

City of Springdale Council

February 19

2014

President of Council Tom Vanover called Council to order on February 19, 2014, at 7:00 p.m.

The governmental body and those in attendance recited the pledge of allegiance.

Mrs. McNear took roll call. Present were Council members Diehl, Emerson, Hawkins, Knox, Squires and Vanover. Mrs. Harlow was absent.

The minutes of February 5, 2014 were approved with six affirmative votes.

Committee and Official Reports

Civil Service Commission – Mr. Higgins reported the Commission met on February 6. An individual has been offered the position of account clerk in the Tax Department contingent on background check and pre-employment physical. The entry level police officer’s examination is scheduled to take place February 22. Ms. Oxendine was announced as having accepted the position of administrative assistant in the Health Department. There was an introduction to the sergeant’s promotion process. The commission reviewed and approved that as well the outline for promotion of one of the present members to sergeant. Examinations will take place late May or early June.

- Rules and Laws - no report
- Finance Committee - no report

Planning Commission – Mr. Diehl said Planning Commission met February 11. Waffle House failed to send a representative but we have a motion on their request for additional siding that was denied 5-0. Beef O’Brady’s requested to change a different color on the building and that was approved 5-0.

Board of Zoning Appeals – Mr. Hawkins stated they met February 18. The owner of 11702 Van Cleve requested a variance to allow a second recreational vehicle to remain on the property and to remain in the front yard. Essentially they were asking for two variances; that was denied with a 0-7 vote. I do think this is the first thing that the Board has seen regarding recreational vehicles since Council had changed the law last year.

We also had the owner of 584 West Kemper Road requesting a variance to subdivide this property; there were also a number of variances that would go with the property being subdivided, side yard set-back, the dwelling unit area that a minimum of 2000 s.f., as well as the minimum of 400 s.f. as well as the rear yard set-back. What the Board did was looked at the first issue with regard to the width of the lot and voted on that and that matter was denied with a vote of two for and five against, so the rest of the matters were moot. Essentially the request to subdivide the lot was denied. There was going to be a request for a fence but that was moot since the first matter was denied. They also requested a variance involving parking areas and access; that was also denied with three votes for and four against.

Board of Health – Mr. Squires stated they met February 13th. Minutes from January 19th meeting were approved. The Health Commissioner shared the information with the Board that Dr. Feinberg had presented at the February 5th Council meeting. The 2014 Public Swimming Pool/Spa license fee’s second reading/public hearing was given and that was approved with 100% affirmative vote. The Health Commissioner gave the Annual Report about the Board of Health. Under Public Health, Nurse Jean reported about the whooping cough and flu shots. Mr. Squires also noted that, as a Public Announcement, you do need a prescription for Tamiflu. Mr. Squires mentioned the Healthy Diabetes Workshop and the Children’s Health Fair, which will be held Friday, May 9, 2014 at the Springdale Community Center. Next Meeting is Thursday, March 13, 2014.

- Public Utilities - no report
- Public Relations - no report

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Capital Improvements	-	no report
Public Welfare, Safety & Education	-	no report
Housing Board	-	no report
Public Works	-	no report

O-K-I – Mr. Knox stated the OKI met on February 13th. Commissioner Portune and Executive Director Policinski just returned from Washington D.C. where they and staff members met with members of the Congressional Districts from all three states and some of the Senators. They concentrated on three things: first, to reauthorize regional councils. The funding for that runs out the first of September so something has to happen or they're going to go out of business. The House outlook is very good; however, the Senate outlook is pretty poor because Senator Boxer of California wants major changes in infrastructure funding. Their guess is instead of getting five-year funding, they'll probably get two to three-year funding. The second thing they talked about was the Brent-Spence Bridge. Everybody is in favor of the bridge being rehabbed and a new bridge being built but everybody said there isn't any money. The third issue was the regional improvement zone, better known as RIZ. A RIZ is where private entities can support public projects and get tax credits to do that. That is being held hostage to the comprehensive tax reform. It's moving ahead slowly but it's going to be a while until that happens. It is a big thing with most of the regional councils.

Mayor's Report – Mayor Webster gave an update on our snow removal process. Mr. Agricola was in the audience to address any specific questions or complaints. Mayor Webster reported that the salt supply is in good shape. We have 1003 tons. We have a capacity of 2700 tons; the dome is a third of the way filled. Mayor Webster stated we lost two more trucks today. Trucks are a dwindling breed in the City of Springdale; we're down to five trucks. Hopefully we're not going to have any more snow.

Mayor Webster stated he wanted to bid farewell to Barbara Thetford and tell her how much we appreciate her efforts as recording secretary. She's spent 20 years recording Springdale City Council meetings and did a wonderful job at that. You've had to have done that job to appreciate what's entailed there. Good job, Barbara and Janis, once again, welcome.

Mrs. McNear added her congratulations and my thanks. Council, if you think of how long it takes to read those minutes after every meeting, think about how long it takes to type those. It's very time consuming. Then we review it; it's really an involved process; I really appreciate the time and effort you put into it as well as your other duties and services you provided to the City of Springdale and the people within the City. Best of luck and safe travels.

Mr. Knox stated he had the pleasure of working with Barbara a long time in preparing all the paperwork that each of the Council Members gets, which is no small job. There's a deadline. Plus, she did work in the Building and Health Departments; you can't even say ambidextrous because you don't have three hands. I really appreciated it and have a good time.

Mr. Hawkins stated he appreciated Barbara's time and service and will miss seeing her at the Council meetings but will miss her even more seeing her smiling face when he walks into the door and turns the corner and sees her there. Enjoy your travels; enjoy your retirement.

Mr. Vanover added his accolades and stated they came in together but that Barbara was sneaking out ahead of him. He considers Barb a friend and fellow cat person and wished her well.

Clerk of Council/Finance Director – Mrs. McNear provided a monthly update for the general fund. We have a budget in 2014 of \$15.471M. We have receipts for January of \$3,045,000; that's 20% of the anticipated revenue. Our major sources of those receipts are earnings tax, real estate tax, local government funds, estate tax, and paramedic services, \$2.9M which is 96% of the revenues that we've received. On the expenditure side we have a net expenditures budget in 2014 of \$17.361M and we have expended \$1.557M, which is 9%.

Mrs. McNear added she had one more item for all elected officials. We have our information for filing the Annual Financial statement with the Ohio Ethics Commission. There is an opportunity to do this online this year. I did file mine via on-line process, it was extremely easy. When you put in your information, it feeds you the items you need to complete; it's very fast, efficient, and convenient and they will take your credit card number online. Mrs. McNear highly recommended using the online service. You do receive a confirmation. Make sure you're not late; it must be filed by the 15th, you will be fined if it's not there.

Administrator's Report – Mr. Parham said we have the public hearing on tonight's agenda and I'll have comments when that comes up as well as the financing and purchasing of the dump trucks. We spoke last meeting about the update to the Zoning Code. I indicated at that time I would meet with McBride Dale Clarion to iron out the details of the agreement. We have done that. The legislation was requested for the March 5th meeting. The cost of the update is \$39,500. The process is one in which the City will appoint a Technical Review Committee. This committee will go through the various sections of the Zoning Code. The Building Official and the Planner, Anne McBride, have some ideas of items that have raised concerns for the organization over the years. Our last update was in 2000. A number of things have transpired since then. Maybe others will have comments including members of Planning Commission and Board of Zoning Appeals. The Technical Review Committee will examine the details, the proposed changes and once a document is put together, there will be a public meeting to present the initial draft. At the conclusion of that meeting, if there are substantial changes suggested by the general public, they'll go back to the Technical Review Committee. Once the Committee has completed the process, they will make a recommendation of the final draft to the Planning Commission. Planning Commission reviews the process and then makes a recommendation to City Council. Hopefully at that point we'll have a new Zoning Code for City Council to consider. We were hoping to start this process in January. Unfortunately, we were unable to do that so it will begin in March 2014 and scheduled to run through March 2015. The last time the Zoning Code was updated, Council approved the agreement with the consultants in 1997. Unfortunately, the new Code was not adopted until 2000. We hope to not have that happen this time. As far as the Technical Review Committee, we recommend that it be comprised of one member of City Council representing Board of Zoning Appeals, one member of City Council representing Planning Commission, a non-Council member from each of those two bodies and that way you will have two Council members on the committee and two members of BZA and two of the Planning Commission, Mr. McErlane, Mrs. McBride, our City Planner, Greg Dale who will oversee the project for McBride Dale Clarion and me. We would suggest that the Planning Commission and the Board of Zoning Appeals identify their representatives.

Mr. Hawkins asked when would you like to have that information by?

Mr. Parham replied they could decide at the next meeting and then let us know.

Law Director's Report - no report

Engineer's Report – Mr. Shvegza said the final inspection was conducted on the window repair at the Municipal Building. There were a number of miscellaneous items that need to be taken care of and the contractor is working on scheduling those corrections. We submitted plans on the West Kemper Road rehabilitation project to the utilities so they can see if there are any conflicts. We have dealt with a number of them already and have fined tuned that. Duke Gas will have to field verify their location whether there are any conflicts or not to be dealt with. Plans are to award the contract at the July 16 meeting, start construction in August and complete the next spring.

Mr. Knox said in your report you mentioned a twelve inch gas main. Which side of Kemper Road is that on?

Mr. Shvegza replied it's on the north side.

Mr. Parham said for those of you who noticed the work going on on West Kemper Road, it is Duke Energy testing for the depth of their main Mr. Shvegza mentioned.

COMMUNICATIONS - none

COMMUNICATIONS FROM THE AUDIENCE - none

PUBLIC HEARING – WEST KEMPER ROAD SIDEWALKS

Mr. Parham said at an earlier meeting you asked that we look at the potential installation of sidewalks on West Kemper Road and that we provide you with cost estimates as well as a general location indicating what would be ideal for the sidewalk. The Engineer’s staff has put together the presentation you see in front you. I’ve also given those of you on the dais a couple of sheets that speak to how we arrived at our recommendation. It talks about the pros and cons and why we are suggesting the sidewalk be put in place on the north side rather than the south side of West Kemper Road.

Mr. Parham presented images of potential sidewalk project on the big screen in Council Chambers. He indicated that the proposal is to install a 5’ sidewalk just north of the existing utility poles. There had been discussions earlier about meandering the sidewalk around the poles. During this presentation, you will see why that will not work. The sidewalk would be installed north of the utility poles roughly 15’ off the edge of the pavement on the north side. There is only about 4’ of right-of-way as we get close to the elementary school. Installing the sidewalk in this location, there would be no need to relocate any utility poles. However, there are a number of trees, landscape features, and other things that are in the right-of-way that will need to be removed. Most of our walking destinations: the school, United Dairy Farmers, the Municipal Building, ease of access to the Community Center are all on the north side of West Kemper Road. There is presently a 4’ sidewalk on West Kemper just east of Lawnview. The goal is to replace that existing sidewalk and make it consistent with the balance of the new sidewalk. Beginning around the Lawnview area and heading west about 1,000 feet, we will have a 15’ +/- offset from the West Kemper road edge of pavement. This provides a greater separation from the vehicular traffic. One of the things we talked about is making sure we keep this as safe as possible. The further we move the pedestrians from the automobile traffic, the safer the situation. There is another 300 feet of sidewalk near the elementary school that is going to be about a four-foot offset. Based on this alignment, we don’t anticipate the need to acquire any additional right-of-way. When you are seeking and applying for federal funding, if you can stay away from the need of acquiring additional right-of-way, it’s a much easier, faster, and cleaner process. If you need to acquire additional right-of-way, there are other studies and other steps that you must go through. Based on staying on the north side of Kemper Road, with the amount of right-of-way we have existing, we think that we should not need to acquire any right-of-way from the residents on Kemper Road.

One key to this, we know we have already been approved to receive the SCIP funding for the West Kemper Road Rehabilitation Project. Hopefully, that project is going to get underway this fall. As a part of the project, we’re going to need to enhance the existing swale. The purpose of that swale is to capture the water that is running off the roadway and get that into our storm sewer system. As a part of the road improvement project, we are enhancing the storm sewer system on Kemper Road. So there will be additional swale that will be added as a part of the Rehabilitation Project, but it will not interfere with the sidewalk.

Another item for consideration, just north of the roadway is a Metropolitan Sewer District (MSD) sanitary storm sewer. We’ve had discussions with MSD concerning their sewer and the location of the sidewalk. The MSD sewer is one of the reasons we cannot meander the sidewalk. MSD does not want the sidewalk, the swale, or the storm sewer going above their sanitary sewer. So we must keep those features away from the sanitary sewer. That sanitary sewer runs the length of this project.

Our challenges if we were to consider putting it on the south side of West Kemper Road, first and foremost, there's less right-a-way on the south side. We also indicated that a potential south side location may conflict with the proposed drainage swale and the new catch basins that will be installed as a part of the rehab project. Finally, as you look near Olde Gate, there appears to be potential grading problems in that area. This project would be at no cost to the residents; it would be paid for by a combination of the local funds and the federal funds that we're applying for. The estimated cost is \$117,000; our share at 20% is roughly somewhere around \$24,000 and then the balance would be outside funding.

I've also included the potential schedule. This would be a 2015 project. As the schedule points out, we would submit the application on or before March 28. The decision as to whether we would be successful or not would occur until around June 12. We then would have a scope meeting with Ohio Department of Transportation around mid-July. Then in late July, the engineer would begin to put together the detailed plans, completing Stage 2 in mid-September. Advertising the project for bid would be mid-June of 2015. We could open the bid in late-June and award the contract in July. A pre-construction meeting would be held. Finally, we look to start construction in August of 2015 and hopefully wrap the project up in November of 2015. This is all predicated on if we're successful of receiving funding and then, first and foremost, if we move forward with this project. Mr. Parham reviewed the color-coded details (i.e., utility poles, sidewalk in place, sanitary sewer, landscaping) of the slide presentation. Mr. Parham indicated that the landscaping in the right-of-way and in the path of the proposed sidewalk would be removed as part of the project.

At the corner of Lawnview and West Kemper, there is an existing four-foot sidewalk; that will be replaced with a five-foot new sidewalk, to make it consistent with the balance of the sidewalk. You see that the swale ends just to the west of the corner, by the bus stop that is located there. You can see the amount of right-of-way on the south side is not enough, compared to what we have on the north side of the road. With that I'll try to answer any questions you may have.

Mayor Webster stated to Mr. Parham that's an excellent job of explaining where we are in this. Let me explain, for the benefit of the people in the audience and watching on television, how we got to where we are. The Administration was asked by Council a couple of meetings ago to put together an Action Plan. I was asked in September about what my feelings would be about putting a sidewalk on Kemper Road. The Mayor stated he would not lead the charge to do this but at the same time, he would not oppose the project. As a matter of fact, I think the city would be well served if we had a sidewalk all the way up and down Kemper Road, from Sharonville to Forest Park. We encourage people to walk; it would do wonders for our community if we had a sidewalk; however, having said that, I think before we jump in to do something like this, I think we need to solicit the input from the residents, the people who are going to be impacted from it. In this case, we've sent letters out, to all the residents on both sides of Kemper Road. I think as we hear from you folks out there this evening, I would hope that you would identify yourself as to whether you're a north side or south side resident. The people who have the real impact are the people on the north side of the road. I want, before I sign off on the project, to hear from you folks to see what the exact impact is. In reviewing this document, it appears there are 14-16 trees, shrubs, from Lawnview up to Wallace Street that will be adversely impacted; a couple of those impacted by road improvement, and the other ones by the sidewalk. We need to hear from you folks as to what you think about it before we make a final decision. A comment was made to me before the meeting that they were opposed to it but their comment was that Council's going to do what they want to do. The Administration is going to listen to you and I think I have confidence in the Council that they would also listen - if the majority of the people did not want the sidewalk, then we wouldn't have the sidewalk.

Mr. Vanover thanked Mayor Webster for his input, and then addressed the audience: At this point in time, I'll open the meeting up. If you would step up to the podium, introduce yourself.

Jane Huber, 282 West Kemper said I was born in Springdale almost 82 years ago and I have lived in my home 59 years. For the most part I think I've been proud to say I was from Springdale and I worked very hard for the City for 18 ½ years. I do not see the necessity for a sidewalk. As I've talked to my neighbors, I talked to three of them; they're all senior citizens, and no, they wouldn't like sidewalks but if you all have already said there's no need for us or our neighbors to even protest. It sounds like it's a done deal. You've had Engineering do this, I guess Don, you've done a lot of this work and it's not fair. I don't think a sidewalk makes the walking any more secure. About a month ago, I'm leaning down to pick up my newspaper in my driveway and some fool coming down Kemper Road zipped into my driveway about six o'clock in the morning; he missed me about eight inches. He zipped back out and went back west up to Route 4. I was so shocked and so a sidewalk does not give us anymore security than walking through my yard. And people are going to be closer to our homes. I've seen people come and just look. I don't want them in my yard to be any closer. I'm old. There are mostly senior citizens on the north side of the street. I think the gas lines are on our side too. Construction comes along and we have gas leaks and the poor soul who lives in the house or next door boom, they don't have a home anymore. Our trees are going to be taken down. I'd like to see Kemper Road repaired. We don't need the sidewalks. Kemper Road is like a corduroy road in the old colonial days. I would like that area to stay the way it used to be. You've take all the historical things away except the Presbyterian Church and now it's for sale so that will probably come down.

Mike Heitz, 266 West Kemper, said I've lived here forty years. You mentioned curb inlets on south and north. Is the replacement of curb inlets just happening on the south side of the street or both? Do you know the final street level swale sidewalk elevation in relation to the front yards?

Mr. Shvegza replied there are a few catch basins that are being replaced that are curb inlets. The remainder of the catch basins will be down in the swale. There will be a little curb by Lawnview but otherwise no new curb construction. In regards to the second question, elevations have been determined for the road rehab project.

Mr. Heitz asked can we see that? That is critical for us.

Mr. Shvegza replied we can get that information to you.

Mr. Heitz stated it's hard to tell what it will look like, where the swale is and where the sidewalk is.

Mr. Shvegza responded the maximum depth of the swales will be 1' deep. The ones on the north side of the road will be on the south of the sidewalk if the sidewalk were built.

Mr. Heitz asked are you attempting to match the sidewalk elevation to the existing?

Mr. Shvegza said all of this has been very conceptually done. We don't have the final information on that.

Mr. Heitz said I'm probably not in favor of the sidewalk. I don't see a great benefit to it. The costs are pretty reasonable for a project of this scale but I don't want that unfunded mandate to have to shovel that darn driveway. I'm just barely a senior citizen. Most of my neighbors are older. I really think that is a difficulty for them. I hate to say it but we have to look after our own and our neighbors. Most of my landscaping is sitting in the right of way. I've tried to make it a good looking area. Other than that I don't see a great benefit.

Christine Pass, 244 West Kemper Road said it looks like you're getting a lot of north side people here. I don't know what a swale is.

Mr. Shvegza stated a swale is a very shallow ditch. It will take the water and convey it to a catch basin.

Ms. Pass asked are you going to grade the road so that it drains better?

Mr. Shvegza replied when the road is repaired and resurfaced it will have a crown on it that will lead it into the swale.

Ms. Pass said I'm concerned about 10 from the side of the road into our yard and then a 5' sidewalk. Then we have what's left of our front yards. That's not a lot in some cases. What about mailboxes? Are they going to be forced to come down? We have the only brick mailbox on the street. I'm not real interested in replacing that.

Mr. Parham said there shouldn't be any need for you to change your mailbox.

Ms. Pass said there's no impact on current right of ways or driveways. They'll be essentially untouched.

Mr. Parham responded we don't think we need any additional right-of-way. As they complete the details of the plans they have to make sure they line up each of the driveways with the sidewalk. There are varying levels of driveway, so they'll have to match them correctly

Ms. Pass asked who's responsibility is it to level the driveways?

Mr. Parham replied the design will be the engineer's. The construction will be the contractor.

Ms. Pass said we have a concrete apron and our driveway is asphalt.

Mr. Parham stated there is a driveway near Olde Gate that has pavers. That driveway will be impacted and we would not replace the pavers.

Mayor Webster said there will be a sidewalk built across your driveway.

Mr. Parham said if you follow along with me on the big screen, looking at the properties (addresses), for example, we are not going to construct the sidewalk at the edge of address 210 and then stop the sidewalk in front of the driveway of address 218 and then pick it back up between addresses 218 and 226. It will be one consistent sidewalk constructed along the street.

Ms. Pass said I don't believe my husband and I feel a compelling need for this sidewalk. Where did the need for the sidewalk come from? The maintenance, having to shovel it, is an issue for a lot of people. I know this was originally discussed long ago and it was decided we wanted to minimize the foot traffic in that area so something has changed to make that be a new approach. There has also been conversation about widening Kemper Road. If that were to come up again would we be out of space for that?

Mayor Webster said the last time this was discussed we wanted to minimize vehicular traffic on Kemper Road; therefore, all the elected officials were very much opposed to widening Kemper Road. Instead we wanted to divert the traffic down Northland Boulevard and keep vehicular traffic off Kemper. I don't think we've ever tried to minimize foot traffic.

Ms. Pass said having people too close to the house is unnerving.

Mrs. Huber said it's already in the books about clearing the sidewalk. It they have to be repaired is that the homeowner's responsibility.

Mayor Webster said it's the City's responsibility.

Mrs. Huber asked if it is in writing.

Mayor Webster replied I'm not sure but it's been the policy of the City for years and years.

Beth Tanner - My name is Beth Tanner; I'm at 215 West Kemper; I'm on the south side. I moved here about 15 years ago. I started having kids eight years ago and we like to walk. I fully understand exactly what everybody's talking about, what's going to happen to their properties. But I also know what it's like to take my four year old and eight year old around Lawnview to try to get to school and we can't walk directly to school. I know what it's like to try to drag a stroller through dirt so I can find a safe place to cross to get back into my driveway. I grew up in Mt. Healthy on Hamilton Avenue. I was awoken by a couple of people who were killed on that street. We had accidents, we were afraid to walk on Hamilton Avenue. I'm afraid to walk on Kemper Road. Our properties are all different. It literally is walking across a terrain; it's not a smooth walk to go across. Some people even have bushes that go clear down the driveway so you have to walk out onto the road to get around their property. A couple house up from mine is a special needs couple. She would have to walk onto Kemper Road to get to the bus stop. Thankfully she did make some arrangements and she does have something that picks her up in front of her house now but to have people like that who can not physically walk their own street. I understand about having that (sidewalk) in front of me. If it were up to me, I'd say put it on my side because I'm the one who's wanting it. I have no problem doing that. I agree about the people and looking because my mother, who we didn't have sidewalks on Hamilton, we had a small little sidewalk next to our house, we actually had people walk up onto our property to walk on that little sidewalk. All the sudden you see this head walk past your window and you're like why are you that close to my house? There are problems like that. I don't know how you guys could even think about that to govern it, but, for myself, and for my family, I would like to see a sidewalk put in place, or at least a wider section of Kemper that allows people to get away from the traffic.

Mr. Vanover stated liability issues have been raised and asked Mr. Forbes to enlighten attendees as to Ohio statute.

Mr. Forbes replied it's not just the Ohio statute, it's in your code and it is the responsibility of the owner of the adjacent property to clear the snow and ice from the sidewalk.

Mayor Webster stated I don't think anybody's denied that it's in our code, state code, but I can tell you, to my knowledge, there has not been one citation issued, especially this winter, with somebody not having their sidewalks clear. Look around town, wherever you drive, you see people walking in the street because nobody's got their sidewalks cleaned off. I can't imagine if the sidewalks were built, that we'd make an exception and cite the residents on Kemper Road for not cleaning their sidewalks when we ignored the rest of the City, but you're right, the law says you have to clean them.

Mr. Knox stated as the Mayor mentioned, I'm actually the one who raised this issue and for a long, long time, I didn't want a sidewalk on that side of the road. What changed my mind was seeing a gentleman in a wheelchair trying to go up Kemper Road from Lawnview to where the stores are located. I believe I've observed you with your carriage also, on one occasion. I walked it yesterday. Even with the snow being gone, it is a dangerous place to walk. You're trusting a whole bunch of drivers and then the possibility comes that if Governor Kasich cuts the school funds any further, Princeton School District may have to say there will be no bussing within a mile of the school. Then how are the children going to get there? Of course some of them can go up Harter and go in that direction, but a handicapped person can not take that route because right before you get to the school, there are seven large concrete steps that people in walkers or wheelchairs can not navigate. If for no other reason, to help the handicapped people have access, that's why I'm in favor of this. Thank you.

Mr. Hawkins stated residents should know there's been no decision made with regard to putting in a sidewalk. We haven't voted to put in a sidewalk; that's why we have the public hearing so we can have your input before such decisions will be made.

All of this is so that we can have data, so you can have data, so you can see what this may look like so we can discuss it. That being said, Mr. Knox indicated how this came to light. I think everybody's probably seen folks walking through that section of road on Kemper Road. I know through BZA (Board of Zoning Appeals) meetings, we've had discussions even west of Route 4 with residents on Kemper Road, talking about people that traverse Kemper Road up there too. Part of the concerns the residents have, and you all may have as well, is folks walking along that road in your property. I know some of the residents have come to BZA meetings west of Route 4 have talked about the litter, the invasion of privacy. The one thing that a sidewalk does beyond just the idea of creating a level surface area to walk is, it sets a boundary as to where someone is going to walk. That may help, one with privacy, it may also help in terms of folks getting too close and littering; this may also be a benefit to the residents. I appreciate the comments, those that are for and against, everybody's going to consider all that folks have to say, but those are some of the reasons why this has come to light, why folks have thought it's an important issue to look at. I know it's been looked at in years past, but those are some of the reasons we're looking at it again.

Mr. Diehl stated just to reinforce Mr. Hawkins, we did not come here with any set plan that we're going to have. This had been on the fast track maybe only if we did decide it, we'd have to get funding from the state in a certain time limit you have to meet and that's one of the reasons it appears that we're going really fast, which truly we are not going that fast. I don't have an opinion right now for or against the sidewalk. I'm kind of neutral on it. I will tell you, Mrs. Tanner, I'm really feeling the urgency to do something about your problem though. I don't have a solution for that either right now but perhaps we could work on that.

Mr. Vanover added that if we didn't listen to public input, there wouldn't be sound walls out there right now because Council voted those down in the initial go and residents came in and filled the Chambers and chewed our ears and our tail feathers and everything else, so we have sound walls out there now. I personally haven't made a solid decision but to Mr. Heitz's point, we have to have something in black and white to put out there because it makes it easier to know what the boundaries are and some people are good at looking at blueprints and seeing the final product; other people can't get past the color of the paper. That's why this is where we are right now. You can't talk about doing something if we don't know what the costs are. None of us will make a decision on purchasing anything without knowing what the costs are, especially; something significant. So that's what has brought us some prompting from Mr. Knox, and pushing the availability of some funding out there, but we all want to make an informed decision. We do care what our residents think. I want to thank all of you for taking the time to come out and give us the input that you have. It will be weighed; it has been heard.

Mayor Webster stated I want to reemphasize the point I made earlier and that you touched on. The reason we're sitting here tonight with these schematics is because Council knew that, Mr. Knox had brought the issue to Council, especially with the wheel chair person trying to navigate Kemper Road, seemed to be a concern there. We found out there was some funding available. Instead of Council saying let's go ahead and do it, they said, no, let's put together an Action Plan and let's solicit input from the residents. That's exactly what we've done. We couldn't have done it without spending some dollars, Mrs. Huber, on some Engineering services, to get us to the point where we can make a presentation to show you the pros and cons of what the road is going to look like. That's how we arrived here. Part of the Action Plan is a schedule. We've got time. It's not like Council has to make a decision this evening. As a matter of fact, if the majority of Council wants to do this, we could have another Public Hearing two weeks from now. Give you time to go back, talk to your neighbors, get some more input. We don't have to file the application until March 28th, so we've got plenty of time. So two weeks from now we can have the same presentation again. I'd be anxious to hear from some of the other people. I see Mrs. Ghantous there, she lives back in Royal Oaks, I see some guys that live back on Kemper and Lafayette; I'd be interested in hearing from other people.

Julie Matheny stated since you asked, 669 Park Avenue, I personally live on a street, Park Avenue, which one side has a sidewalk and one side does not. Now, I would love it if you were coming on my street saying we're going to put down a sidewalk. I understand all the concerns that I've heard tonight from everyone however I think it's important, more and more people walk in this community, you see people walking all the time, and there's plenty of things going on in the town center for instance, summertime market, going on, things like that, where I think it would be very beneficial to the people on Kemper Road to have a sidewalk. When you drive up Kemper Road right now, in my opinion, it looks kind of odd that we don't, because it's such a busy street. I cringe when I'm driving home from work or to work and I see someone walking on the side. I don't cringe about me, but I worry about someone else getting distracted and I'm thinking someone's going to get hit. In my opinion, if I lived on Kemper Road, I would welcome this. Thank you.

Mick Higgins, 579 Observatory. If you ask my opinion, typically I'll give it to you. I believe you've talked about the federal funding and the federal funding I believe is from the proximity to the school and the Safe Passage Act for the children; is that not correct?

Mr. Parham replied no sir, this is not that program. That program is the Safe Routes to School program. With that program, we would have to do it in conjunction with the Princeton School District. This is simply funding that we have been able to identify and so there's an opportunity to use it.

Mr. Higgins stated the reason he brought it up was because there was a comment about the busses and if school funding gets cut any further, the cutting of the busses and our children having to walk to school. I presently have two children in Springdale Elementary, I know Mr. Brooks and Mr. Jacobs as well have children in the elementary school right there. I think I would be hard pressed, under any situation, to allow my children to walk to school or down Kemper Road unaccompanied. I know the proximity of the school and the Recreation Center and the ball fields are important. We don't walk it now because there is no sidewalk. I do get out and walk with my kids; we walk down to the Farmer's Market and stuff quite often, often with my grandchild, pushing a stroller. So I understand the difficulty of getting around the community in places where there are and are not sidewalks. But obviously the most important thing here is the property owners that are in that area and getting an answer as to whether or not they want it or not. So as a member of the community, I'm open for it; I don't think it's important for the passage to the schools but for the residents that live there, I think they need to be heard on it. Thank you.

Mr. Vanover stated I think, Mayor Webster, you made a very viable point and I would welcome, and that's actually the avenue I would like to turn us down is let's have another session to give everybody else, go home and recruit your neighbors. If you think of some questions, we can address those, but I would like to hear, we've heard from four residents on Kemper Road, and I know there are a number of others besides those, and I appreciate people's schedules but I would definitely like to, we've got the time to do this, and I would ask you to go back and recruit them and give them a chance if we don't give them an opportunity, they'll squall. If we give them an opportunity and they don't, then we've done due diligence and that's the best that we can do. I'll hand this back to my cohorts and see what their thoughts are.

Mr. Knox stated one point that hasn't actually been made is there's no guarantee we're going to get federal funding. We might apply for it. Whether you get it or not these days, it's very difficult. Right now we're in a land of maybe. Thank you.

Mr. Vanover asked if Council was in favor of continuing the Public Hearing. All Council members voted affirmatively. Mayor Webster asked if they wanted letters out again. Mrs. Emerson stated I would. Mr. Vanover concurred. Mayor Webster asked Mr. Parham if those letters would go out mid-week. Mr. Parham agreed. Mr. Vanover stated that the Kemper Road Sidewalk Project would be continued to March 5, 7:00 p.m.

Mr. Diehl asked Mr. Parham, can you run by the numbers again for me?

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Mr. Parham asked which costs are you referencing.

Mr. Diehl replied the funding available for project.

Mr. Parham answered right now the estimated cost is \$117,000. 80% of that would be covered by the federal funding and 20% would be covered by the City. Roughly 20% would be somewhere around \$24,000.

Mr. Diehl said thank you.

Mr. Parham stated we sent the letters to all property owners on West Kemper Road between Lawnview and Walnut, which includes the school, the church, also includes the two dentist offices, and the State Farm agents. I did receive a call from Dr. Onaday. Dr. Onady was in favor and actually was hoping we could put it on the south side. I explained to him the challenges faced by placing it on the south side.

Realizing that sometimes individuals are not as comfortable coming before the body to speak, perhaps if we offer them an opportunity that they can write in or send in an email or some sort of correspondence in order to share their opinion with Council.

Mr. Vanover said I would totally welcome that. My phone number is published; if you want to give me a phone call, I'll take that too and carry it forward. But yes, I think whatever communication means we have we should make those available and put those to use.

Mr. Parham stated we'll add that information into the letter as well.

Ms. Pass said this is in regard to the letter that you're going to be authorizing and I would see if you had more information, like for instance, about the fifteen foot offset and the five foot sidewalk width and the fact that mailboxes will not be impacted. That will help me know more about what's at stake and not at stake

Mr. Parham said we could include a copy of the information, we gave to Council tonight. As Mr. Heitz said some individuals are visual and they need additional information. We can't give them everything so they'll have to watch this meeting or come to a meeting.

The public meeting was suspended until March 5, 2014.

ORDINANCES AND RESOLUTIONS

Public Hearing

ORDINANCE NO. 3-2014

AMENDING THE ZONING MAP FOR THE PROPERTY AT 135 NORTHLAND BOULEVARD, CONSISTING OF 6.837 ACRES, AND CHANGING THE ZONING DISTRICT FROM SUPPORT SERVICE (SS) TO GENERAL BUSINESS (GB)

The public hearing was opened and closed with no comments.

Mr. Squires made a motion to adopt and Mr. Knox seconded.

Ordinance 3-2014 passed with six affirmative votes.

ORDINANCE NO. 5-2014

ORDINANCE AUTHORIZING THE CITY OF SPRINGDALE, OHIO TO ENTER INTO A LEASE-PURCHASE AGREEMENT BY AND BETWEEN U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND THE CITY OF SPRINGDALE, OHIO TO FINANCE THE PURCHASE OF DUMP TRUCKS FOR THE CITY OF SPRINGDALE AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY

Mr. Parham stated this ordinance is to authorize us to purchase two trucks this year. Originally in the budget we were scheduled to purchase one truck for \$132,000.

This would permit us to finance the purchase over a three-year period with the rate we received from US Bank of 1.388 percent. If we are to finance \$270,000 for the two trucks, the payments would be in the amount of \$92,205.66. That payment would also be made in 2015 and 2016. We are in our final payment for the street sweeper this year. The difference between the \$132,000 and \$92,000 is \$39,794. If you then suggest the \$68,752 (final street sweeper payment) is freed in 2015 and combine it with the savings of \$39,794, our available funds are \$108,546, still ahead of our \$92,205 for 2015. For 2016, we show a balance of the difference between \$108,000 and \$92,000 of \$16,340. We'd have to come up with \$75,000 to cover the cost in 2016. Again this is coming out of our Street Maintenance Fund (061) supported by the license tax and gasoline tax. We think we will have sufficient funds to cover this as well as other programs, such as the purchase of our street salt. Mr. Agricola's team has been working on putting together bid specifications. Unfortunately, we have not had the usual success of the State already having a bid list in place and they have not been able to tell us when that will occur so we are proceeding because we want to make sure this occurs as quickly as possible. In putting together the specs for the trucks, you buy the chassis and you buy the upfit. The upfit is the spreader, the plow, all those other essentials that go along with it. Once we purchase the chassis, although we are going to do the reverse here, we have the company add all the other features. Not every upfit company can fit every chassis. The staff has been making contact with vendors both on chassis and upfit to get an estimate on what they charge and to ascertain the type of chassis or upfit equipment they have. The target is to place out to bid the upfit part of the process first and then once we receive the bids back, we would immediately put out the chassis bid. We would then know who essentially would be able to bid on the balance of it since they don't all match. Right now we have a timeline that we've put together that would put the advertisement for the upfit to occur on Sunday, March 2nd, but since we've been meeting with the vendors, our plan is, on that previous Friday, we are going to send out to them copies of the specifications so that they will already have a head-start. At the same time, since we've been meeting with them, we don't think that they need an extended period of time, so we're going to give them about two weeks in order to finalize their data and then submit their bids back to us. So the bids are going to be advertised on the 2nd of March, bid opening date is March the 14th, for the upfit, then we look to award the contract at the April 2nd meeting of Council. At the same time, on March 23rd, we would advertise for the chassis part of the process. Again, we know pretty much where we're going with the upfit part of the process. Once we advertise on the 23rd for the chassis, we're going to open the bids on April 4th, then we would award the contract for the chassis on the 22nd. Now the staff, as efficient as they are, under Mr. Agricola, they've been working pretty hard at this and so there's a strong likelihood that we may be able to combine the two and have the same bid opening date. It would be to our advantage, if we can keep them as close as possible. One exception is, we'll have to make the chassis and the upfit match, if we have them, but that then does speed the process up and that cuts off probably I would think, a minimum of two weeks, but maybe even longer. So again, we're trying to move the process along so we can get the trucks as quickly as possible. We're still looking at the trucks not being available to assist us this year relative to any snow emergencies. Hopefully, we can receive them next fall or in December,.

Mr. Parham provided an update on the vehicle from the Parks Department that caught fire. We made many contacts trying to identify a vehicle to replace the unit you authorized us to proceed under emergency basis to find as quickly as possible; we've had no success. All of the 2014's have been sold and there are none on any lots we have been able to identify. We've checked dealers in Cleveland as well as our surrounding region. We have checked with some of the auto dealers, Ford dealers here in town as well as throughout the state, and we've had no success. At this point, we're not going to have a replacement vehicle to address the concerns, if we have another snow emergency. Hopefully we will not have any more snow this year. With the research they've performed, they've got information on a vehicle the size of the one we would need to replace. This will give us a heads up on that process so we think we'll be able to replace that vehicle because, as the Mayor pointed out, and Mr. Agricola nodded, we are down to five vehicles. If we had a snow emergency tomorrow, I'm probably going to drive the vehicle, Mr. Agricola's going to handle the plow or shovel in front, and Mr. Thamann is going to be in a truck throwing out salt from the top. We

have six routes that we run on. Hopefully we'll be able to get through the balance of this season. As far as our insurance claim, we're waiting for this vehicle to be salvaged. Right now the reimbursement number is \$45,000 that will go toward the purchase of the replacement truck. With that, I'll answer questions you may have.

Ms. Emerson asked did we discover what the cause of the fire was?

Mr. Parham answered I have not inquired again. Jeff, do you have any idea? Have you heard anything from the Fire Department?

Mr. Agricola replied essentially it was electrical in nature but it quickly gained fuel either through the fuel system or hydraulic system and that fed the fire rapidly.

Someone asked so it wasn't arson? Mr. Agricola replied it was not arson.

Mr. Squires asked how long did that driver have to get out before it really exploded in flames?

Mr. Agricola answered the reports were that he was driving, saw smoke, almost immediately saw flames, proceeded to exit the vehicle. Of course the door was locked, that added only seconds, but seconds seem incredibly long when you're in a cabin full of smoke and fire. I rolled up on scene with the police at the initial fire and we were on scene roughly six minutes from dispatch and the flames were about ten feet above the hood at that point. It very rapidly engulfed the cab and the engine compartment.

Mr. Squires commented we're very fortunate. Mr. Agricola said yes, we are.

Mr. Parham stated back to the financing, just to let you know, based on this, the interest rate we've received, our total costs, including the fees for our bond counsel, is \$8,417. That's how much it cost us with the interest plus the fee to borrow these funds.

Mr. Vanover asked if there was any other discussion and then commented I for one would like to see the upfit of the snowplow on Mr. Parham's vehicle. That would be worth the price of admission.

Mr. Parham said I can make it happen.

Ms. McNear polled Council; Ordinance 5-2014 passed with six affirmative votes.

ORDINANCE NO. 6-2014

AN ORDINANCE AMENDING SECTION 153.218 OF THE SPRINGDALE ZONING CODE TO ADD AUTOMOTIVE SERVICE FACILITIES TO THE GENERAL BUSINESS DISTRICTS AS A CONDITIONAL USE

This was a first reading.

ORDINANCE NO. 7-2014

AN ORDINANCE AMENDING SECTIONS 153.246 AND 153.014 OF THE SPRINGDALE ZONING CODE REGARDING FOOD PREPARATION IN SUPPORT SERVICE DISTRICTS

This was a first reading.

OLD BUSINESS - none

NEW BUSINESS - none

MEETINGS AND ANNOUNCEMENTS

- Mr. Hawkins stated the Board of Zoning Appeals will meet on March 18th at 7:00 p.m. in these Chambers.
- Mr. Diehl stated the Planning Commission will meet on March 11th in these Chambers.

- Mr. Squires stated the Board of Health will have its March meeting March 13th at 7:00 p.m.

COMMUNICATIONS FROM THE AUDIENCE

Mick Higgins: Thank you Mr. President. Members of Council, Mr. Mayor, City Administration, I stand before you today to question the decision of Council to allow the Needle Exchange Program to operate in the City of Springdale. First I want to applaud Ms. Mitrione, the Health Commissioner, and Mr. Squires for bringing the matter before the Board. Although the Health Commissioner could have acted autonomously to give Dr. Feinberg permission to operate in Springdale, it appears the Board of Health recognizes serious implications that this could have and chose to bring the matter before Council. I also want to applaud Mr. Diehl and Mr. Hawkins for their no votes on the program. Mr. Hawkins even stated and I'll quote "I too think it's a very good program. I don't question whether or not to have the program. I do question whether or not to have the program in Springdale. Like anyone else up here, I want to make sure our police and fire personnel are taken care of. My concern comes from ten years in the justice system, comes from knowing with drug use comes other things - crimes, theft, folks selling drugs. Along with that comes guns and potential violence." Mr. Hawkins, you are correct. Looking at the needle exchange program in Baltimore, crime rates were examined six months prior to the exchange opening and fourteen months afterwards. Here are the results: drug possession increased 17.7%; heroin possession increased 34.1%; theft from vehicles, up 63.6%; prostitution, up 43.5 %; rape, up 21.1%; murder, up 20%; robbery, up 15.8%. Now upon review of these, the American Journal of Public Health, who issued this report, noted that they noted similar increases in other parts of Baltimore under similar economic conditions and could not pinpoint it, in itself, to the exchange program. Looking at the area in Baltimore where that exchange is located, I'm not surprised they had a crime problem before, and I'm not surprised they have a crime problem afterwards.

Mr. Higgins continued now the Chief got up here and he actually spoke with the Mayor of Portsmouth. Portsmouth also reported that they had no discernable adjustment to their crime rate. I looked at the national crime averages based on 100,000 residents for our areas. The national average for crime per 100,000 residents of serious crime is 311.4 crimes per 100,000. In Springdale, our number is below the national average, at 278.8. Portsmouth's numbers in 2010 were 778.7, twice the national average. It's tough to assume whether or not the needle exchange program is having any affect on crime there or not. In Springdale, it will be much easier to tell. We've historically enjoyed a low crime rate and bringing criminals into our city can not be good. In addition to the crime concern, there's also an economic concern. Business owners reported that since needle exchange open up next to their business, sales have been off as much as 20%, not here locally, in other exchanges. I cannot believe that the dance studio, tax services, the Mi Familia restaurant won't see a decline in business while the exchange is operating. To do this to the owners of businesses in Springdale is reprehensible. Council should be working to attract businesses to Springdale, not harming business owners in Springdale. When Dr. Feinberg approached Council and was granted permission to bring the RV to Springdale, Council was told that the RV would operate at a church on Route 4, not in the parking lot of Olde Gate Plaza. I felt that some members of Council would've voted differently, knowing that the RV was going to be operated in our business district and two blocks away from our elementary. My final thoughts come from a recovering narcotics addict. I spoke with him, he's a member of Narcotics Anonymous so I will not mention his name. I spoke to him about the exchange program and his addition to prescription narcotics. He told me that the needle exchange program is an enabling program. His fear of Hepatitis C was one of the few things that kept him away from heroin. I asked him, if given the option of a clean needle, he thinks he would have started using heroin. He said, and I'll quote, "I made a lot of bad decisions at that point in my life. I can't tell you what I would or would not have done but I'm glad I wasn't given that option." This needle exchange program will now give that option to struggling addicts. Thank you.

Mayor Webster stated Mr. Higgins, I appreciate all the work and time you put into research you've done here; you are to be commended for that. We've taken this

situation very seriously. We've taken the decision to do this very seriously. The only thing I take exception to is your inference that we're trying to drive businesses out. We're not trying to drive businesses out. Your references to the businesses down there, the dance studio has been gone for ten years. No one's bothered to take the sign down. That's how well kept this Olde Gate Plaza is. Planned Parenthood I'm sure doesn't object to them being out there. The Mi Familia restaurant doesn't object to it; they took refreshments out to them on the first day. So I don't know who in the business plaza there, unless it's the Jerusalem Food Market maybe, has an objection to it. Now we have had, in all honesty, the people down there screwed up; a few of the addicts on Day One went into the office complex, which they shouldn't have done, and I blame that on the exchange people. They did a very poor job of explaining where the van was located. They gave an address of 290 Northland Boulevard and no one knows where that is so two or three individuals were looking for an address and they saw addresses on front of the office building next door, so they went in there. They tried to correct that, then the people running the van went into the office building with a flyer; that was very inappropriate. The owners of the business were very upset and I don't blame them. I would've been upset if I owned an office building and I had those things happen. But last Friday, Commissioner Mitrione, Mr. Parham and I had a teleconference with Dr. Feinberg. We expressed our displeasure to her; put her on notice that those things will not be tolerated; they are not to be in those businesses in any way, shape or form, especially passing out literature. We also insisted that they reprint their literature and clarify the address. They've taken the 290 Northland Boulevard off there, and it now says Olde Gate Plaza, Springdale; look for a large white RV with CEP arrows at the northeast corner of the lot at Northland Boulevard and Olde Gate Drive. And so that certainly clarifies where the van is located. I'm hoping it doesn't happen again; if it does, if we get complaints from the businesses you mentioned, then, yes, I think we have to address that. We would have to get Dr. Feinberg back in here and find another location or shut the program down. I am certainly not of the position at this point because of the statistics you quoted from downtown Baltimore. Pictures indicate this is not in a comparable place, as it's located in Portsmouth and Baltimore. I just don't see the similarities there. If there's any indication that this is increasing crime in the city, needless to say, the van will hit the road. I think we've got a good enough relationship with Dr. Feinberg and with the conditions of it sitting there well spelled out, and she's been put on notice that you know, we will ask for it to be removed and I would be the first to come before Council to solicit Council support to get rid of the program if I thought it was going to hinder the City of Springdale, especially hinder us from getting new businesses into the city.

Mr. Higgins asked with that van parked in front of Olde Gate, do you feel that will be a deterring factor for some of our residents wanting to go into that business? I quite personally feel that it would be a deterrent for me to go into one of those businesses or bring my kids or my family. For the hours that they're in operation I'd be surprised if half the residents of Springdale didn't feel that concern as well.

Mrs. Emerson stated Mr. Higgins, a couple of things. First of all, the needle exchange program, the actual needle exchange, is a small portion of what they have to offer. The drug abuse is here in the community; it's been here, you're not bringing it here; it has been here, it's here to stay, unless we can find some solution to that. With that said, I got an email from a resident and she was questioning, just like you, about the needle exchange program, and I will read to you what my response to her was: "First, thank you for your interest in our community of Springdale. I understand your concern of the needle exchange program." I told her of the Council meetings that we had that she could read up on the discussions. Her big concern was that drug abusers were coming to the community. The truth about drug users are they are in our surrounding communities. This is not a new problem; it's been here for a long time and continues to grow. The hope in the program is to develop a trusting relationship with the drug abuser and continue to mentor and support them and try to facilitate counseling and provide information on how to get help. The program also screens for pregnancy, hepatitis, and AIDS. As a healthcare provider myself, I know the use of narcotics and their abuse have skyrocketed and the cost to the general population is hundreds of thousands of dollars in medical care alone, not to mention the family members and infants that it's also affecting. It is my desire in this program to save and assist as many people that need

this help as possible. As with any other addiction, these are people that didn't set out to become addicted. It is an illness that needs to be addressed and dealt with. The program will cost our community nothing, monetarily, and it can be discontinued at any time, as the Mayor has said. I'm excited about the opportunity to make a difference in a person or persons of our community or surrounding communities. I'm proud that Springdale is leading the way to a better tomorrow, not only in our community but in our surrounding communities. With all that said, there's some quotes here from Chief Mathis who said between November 4th and November 11th we had four people they had responded to with a heroin overdose who were unresponsive. Three of those live in our city. This program gives kits to family members to revive these people who have overdosed at no cost to them. How many other people could we be saving from these overdoses? With the negative sometimes you have to take that small step and maybe it will catch on in the other communities and maybe everybody will jump on board and we can help some of these people. It's not going to go away until we find some solutions.

Mr. Higgins replied I agree it is a problem in this neighborhood and every neighborhood. My question is the needle exchange program. First you touched on briefly the narcan drug. I think making that available to families is a positive aspect of the program and I fully encourage that part of it through our health commission, our hospitals, getting that out to the families. I specifically question the needle exchange as being an enabling program. It is sold to everybody as reducing hepatitis and HIV concerns. There's been no proof from the cities that have them versus the cities that don't that it helps reduce hepatitis and HIV. There has been a decrease in those cities of hepatitis C and HIV but those same decreases are being seen around the country that don't through education. I think that is primarily where we should focus our efforts, in the education of individuals and the twelve step programs. It's also quite readily documented that a number of these needle exchange programs help very few people. Do I know this is a serious issue? Absolutely. My nephew, Joshua Self, lost his father today to a heroin overdose. It's hit my family but a needle exchange program is not going to help them. It's going to enable other people and bring more of the problem into Springdale.

Mrs. Emerson responded if you don't give them a clean needle they will find a needle. You're not helping them in anyway as far as using the drug or not using the drug. They will get what they need and you know that. So by providing a clean needle we are decreasing the chances of septicemia plus we get moms who are pregnant. We have a chance then to counsel that person and get them on a safer medication like methadone which is much safer for the baby than heroin. For education and counseling you have to some way to reach these people and you will not be able to try to stand there and educate them. You will have to develop a trusting relationship. That's what this program is setting out to do.

Mr. Higgins said it hasn't been able to do that in a lot of other cities. I'm sure you've been able to read about it. They tried to that but most of the counselors admit they help very few. They are just there for the needles and they give them a piece of paper about when they're ready for help but it does have to be the individuals getting to the point that they want help.

Mr. Knox said to a point Mr. Higgins made, when it was presented to us I had visions of this vehicle being parked in a large church parking lot away from residences. I have been contacted by more than one person from Olde Gate who has said they are disquieted that this is so close to where they live. Perception is the fact and the perception is the people are perceiving that their lives are not as safe as before.

Mr. Parham said I think Mrs. Emerson touched on a number of the items. We can debate whether it's a good program or not a good program, whether it's enabling individuals or not. We did not gather information from statistics of researchers. We contacted communities. In preparation of this I had the Police Chief make calls the last two days to speak to the health official in Portsmouth as well as to the Police Department. He also placed a call to the city manager's office. When I last spoke to him he had received a call back from the Health Department. They started off their program with a van just like our program. They eventually moved into City Hall. The indication is

the same as you gave us. They have seen a reduction in their hepatitis C cases. They have not seen an increase in their crime. There is nothing in your statistics that indicated this is the cause of any increase in crime. Quite frankly, is the needle exchange program the ideal program? I don't think anybody would prefer to have that, but actually the needle exchange is the carrot. It is the tool to bring them in to hopefully make some impact on their lives and get them the help that they desperately need. I would prefer that you have a needle exchange program to put clean needles in their hands. I think you were here when we had the initial presentation by Dr. Feinberg and she showed locations where they had been finding the needles. Unfortunately we found needles in the restroom of the Police Department. If we can eliminate infected needles from out in the parks, the Police Department restroom, from trash receptacles, I think that offers us a far better opportunity of keeping our employees and children who are in the parks or in these locations from becoming infected. It addresses a secondary problem. It doesn't address the problem of the addict. It's not going to solve everybody's problem but the hope is that you can get somebody, one person, maybe more, that you are able to assist with this process. This isn't something that we're bringing criminals to Springdale. The information says that we are dealing with this on a regular basis. At the last meeting, Assistant Fire Chief Stanley shared with us that we had a run earlier that day in Sharonville where a woman was found unconscious and I don't think they were able to revive that woman. But if someone had been there and they had one of these kits it might have made a difference. Someone is not going to be there all the time. Now the gentleman who was sitting at UDF unconscious with a needle still in his arm somebody identified and we were able to save that person because they dialed 911. We're not going to save everyone. We won't be able to assist everyone. We're not going to stop the individuals who become addicted to this drug, but if we can save one I think it's worth it.

Mr. Higgins said Dr. Feinberg was the one who mentioned that bringing this RV to Springdale is not for Springdale residents because Springdale residents won't want their neighbors see them get on the bus. In turn, people from other neighborhoods will be coming here. That's what I meant about bringing criminals to our area.

Mayor Webster said I just want to touch on a comment that Mrs. Emerson made that the needle exchange is just one component. One of my biggest disappointments is that they come out with their literature and it says needle exchange program. We go out of our way to try to de-emphasize the needle exchange and they name the program exchange. That's very disappointing and we shared that opinion with Dr. Feinberg.

Mr. Hawkins said the pamphlet itself has what looks like the recycling symbol which I think was explained as referencing the exchange, the give and receive part of it. I was at CVS the other day and was listening to a resident speaking to a clerk and she was displeased with the program. She said the City was falling apart because of the program. I spoke with her about the program and what the goal was. The main thing I expressed to her was concerns I had previously and you have voiced and I'm sure other folks in the community have voiced, if there are issues that develop in the future, you heard the Mayor say and I think everyone would want to look at it if there are problems. No one up here wants to see the City deteriorate as a result of this program or anything else. If negative things come to fruition I have to imagine that the matter will be revisited. Rest assured on that.

Dan Jacobs, 509 West Kemper said I appreciate the two previous no votes. I personally find it a failure that I was not aware of this at the time. I feel I missed the opportunity to be more involved when it was discussed the first time. I'm very late to the game. On the same note, I would have thought discussions about this program would have been perfect for the community newsletter. It was in local media but I would think this is something you would put in the community newsletter. My second complaint is about the location. This is 340 feet from someone's home. I would ask the members who voted yes if they would want that van 340 from their home. That's a lot to expect of residents. The initial meetings were about other locations, not 340 feet from people's home. When this van is in our community our school buses are on that same road. Our kids are getting off the bus at the Olde Gate residences. I can't believe that location was chosen. Less than a month ago in Avondale a user shot up in a car, blacked out in the

car and pinned two people against a building killing one of them. I don't think heroin users are just a scourge on society but I cannot accept trusting their judgment to not bring crime with them. I cannot trust their judgment to not shoot up immediately which was in the minutes from the June meeting. The Chief had spoken to someone else who said it is the trend that they shoot immediately. The answer was everyone involved in the program knows that if that happens it's over. That's trusting the rationale of an intravenous drug user. I'm not willing to risk that. There is hope that we might save one person. There's a much clearer risk in my opinion that there will be direct harm to the community. I'm just trying to picture getting off the school bus when as these participants come into the community. When the evidence from your own meetings is that they use immediately, when evidence shows that needles are found in the police station, that says we cannot count on these participants to be rational. To me it's the opposite. The location seems unacceptable to me on so many levels, bus routes among others. From the minutes, these are not Springdale residents we are trying to reach here, so we are bringing in criminals. Now the use of that word criminal is loaded. These are victims of addiction and I appreciate that but they are committing a crime and they are not members of this community. If this was designed to treat Springdale citizens I'd be much more open to it. But it's bringing them in with the carrot of the clean needles. I'm really shocked that Olde Gate residents aren't here and up in arms. Maybe they've been contacting you through other methods or maybe they're not aware yet.

Mrs. Emerson said I understand the location and so many hundred feet from somebody's home. It's happening to them anyways. This location is a controlled environment and it's also being watched by police. The drug use is happening next door to you. It's happening in the UDF parking lot where your kids walk in and out and get ice cream. It's happening all over. We're all focusing on this one spot and that's a controlled situation. It's not controlled at UDF and that man or woman was nowhere near that van.

Mr. Jacobs said they are controlled when they reach the van. They are not controlled when they arrive or when they leave.

Mrs. Emerson said how about all the people who don't even visit the van that are out there shooting up and driving cars.

Mr. Jacobs said they are outside the community.

Mrs. Emerson stated it's in your community. It's here.

Mr. Jacobs said I don't want an argument but the minutes say this will draw people from outside the community. People inside Springdale are not going to use this program.

Mrs. Emerson said Dr. Feinberg did say they will be taking zip codes so we will get some data on where they are coming from. That will answer our question.

Mr. Jacobs said no one has addressed the issue that people tend to shoot up right away. That risk outweighs the risk of hoping to cut down on hepatitis C. I don't see them as equivalent. I understand that this is a disease and an addiction but I'm shocked. I see this as a horrible idea, especially the location. I feel alone in that because I don't hear anybody concerned about the immediate use of the participants and the risk of them getting in cars. I know you said they are here but not the ones we are drawing in with the carrot. The heroin user is a victim but they are not rationale. Phillip Seymour Hoffman had fame, wealth, a family and an incredible future. I will not accept rationality of participants in the program and if they are outside my community I don't want to draw them in with a carrot, for any hope that it may cut down on spending on hepatitis treatment, when, again, less than a month ago, a heroin user pinned two people to a building after using. That's a clear risk, this is a possible hope. Thank you.

Mr. Parham stated Mr. Jacobs, you're suggesting that these people are not rational in that they will use it immediately but yet part of your argument is that they are rational, because they are Springdale residents who do not want their neighbors

knowing their problem, so they won't visit it. At that point you give them the ability to be rational. You give them the ability to use common sense and say I don't want my neighbors to see me there. Well, all of the sudden they have this ability and we know they want this needle. I would suggest to you if they want the needle they're going to, whether they're a Springdale resident or not. Did the minutes suggest that Springdale residents will not go? Did the minutes suggest that this isn't going to attract Springdale residents? Well, yes, but that's part of an opinion, provided by the professional, but again, if somebody's rational, and if they want the needle, they'll go. There's nothing in the minutes that excludes Springdale residents. The theory is, because you're a Springdale resident, you don't want your neighbor to know you're there, you will not go. Well, that's giving them the rational ability to think about this process when we don't want to give it to them over here. At the same time, there have been comments relative to the original indication that this was going to be at a church. The intent was to have this at a church. We talked to a couple of churches; unfortunately, that changed. The churches were not willing to have the van located at their sites. Because they still wanted to have the program, they were able to secure another location where the property owner there said it's okay to have it there. So it was not as if, the program originally said we were going to be at the location of a church and all of the sudden switched on everyone. No, they made the attempt to be located at that church; however, unfortunately, the decision was made to not have them there. This was a secondary location; they were able to locate it there. Hence, they are at that location now.

Mr. Jacobs stated it's unfair to come up here and put pressure on you guys but really the answer I would like to hear is to reassure me about bus routes and timing any rationality that we confer or do not confer, I think we would all agree, would disappear once the user uses. Whether they're from inside or outside the community, after they use, they're not staying there at that site. Again, I see that risk compared to the possible hopes of the program, which is well-intentioned, obviously. To me, it's a clear override between the risk and the possible rewards.

Mr. Parham stated I think a lot of the experience we're finding with our public safety is that once they use, a lot of them are unconscious. It's not like they're using it and then they're taking off somewhere else. The gentleman at UDF was not moving after his incident. We've had other instances where we've identified and found persons and they've used and they're unconscious. When you go back and read those minutes, you will hear from both the Assistant Fire Chief as well as the Fire Chief in the first meeting, they talk about most times we find them, they're unconscious. Unless there's someone there to tell us why they're unconscious, we have to go through a set of practices and try to figure out why, unless there's evidence, they're unconscious and how we're going to then treat them.

Mr. Jacobs stated I think the only ones they would find would be the unconscious ones, because the other ones would have already left.

Mr. Parham stated my point is, when they're using, they're not leaving. When they're using, they're still in that location, because they're unconscious.

Mr. Jacobs asked in every case?

Mr. Parham stated well, I won't say in every case but a great deal of the cases we find.

Mr. Jacobs stated all I have is what I know has happened recently. I know a user pinned two people against a building and I know I don't want him coming to my community to get a clean needle to avoid hepatitis C. I've beaten a dead horse; you've done a good job trying to address my concerns; I appreciate that. Thank you very much.

Mr. Diehl stated I have a question for both of you. I'm a little confused – are you against the program or are you against the location? Or both?

Mr. Higgins stated first, and foremost, I think the location needs to be moved. I think there are some other locations, maybe even within Springdale, off of bus routes,

possibly, I don't want to mention another church's name, because it hasn't been addressed, but they are not on a main street and they're not far from a major highway. So first and foremost, I absolutely would like to see about getting it moved from its present location. Secondly, would I like to have the program in an area like within this community, areas where the crime rate is pretty high already. From what we've seen from the statistics, that's where everybody else is putting them, and it's not adding insult to injury. What we don't know is if you have an area that is below the national crime rate, as Springdale is today, if it'll cause those trials. We know that if it's taken to Portsmouth, where it's two times the national average crime rate anyway, that they don't notice a discernable difference. You know maybe in a city like Avondale, or Over the Rhine where the crime rate is already high, they don't notice the rises from that aspect, I don't know.

Mr. Diehl asked again so are you against the program or you would just like the program moved?

Mr. Higgins answered I definitely would like the program moved. I'm against the principle of the program; I think there are some valid parts, including the narcan, trying to get the information to people, trying to get them into a 12-step program; I think the needle exchange should be left up to our public hospitals.

Mr. Jacobs stated I would agree with his comments. I think location is my most urgent concern. In speaking with Mr. Higgins and some others, and I know there's obviously lots of decisions that the Board goes through, but a location maybe like the Springdale Cinema, where it's a huge parking lot, not near any residential areas, and you could achieve the goals of the program and not put the risk that I am concerned about, or at least have less of that risk. But I think it's a bigger philosophical question for me about the benefits of the exchange program itself but I will say I'm not a fan of it in Springdale, even though I am aware this is a growing problem and I hesitate to even say this, but I am going to, a heroin user that cannot afford clean needles is a certain type of heroin user and there are plenty of heroin users that can't afford clean needles and we seem to be reaching out to the ones who cannot afford the clean needles. I think that's an element that should be recognized; I think it's a very demographically explosive thing to say, it's very risky, it wanders into some dark areas, but I also think there's a common sense element to it. If I can afford a needle on my own, I'm not coming to this program. So it will attract a certain demographic of those who can not afford clean needles on their own.

Mr. Diehl thanked Mr. Higgins and Jacobs for their comments.

Mayor Webster stated first off, let's go back to the church that Dr. Feinberg referenced. She should never have made that comment because we never had a church agree to house this project. In our conversations with her, we mentioned that that might be a possible site. When she stood on Council floor and made that comment we had not even met with the church. We subsequently met with the church and we thought it would be a great place for this, if there is a great place for it, and we were rejected. We weren't rejected because of the stigma of the heroin or the needle exchange. We were rejected because the church did not want to take the chance on teenagers getting their hands on condoms. Now any teenager in this country can walk into the local pharmacy and buy a condom, but they would get them free at this clinic, so they didn't want any part of it. So that's fine; that's their property and their right and I totally respect that but that's the reason they said no to it. So then we started looking for an alternate site. The shopping complex and the owners accommodated a lease with Planned Parenthood, so it seemed like it might be a logical choice that they would be open-minded enough to house this, and so they were. Is that the ideal location? Probably not. I would certainly not be opposed to them moving somewhere else. Wherever you move it to you will get some of the same resistance. Everybody wants a neighborhood park, but don't put it in my backyard. The City of Cincinnati would be a great place for it. The Health Department wanted to do the program. The Police Chief wanted to do the program in the City of Cincinnati but the police chief works for the city manager who works for the mayor. Neither of those individuals wanted the program in the City of Cincinnati. It's a regional problem. Cincinnati is going to have a lot more

incidences with drug usage and addicts in the city than we have here but they said no. Sharonville said we're going to wait to see how it works in Springdale. Norwood didn't want to do it. The County didn't want to do it. We could have joined ranks and said we don't want it either but I thought somebody has to stand up and try to help this situation. Last week you heard our police chief say if people think they can come to Springdale and sell drugs or use drugs because this clinic is here, they're going to get busted. This is not something you shoot up while you're driving down the street. If someone leaves the clinic, goes to his car and shoots up, if that is detected, he's going to be arrested. I appreciate your hard work getting the data together and I appreciate you coming in but all I can do is assure you if some of the stuff you fear comes to fruition that the program will be shut down. But I don't think we should rush to judgment just because it didn't get located on the ideal number one spot. I've heard no comments from Olde Gate residents. Has anyone up here?

Mr. Knox said he has heard from two.

Mrs. Emerson said you cannot purchase syringes without a prescription so that's the hold up there. I understand your concerns. It's everyone's concern. If it doesn't work out, if we get anything negative from this, it's a temporary thing. It can be closed down anytime. As for Showcase Cinemas, I wouldn't put it in the most crowded parking lot if you are concerned about people shooting up and driving away because that parking lot is packed. Ideally it would be great to have a location not around anybody but that wasn't a choice we had. We'll also be able to watch the crime rate.

Mr. Vanover said this is not something I took lightly. I forwarded my packet to my personal minister and sought his guidance. I spent arduous time in personal reflection over this. My first thought was enablers. We've spent many decades and millions and millions of dollars trying to stifle this illegal activity. Mr. Higgins you are right, as with any addiction, until that person makes a decision, we're not going to turn his/her head. One of the benefits of the highly public arena is that it is visible. If we take it to the back streets we set ourselves up for a bad situation. I would have no qualms rescinding my support if this blows up. I think just about anybody has been touched by it along the way whether it's heroin or any other illicit activities. It's there. We're watching it. Only time will tell if it's good. I haven't heard anybody here state that if it became a bad situation we would forge on with it.

Mr. Squires said I've taken in a lot of things you two gentlemen have said. I think it is a shame that we collectively as a people have gotten to this point that this thing is so bad that we have our citizens, our young people doing these horrible things. I also think something has to be done. This to me seems to be a program that shows some help. Are you making a valid point that it might bring other people in? It might. Are you making a point that the needles should be given out through the hospitals? I don't know. But I think we have to give it a chance. Everyone up here has said that if things start getting bad, they are gone.

Mr. Jacobs said I live on the south side of Kemper Road and I live farther west. I love this city and I was going to congratulate whoever's in charge of the snow removal. You've done a great job. I've lived in the community for eight years and a good community has sidewalks. A community without sidewalks is somewhat less valuable than one with but I have to think of my daughter walking down the sidewalk in 2014 to school and I'm not okay with that. My vision of a community with sidewalks no longer meshes with reality so I wouldn't want my daughter walking to school on that sidewalk. Given that, as a resident of Kemper Road, it would bring more foot traffic. That's a concern I have. I wouldn't be directly impacted by this one because it is not in my area but it is disquieting to be sitting in your living room and see faces walking by when you weren't used to them before.

City of Springdale Council

February 19

2014

UPDATE ON LEGISLATION STILL IN DEVELOPMENT

Amending Sections 153.246 & 153.014 of the Zoning Code	-	Mar 5
Amending Section 153.218 of the Zoning Code	-	Mar 5
Proceed with Update of Zoning Code	-	Mar 5

West Kemper Road sidewalk public hearing continued	-	Mar 5
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RECAP OF LEGISLATIVE ITEMS REQUESTED	-	none
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Council adjourned at 9:52 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:

Tom Vanover, President of Council

_____, 2014