a question, but I figured while you were here, I wanted to commend you, law enforcement, and the Administration in terms of the way that you guys handled everything with the Goldfish Swim and all of the issues that came with that. Everybody had a great time. Everybody was safe. I think everybody felt safe. So, thank you.

Mr. Karle: Well, I appreciate that. I was glad to see the community came out and supported it so strongly. We had over 175 people and I think that was a larger crowd than we've had in several years. I echo your comments. The Police provided excellent security and our staff, it was a bit challenging. Some of the things that they had to endure, but, it was a great event and I'm glad it all went off well.

President Vanover: Thank you Mr. Karle.

Mr. Karle: Okay. Thank you.

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Ordinances and Resolutions

Ordinance No. 25-2019

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

Mr. Shroyer made a motion to adopt Ordinance No. 25-2019; Mrs. Ghantous seconded.

Mayor Webster: I'm reading through this. There's not a single mention of what this project is, or where it is, or anything else. It's just a bunch of legal mumbo jumbo. But, this is the assessment on Pictoria and also the parking garage there. Is that not right? So, having identified that for the public so that they know what we're talking about here. I'm also a little surprised that there's still an assessment since the 15 acre tract up there got developed with the U.S. Postal facility sitting on it. Aren't they paying property taxes?

Mr. Williams: The post office is on Phase I, this is Phase 2. The parking garage is covered; the office tower, and the parking garage and when the bonds were closed, the parking garage value went to zero, because that's a public parcel, therefore this is done for the gap to pay the bond. So, we get the service payments on the tower and then there's an additional amount that is needed to cover the bonds and that's what this does.

Mayor Webster: Will that ever go away? Will it ever generate enough money then we won't need special assessments up there?

Mr. Williams: When the bonds are paid off, that would be correct.

\*Inaudible person off-mic\*

Mr. Williams: We're just talking about the tower; not the garage. So, at some point, the value of the tower goes up enough to cover the bond payments, then we would not have special assessments.

Mayor Webster: Okay. Thank you.

Mr. Williams: You're welcome.

Ordinance No. 25-2019 passes with seven affirmative votes.

Ordinance No. 26-2019

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF DRIVEWAY APRONS IN THE PUBLIC RIGH-OF-WAY RELATED TO THE 2018 STREET PROGRAM AND DECLARING AN EMERGENCY

Mrs. Emerson made a motion to adopt Ordinance No. 26-2019; Mr. Hawkins seconded.

Ordinance No. 26-2019 passes with seven affirmative votes.

Ordinance No. 27-2019

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

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 27-2019; Mrs. Emerson seconded.

Mr. Anderson: Just one question on the statement of work. In the statement of work in terms and conditions, on page four, it says, "the initial period" and then it's blank for the

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Mr. Anderson (continued): number of years at the bottom. In the quote it say, "36 months". Is the 36 months the initial term? And, do we need to update the terms and conditions to reflect that?

Mr. Jones: I believe the original term was three years and it continues to be renewed and our administrative staff that is working on that tells us that they haven't increased the rate for several years.

Mr. Anderson: I understand that. The quote on the back is for a three-year term and then in the terms and conditions, it says, "an initial term of blank years" So, is that three zero; it's already passed? I just want to make sure these terms and conditions match what we're expecting to sign.

Mrs. Zimmerlin: I'm not understanding your question.

Mr. Anderson: On the bottom of page four, in terms and termination, section one, it defines the initial term of the contract and it's blank for the initial term. It say, "...shall remain in force for a period of years ("Initial Term)". I would expect there to be a number there in front of years. But, the quote says three. We've had this contract with them for a number of years, so I'm wondering is there an initial term?

Mrs. Zimmerlin: It is for three years. We can amend that and have them put it in there.

Mr. Anderson: That's fine. I like the terms to match the contract.

Mrs. Zimmerlin: Yes, that's fine.

Mr. Anderson: Thank you.

Mr. Hawkins: I understand that they have not increased for a number of years. How much is the increase we're dealing with to the \$6,052.50 a month? Was it an increase from?

Mrs. Zimmerlin: Bear with me and I'll find the number for you. So, our current monthly rate is \$5,738. So, it's increasing by about a three hundred dollars.

Mr. Hawkins: About \$300? You said \$5,700?

Mrs. Zimmerlin: Yes, you're right; \$300.

Mr. Hawkins: Thank you.

Mr. Jones: Mr. President, just that we have been very pleased with their services and we've been expecting for some time that they would have some kind of increase. So, we're actually pretty happy with the rate that they've given us. Thank you.

Ordinance No. 27-2019 passes with seven affirmative votes.

Ordinance No. 28-2019

AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROVIDE BRIDGE PROGRAM INSPECTION SERVICE FOR THE CITY OF SPRINGDALE AND DECLARING AN EMERGENCY

Mr. Anderson made a motion to adopt Ordinance No. 28-2019; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 28-2019 passes with seven affirmative votes.

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Ordinance No. 29-2019

AN ORDINANCE AMENDING SECTIONS 152.33(B) AND 152.15 AND REMOVING 152.33(C) OF THE CODIFIED ORDINANCE OF THE CITY OF SPRINGDALE, OHIO

President Vanover: This is a first reading on this ordinance and we have a Public Hearing scheduled for our next meeting, which is September 4<sup>th</sup>. Is there any discussion at this point?

Mr. Anderson: Just one question. So, I understand how this addresses drainage, but what I don't understand is, what's the implication of somebody who doesn't follow it? I know we're fixing the Building Code. If somebody decides to drain their pool into the neighbors, then, am I right that then they would take civil action direct with the neighbor because they violated and then is there anything if they don't damage the neighbor's property, is there any recourse? Other penalties?

Mr. Braun: Yes. The recourse is they can be cited into Mayor's Court. Or, we can cite them by way of an injunction into Common Pleas Court. So, we do have remedy-at-law both in the County system and in our own Mayor's Court for this now.

Mr. Anderson: What is the implication? So, say I drain my hot tub just off with the hose out the backyard. What would I be responsible for instead of taking it to an appropriate drain? What would that mean? What does "being cited in Mayor's Court" mean?

Mr. Braun: In other words, it's essentially considered a criminal violation to violate our Building Code. So, if you do so, our Department could cite you. You would have to appear in court and you would be fined in order to remedy whatever the condition was. In this particular case, for instance, if you're causing damage to the property of another; while we couldn't order you to pay restitution, that would be a civil matter between the two property owners, we could certainly cite them to stop the problem.

Mr. Anderson: Thank you.

Mr. Hawkins: Mr. Braun, is it a minor misdemeanor or a misdemeanor of the fourth degree?

Mr. Braun: I need to check that. I was thinking that as he was talking, but, I do believe it's a minor misdemeanor.

Mr. Hawkins: And, our magistrate could order restitution, in theory.

Mr. Braun: Yes. And, I believe the reason it's a minor misdemeanor is we're not seeking to financially penalize the person nearly as much as we are getting compliance. Because this applies to all of our Building Code violations.

Mr. Hawkins: Okay. Thank you.

President Vanover: We'll address this in our next meeting.

Ordinance No. 30-2019

AN ORDINANCE CREATING SECTION 152.38 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO TO ADDRESS REGULATIONS FOR SWIMMING POOLS, SPAS AND HOT TUBS

President Vanover: Again, Council, this is a first reading on this ordinance. We have a Public Hearing scheduled for the first meeting of September. Is there any discussion at this point? (None)

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Ordinance No. 31-2019

AMENDING ORDINANCE NO. 20-2019 TO REVISE THE PAY TABLE FOR FULL-TIME PART-TIME AND SEASONAL EMPLOYEES, AND DECLARING AN EMERGENCY

President Vanover: Council, you've heard the reading of Ordinance No. 31-2019. It does include the emergency clause. What's your pleasure?

Mayor Webster: Mr. President, we would respectfully request that no action be taken, but we'd like to leave the emergency (clause) on there so that it could become effective if it's passed at the next meeting.

President Vanover: Alright. Then, we will treat this as a first reading. It will be back before us at our next meeting in September.

Ordinance No. 32-2019

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH KERRY FORD FOR THE PURCHASE OF TWO 2020 FORD EXPLORERS AND DECLARING AN EMERGENCY

Mr. Hawkins made a motion to adopt Ordinance No. 32-2019; Mrs. Ghantous seconded the motion.

Mr. Anderson: I know Mr. Hawkins mentioned during the Finance Committee (report), these were in the plan previously last year's budget that were removed. These were the ones that were included?

Mr. Hawkins: Yes. Initially, there was going to be a request for not just two, but three vehicles for the Police Department and we were going through, looking at some things in terms of finances and took all that out. Right now, there's a request for two to be purchased at this time.

Mr. Anderson: Do we expect that third one to be in plan for next year? Are we deferring one of the three or are we saying that we're not going to need that?

Mr. Hawkins: We didn't have any discussion. Finance Committee didn't have any discussion with regard to a third vehicle. These two are in lieu of the plans for the third for 2019. To be clear, as we have in the ordinance, we've got a total cost of \$71,500. All of the fittings and markings and everything, we're looking at \$87,000 to \$90,000 total on this one. And, with regard to the other one for the Fire Department, we have the cost of the vehicles is \$65,910. With the outfitting and everything like that and those are going to come purchased properly wired for us, but, with the rest of the outfitting, we're probably talking about \$85,000 total. There was a plan from and requests from Police and Fire and through the Administration initially would have be in the budget for five vehicles between Police and Fire. Those came out. Now, there's a request for four instead of the five. Finance Committee is in support of this.

Mayor Webster: Mr. Anderson, in response to your question, "Will there be vehicles next year?" Yes, there will be Police vehicles in every budget; always has been. We try to keep those on a rotating basis and we did have, initially, the request was for three and the Fire Department was for two. So, we took all of those out of the budget to balance the budget with a decent carryover and we held those in abeyance until we had the issue resolved with the earnings tax. One of the things that we said if the earnings tax passes, we'd go back and take a look at the rolling stock because that's something that if we do nothing now, we're going to have to double up next year. Somewhere we're going to have to double up to catch up. So, we elected to go ahead and get two, instead of getting three Dodge Chargers, we're getting two Ford Explorers. Next year, I would anticipate we would get at least two Ford Explorers for the Police Department next year.

Mr. Anderson: Thank you. That does help. What I was really interested in is are we catching up, or are we still doubling up? So, was that extra one a carryover for next year we

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Mr. Anderson (continued): should expect. So it would be higher than usual? I understand we refresh our rolling stock every year. So, you answered that question. I appreciate it. So, I understand it, this is in lieu of those. We don't expect an additional carryover just the usual rolling stock upgrades next year.

Mayor Webster: No, just the usual replacement which would probably be two or three next year.

Mr. Anderson: Thank you.

Mrs. Emerson: So do these vehicles replace what we currently have or is this in addition to what we have? So, are we getting rid of some of the fire vehicles when we purchase these two new ones or are we keeping them all?

Mayor Webster: Are we talking about Fire or Police now?

Mrs. Emerson: Talking about Fire.

Mrs. Zimmerlin: Yes, we are. So, the Fire Chief's car will go to our Fire Inspector. Then, the Fire Inspector's vehicle, which we bought from Wyoming used, we're going to put up for auction and then the Assistant Chief's vehicle, which is being replaced, is also going to go up for auction. It's from 2001. It has over 100,000 miles on it.

Mrs. Emerson: Thank you.

Mr. Hawkins: Since Mrs. Zimmerlin referenced where they came from during the Finance Committee, Former Chief Shroyer commented that he was responsible for purchasing those fire vehicles. So, that's how far back those go (laughter).

Ordinance No. 32-2019 passes with seven affirmative votes.

Ordinance No. 33-2019

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF TWO 2020 4DR AWD FORD EXPLORER POLICE PACKAGE CRUISERS AND DECLARING AN EMERGENCY

Mr. Hawkins made a motion to adopt Ordinance No. 33-2019; Mrs. Emerson seconded.

Ordinance No. 33-2019 passes with seven affirmative votes.

Resolution No. R11-2019

AUTHORIZING THE FILING OF CONTINUING DISCLOSURES RELATED TO THE MARCH 2017 STREET IMPROVEMENT BONDS

Mrs. Sullivan-Wisecup made a motion to adopt Resolution No. R11-2019; Mrs. Emerson seconded.

Resolution No. R11-2019 passes with seven affirmative votes.

Resolution No. R12-2019

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 (EAST KEMPER ROAD/CSX BRIDGE REPAIR)

Mrs. Emerson made a motion to adopt Resolution No. R12-2019; Mrs. Sullivan-Wisecup seconded.

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Resolution No. R12-2019 passes with seven affirmative votes.

### Executive Session – Economic Development

Mrs. Emerson made a motion that Council go into Executive Session as a Committee of the Whole with City Legal Counsel for the purpose of Ohio Revised Code Section 121.22(G)(3) to conference with Council related to pending or imminent litigation and 121.22(G)(8) to consider confidential information related to the marketing plan specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development, assistance, or negotiations with other political subdivisions respecting requests for economic development assistance which is necessary to protect the interest of the applicant or the possible investments or expenditures of public funds to be made in connection with the economic development project that is related to a request for economic development assistance; Mrs. Sullivan-Wisecup seconded. Council departed chambers at 8:14 p.m. Council returned to chambers at 9:39 p.m.

### Old Business

Mr. Hawkins: Wanted to discuss and make sure Council's viewpoints on the Beacon Hills street issues and the re-pavement with regard to specifically going back over where we've had the cape seal that we're looking to grind and repave that area. Looking for concurrence from Council that that's something that Council is interested in having the Administration go forward and pursue with regard to putting out bids for that to be a project in 2020. (Council nodded in agreement).

President Vanover: Administration, you've got it.

Mr. Hawkins: Thank you.

Mr. Anderson: Just one question. Several sessions ago, we had some discussion about updating the ordinances for parking and vehicles and commercial vehicles. I haven't heard an update in some time on that. Is there some movement that's happened with that ordinance or those changes?

Mrs. Zimmerlin: Staff has met and we are still working through how to make that work for everybody. I'm actually going to start pulling Joe into those conversations to see if we can move the process along.

Mr. Anderson: Is that something we would expect to see some draft ordinances in the next month?

Mrs. Zimmerlin: Yes.

Mr. Anderson: Or is it longer term than that?

Mrs. Zimmerlin: We could probably get something in the next month or two.

Mr. Anderson: Thank you.

### New Business

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None

### Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission will meet in these chambers at 7:00 p.m. on September 10<sup>th</sup>.

Mrs. Zimmerlin: I have three announcements from the Parks and Rec Department. First, the Junior Olympics is Saturday, August 24<sup>th</sup>. There are eight fun competitive events for boys and girls ages ten and under. You can register now by contacting the Community Center. Check-in begins at 10:00 a.m. The events are 10:00 a.m. until 11:30 a.m. and

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Mrs. Zimmerlin (continued): entertainment starts at 11:45 a.m. and awards at 12:15 p.m. The event is free of charge. Winter youth sports registration is underway and it includes basketball, volleyball, cheerleading, and it begins on September 1<sup>st</sup>. There's also an employment opportunity in the Parks and Rec Department for part-time park maintenance and part-time custodian and teen advisor and you can contact the Park and Rec Department for all of those.

Mrs. Ghantous: Board of Zoning Appeals will meet on August 27<sup>th</sup> at 7:00 p.m. in the chambers here.

Mrs. Emerson: Board of Health will meet on September 12<sup>th</sup>, Thursday, at 7:00 p.m. in the conference room adjacent to 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 Resolution No. R12-2019; A Resolution Authorizing the City Administration 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 (East Kemper Road/CSX Bridge Repair). That passed with seven affirmative votes. Item Number II was addressed with Ordinance No. 33-2019; an ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Contract with Lebanon Ford for the Purchase of Two 2020 4DR AWD Ford Explorer Police Package Cruisers and Declaring an Emergency. That passed with seven affirmative votes. Item Number III was addressed with Ordinance No. 32-2019; and ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Contract with Kerry Ford for the Purchase of Two 2020 Ford Explorers and Declaring an Emergency. That passed with seven affirmative votes. Item Number IV was addressed with Ordinance No. 27-2019; An Ordinance Renewing an Agreement with NextStep Networking for Technical Support Services for the City's Local Area Network and Declaring an Emergency. That passed with seven affirmative votes. Item Number V was addressed with Ordinance No. 28-2019; An Ordinance Authorizing the Ohio Department of Transportation (ODOT) to Provide Bridge Program Inspection Services for the City of Springdale and Declaring an Emergency. That passed with seven affirmative votes. Item Number VI was addressed with Ordinance No. 25-2019; An Ordinance Reducing and Recertifying Special Assessments Levied for the purpose of Construction Certain Improvements at Pictoria Island and Declaring an Emergency. That passed with seven affirmative votes. Item Number VII was addressed with Ordinance No. 26-2019; An Ordinance Assessing Property Owners for Improvements Made Related to Their Drive Aprons for the 2018 Street Program and Declaring an Emergency. That passed with seven affirmative votes. Item Number VIII was addressed with Resolution No. R11-2019; A Resolution Authorizing the Filing of Continuing Disclosures Related to the March 2017 Street Improvement Bonds. That passed with seven affirmative votes. Item Number IX was addressed with Ordinance No. 29-2019; An Ordinance Amending Sections 152.33(B) and 152.15 and Removing 152.33(C) of the Springdale Codified Ordinances of the City of Springdale, Ohio. We had a first reading on that matter. Item Number X was addressed with Ordinance No. 30-2019; An Ordinance Creating Section 152.38 of the Codified Ordinances of the City of Springdale, Ohio to Address Regulations for Swimming Pools, Spas, and Hot Tubs. That was a first reading as well this evening. Item Number XI was addressed with Ordinance No. 31-2019; An Ordinance Amending Ordinance No. 20-2019 to Revise the Pay Table for Full-Time, Part-Time, and Seasonal Employees, and Declaring an Emergency. That was as first reading as well. Item Number XII was addressed with Ordinance No. 24-2019; An Ordinance Amending Various Sections of the Codified Ordinances of the City of Springdale, Ohio (Springdale Zoning Code). That was a second reading. Item Number XII will be addressed at the next meeting.

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Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's a request for a second reading for Ordinance No. 29-2019; An Ordinance Amending Sections 152.33(B) and 152.15 and removing 152.33(C) of the Codified Ordinances of the City of Springdale, Ohio. There's a request for a second reading of Ordinance No. 30-2019; an Ordinance Creating Section 152.38 of the Codified Ordinances of the City of Springdale, Ohio to Address Regulations for Swimming Pools, Spas and Hot Tubs. There's a request for a second reading for Ordinance No. 31-2019; Amending Ordinance No. 20-2019 to revise the pay table for Full-Time, Part-Time, and Seasonal Employees, and Declaring an Emergency. There's a request for a third reading for Ordinance No. 29-2019; An Ordinance Amending Sections of the Codified Ordinances of the City of Springdale, Ohio (Springdale Zoning Code). There's also a request for an Ordinance Authorizing the City of Springdale to Join the Suburban Communities Energy Special Improvement District (ESID) and Declaring an Emergency. That concludes the list of items for legislation for the next meeting unless Council has anything to add or Administration has anything to add. (Nothing)

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 9:48 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

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