

City of Springdale Council

March 5

2014

President of Council Tom Vanover called Council to order on March 5, 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. Absent was Council member Harlow.

The minutes of February 19, 2014 were approved with six affirmative votes.

#### COMMUNICATIONS

Mrs. McNear: I have quite a few items this evening. First off I have an email regarding the sidewalk on West Kemper Road. This is dated March 2, addressed to "Dear Springdale Council, My name is Elizabeth Felix and I own the two properties at 302 and 310 W. Kemper Road. I am writing in case I do not make the meeting on Wednesday. I have lived here since 1975. If this were 39 years ago when my kids walked to school, I would perhaps be in favor of the sidewalk. However, it is not and I am too old now to have to shovel 200 feet of sidewalk. My present tenants at 310 have been there for 16 years and sidewalk cleaning is not in the contract. So, I am ultimately responsible for clearing the sidewalk. Therefore, I am against the sidewalk. I have other reasons for not wanting it but that is the main one. Since I own 2 properties, I guess I have 2 votes against the sidewalk.

I did see the meeting on TV and I gather this whole thing evolved from the gentleman in the wheelchair needing access to UDF etc. One councilman talked about the path at the back of the rec and the big bank of steps stopping him from being able to get to the store. However, if you go a few feet to the right on the path there is a ramp to the street. It seems to me that this would be a good alternative to the sidewalk as well as much cheaper and safer than Kemper Road. I wonder if you are aware of the ramp and if anyone has talked with this gentleman? Does he know there is a path (entrance from Harter) and ramp at the back of the school leading to the sidewalks?

Curbing was also brought up and it was stated that there is no curbing on Kemper Road. There is curbing in front of my properties. It originally ran from Rt 4 past the old school and down to the storm sewer around 294 W. Kemper. However, when the road was repitched so the water ran off the street to the north side, they ran the pavement grinder on our side and destroyed parts of the curb. Also when the school was being built, the curb was destroyed and that storm sewer in front of the property next to 310 was closed off. All the run off from the school was then directed to the catch basin at the back of the rec property. However, now all the street water runs like a river down the north side of the street. Because of this constant water running it has eroded and created a large hole in front of 310. I have filled it with dirt, rocks, blacktop patch and concrete but nothing works. So, will my curb be repaired when the swale is done and will new storm drains be added? Where? How many?

I hope to be at the meeting but if I don't make it you have my no votes. I would welcome any phone calls from council before the meeting to answer some of the above questions. Sincerely, Elizabeth Felix"

Mrs. McNear: In addition to that, I did speak with Mrs. Felix to determine if she had any additional questions or comments and she did not and she still hoped that she might be able to make it this evening.

The second item I have was an email from Kelly Halter, dated February 28, to Mrs. Harlow, subject I support syringe exchange. Her email states "The syringe exchange program is critical to the well-being of the greater Springdale Community. Please do not allow a wary few to harm the greater good of all of our citizens. Thank you for maintaining this syringe exchange/harm reduction program in Springdale." 7509 George Lane, Cincinnati, OH 45244

The next communication is from the Olde Gate Condominium Owner Association, dated February 24, addressed to Mayor Webster. The letter states "I am writing you on

behalf of the Olde Gate Condominium Association in Springdale at the direction of its Board of Directors. Please allow me to elaborate on the concern first realized on Monday, February 10, 2014. My office received several phone calls questioning the Public Health Initiative van parked at Olde Gate Plaza on the corner of Northland Boulevard and Olde Gate Drive. At the time of the phone calls, I had no idea what the homeowners were referencing, but I assured them I would seek an answer. Not long after the previous, I was visited by Jim Bunch, President of the Olde Gate Condominium Association. Jim briefed me on the information he had regarding the Cincinnati Exchange Program. I was boggled that such a program, to be more specific a needle exchange for heroin addicts, could be placed less than half a block from a residential community. I was double boggled at my understanding that this initiative is supported by the Springdale City Council.

Most who think rationally understand that not all heroin addicts are criminals, and not all criminals are heroin addicts. Brutal frankness must prevail knowing that placing a van specific to exchanging needles for drug addicts will certainly subject owners to an unwelcome criminal element which endangers the well being of our community. We cannot tolerate a program such as this so close to our families.

In closing, we are requesting the Public Health Initiative van be relocated to a more suitable location (please see the insert for suggested locations). If an alternate location is not possible, we are requesting that the van be removed entirely and the initiative terminated. This program has no business near a residential neighborhood let alone the City of Springdale. Sincerely, Richard E. Mountel Jr, Association Manager, Towne Properties", 118440 C Kempersprings Drive, Cincinnati, 45240

Mrs. McNear: The list (attached to the above letter) of suggested locations for the van are: Tri County Mall parking lot, behind Steak & Shake Restaurant, old Thriftway parking lot, the Springdale Recreation Center, the Springdale Municipal Building.

Mrs. McNear: The next item that I have is a message from Mrs. Harlow. Since she's not able to attend this evening, she wanted to send her information on the sidewalks as well as the needle exchange. Her thoughts on the sidewalk are "if the majority of the residents on the north side of Kemper are opposed to the sidewalks then I would respect their voice and vote no. However, if the majority of the residents on the north side wanted the sidewalks I would hear their voice and again vote with the majority. I think it's important for the council members to remember that they go home at night after the vote but it is the resident who has to live with the decisions council makes. We are discussing making a change that could have a big impact on the Kemper Rd residents. I urge my fellow council members to hear the residents".

And secondly, on the Needle Exchange: "given the feed back I've had from business owners and some residents I believe we either find a different location or I cannot support the needle exchange".

Mrs. McNear: The next item is a statement to Springdale City Council regarding the "Proposed West Kemper Road Sidewalk Project" Michael W. & Gail M Heitz, 266 W. Kemper Rd. "We are opposed to the Kemper Road Sidewalk Project. When I spoke at the last meeting, I said I hadn't yet formed a strong final opinion. I have now. And I do so after having walked the entire length of the project earlier this week. Reasons: 1. The neighborhood didn't request the sidewalk project, it originated with a Council member. Further, given it's substantial cost, there has been no study or survey of whom the project would even benefit. 2. We can see no overwhelming need or benefit. For the past 40 years, as our children and our neighbor's children grew up, we walked to the Rec, and to Springdale School, using the Harter Rd and school property approach. We never even considered the option for a Kemper Rd sidewalk. 3. The project is severely intrusive into our front yard. In particular, I don't think any front yard is more impacted than ours. First, and foremost – the amount of yard "lost." I don't think any yard will have a shorter distance and thus less area between the existing home setback placement on the lot and the proposed sidewalk (260 & 272). Second – the impact on shrubbery and plantings which will have to be removed, relocated, replanted, or just plain destroyed. (Should the Project be approved, I request your assistance with such restoration.)

Notes, Observations, Questions. I am curious how you intend to resolve the grade difference (between) the driveway elevation and the yard elevation between 250-260? I note that the project line diverts south at 276 and avoids some trees, then continues further south to near the pavement edge. Too bad you couldn't do that along the entire route. (And by that, I mean it's too bad you choose not to locate the sidewalk entirely near the existing street edge beginning with the sidewalk's east departure.) Oddly enough, the sidewalk dips even further south 302-310. So much so that it is actually further south than the "school" sidewalk, and will require adjustment northward to match the existing alignment. Contrary to a statement heard at the prior Council meeting, I saw no conditions at the school sidewalk terminus that requires construction of steps or stairs to accomplish a grade change to accommodate the sidewalk.

I have one final observation, in this case a good one. After the snowfall last Sunday-Monday, the marked sidewalk is so far away from the street edge at my house that the snowplows couldn't throw any snow that far. To summarize, in no uncertain terms, we are opposed to the Project and feel there are other more beneficial projects which deserve the City's funding".

Mrs. McNear: Last item is a reminder to all Elected Officials to ensure that you complete your 2013 Financial Disclosure Statement and to have that filed by April 15<sup>th</sup>. Mr. President, that concludes the Communications this evening. Thank you.

COMMUNICATIONS FROM THE AUDIENCE - none

PUBLIC MEETING – WEST KEMPER ROAD SIDEWALKS

Mayor Webster: The first public hearing two weeks ago about the sidewalks, we had a total of four people. One of the south side wanted the sidewalk; three on the north side said no sidewalk. I personally didn't think that was a very good representation of the neighborhood, so I suggested we continue the public hearing and that we go out and mark where the sidewalk was going to be, identify the shrubs and trees that would be lost as a result of the sidewalk and also what was going to be lost as a result of the street improvement. Our staff and Engineer did a great job of doing that so I'm glad to see so many people here this evening and I know all of you aren't here for Kemper Road but a good many of you are. I'm tickled pink that we took that approach and not made a decision based upon the input from four residents. Thank all of you for coming out. I hoping we have a very productive meeting here. I do have some suggestions I'd like to make but I think in fairness to the people who have come out, let's hear what they have to say; who wants them and who doesn't.

Mr. Vanover: At this point we'll open up the floor. I ask that when you get up there, you sign in, your name and address; that helps with tracking the minutes. The podium is open. Please state your name and address as you begin the address.

Mike Heitz: My name is Mike Heitz. I live at 266 West Kemper. We moved into Springdale in 1973 and I've lived at that address since 1974, so I'm kind of an old timer. I would like to thank the Council for the second opportunity to speak and especially for marking the project area. Mrs. McNear read my comments; I have nothing further other than I'm clearly not in favor it.

Adam Neu: My name is Adam Neu. I live at 250 West Kemper. I really appreciate you marking where the sidewalks are. It made it really clear how it would impact my family. I have sixty foot from front door to the street and the sidewalk is 20 feet into my yard; it's almost halfway into my front yard. I really don't want a sidewalk that close to my house and infringing that much on the privacy. It will affect my wife's feeling of safety in the house and it will also cause a problem with, we have a dog and people meandering that close to the house can make a really unpleasant environment in the house so I'm opposed to the sidewalk. I really appreciate you marking it; I had no idea it was going to be that close to my front door.

Robert Sparks: My name is Robert Sparks. I live at 256 West Kemper Road. I'm not in favor of the sidewalk, basically for the same reasons that everybody's saying. It's too intrusive into the front yards; it comes way too far up on everybody's property. I understand the right-of-way thing, but you're saying that it can't go out by the street because of the sewers. I understand that also but I went out and I measured from the

edge of the street to the sidewalk; it's like 15 feet. If the sidewalk was installed on the south side of the telephone pole, there would be almost seven feet just to the edge of the road. I don't know how everybody else feels but I feel that would be a much better option. I kind of think we do need a sidewalk but it being that close to everybody's front door is not acceptable. People don't like it. I do appreciate you guys coming out and marking it out. I would have been at the last meeting if I had known where it was going to be. My vote is no.

Joel Davis: Hello Mr. President and fellow Council Members. First of all, thank you for this opportunity. My name is Joel Davis and my wife Phyllis and I live at 226 West Kemper Road. We're not in favor of the sidewalk for several reasons but we'll just mention a few. With the property value the way it is, would that interfere, in regard to the square footage that is needed for the sidewalk, would that decrease property values? That's the first question. The second question would be, we have a dog also and we are fearful that having a sidewalk present would give him much more, I don't want to be funny but he's just a fierce dog and we're hesitant because of that reason and also a third reason is, liability. What is our liability to it and the cost thereof? What would it be if there's any for the homeowner? Thank you.

Mr. Parham: I'll see if I can respond to each of your questions. First of all, property values. I can't speak to whether or not for certain it would have an impact on your property value. I don't know how it would have a negative impact but at the same time I can tell you it will have a positive impact. The issue that we looked at when we considered the sidewalk was safety, first and foremost. I understand that individuals do not want persons closer to their home. I think it was stated at the last meeting the sidewalk sort of defines where that individual will be. Right now, there's nothing there to define it. We all see people walking up and down that road. In fact, the Mayor and I were walking the road just yesterday, getting a better sense of the markings, and it is not a safe process, to have someone walking on the road. Either they're going to walk on the very narrow strip of pavement or they're going to walk in the grass. Now, where they walk in the grass, it varies. But again, the sidewalk would add some definition as to generally where they should be. I'm not sure about the question relative to the dog.

Mr. Davis: Well, he's a German Shepherd, and we know that we're liable but we don't want the possibility of him to be able to interfere, with folk walking down the path, exciting him and so we're just kind of hesitant.

Mr. Parham: I think you would be responsible whether there's a sidewalk there or not of maintaining your dog; keeping your dog on a leash. If you were to install an invisible fence, the challenge you will have is making sure you install the fence outside the right-of-way. If something ever occurs and we need to remove the fence, the cost to reinstall the fence will be yours. Relative to liability, each resident is responsible for shoveling the snow on the sidewalk and that's the only issue that I can think of. The maintenance or repair of sidewalks is the responsibility of the City.

Jane Huber: I am Jane Huber, 282 West Kemper Road for 59 years. As I said last time we met, I am opposed. We are not a subdivision, as Springdale Terrace, or Royal Oaks, or Beacon Hills, or Oxford Hills. We are a residential street and most of our homes have been there, mine was built in 1940 and we're not what you call a residential area. We're here in Springdale, yes, but we're not like a subdivision. We're going to lose trees, one of the most beautiful trees in the City of Springdale, belongs to Mr. Wright and it has a big yellow ribbon around it, of course that's for the rehabilitation of Kemper Road. Where the two flags are in my yard, it's five feet wide. We'll have skateboarders, bicyclists, marathon runners and they'll be so close that they don't need a spyglass to look in. It's a shame. And if this would go through, you don't allow fences by code, but I'd want a fence and I'll fight in court for it. I'm really interested in the man that we're so concerned about in a wheelchair, if in fact he lives on Kemper Road, and if he's a property owner, or is he a renter? That would be interesting to know. That's all I have to say right now.

Karen Cook: Hi, I'm Karen M. Cook. I'm here with my husband Keith. We live at 238 West Kemper Road. We've been there since about 1995. Our house was built in 1932. I'm definitely opposed to the sidewalks. It almost takes up half of my front yard too. First of all, I don't see a whole lot of walkers. I think if you do put the sidewalk there, like the lady just said, we're going to start seeing a lot more walkers. If I wanted to go to UDF

or anywhere else, I've always just cut back Lawnview, turn left on Harter and go back through the rec center. If you're a walker, that's the way to go. I don't really see what the real benefit is. I think you're just going to open up this one stretch. Most of the school age children; there's busses that go up and down that stretch; they could shuttle to Springdale Elementary. If you think it's going to be such a benefit in that area, I guess I don't also understand why you're not considering it west of Springfield Pike and just going all the way up with sidewalks. I just want you to know we're definitely opposed at 238 West Kemper and thanks for your consideration.

Andy Bremanis: My name is Andy Bremanis. I live at 288 West Kemper and everybody else has pretty much said what I was going to say. At first when they said there was going to be a sidewalk, I figured it was going to start from where the school is and go straight down the street and at that point, I was fine with it, but as I noticed it coming up in the yard, it's just going to invite, like she said, more and more people to walk and ride bikes, jog, skateboard. I just want to say I'm opposed also. I think it's going to invite a lot more people than what usually already walk up and down the street. I oppose also.

Phyllis Davis: Mister Mayor, Council, My name is Phyllis Davis, Joel Davis's wife. My concern is the property; I love Springdale, that's why I moved here, because of all the yard, the property, and everything. I'm just concerned about is the sidewalk encroaching onto my property? Is that something I can find out? Do I need to do a survey; do you guys need to do a survey? Is permission needed from us to build the sidewalk if it does encroach onto our property or is there some type of law or something on the books that allows you to, not more or less, take it by domain, but, because of the statutes, you would be able to encroach onto our property.

Mr. Parham: Mrs. Davis, the sidewalk we have proposed begins roughly plus or minus 15 feet from the edge of the pavement into the yards, with the exception of the one area near the school. The right-of-way in that general area is very narrow. The only amount of width once you get past the existing sidewalk that we would have as far as putting it from the edge of the curb, is four feet. When we look at address 294, at that point, the sidewalk would jog back into the properties and you see it is closer to the homes. Again, it's at 15 feet from the edge of the pavement plus the sidewalk is five feet wide which gets us to 20 feet. The right-of-way is much further than 20 feet. In some instances I think it's probably 30 feet from edge of pavement. So there's quite a bit more space in which we could put the sidewalk. We do not need your permission to put it there but Council is asking you to give them feedback tonight so that they have a feeling as to whether you want the sidewalk or not.

Mrs. Davis: Okay, that permission is not needed because of the laws for Springdale or statutes?

Mr. Parham: No ma'am, it's because we are talking about placing it in the public right-of-way. I'll give you two examples. With public right-of-way, we have the ability to construct a sidewalk and other improvements, if necessary. At the same time, we recommend to you, not to put any permanent structures into the right-of-way. If we have to come in, for instance, for a storm sewer and you put a flower bed in the right-of-way, we may need to make improvements to the storm sewer, which require we remove the flower bed, it will be at your risk. If you want it back, you will have to pay to put it back. Anytime it's in the right-of-way and as long as we're staying in the right-of-way we can make the necessary improvement. However, when we come onto your property we need to get permission from you at that point in time.

Mrs. Davis: I see, thank you.

Genevieve Scheibly: My name is Genevieve Scheibly, I live in 210 West Kemper Road and the sidewalk is right in the dab middle of my yard. It's too close to my front porch. My husband died at home a little ways back. I don't feel secure with the sidewalk being that close to my front porch so I oppose it.

Adam Neu: I worked in real estate for many years and one thing I know is, having a sidewalk in the middle of the yard may not devalue the price of a house, but it makes it really hard to sell. It makes people who are driving by, on the open market, looking for a

house where they want to live; they're looking for anything that's unusual, anything that's not the norm; that sets your house out as one that people just don't go to look at. They don't schedule showings and they don't buy. So as far as will it affect the value? Yeah, a sidewalk in the middle of the yard is really unusual. When people are selecting a home to raise their family in, they'll have the same concerns. They don't want to move and have people that close to their front door, you know, people looking that close into their house. It'll drop the value and make that house hard to sell.

Dave Ertel: Hi, name's Dave Ertel. I live at 294. The sidewalk really doesn't affect me but it affects my neighbors and I think the sidewalk were that far into my yard, I would be opposed to it as well. I'm not for the sidewalk on the north side, maybe the south side.

Mayor Webster: It's great input. We've got, according to my scorecard, we've gotten input from 12 of the 16 residents on the north side of Kemper Road, and 12 of you say you do not want a sidewalk or you do not want the sidewalk where it is located. Let's back up a little bit and talk about how we got to where we are this evening. I was approached back in September by Mr. Knox and another gentleman in the community asking how I felt about sidewalks. I said the last time it was talked about there was a lot of resentment of the neighbors along there and I'd suspect we'd have the same thing but I would not be opposed if you want to carry the idea forward. Mr. Knox was on the fence a little bit until he saw a guy in a wheelchair at night trying to navigate his way up Kemper Road and that put him over in the yes, we need a sidewalk category. I was told today that that gentleman no longer lives there so I don't think that particular individual is an issue. Also we suggested that if someone in a wheelchair needs to navigate up to UDF and the Town Center or the school, that they could take the city walkway back there, through the park. That option still exists. We were led to believe that maybe there were no ramps for the wheelchair to get up, well, there is a ramp. The first thing you come to is two sets of stairs that go up to the school, and if you go on about 150 feet past that, there is a ramp that takes you up to the parking lot. If we have another wheelchair-bound person that needs to navigate that route, there is a way they could get there without using steps.

That's what kicked off the sidewalk project. We worried about funding. Mr. Knox was very diligent and found some money talking to one of the OKI people and followed up with it and so we did secure 80% funding on the sidewalk. That's what led us to where we are. I saw these plans about ten days before the last Council meeting. I was not happy with what I saw. I was not happy with the sidewalks being on the north side of the utility poles. I was not happy for some of the same reasons that you folks who have expressed about the sidewalks being too close to your house. At the same time, and I'll stand by this statement, I would like to see a sidewalk system go all the way over to our corporation line. I think it's good; we want to encourage people to get out and walk. I think it's safe as Mr. Parham indicated, we were down there yesterday, we have this much pavement to try to walk on and avoid the cars coming and going. It's not a safe situation, even without a wheelchair. With a wheelchair, it's absolutely impossible. I still feel we need a sidewalk. I don't think we want a sidewalk on the north side of those utility poles. Mr. Parham and I were down there yesterday; we were joined by Mr. Squires. We kicked around some options and we came back scratching our heads; we'd like to have a sidewalk, we understand what it's doing to the trees and the shrubbery, we understand it's getting too close to the houses. We understand we have to protect the sanitary sewer, the storm sewer, we have to take care of the drainage, so what can we do?

Well the reason we pay this guy so much money is, he comes up with some great ideas. He came up with one yesterday, he says, what if we go back to the street and we put a curb there and we handle the stormwater in the street side, eliminate the swale, add the sidewalk where the swale was going to go. I know some of you just don't want sidewalks period and you could care less about that idea, but if you see the value of a sidewalk, we're going to get it out away from your homes, we're going to get it out where a sidewalk belongs, on the south side of those utility poles, and we're going to have a curb there that's going to provide some protection for somebody walking on the sidewalk and we're going to take care of the stormwater drainage on the inside. This is a new idea; I've talked to none of these council people about it, so you're hearing this for the first time, as they are. There's a cost associated with this but we're led to believe that the additional cost would qualify for the 80% funding just like the initial cost. The cost right now is around \$23,000. City costs are what you see there, this would drive it up to about \$48,000,

if we're going with this approach. I like it; I would support this even though what I hear out here this evening from you folks, I understand it and I have a lot of empathy for you and I am not in favor of what you see up here. I totally agree with you - it's too close to your houses, it's too intrusive, we'd tear up too much of the environment down there. Unless five members of Council support this, it won't happen. I would support the curb, sidewalks on the south side of the utility poles.

Mr. Squires: I was on location yesterday with Mr. Parham and the Mayor. The privacy issue is very important. Where the red stakes are now just is not compatible with the way I'd like to see them. If I had my druthers on the sidewalk, I'd want them to go all the way to Kenn Road, but that's another matter. I'm pleased that so many of you came out tonight. Some of you in the last session voiced an opinion that it was a done deal. It is not a done deal, it never was. We needed input from you folks and we got an earful tonight, believe me. I have somewhat of an issue regarding safety. It's safer where we have red stakes now, but it also negates the privacy that you really want there and I can certainly understand particularly from this lady here that it's just so close to her porch and who lives alone and that's got to be a concern of hers and a concern of all of us as well. I'd like to go on record as proposing, if we're going to have the sidewalk, if we can have it on the south side of these utility poles, and have it safe, I would be more inclined to vote for it there than I am where it is now.

Elizabeth Felix: I'm Elizabeth Felix and I'm 302 and 310 West Kemper Road and I don't want to shovel 200 feet of sidewalk, bottom line, no matter where it is. If it goes through, then I have to do that. If it's enforced, if there's enough people on the street that are going to complain and it has to be enforced that we clean the sidewalk, then I think it was brought up before, I know it's not being enforced in the rest of the neighborhoods, so you would have to enforce it everywhere, so that's something for you to think about. I'm opposed, that's it.

Mr. Hawkins: I got a call from a resident who was asking me as well about the obligation to clean the sidewalk, clear the sidewalk. Obviously there have been several folks who have that concern as this gentleman doesn't even live in that stretch of land on Kemper. He actually lives up in Beacon Hills. But he was asking the same question. I believe he indicated he was 87 years old. I indicated to him, not trying to give legal advice, but sometimes that happens, that obviously there are some issues with regard to if you don't clear the sidewalk, you have some more protections on the slip and fall situation than if you do clear it and you create a worse situation. That individual indicated he thought there was some case law that says you don't have to clear the sidewalk despite what a city or state ordinance may be. I know our Legal Counsel is going to look into that and we'll see where that stands and that may cause Council to go back and look at our own Ordinance, with regard to that, if there is case law that indicates you don't have to follow those laws, so we'll see. The Mayor indicated before, to the best of his recollection, and that goes well over 20 years, no one's been cited, anywhere in the city, for not clearing their sidewalk. There's no one that should lay awake at night worrying about that issue of it. I know there are a lot of other issues in terms of having a sidewalk, but that should not be something that's a driving force of a concern that you're all of the sudden get cited in the Mayor's Court because you didn't shovel your sidewalk. With regard to the sidewalk issue as a whole, it's obvious that this is something that there are some benefits for; obviously there are some concerns about it as well. I say that because it's been something that's been discussed over the years over and over again. Ten or so years ago, it was discussed and I can almost guarantee you if Council goes through and does not put a sidewalk in, I bet you another ten, fifteen, twenty years, it will be discussed again. There are obviously some issues and some benefits with regards to that stretch of land, and whether or not there should be a sidewalk there. I have some concerns with the location of it; it looks similar to some parts of Forest Park as you go down Kemper, where the yards are broken up, you have the sidewalk in the middle. It's not all that aesthetically pleasing. The idea that the Mayor and Mr. Parham and Mr. Squires, I guess gave Mr. Parham credit for it, came up with, with putting it close to the road, does appear to be more appealing than the way it is right now. I'd be interested in seeing some more information regarding that before I can make a full decision but that's definitely more appealing than what's been put up there at this point. Also, as it's been said, really appreciate everybody's input coming in on this because it's important. We want to know what folks have to say. Everybody up here doesn't have all the answers. We're residents

just like everybody else, so we want to get your input, have things to consider. That goes for this matter or any other matters in the future.

Mrs. Emerson: Along the lines that Mr. Hawkins has also spoke to, I understand the city doesn't enforce the shoveling but my main concern was the liability on the resident if someone slips or falls on that sidewalk that has not been cleared. So that's the answer I would like to find out, what the liability is for the residents if someone slips or falls.

Mr. Knox: I happen to have in front of me a copy of Ordinance 93-11, Removal of Ice and Snow, and it goes on to say that someone with a sidewalk "within the first four hours after daylight following or during the fall of snow, shall cause the snow to be removed from the walk." The last thing on our agenda today is Ordinance 8, which is going to have the City Planner, if we pass it, take a look at the Zoning Code. The first thing I'm going to suggest is we massively modify 93-11 to have something that makes some sense and meets with current law and precedent.

Mr. Diehl: If somebody came up to me and said what do you think about sidewalks for the City of Springdale, I'm all in. I think the city needs sidewalks from Point A to Point Z. That being said, I'm probably not in favor of this particular sidewalk for all the reasons that were said tonight by you folks. When it comes up for a vote, I'm going to vote no on this. That being said, if it came back later, and the sidewalk were at the curb, I probably would say yes, but we'll wait and see on that. For what we have in front of us today, I'm going to vote no. Thank you.

Mr. Vanover: Mr. Forbes, I'm taxing my nonlegal memory here, wasn't there a precedence a number of years back, that if you live in a northern climate, there is an expectation that you're going to encounter less than favorable weather conditions i.e., snow, ice and that there was some easing of that, and I'll turn it to you at this point.

Mr. Forbes: Thank you. First thing you have to recognize here is we're talking about two separate issues. One is what your ordinance says, requiring people to clear a sidewalk and the penalties that go along with that and that's more of a Mayor's Court issue. The other issue you're talking about is just civil liability, a slip and fall issue. With respect to the first issue, whether we can require people to shovel the sidewalk, the state law specifically says municipalities have the authority to enact ordinances just like you have enacted and I'm going to review what Mr. Hawkins had mentioned, but to my knowledge, that's still perfectly legal, for a city to have an ordinance like that. With respect to the civil liability issue, I will say this. First of all, I'm reluctant to even really address it because I don't represent individual property owners, I represent the city. But the general rule in Ohio, when it comes to civil liability, is that because we live in Ohio, which is a climate that gets snow, and you get ice, that people are generally supposed to be on notice that natural accumulations of snow and ice just might be slippery. What the Ohio Supreme Court has said is that, if you, and I think this is what everybody's talking about, if someone goes out and shovels it, but does a bad job and leaves it in a state where somebody might be walking down the sidewalk and think well, that looks clean, then they may have more of an issue but the Ohio Supreme Court has said you're generally not liable for natural accumulations of snow and ice. Again, I urge you, these are two separate standards, two separate issues.

Mayor Webster: I understand, without the sidewalk, you don't have any worry about this and if we put the sidewalk in, then maybe you have a concern about it but your concern is no different than the other 2000 single family households that we have in this city. We've got miles and miles of sidewalk, and as someone's indicated, we've never issued citations for someone not cleaning their sidewalk. Now we have issues citations if you take the snow and dump it out in the middle of the street and cause a traffic hazard, yeah, I think we probably have cited or give warnings to people for that but not for not cleaning your sidewalk. I just urge you not to let that be a part of whether you're for or against the sidewalks, that should not be an issue.

Here's where we are – we have to file an application by the 28<sup>th</sup> of March if we want to try to get the funding for the sidewalk project. Derrick and I are reluctant to file that application unless Council is firmly committed that they're going to take the funds if they get them. We went down this road a few years ago. We applied for some funds from a road project over on State Route 4. We got the funds and we ended up not

building the project and I think that does not speak well to the city, it does not bode well for future grant requests that we might make, so I would hate to see us do that. I'd say if this Council is absolutely sure they do not want a sidewalk, at least in this funding process, then vote no. However, I would like for you all to give some serious thought to the plan that Derrick came up with that I think has a lot of merit to it. My understanding is that we don't have to finalize all the details of the plan before we make the application; we can work out the details at a later date, but I do not want to file that if anyone harbors any aspirations of building what we see up here. I haven't heard anybody voice that opinion.

We've heard from about eight, ten people here. I guess I would sort of like to hear what their feedback would be if we moved the sidewalk out to the south of the utility poles. How many of you would be in favor of the sidewalk then? How many of you would still want to say no? (vote taken by raising of hands) Nine of the people that are here and we had 12 here that said no, so nine of those 12 have said we move it out by the south of the utility poles, you'd be in favor of it? North side of the street, south of the utility poles.

Karen Cook: I would like to see the new proposal before I say yes or no. I would like to see exactly how it's going to look – is it going to be street and then curb or is it's going to be street extended farther than it is now and then curb and sidewalk? I would just like to see the new proposal.

Mayor Webster: Time is not going to allow us to do what we've done with this process, as far as marking it and everything, but I think Mr. Parham and Mr. Shvegvda can answer that question.

Mr. Parham: We don't think that we need to move much further into the properties; it should be relatively in close proximity. Again, there is a sanitary sewer that's there; we don't want to encroach too far upon that sanitary sewer. I believe that sanitary sewer is about three and a half feet off the edge of the pavement, we don't want to get that much closer; so the curb would be generally where it is, edge of the pavement, in that area.

Karen Cook: And then it would just be the five foot sidewalk from that point?

Mr. Parham: I'm sorry ma'am, no; it would be a five foot grass strip area, and then a five foot sidewalk.

Karen Cook: So you're looking at the strip; you're not just looking at the curb, then sidewalk.

Mr. Parham: If you can imagine, if the curb will be where the edge of the pavement is, then we'll have a five foot grass strip, then we will have a five foot sidewalk, and that will be the extent of it.

Karen Cook: So you're looking at pretty much halfway in now is how it would be; because right now, you're twenty in.

Mr. Parham: Yes.

Mayor Webster: And that sidewalk should be just about up to the utility poles. There's not going to be a whole lot of space between the sidewalk and the utility poles.

Karen Cook: Okay. Thank you.

Mike Heitz: Another half-cooked idea, I was wondering if in effect we could do a half a lane, add it to the roadway, keep a slipboard curb on it, and leave the sidewalk as the far right extreme of that half lane; that gives us whole lot better way to handle the street stormwater flow off and not build a separate walkway, but let it be an asphaltic concrete structure rather than the regular concrete structures. Actually you would be walking on the right extreme of the roadway but separated with a curb.

Don Shvegzda: So you'd have the roadway, a curb, and then asphalt on the other side of the curb?

Mike Heitz: In fact repave the roadway another half width, leave the curb or build a curb where the current edge of pavement is, let the people walk on the right hand side of the roadway, as one continuous structure. In that day in the future when you do want to redo it, okay, you've got it there and then maybe you'll put another concrete structure there later on. I think you've got enough roadway to blend that in.

Don Shvegza: So potentially we would have the pedestrians walking right adjacent to the roadway still?

Mike Heitz: On the roadway that has been widened, adjacent to the travel lane, with a curb in the middle to separate the traffic. It's just a thought.

Don Shvegza: He obviously is concerned about the safety.

Mr. Parham: I would recommend to Council that we not employ such a program. I think that still is a severe safety hazard to individuals, pedestrians that are walking on the street. I would prefer if we could separate the pedestrian traffic from the vehicle traffic. I think that would provide a safer opportunity for those individuals that are walking along the way.

Mike Heitz: Instead of having two feet, you'd have another eight feet.

Mr. Parham: Yes, you should, but at the same time, there's nothing there that protrudes or provides a barrier from vehicles and of course, if there's a curb, a car can go over that curb, but still, I think eliminating the opportunity to separate the two is more prudent.

Mr. Hawkins: Point of clarity, the application has to be in by the 28<sup>th</sup>, do you need to have an answer today versus the meeting on the 19<sup>th</sup>? I know we're getting shorter on time, but I guess the question is, is it possible to have this new idea staked? I'm not saying we need to have another public hearing, folks know what's going on, but is it possible to have a markup; do we have time to do that and still make a decision on the 19<sup>th</sup>, or is that cutting things top short?

Don Shvegza: If nothing else, we have the existing stakes there now and we can pretty much move those in according to how we're now looking at the sidewalk being. Obviously we won't know other issues that may be impacted by that new location.

Mayor Webster: Is that a yes or no?

Don Shvegza: It's a yes as far as getting the stakes moved back.

Mr. Hawkins: I just think it helps; I mean the residents have indicated it's a big difference when they can have some visual sign of what it looks like.

Mayor Webster: In consulting with Derrick, it appears that yes, we could wait until the 19<sup>th</sup>, to the next Council meeting. If we vote down this plan, they can pull those stakes out and put them outside the utility poles, where the new proposal is. Then we could have another hearing on the 19<sup>th</sup>. All of you have to pledge to be back here on the 19<sup>th</sup>.

Mr. Parham: It shouldn't take us nine days to complete the application. So if we postpone it until the 19<sup>th</sup>, and we get feedback and direction, we can have the application completed and submitted by the 28<sup>th</sup> of March.

Mr. Diehl: I just want to state that I am in full agreement with Mr. Hawkins.

Mr. Hawkins: Mr. Diehl was reading my mind. What I'd like to do is come back on the 19<sup>th</sup> with the stakes moved, maybe a different markup of where this new idea would be and then make a decision at that time.

Mr. Squires: Please folks, all of you make a pledge to come back; we need you. To the City Engineer, you mentioned some other problems, perhaps? Would Metropolitan Sewer District be one of them?

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Mr. Shvegza: Other problems may be what we have to do for drainage purposes, those kinds of things? It doesn't appear at this point that MSD will be a big issue in regards to that alternate location, going south of the poles.

Mrs. Emerson: One quick comment on that modified type sidewalk that the resident was talking about. My only concern with that is the safety as you all had mentioned, but also I don't know what the qualifications are to get the funding for the sidewalk. I don't even know if that type of modification would even qualify for the funding.

Mr. Vanover: Yes, that would be essentially a bike lane.

Mayor Webster: And funding does not apply to that. Just to give the residents some peace of mind, I really would like to see Council make a decision on this plan; so that we could put it to bed; if it's going to be voted down or if it's still active, then they still need to worry about it.

Mr. Vanover: That was going to be my next move. The plan we have before us, we'll do a voice vote, yeah or nay.

Mr. Squires: Just to clarify, we're voting now on where the red stakes at this time, right?

Mr. Vanover: This plan that is on the projector and what has been proposed prior to this new proposal.

Jim Squire made a motion to adopt and Ed Knox seconded.

Mrs. McNear took roll call. The existing proposal failed with six no votes.

Mr. Vanover: We will be back on the 19<sup>th</sup>; you will be back; we will hunt you down. We know where you live. We'll have the revised proposal; we'll get the stakes moved, so you'll have some visual acuity out there to understand what and where.

Mr. Parham: There's been some mention that residents are not aware, and have not been aware, of the road improvement scheduled for West Kemper Road within those limits. So I just want to make sure that everybody is now aware. We were successful in receiving outside funding through the Ohio Public Works Commission, about \$515,000. Also another \$225,000 through the Municipal Road Fund and then the City's share is going to be about \$330,000, so it's well over a million dollars of improvements. If you've been out on that road, which I'm sure everyone has, we're going to repave the road. We are going to make corrections to the storm sewer system. In fact, about \$397,000 of the improvement is to repair the drainage system of our storm sewer. We're going to make sure we address those issues. At the same time, there is a very small part of curb work near Hickory and Walnut that will be replaced. This project will go out to bid later this year and is scheduled to begin this fall. The disappointment I have is that unfortunately, based on the timing, it will not be concluded by the end of 2014. It will conclude sometime in 2015, but we will get that road repaired because it desperately needs it.

Mr. Diehl: I would just like to point out to the Administration that sometime in the future, I'd like to take a look at what is needed or what could possibly be done to have paved sidewalks on the south side of Kemper.

Mr. Vanover: We will temporarily suspend this public hearing, discussion on Kemper Road and we will reconvene it then on the 19<sup>th</sup>. I do thank you for taking the time to come out; it's kind of fun to see the Chambers are full other than when it's the Police or Fire Department, so thank you for taking time; I appreciate it.

Mr. Vanover: As a point of order, we're going to shift gears here, on the fly, and we will open and revisit the Board of Health issue on the Exchange Project so I will open the podium to anyone who wants to address Council on that issue. Again, I would ask that you sign in, your name and address, and introduce yourself as you begin to speak. The floor is yours.

Adam Reily: My name is Adam Reily and my address is 815 Race Street. President, Mayor, and the rest of the Council, Thanks for the opportunity to speak with you. My name is Adam Reily and I am the Project Director for the Cincinnati Exchange Project. I have a couple of things that I wanted to say in regards to our program. I understand and empathize with the community members who have expressed concerns about the exchange program. These programs are new to the area and represent a change in how public health is executed. The Cincinnati Exchange Project is not the first of its kind; there are over 200 such programs in the United States alone, two of them being in Ohio. The ones that are in Ohio are Cleveland and Portsmouth. All jurisdictions that have instituted such programs and implemented such programs have seen dramatic reductions in the number of needles, needle sticks to first responders, Hepatitis C and HIV rates, the number of improperly discarded needles in public spaces and increased rates of drug treatment participation. All of these outcomes lead to a healthier community for everyone. None of these jurisdictions, not one of them, have experienced increases in crime at or around exchange sites, increased drug use or enable drug use in any way. The availability of clean needles does not encourage people to pick up injection drugs. Those who do drugs regardless of what type of drug are going to do it regardless of the law or availability of exchange programs. All of this information is based on scientific studies conducted over the past 30 years by respected universities, the National Institute of Health, CDC, and others in the public health field. Research doesn't lie nor does it distort the truth. Locally, the need for this program is great. Ohio has seen its overdose rate increase by 372% in the past decade due to opiate abuse. In Ohio, more Ohioans die of opiate-related overdoses than motor vehicle accidents every year. That's been true since 2010. In Hamilton County alone, we saw 1.8 persons die from opiate overdose in 2013, that's nearly a person a day in this one county alone. Many people in the Cincinnati area would assume that UC's Emergency Room sees the most overdose deaths, but that's not the case. It's actually Bethesda North and I think that really illustrates that this is not a city or urban problem; it's an entire regional problem that affects everyone.

We have also seen a dramatic increase in Hepatitis C infections among white men under the age of 35 in the past five years due to increased injection drug use. We hope to curb this trend like Portsmouth did. In their first year of operations, they saw their Hepatitis C rate decrease by 50% in one year. It is well established that new epidemics such as ours see bacterial infections first, then Hepatitis C infections, then comes HIV. We've seen the first two of those three happen and we want to stop the third one from happening. We don't want to turn into the Midwest's Baltimore. Exchange is only one piece in our community's effort to curb this problem. First is prevention, getting to people before they start using drugs, with evidence-based practices. Second is exchange, helping people while they're using to stay safe and healthy until they can enter into drug treatment. The third part is treatment and recovery. We need to work 100% on all three of these fronts to really have an impact on our community. The Cincinnati Exchange Project has followed all proper channels from the Board of Health, Police, and Fire Department and City Government. We have done exactly what was agreed upon, we are offering all the medical services that we said we were going to offer, we have parked our RV where we had explicit permission by the owners of that property, and all of our materials emphatically state that there is no drug use, no illegal activity, and if anything like that occurs, we'll call the police, which is why we have direct contact with your Police Department. We're not bringing drugs into the community; they're already here and they're everywhere. Acting like nothing's going on is only going to further the problem. To our knowledge, there have been no arrests or any illegal activity surrounding the exchange site since our operations have started related to our client base. We have no reports of any of that activity. However, we have had a few community members come to our site to ask questions and talk. Nearly all of these individuals wanted information and once we had a conversation with them, they were on their way.

An extreme minority, two people, has not been so respectful and have taken it upon themselves to take pictures of clients, follow them away from the site, come back, and repeat, and then go to the police. In what other medical setting is such behavior okay or tolerated? All those we have served have come to us seeking help, access to treatment, and Naloxone, which is the drug that prevents an overdose from opiates. Along with the exchange services several of those already served have been family members of those who are using who wanted access to Naloxone to possibly save a loved one's life. And they also wanted information about drug treatment, how they can get their loved one into drug treatment. With all the good that we could do with this program, I

personally find it deplorable that we're facing the possibility of being shut down when all we're doing is filling an extreme gap that exists for this growing part of everyone's community. Our clients are someone's mother, father, child, grandchild, sister, or brother who need our help and do not need to be made to feel less than. These people have the same rights to quality healthcare services as anyone else and should not be ashamed or shamed for seeking their services by anyone. We hope that this Council meeting doesn't end with a not welcome sign. We hope that it ends with an opportunity to engage and educate the community about how the program works, why it works, and the disease of addiction. Through this education we hope to help build a stronger, healthier community that is concerned with all its members and not driven by stigma and fear of the unknown.

I'd also just like to point out we've only been here a total of five times, for four hours at a time. So, in a week, we're in this space for eight hours. I've been on the exchange van whenever it's been happening and so has Libby, who is the Project Manager, and everyone who has come on has been extremely respectful; they're not doing anything illegal. They're really just trying to get help and we're the only place they can go. When you have your average person in Hamilton County trying to access treatment and they have to wait more than two months to access that treatment, they need a program like us and we can help to bridge that gap for them. There's nothing else that exists in this area so I really hope that you will consider these points. All of the scientific data that I cited, I have all the backup documentation, which was part of the original packet that we presented as well. Thank you for your time.

Mick Higgins, 479 Observatory Drive: I apologize, I know I addressed Council last week and I said a lot of things that I'll reiterate again tonight with a much larger audience. One of the things you spoke to is there was not an increase in crime in a lot of the areas you looked at. We looked at Springdale specifically, and here crime is 289 instances of violent crime per 100,000 residents. It's below the national average of 311. If you look at Portsmouth, where they have it, it's 789 instances of violent crime in the neighborhood where they put the exchange. It wasn't a quiet, peaceful neighborhood like we have in Springdale. We also took a look at where they put the exchange in Baltimore and they passed around a picture of the neighborhood. It's not a nice neighborhood, a lot of boarded up windows, not a lot of businesses, not a lot of good residential structure. Here in Springdale, we put the exchange 300 feet from somebody's residence. We put it right in the middle of the business district, which there have been documented cases where people have claimed that having that that close to their business has decreased their customer base by up to 20%. I made the point last week that I didn't think it was fair to do that to our businesses here in Springdale that are representative of or tax base and it wasn't fair to our citizens to put it that close. Now one final comment that I'll make is that I happened to drive by on Monday and I know the exchange is open Monday from 10 – 2 and Thursday evening. On Monday the exchange vehicle was not there. I drove by about 12:15 and it wasn't there. What I don't know is how many people came into our community looking for the van and it wasn't there. Were they driving around, were they going up and down the residential streets? That's a concern for me as well – if you say you're going to be there, then you're not there, but you're bringing these people into Springdale, where are they going, what are they driving around doing? A final thing I'll address is what I brought up last time, what Dr. Feinberg said is that "the residents won't be using this. This is not designed to be here for the people in Springdale. Addicts in Springdale will find another exchange or another place to go because they don't want their neighbors seeing them go in and off this bus". This is designed, by her words, to bring other people into our community for this van and that's the element I don't want to attract into our community because it brings along with it the criminal element. So those are just comments I want to make. Thank you.

Pat English: My name is Pat English. I live at Olde Gate Condominiums, at 293 Carriage Circle Drive. I think you did get correspondence from Rich Mountel, from Towne Properties, representing all of our people who live here. We only have a few residents actually in attendance at your meeting tonight; however, I think he did say what most of the people, we've discussed in the community, I didn't hear anybody who's totally against the needle exchange program. I, for one, realize the value of it. However, I think that was a poor choice of location. I would like to see it maybe in a more public location like the corner of Tri-County or something like that, away from the residential area. We live in Olde Gate Condominiums, there's like 126 units, most of them are older, or some very elderly people and it's just too close to that particular location. Most people don't even

realize that we're there and we're concerned about the traffic that might go through between Northland Boulevard and Kemper Road, and opening up our community so the people are aware that we're there, how secluded we are, the potential for them coming back at a later time and causing some problems. So like I said, I'm not against the program itself, but I would like to see it in a better location. I would really think that it would be a problem because there are a lot of those businesses; that is one of the more active shopping centers from what I can tell in going around the city. The Olde Gate Plaza, there's people in and out of there all of the time. Some of the other places, there are not people going in and out all the time, so they're not in the way. If you could see clear to look at a new location I think more people might get on board with it and not really complain. That's all I have to say tonight.

Louise Bower: I'm Louise Bower, my husband and I live at 466 Grandin. My concern with this program had the experts speak to all the talking points that I was provided with, so I don't think there's any more argument than can be made for the success of programs like this. They've been in lots of different places; it just happens that Springdale is where they have landed now. It seems to me we ought to take some pride in the idea that we can provide a service like this. These people who are struggling with drug addiction are not people that we don't know. Drug addiction is in every community; no one demographic has a monopoly and drug use and drug issues. I think we can't assume that there's nobody in Springdale what we are offering them. I did not know a lot about this program, at least in our area, until a friend of mine gave me some information about it. What struck me was that here is a group of people who have very little access to any kind of healthcare and at this facility, they can not only exchange their needles, and, by the way, that's the draw – those needles develop street value. So we're not going to have needles and drug paraphernalia in our parks. Those needles will come to the exchange program and be off the street. And when they're there, then we can provide them with lots of other services and, more than anything else, provide them with information about getting into a program and getting this monkey off their back. As I've been thinking about this, it occurred to me that we do a lot of agonizing about the drug trade, about the violence in so many places where drugs are manufactured and transported. The only way that's going to change is if we destroy the market and this is one tool for destroying the market, which are drug users. Thank you.

Lee Schmidlin: Hello, my name is Lee Schmidlin, I live at 285 Carriage Circle, which is in Olde Gate. I can agree that something has to be done with the drug problem but my complaint is I'd like to see the van moved away from our community. Carey Circle is right at the east side and right around the corner is this Olde Gate Shopping Center and it is very close to us. We have an older clientele, no offense to your mother.

Mr. Hawkins: I wasn't going to tell her.

Lee Schmidlin: Move the van maybe over to Tri County or somewhere. I don't know how these decisions were made of where it was going to be. Is that the only place in Springdale?

Mayor Webster: Other sites were considered and permission was not granted at some of the other sites.

Lee Schmidlin: That's the only site that was granted?

Mayor Webster: Once someone said yes, then they didn't continue to look for another site. The first two sites they looked at, the people refused and the third site, they said yes.

Lee Schmidlin: Who makes that decision? Is it the store owners or is it the guy who owns the shopping center?

Mayor Webster: The people that own the Olde Gate Plaza said yes, you may park the van there.

Lee Schmidlin: Okay, thank you for the information.

Greg Bullock: Good Evening, my name is Greg Bullock. I'm the management company that currently manages the Olde Gate Plaza. To answer the question of why we gave permission. We were approached by the University of Cincinnati, also the Health Department, here in the city, with the understanding that they had this medical unit and what they would do, what they would offer not only the people in our surrounding area but in the county. I have, since then, received quite a few calls from both the city here, we've reached out to all of our tenants at the plaza, we asked before we allowed this, we said what we were going to do. After the mobile unit was there, we went back and said has it affected your business at all; do you have any problem with it? I can tell you after that after visiting there, I have no one that's opposed to the van being there. If the City would have put that railcar with tires on this thing, if it doesn't work out it can be moved. It's been there a very short time. Clearly, the Council and the Mayor have taken some heat from the residents for the concern. Rightly so; I think everybody wants it and thinks something needs to be done for the drug problem that is affecting us all but nobody wants it in their back yard. It's time to stand up and take a chance, allow this thing. If it doesn't work, we can always move it. We haven't signed a long-term lease; it's on a month to month or week to week. That's my thought on that.

Dr. Winstaley: Hi, I'm Dr. Erin Winstaley from the University of Cincinnati. I'm a colleague of Dr. Feinberg. I just wanted to, since she was not able to be here today, to remind everybody that she really is an internationally recognized expert in Infectious Disease, so we're so fortunate to have her involved in this project and to be bringing the best of science to this epidemic of drug addiction that we have in our community. It should also be recognized that Springdale is really pioneering and doing a fantastic step forward in helping the citizens and the health and well-being of the entire community. The closest locations in Ohio, as was already said, are going all the way up to Cleveland or to Portsmouth. So this is really substantial. With people more likely to die of a drug overdose than a car accident, these are life-saving medical interventions that are needed. I just wanted to say I've had, some might say, the misfortune of living in Baltimore for eight years and I wanted to speak to the resident's concern because it's very legitimate. I've also actually spent a lot of time because I work on improving access to evidenced based treatments for people with substance abuse disorders as part of national clinical trial's network, and so I've been very involved in expanding access to these treatments and also, going down to Portsmouth, I've spend quite a bit of time down there. I will say when I went down there, having lived in Baltimore for eight years, I was shocked to see rural areas ravaged by drug abuse; something you only see in a large city like Baltimore. One of the concerns I have as a citizen who has relocated here, is I would hate to see a beautiful city like Springdale turn into a Baltimore and/or the problems in Portsmouth. I imagine if you went back to Portsmouth eight years ago, it was not having the crime statistics that you mentioned. They didn't have an epidemic of Hepatitis; they didn't have the crime. When I went down there, yeah, I was afraid in Portsmouth, rural Ohio because of the crime related to the drug trade. There were some really heinous murders happening. But I think taking a step to increase access to treatment, as another citizen mentioned, is really vital to improving that and not having those things happen and being able to take pride. Additionally, I just wanted to say that I am so thankful for the support of the Council and the community members for coming forward and having an open discussion about the situation, in particular, hearing that there haven't even been any problems at the location. But even from the community that sits right behind it, as I understand, even how the community members show up and say a list of potential alternatives. This is really saving lives. I'm evaluating the Narcan distribution program at the Center for, at CCAT, in Cincinnati, and that program has saved over four lives. I don't know how you put a dollar amount on four lives. It's not just the lives saved, right, it's the parents who don't have to grieve for a child; it's the siblings who don't have to grieve and live a life without them. And then there's also another issue, is that even when people live, you can have traumatic brain injury if they haven't administered Narcan in a timely manner or they didn't receive medical intervention. So there are extreme amounts of cost associated with the medical consequences of having decreased respiration. This cost our healthcare system a tremendous burden, so being able to again prevent the onset of infectious diseases, to give life-saving Narcan to people is really an incredible step forward. Also since I do have over 17 years of expertise in this area, I'd be happy to answer any questions related to where the science lays on this question. Thanks for your attention.

Linda Seiter: Good evening. My name is Linda Seiter and I'm the Executive Director of Caracol. We provide housing and supportive services for individuals and families living with HIV and AIDS in southwest Ohio, including people living in Springdale. Thank you for allowing me to speak tonight. Before we begin I want to thank the Mayor, members of Council, and the Chief of Police for supporting the important work of the syringe exchange project. Thank you for taking action to curb the public health epidemic of injection drug use in your community. Our agency Caracole serves over 1400 individuals with HIV/AIDS. The goal of our services is to stabilize them in medical care and reduce transmission of the virus. The human and financial cost of HIV/AIDS is enormous. Imagine living with a serious, chronic disease with costly medications, intermittent serious health effects and stigma. Financially, HIV with AIDS is very costly over a person's lifetime. The average lifetime cost for treatment is a little less than \$400,000. Currently, three per cent of those we serve at Caracole report injection drug use. There is no doubt that this number will increase, given the scope of the heroin epidemic in our region. The Center for Disease Control reported, in 2012, that 36% of new HIV/AIDS cases were a direct result of injection drug use. While we know that injection drug users will be the next wave of those we serve, we can minimize the impact by initiatives such as the syringe exchange project. Yet this can be avoided and this is where we all come in. The syringe exchange project, through the use of clean needle distribution, can virtually end the transmission of HIV/AIDS, Hepatitis C, in this population and serve as a connection to alcohol and other drug treatment services. The experience of this program in Springdale will be no different than those in other parts of the country. It is proven to reduce infections, deaths, and serves as a conduit to treatment. Again, thank you so much for your support.

Dave Jacobs: Hi, I'm Dave Jacobs from Kemper Road. I spoke at the previous meeting. Since that time I wanted to mention that I have gone to the van itself and spoken to some of the people working there, had a very positive conversation with the young lady that I spoke to, she answered a lot of questions. I've educated myself a lot. I got an education during that last meeting as well. I think the theme tonight, whether it's the sidewalk or this, location, location, location. I think it's very hard to discount the concerns of the people who are 340 feet away. As a resident, we can have all kinds of disagreement about the enabling, philosophical debate versus the possibility for treatment. I don't know anybody who's against Narcan being distributed. The concern is the relevant concern of people living nearby and I just don't want that to be ignored, based on all the statistical evidence of what this might promise to do. At the last meeting I was asked by one of the council members if the location was different, would I have a problem with the program? My answer at that time was no, I would support it if it was somewhere to me that seemed to be a little bit more logical location. I don't think it has to be a hospital. By one element, that makes sense but okay, maybe not. But there's a giant hotel that has been vacant for I don't know how long, and there's a huge parking area around it. That seems to be more logical but of course, that's a big discussion to have. To me that biggest concern for the people that have raised questions is about the location, not the larger philosophical question. I do appreciate the chance to speak. I have one more question – I don't know if it's soon enough but is there data on how many people are using the program or participating in the program in the month that it's been active? It's a big question about what to do about residents who might be photographing participants. That certainly hurts the benefits of that location. Those are two separate questions that just came up from what I heard this evening. Thank you very much.

Libby Harrison: Hello. My name is Libby Harrison and I am the Program Manager for the syringe exchange. I wanted to touch upon a couple of things. One, the reason we weren't there on Monday, sir, was due to the snow. It was unsafe for us to drive our vehicle in the snow and so we had to make that decision on Sunday night because we have volunteers and we didn't want to disrespect anybody's time, so that's why we weren't there on Monday. On a personal note, I'm from Portland, Oregon. I grew up three blocks from a syringe exchange. It was a beautiful neighborhood. It was businesses, it was an amazing business district; it's called the Alberta district, Portland, Oregon, please look it up, Martin Luther King Avenue in Alberta, and that's where I grew up. It was amazing. Crime was not affected by the syringe exchange program being there. What was affected was HIV and Hepatitis. What was affected was kids not getting stuck by needles when they went to play in the park. Because syringes become currency; so they're not dumped. Your local garbage man doesn't have to fear picking up a bag of garbage out of the community garbages; because they're now important enough to save because people will

get new ones. It is a program that has the science to stand behind it. Speaking to your own Chief of Police, speaking to your EMS services and them talking about the increase in the amount of heroin they see, the increase in the amount of overdoses, this is your problem. This affects your children, your neighborhood, your service providers.

By asking us to be here, you were protecting the community as a whole. You were not just protecting injection drug users; you were protecting your family, your children, and your grandchildren. No one wants to have a child get stuck with a needle because they were playing in a sandbox. But sadly, because paraphernalia is a crime, injection drug users do not want to carry it on them once it is used because that's when it becomes paraphernalia and that's when they have to ditch it. But if they have the ease of getting new needles, because needles are very hard to come by; they're not just sold at the pharmacy. I have tried. I like to take care of my own pets, please don't tell my vets, and I walked in to get a syringe to drain an abscess, and they would not give it to me because there is a morality clause that they don't have to. They can say no to me for that. So they just can't get a new point. So if they can get it from us, they'll hold on to it and they will leave it in their house, in their car, where have you, but it won't be stuck in a sandbox at a park or in a trashcan for a trash person to get stuck. This is the importance of syringe exchange on a broad scale picture. It's not just injection drug users we're protecting; we are protecting everyone. That is the goal of syringe exchange. We want to stop and decrease overdoses, so we have Narcan. We want to increase treatment. What my partner Adam said, it's a 60-day wait to get into a treatment facility. Injection drug users are very isolated people. They're isolated because of the stigma, because nobody wants them in their backyard. So when they come to me and I give them that list of places they can call, when they come back the next week, I can say, hey did you make that phone call, how did it go? No one else is going to say that to them. I get to be their reminder. I get to be their safety net; I get to be their friend. We are the step between abuse and treatment. Having to wait 60 days to get into treatment is a huge, huge deterrent to people getting better. We all know mental health plays a huge role in addiction. You call, you say I'm ready to change, and they say I'm sorry, I can't take you. Imagine what that does to your self esteem. Imagine what that does to your train of thought. I'm not worth it. I'm just going to keep using. But if you have someone look at you in the eye every single day and smile and say hey it's nice to see you, did you make that call yet; I'm really hoping for you, I believe in you. That makes a difference. I am a former injection drug user. I did not go to treatment but I did use syringe exchange services and they saved my life. If they hadn't been there, I would have a communicable disease at this point; I could have overdosed if I did not have Narcan in my hand. My best friend saved my life. That's all we're asking. We're asking for you to stand by what you said. Mayor, you took so much pride in that you were willing to do this; this small community was willing to take a step that other communities had said no to. You were so proud of yourself. Do not lose that. Do not give up on that pride. I don't know if you have children and I don't know if you have grandchildren, but I can bet somewhere in your life you have been touched by addiction because everyone has. So think about if it was your grandchild; if it was your granddaughter, would you want her to have to stand alone? Or would you like her to be able to have someone that looks her in the face every single day and say I can help you? That is what syringe exchange does. It is more than just helping the addict; it is helping your entire community and it is helping your entire city, because you never know who your child and your grandchild is going to grow up to be. Families who deal with addiction should not have to stand alone because it is exhausting and they can not hold it all. They need help. Be proud in your city for being the first place in this region to do this, take pride in that, because you are saving lives. Thank you.

Chris Ecklin: How are you doing? My name is Chris Ecklin. I'm sorry I don't have a more comprehensive note; I have about ten pages of random stuff that I haven't had a chance to put together. I'm not here to dispute the 90% of the project; it's the needle part that I just can't get wrapped around my head. I have no problem with all the other staff and program, all the other help they're giving them, that's great. Just a couple of questions I've come up with just hearing people talk here tonight. Just mentioned that people are touched by addiction. A lot of people have; not me personally but I've known people and I've helped people through stuff like that. But one thing I ask myself when I hear people say things like that is if this were, I have a twelve year old son, if he is the one, when I go in his room and I find him with a needle in his arm, or whatever he's doing, sniffing something or whatever the case may be. The first thing I am not going to do is take him to a van to get him a needle myself. I would not personally do that. I would get

him the help; I'm all for that. The only thing I have a problem with is the needle. All of you have probably got kids, maybe grandkids; would you personally give your kid or grandkid a needle? Would you hand it to him and say here you go, I want you to keep doing heroin but I don't want you to die from HIV, Hepatitis, whatever the case may be. That's my kicker. That's the only thing I have a problem with.

Question for the people that are part of the program – are these needles marked? Do you have a way of tracking them? When you exchange a needle to whoever comes in; you guys have given some statistics about the reduction of sticks, reduction of deaths; when you exchange those needles, I know you give them an identification number because I read the website, but the needle itself, do you have a way of tracking that needle? Like it somebody got a gun stolen, a serial number, a tracking number, anything like that? My question is that a couple of weeks ago, I wasn't here but I watched the Police Chief and the Fire Chief stand here and the Fire Chief said that they had just had a nonresponsive person, I believe they had a needle in their arm from overdose drugs. I think it was prior to the exchange program beginning in Springdale. Fast forward, if that same scenario happened today, tomorrow, do you have any way of knowing whether that needle got into somebody else's hands or if that particular person having just left the van had overdosed after leaving the exchange program? The interim is what I'm worried about. The 60 day you say it takes to get into the program; it's the exchange program, having given them needles and the means to shoot up, whether it be with a group, which one of the local news articles a while back I think sometime over the summer, recommended, was it Dr. Feinberg, to do it in a group, with other people. It was in the article, I can't remember the exact quote, and the Narcan thing, that's great. I don't want people to die; I don't want them to overdose but who's going to issue them that Narcan? If I shot up and I'm overdosing, who is going to issue that Narcan to me? What if they're by themselves? I've got a hundred scenarios that I could run through my head, just the needle exchange; I'm not worried about any of the other stuff, I support it. It's the needle exchange program. I'd like to know where the statistics are and who's gathering statistics of lowering the amount of sticks to the firefighters, the police, emergency personnel.

Dr. Winstaley: I'm helping Dr. Feinberg monitor the program and actually tracking outcomes, so we will be able to report this data, just as I reported with the other program, that we saved over four lives. We will actually have lots of outcomes that we'll be tracking. While we don't track needles, we will track other things that happen. We want to be able to attribute this as a successful program. The number of people who get into treatment, the number of people who administer Naloxone. There were concerns initially in Portsmouth when that program was set up, if you give people Narcan and they use alone, who effective is it really going to be? There was a study done and I believe about 85% of people who overdosed and died in Portsmouth, there was in fact someone who was there and they didn't understand the signs and symptoms. They do overdose education too. One of the examples is, and you should share this with your friends and family, that there's a different kind of gurgle that happens, a different kind of death rattle snore and helping family members identify that, because they found in that study that maybe a parent didn't wake the child or try to rouse the person; they thought they were snoring, not realizing that was a different snore. So when I do education with patients at risk, we talk about what's the worst thing that can happen? Wake them up and they'll be mad at you? It's better to try to rouse them and know whether they need a medical intervention. It's very early; we're setting up these data systems, but we will be able to track information and report that back.

Chris Ecklin: That's all I got to say, just I'm just concerned about, specifically, the needle exchange thing.

Dr. Wilder: Hi, my name is Dr. Christine Wilder. I'm a physician who works a lot with substance abusers. I work for the Department of Veteran's Affairs. I'm required to tell you I'm here as an individual, not representing the Department of Veteran's Affairs, but I would like to speak to my work with the veterans. I'm really happy that particularly to hear that the community is concerned about substance abusers, many of who are veterans. I'm just really glad to hear that you guys are worried about them and that you would like for them to do better. I don't want to take up a lot of your time but my concern for my veterans that I take care of, many of whom have heroin addictions, many of whom served us in Afghanistan and Iraq, were injured, began using pain medications for their injuries; got hooked on the pain medications, were taking more and more of those, could

not afford it any more, switched over to heroin because it was less expensive. I want those guys and women to get into treatment and I don't want them to die before they get into treatment. I don't want them to contract HIV or Hepatitis C before they get into treatment. That's really what the program is for, is to just keep these people as safe as they can be until we can get them into treatment. I know that there are some veterans in this community and I would urge everyone to think about the service that they've provided and that we can return some of that service by hanging in there with them and helping them stay healthy so that we can get them treatment. Thanks.

Charity Browning: My name is Charity Browning, I live at 1718 Hanfield. To the gentleman who was asking about the needle exchanges, when I told friends that I was going to be helping volunteer for this, the very first question I got was from a woman whose father lives here in Springdale and has diabetes. He does not have access to exchange those needles and she asked can I bring them there? So I reached out to Adam and he said of course. So if your son, as you're saying, had a drug addiction and needed a needle, of course you're not going to support his drug habit, but you want to save his life. It's the same thing with people with diabetes, or people who need injectible blood thinners; it's the exact same thing. You bring one needle, you get one needle. We're not just giving you supplies to support your habit.

Leon Herbert: Hello everybody, my name is Leon Herbert. I am a paramedic; I'm not practicing at this time but this means a lot to me. I've been in many situations in the field where I've had to deal with people that have drug addictions. The people that I've dealt with in my life as a paramedic are people just like you and me and everyone else; it's a whole range of people out there that we care for and when we go into the field we don't judge. We have to deal with whoever we come across. The last thing I want to worry about is a needle, to be honest. There are enough dangers that I face as a paramedic. I know the police have a very dangerous job but we have a very dangerous job as well and we don't have a gun. I don't want a gun. I want people to trust me. At the same time, there's a saying, it's a very dangerous world out there, and the list of things that could potentially affect my life, makes a big difference. I think the needle exchange is going to do that for you guys. What my wife said, Dr. Wilder said, we have a lot of veterans that are coming back from the war. They are people like us, so let's look after them. I'm sorry I'm not very good at talking but I think that it's important that we support this initiative. Thank you.

Libby Harrison: You had asked how many people we had seen. We've seen ten individuals so far, seven to exchange needles, three specifically for Narcan, for their partners. All but one person has asked for a referral to mental health and/or treatment. Only one person has just come for needles. Really it is a very broad program. Thanks.

Mayor Webster: Just for the record, Ms. Harrison, we did not seek out the exchange to come to Springdale. You folks sought us out to receive permission to locate the medical van here. I appreciate all the participation, all the expert testimony we've had here tonight. We certainly have had a lot of that. But just for the record, there has been no criminal activity associated with this van, absolutely zero. No businesses in Olde Gate Plaza, as Mr. Bullock told you earlier, have complained; quite the contrary, one of the business owners has taken refreshments out to the people in the van. So I think from that standpoint, they've been very welcome. My information from talking to Dr. Feinberg is that there's been approximately ten people who have visited the van, one of them was a revisit from a gentleman asking for information about a treatment program, so I think that's what the program's all about so that's certainly a success there. Another lady came down from Yellow Springs, Ohio, seeking Narcan for her addicted son, just in case he OD'd. That's great; hopefully a life would be saved there. That's the good news.

Now let's talk about the bad news for a minute. The businesses next door, on Northland Boulevard, claims it's hurting his business and wants the project moved. Supports the program, as everybody else does, but no one supports where it's located. The Olde Gate Condo Association is livid that the van is in their neighborhood and they want it moved. I met with their Board of Directors last Thursday, and there was no way I could leave there with any question except they want it out of there, clear and simple. All support the program, the project, all understand the value, appreciate what the city is attempting to do, but it's the same adage, not in my backyard. We had a teleconference on the 25<sup>th</sup> of February with the owners of the plaza, with the business owner next door,

Dr. Feinberg, and several city people, even our City Administrator took time off the ski slopes to join us from Sun Valley. It was a great meeting. We discussed everybody's concerns. The consensus was that we need to find another place for the project where it has no impact. We need to educate the community to try to eliminate the stigma that's associated with this. We even had offers from one business to help fund that initiative. I'd be remiss if I didn't tell you I had seven emails today in support of this program. I don't think any of those were from Springdale residents and I suspect many of those are probably in attendance here this evening. I still support the intent of the project but I've come to the conclusion that we, Springdale, are too small or too densely populated to accommodate the operation here in our city. We can all come up with sites, why not here?, why not there? I'd be more than happy to talk to you about every one of those sites, but we're going to end up with exact same situation that we've had at the Olde Gate Plaza. The good news is that Dr. Feinberg tells us that she's obtained another medical van and will have another site or two in the city or surrounding areas very shortly. With this information in hand, I would like to recommend that we allow the project to continue until March the 24<sup>th</sup>, at which time hopefully they will be ready to open one of their other sites. They would like to stay but in all fairness to all concerned, I feel it should be moved from that site. The plaza owners have indicated they will allow them to place a sign there which will inform people they've moved. Another business has volunteered to help defray the cost of reprinting the folders showing the new location. With that, I would like to turn it over to Council.

Mrs. Emerson: I'd like to start out and just say it's real easy to be a leader when the majority backs you. It's a lot more difficult when you meet resistance. With that said, I'll use the analogy that we all love our freedom here but I don't want it at the sacrifice of my son or daughter. We all agree the program's great but no one wants to have it anywhere. Somebody's got to step up and be a leader and that's really what I was hoping Springdale was going to do here. So you guys are all updated, I'd like to go back through a Council meeting we had on June 19<sup>th</sup> of 2013. Council was asked to vote on this needle exchange program. We were told the Board of health, Mayor and police and fire departments all approved this program. Although the State law allows the Health Commissioner and the Board of Health to institute this program without Council's approval, they asked for our support. We voted with a 5-2 in favor for this program. These are some of the comments that were made about the program at this council meeting prior to our vote:

*Mr. Knox: "I commend you for what you are doing".*

*Ms. Emerson: "Drug use is not going away. This program isn't going to eliminate drug use, but if we can decrease the health care costs, make it safer for our public safety and our community residents, we've made a big move. Along with all that if we can save one person or get one person recovered I believe this program is worth it".*

*Mrs. Harlow: "If one person can be helped or one family get help for a loved one it would be worth it".*

*Mr. Squires. (this was stated at February 19<sup>th</sup> meeting, our last meeting) "I think it is a shame that we collectively as people have gotten to this point that this thing is so bad that we have our citizens, young people doing these horrible things. I also think something has to be done. This to me seems to be a program that shows help; I don't know but I think we have to give it a chance".*

*Mr. Vanover: (this was at the last Council meeting) "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. I think just about anybody has been touched by it along the way, whether its heroin or any other illicit activity. I would have no qualms withdrawing my support if this blows up. It's there; we're watching it. Only time will tell if it's good".*

*Mayor Webster: (this was at the June 19<sup>th</sup> of last year) "Let me make a couple closing comments. This is not a Springdale problem. It is a regional problem. I think we have been very privileged that we have a health department. We have one of five health departments in Hamilton County. By virtue of having a Health Department, we now have the opportunity to help not only Springdale residents, but the region. None of the other four districts to this point have voted to implement this program. I think it gives us an opportunity to show some leadership. The easiest thing Council can do is say don't do this program because we may suffer some negative press. We may get some negative reactions from other people so*

*why take the chance. Let's just put our heads in the sand and go on with our business. I urge Council not to do that. As we indicated before, the state law allows the Health Commissioner and the Board of Health to institute this. We'd very much like to have the unanimous support of the entire Council. I think we have an obligation to do that and I would certainly hope that you can find your way clear to support this endeavor".*

Mrs. Emerson: This needle exchange program started on February 10<sup>th</sup> until present, March 5<sup>th</sup>, three weeks. We actually only had four days open. Did anyone here on the dais think for one moment that this needle exchange program would be met with open arms and receive all positive reviews from our community? The Mayor even spoke of this in his comments "We may suffer some negative press or we may get some negative reactions from these people". What negative outcomes have transpired from these comments and complaints? I would hope all here tonight, can look through clear glasses and see the good in this program, again as you did on June 19<sup>th</sup>, 2013 and not allow the negative influences to cloud your vision. We as Council and Board of Health, police and fire departments, need to stand behind this program as we initially voted to do. Yes, I am aware we stated that at any time the program could be stopped but with that said, can we at least have good and legitimate reasons for doing so and not because we have been met with some resistance? We need to give the program some time and wait out the storm.

Mrs. Emerson: If I were to remove all my passion and emotion from this issue I still really battle with the idea that pulling the plug on this program seems to not bother anyone up here. What does our vote mean and stand for? Do we as individuals here on City Council not think and research our choices on issues before we vote? If so, what has occurred that has changed your feelings or vote since this program was started three weeks ago? Negative press and comments, did we not know we were going to get these comments; the Mayor even reminded you of that on June 19<sup>th</sup> before you voted. I guess worst of all I feel very bad that not only for our lack of leadership and follow through with this program, if we pull it, is bad enough, but for the program itself, if Springdale turns this program away, they are left with the burden of proving to future communities that the only reason the program was ended here in Springdale was because it was met with resistance versus a negative event from it. Thank you.

Mr. Knox: I still commend you for what you are doing. We have a good reason. We have a member of our family not living here in Ohio who just celebrated one year clean. Programs like yours are absolutely necessary but you must look at it from the viewpoint of the people who live in Olde Gate. Mrs. English and other people have talked to me about it. People who are coming to your RV are people who are breaking the law. Perception becomes that there's a greater risk if they're nearby. Therefore, I would like the program to be maintained but in another area, not close to children, and not close to residents. Thank you.

Mr. Hawkins: I just want to make sure, for clarity sake, we initially took a vote on this; I did not support the program at that time. My position hasn't changed and my concerns haven't changed and it's not about the program; the program is great. The program has a lot of different positions in it; parts of it that are helpful for folks that are battling some tough addictions. My concerns remain the same from my experience over ten years working the justice system as a former prosecutor and a defense attorney, that I know that more than half of all crimes are drug-related. It's either drug use, it's either folks that are under the influence that are doing something or it's selling drugs, what have you, that's my concern. We've had a lot of talk about other places where this exists, Baltimore, down in Portsmouth, Cleveland. Springdale is not Baltimore, Cleveland, or Portsmouth. Residents have picked to live here because it's not some of those other places. There's nothing about a needle exchange program that I think increases the value of that area. If that was the case, the most affluent socioeconomic places would have them. They'd be all over Indian Hill and Glendale; they're not. And so the reality is there are some issues with that. There are, again, I'm not saying that everybody that's addicted to drugs are bad people, but the problem is, there's some things that go along with that. As I sit here, as I did when this first came to us, to have to balance; it's a cost benefit analysis and the issue becomes a location.

I balance people talking about saving lives. That's great, I support that. I have had and still have clients that are battling different drug addictions but I'm balancing saving the lives of someone with Mrs. English, Mr. Schmidlin, and the potential issues that may come from their safety or crime being committed against them. That's my concern. It's a very real concern. It's something that should not and can not be dismissed. The discussions and the question I had for Dr. Feinberg when she was here with us, and the only question that really was important to me statistically, was what are the statistics for an area such as Springdale where we don't have high rates of crime, high rates of drugs, with a program such as this in there where you can show me that there's no statistical change that's significant with regard to crime. And there was no data to be provided because we haven't had a situation like that. One can say hey Springdale's being a pioneer with regard to that and it'll be interesting to see what happens. Maybe my hypothesis is wrong. If this program is in Springdale, I hope I am wrong. I hope there is no statistically significant change in crime but over ten years experience as an attorney, as a prosecutor and a defense attorney, tells me that, when folks are using drugs, there are some issues that can result from that. The byproduct of that involves crime. That's my concern. It's not minimizing saving lives; it's worrying about the Mr. Schmidlins, the Mrs. Englishs of our community. I appreciate the folks coming out from Olde Gate, and I haven't spoken to any of you all about this, but I have gotten calls from folks in Olde Gate. It's where I grew up. My mom moved there from seventh grade on; she still lives there now. That's where I lived when I was in law school, when I'd come home from college. I know the residents of Olde Gate; they know me. I know what that community is like. You have folks that are very observant of what's going on in their community. They don't make a lot of fuss, don't make a lot of noise, but they're aware of what's going on around them. They're very aware of that plaza. Things come in, things go out. They're very aware of what's going on there. With that location, being that close to that community, there are some concerns. When it was brought to Council initially, there was talk about locations, maybe a church, there were no hard location that was given and the program didn't say hey we're going to stick it over here; there were some ideas that were being worked through. When it ended up being Olde Gate, I knew, without talking to a resident, I knew we were going to see some residents from Olde Gate upset because they're observant and they're worried and concerned about the things that around them. So there's some concern there with the close proximity to the residential area. I told you that's where I grew up. My bus stop was at the corner of Northland and Olde Gate, probably less than 20 feet, 30 feet, from where that RV is. Now I'm not saying that's where Princeton's picking up and dropping off kids now; I think they may have moved it down the lane a little bit, but, as a point of reference, that's where I caught the bus, as a seventh grader. As a parent, I wouldn't want my son or daughter that close to that situation. Again, it's not taking anything away from the program, it's not taking anything away from the folks that are going to go and use the program; I just don't want my kid there. You talk about this, not in my backyard; that's a reality of what's going on. It's a location issue.

I think we can all objectively say it's not something that is desirable inherently that close to us. Same way someone might say I don't want a giant RV parked right next to my house in my neighbor's yard. It's not aesthetically pleasing. So that's the issue - it's the location. Make no mistake about it; it's not the program. I think that everybody who's involved in the program is doing an excellent job; you guys have an excellent mission, but the concern it being in my community. I'm more worried about my neighbors than I am the person that comes in from another community and overdosing. I'm worried about our first responders. I've talked to a number of police officers, not here, thankfully, but in other communities where they've been stuck. It's happened. I think the region needs a program like this. I think there are some other places that have a bigger problem than Springdale does, that would benefit from it more and I think those places also have higher rates of crime where you're not going to see a statistical increase because the issues are already there. There's not a change there. So that's my concern. That was my concern then and it's my concern now. It's not against the program; it's concern for our residents based on the information I have and I know. Thank you.

Mr. Vanover: Mayor Webster, I guess then you're looking for direction from us?

Mayor Webster: Yes, I'm looking for direction. You heard my recommendation and I would like to have Council act on it.

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Mr. Vanover: We need a motion and then a second. Do I have a motion?

Mayor Webster: And the motion would be to discontinue the operation in Springdale as of March 24<sup>th</sup>.

Mrs. McNear: I wonder if perhaps we could reword this so that we bring it up in a positive manner so it makes it easier to say yes or no; we understand what we're actually voting for. So if we could reword it that the motion would be that the van would remain open until March 24<sup>th</sup>.

Mr. Vanover: Still need a motion.

Mrs. McNear: I just want to, if everyone is feeling that they don't want it open even until then, we still need to get it on the floor so we can say yes or no and move on to the next motion but we do need to have some kind of response here.

Mr. Knox: Is there a place they can move to by the 24<sup>th</sup> of March?

Mayor Webster: In Springdale, no. We've tried it; we put it a neighborhood 500 feet, 350 feet, whatever, with 124 residents. If you want to put it somewhere else and alienate another three or four hundred residents; I mean we hear the hotel, yeah, but the hotel is trying to determine whether they're going to blow it up or whether they're going to renovate it. That hotel is surrounded, as you know, Mr. Knox, because you used to live up there, by about 150-160 condo units in The Crossings plus some others that have two or three hundred apartments plus you got The Gables across the street. So I would not support it moving to that location. Tri County Mall is undergoing a lot of changes right now; as you all know, there's a lot of vacancies over there. I don't think the ownership of Tri County Mall would entertain the medical van parked on their lot.

Mr. Knox: I certainly don't think we ought to put it in the Community Center parking lot.

Mayor Webster: A number of issues but number one is the close proximity to the Police Department. I don't think you're going to get addicts to patronize the medical van if it's almost on the lawn of the Police Department.

Mr. Knox: My point actually is, is there a viable place to move it to? Would you need a little bit more time? How much time?

Adam Riley: I would think if we were given a month or so to really vet some different places. Our current location we thought was good because we surveyed all the business owners and our oversight was not talking to the residential community back there. I think if we were given some time we could find another location in this area but that's just my thought. Another reason that we don't want to lose this area too is because we can have a regional thing; we're very close to Butler County so we want to draw people from all over, and within Springdale too.

Mr. Knox: Your answer is 30 days.

Adam Riley: Roughly yes, I'm sorry.

Mr. Knox: I agree with everything you've said, Mr. Mayor. I would just like to give the folks a little bit more time because I seriously doubt they could do anything in two weeks.

Mayor Webster: I spoke with Dr. Feinberg on Monday; she was at the airport, on her way to Boston. We discussed if we terminated it, she asked if they could stay until the end of the month and I said I don't feel comfortable with it being there that long and so we negotiated the 24<sup>th</sup> would be the last day of operation. We are not going to find a place that's going to be acceptable in the City of Springdale. We might as well come to grips with that. It could stay there for six weeks, eight weeks, ten weeks; they're still not going to find a place that's going to be acceptable in this city. All indications are that they do have a place to move it to, and they're going to have another van; they're going to have two of them, so they're going to be able to accommodate two sites.

Unidentified male voice from audience (not at podium): I have two questions – Is there a specific reason that people don't want the program in there?

Mayor Webster: People don't want drug addicts in their neighborhood.

UI: just the fact that it will attract

Mayor Webster: As Mr. Hawkins explained to you, the people that are on drugs have a problem; there's a stigma attached to that, and people do not want them in their neighborhoods.

UI: That's the detraction, not any single element of the program itself?

Mayor Webster: No, I don't think so.

UI: Did they specify anything at all?

Mayor Webster: I know you're hung up on the needle exchange, but I think

UI: I was just wondered if anybody else

Mayor Webster: In talking to the Board of Directors of the Homeowner's Association back there, they just do not want the criminal element patronizing Springdale.

Mrs. McNear: I don't have a vote in this but I'm going to give my opinion about this anyway. All of us up here as elected officials; it is our job and our responsibility to respond to what our residents want. This isn't bowing down to pressure. This is the people who have put us up here, have asked us to represent them. If we're hearing from people we want this or we don't want that, we try to accommodate that. It's not a lack of leadership and it's a respect for the residents that live in this city. This is what democracy in our country is all about. We're allowed to have our opinions; we're allowed to choose where we want to live. I appreciate all of the experts that we've had here this evening. I absolutely think it's a wonderful program that we have to have but we don't want it in our backyard and it's not just a matter of a needle program or some kind of van that provides other services. I absolutely understand that it is needed. I can tell you that I have walked the streets of Springdale many, many times with petitions because I personally didn't want Hooters in my backyard, but I've got it and people wanted it, and it goes through. That's just the way it is. We have gas stations that we tried to keep from moving to Springdale; people have to come out and do what the people in this audience have done tonight, which is come out and let their voice be heard. I don't think that we should dress down people to say this is a good program; we have a drug program, I absolutely know it; I agree that we have all probably been touched by some kind of substance abuse in our lives but I think it is our responsibility to respond to what people are saying here this evening, is that we don't want it in our backyard. We have to respect that. Thank you.

Mr. Hawkins: What if there are essentially two votes? One vote on whether or not to terminate the program and the second vote with regard to the timeframe. I don't know if that helps make it less confusing; just putting out a suggestion.

Mr. Diehl: I'm ready to attempt to make a motion, that, as of March the 24<sup>th</sup>, the City of Springdale terminate their relationship with the Infectious Disease Program and require them not to bring the van into the City of Springdale after that date.

Mr. Vanover: Do I have a second?

Mr. Hawkins: Second.

Mr. Vanover: Okay, we have a motion and a second; any further discussion?

Louise Bower: I have one sentence and I don't need to come to the microphone. The only way evil succeeds is if good people do nothing.

Mrs. McNear polled Council; resultant vote was 3-3.

Mr. Forbes: A 3-3 vote, motion fails, for lack of a majority.

Mr. Vanover: Alright. Okay, we will now move into Ordinances and Resolutions we have before us.

Mrs. McNear: Thank you Mr. President. I think maybe we, I mean obviously this has failed and perhaps our residents want to know what the next steps may be; where do they go from here, because I can see a lot of baffled faces out there.

Mayor Webster: I didn't hear what she said.

Mrs. McNear: Obviously that this motion failed, so what do we do for the residents now? I see a lot of baffled faces as to what happens. We just let this go into perpetuity?

Mayor Webster: That's the way I read it; that three members of Council said to let the program continue, and so, until there's a fourth member present, then I guess the program continues. Any of the Olde Gate residents that are here, if you have a complaint about it, then you know who voted how. You were here to witness it.

Mrs. English: What about other locations?

Mayor Webster: There will be no other locations in Springdale.

Mrs. English: Have you tried?

Mayor Webster: We've examined a lot of sites; we've had a lot of suggestions. We've looked into them; we've got the same situation there as now, there are people close by.

Mrs. English: One suggestion I heard was Steak-N-Shake parking lot, or behind there. That's not close to anybody; it's not in walking distance of anybody's property.

Mayor Webster: What about the business owner? What do you think the business owner's trying to do? Don't you think he's worried when he's got a vacant unit that he's trying to rent? Do you think he's going to accommodate a van, that the perception is, that it draws a criminal element, that he wants it parked on his lot?

Mrs. English: I don't think it's quite the same thing.

Mayor Webster: I think it is.

Mrs. English: Springdale did a great thing.

Mayor Webster: And what about the business owner next door that says he's losing business and he can't rent his office space out?

Mrs. English: That's because it's in a smaller area; that's why I suggested Tri County or one the other larger areas. I hate to see it exhausted right now. I think you need to give it more time.

Mr. Vanover: Point of clarification, is that motion to terminate failed. The motion failed, so it's business as usual.

Mrs. English: That's good, as far as I'm concerned. Thank you.

#### ORDINANCES AND RESOLUTIONS

##### 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

Public Hearing – no Discussion

Mr. Hawkins made a motion to adopt and Mrs. Emerson seconded.

Ordinance 6-2014 passed with six affirmative votes.

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

Mr. Vanover: There is a Public Hearing attached to this, so I will open the Public Hearing. Is there any body that would like to speak either for or against this issue?

Mr. Tulloch: Speaking for the issue. Jeff Tulloch, Development Director for the City. What this change will allow is, Is it Gary? Gary, come on up. This is Gary Gottenbusch, owner of Servati's. They are the business that will be occupying the building. What this allows is the Support District, zoning district that doesn't allow for manufacturing so language was added at the recommendation of Ann McBride, Planning Commission, to allow bakery manufacturing specifically to accommodate Servati's. When I first moved to Cincinnati, people said the first thing you have to do is go to Servati's because it's great. The second was Montgomery Rib King and the third had something to do with chili. We're really pleased to have Servati's here. It's a 72,000 square foot building, and this is what generated this change. Now it's going to apply to any business within a Support District, but six months ago we lost Heater Meals due to some technical issues, and now we're having it replaced with the region's premiere bakery operation.

Mr. Gottenbusch: Thank you all for having me here today in considering this motion. My family's been baking since the 1800's. I'm a third generation European-trained master-certified baker, studying at the same baking school as my father and grandfather in Germany. We have operated 50 years in the city of Cincinnati. We have 13 retail stores. This location, we hope to employ between 25 and 75 people. We will be state, agriculture, and federally inspected. We run a very clean operation. We will produce primarily, at this point, cookies and pretzels. I've noticed this community is very passionate and compassionate at the same time; that was an emotionally charged meeting this evening. I'm in a way, happy I saw it.

I must confess this was not my first choice, to come to this area. The building is perfect for what I am looking for. It's inside the 275 loop. I think it's a wonderful community to do business in and I'm really excited about it and don't know why I overlooked it the whole time; probably because I grew up on the east side of town and it's always been east – west but we have two stores actually north of here that are very successful and we're happy to be in the neighborhood and we hope obviously that you consider letting us bake. It's a very clean industry. I just want to make cookies. Thank you.

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

Mr. Hawkins: Gary, what you don't realize is all those people came out here because they thought you were bringing them treats. We're happy to have you.

Mr. Squires: Gary, is this going to be a typical Servati's? I hope so.

Mr. Gottenbusch: I'm sorry; I should have asked if there were any questions. Any questions or concerns anytime, please feel free to call or visit. At this point it's going to be production facility, because of the location. I think if it be allowed, that we eventually would have a retail location there. That would be exciting and interesting to look at. In the next year, no, we have a lot of cleaning to do in the building and property itself and we're producing product for Dorothy Lane market in Dayton and Heineken, west of Chicago and as far east as New York City, so we're producing high-end product and as far as that location, it makes sense that eventually we open a store there, in my mind. My father is still very active in the business and he said you're not opening any stores this year, so from that standpoint, I would be happy to

consider it in the future but I have to change the opinions of my father. If he knew how passionate you all were, maybe he'd change his mind.

Mrs. Emerson: Gary, quick question, rumor has it, from a little bird, Mr. Tulloch; he told me everything you bake has half the calories, is this true?

Mr. Gottenbusch: The smells won't cost anything but there are no more calories in fresh baked product than old stale product; that I can guarantee you.

Mr. Diehl: First off, Welcome to Springdale. Mr. Tulloch told me you were bringing samples.

Mr. Gottenbusch: I would have been happy to. Please come down to Bockfest and you'll be showered in pretzels. If anybody wants to come by, we'll show you our operation and samples are included in the tour.

Mr. Parham: Council, if you pass this Ordinance tonight, essentially what you're doing is creating the term or definition for "Food Preparation" and you are also then approving it as "a permitted use" within this district. Gary just happens to be the beneficiary of your adoption of this ordinance tonight. Thank you.

Mr. Squires: Mr. Parham, is this the old Tuffy building?

Mr. Parham: No, this is the old Heater Meals Building, on Northland Boulevard.

Mayor Webster: It's right next to the Maintenance Garage.

Mr. Vanover: Any further discussion? Well, I'd be remiss if I didn't take my shot. I love Servati's pretzels. Welcome. When the operation is up and running, it will be an interesting venue to see.

Ordinance 7-2014 passed with six affirmative votes.

ORDINANCE NO. 8-2014

ACCEPTING A PROPOSAL FROM McBRIDE DALE CLARION FOR PROFESSIONAL PLANNING SERVICES RELATED TO COMPREHENSIVE ZONING CODE REVISIONS AND DECLARING AN EMERGENCY

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

Ordinance 8-2014 passed with six affirmative votes.

OLD BUSINESS

Mr. Parham: Council, I just want to bring you up to date on our truck situation. At the last meeting, I shared with you information relative to the large dump truck from the Public Works Department. Of course you passed legislation allowing us to finance the purchase of two dump trucks. The schedule I gave you last meeting would have had us passing legislation, if you choose to, at the April 2nd meeting for the upfit portion and, two weeks later passing the cab chassis portion at the April 16<sup>th</sup> meeting. The staff has done an outstanding job of being able to combine the two. The bids went out this past Sunday, in Sunday's paper. We have had a couple of them picked up so we should be prepared to award legislation at the April 2d meeting for both the upfit as well as the cab chassis. The bids are scheduled to be returned on the 14<sup>th</sup> of this month.

Staying with vehicles, I believe it was maybe three weeks ago you gave us authorization to purchase a replacement vehicle based on the emergency situation (need for snow removal), following the fire of the Parks Department truck. As I reported at the last meeting, we were unsuccessful in identifying and locating a truck. We believe that the emergency situation no longer exists, so we will not take advantage of that opportunity. Instead, we will go back to the normal process. We will check with the state bid list. Right now, each time we've checked, they do not have anything on the bid list so

we'll start the process of putting specifications together. The Parks Department has a head start because of the work the Public Works Department has been doing. So we're going to hopefully get those specifications out and advertised, so that we can turn that process around as quickly as possible. Thank you.

Mr. Squires: Mr. Parham, how many trucks do we have available right now?

Mr. Parham: We have six trucks currently available. We have six routes. We were on pins and needles as of last Friday. I remained in contact with Mr. Agricola last week. You know you constantly hear from state officials and others that local governments do not work together. Because of our fortunate ability to have salt, we have been able to assist other communities with salt this year. At the same time, because our challenge has been with our trucks, we've made arrangements with the City of Sharonville to assist us. We cast the question out, does anybody have a truck that is available because as of Thursday, when I spoke with Mr. Agricola, we had only five trucks. Sharonville dismantled their chipping system from one of their trucks. They equipped it with a plowing system, so if we were in need, they were going to allow us to use their truck and we were going to assist them with salt. So despite what you hear coming out of Columbus and other places, we do work very closely together with other jurisdictions. We share services, training and other ideas. Fortunately, we did not need to use the Sharonville vehicle, nor did they need salt for this last storm.

Mr. Hawkins: Are there any other communities that we've actually given or sold salt to?

Mr. Parham: Yes sir.

Mr. Hawkins: Are we making money on that deal, compared to what we bought it for?

Mr. Parham: Because we are a public sector agency, we're not in the profit-making business. What we do when we are able to help other communities is provide them with salt and try to get them to provide us with the same amount of tonnage salt in return or we simply charge them the rate at which we purchased the salt. Right now, with the amount of salt that we have on hand, we pray the snow season is over but it would be very unlikely we would distribute anymore salt at this point. You just don't know what will happen relative to more snow this year. For this year, and in the past, when we have provided salt and assistance to other communities, we've simply sold it for the price we purchased it. We have received payment from some of those we assisted already.

Mr. Squires: Mr. Parham, what are we paying for salt now, per ton?

Mr. Parham: The rate, right now is \$55.38/ton.

Mr. Squires: What do you expect it to be in September?

Mr. Parham: Well, in September, that's a good question. Mr. Agricola and I have had some discussions about that lately because of the high demand that we've seen throughout the country, not just our region. They have been seeing numbers in the \$75-\$85 per ton range. It's supply and demand. There are a lot of organizations out there that are in desperate need and have been in desperate need; in fact, although we saw a lot of sunshine today, I think this morning I saw the City of Chicago was getting snow today and they said it was going to stay north of us so maybe some of our northern neighbors received snow today when we did not.

Mr. Hawkins: Is there any consideration for when we do go back to buy salt, partnering again with some other communities to try to reduce that?

Mr. Parham: Yes sir. If you recall this year we partnered with the City of Forest Park. I was recently at the Ohio City Manager's Conference and, prior to going there, I instructed Mr. Agricola to make contact with some of our other neighbors to see if they wanted to partner, as well as those we've assisted. Our advantage is that we have the dome. That was one of the best decisions that was made by the organization to create the dome. We stock it. We know the last two years we've not had severe storm seasons,

and so we've been able to stockpile but we're going to attempt to expand the group of participants, at least offer them the opportunity. I talked to the Sharonville Safety Service Director and Assistant Safety Service Director while I was at the conference in Columbus. This year we provided assistance to Mt. Healthy, Lincoln Heights, and Ross Township. I think those were the three; Sharonville was on the edge; if they had needed it, we would've assisted them as well.

Mr. Vanover: Well, let's hope the Easter Bunny is not a snowshoe hare.

Mayor Webster: While we're talking about salt and snow and wintertime, we have 829 tons left; that's out of a total capacity of 2700, so we're almost a third of the way filled, still. It looks like so far this year we've spent \$194,678 for this winter.

Mr. Parham: So that not everyone is alarmed, we do have 829 tons as the Mayor reported. Under the contract, if you recall, when we partnered with Forest Park, we indicated we would purchase 2000 tons. With that bid, we have the ability to purchase 20% less or 20% more (additional 400 tons). Because of the extreme weather and the demand of trying to supply everyone, we have not received our entire original amount. We have about 38 tons yet to receive of our 2000 and because we talked about the current rate and the future rate as we're seeing it right now, we're going to take advantage and we already have a purchase order in place to purchase the other 400 tons, that 20% above and then we will go out at some point to bid with the other surrounding communities that wish to participate. We will then know what that number is for the following year and have the ability to purchase the balance of salt that we may need for 2014 as well as salt purchased early in 2015.

#### NEW BUSINESS

Mr. Parham: Council, we'd like to request an Ordinance authorizing an Agreement with Clarke Fire Protection Products, Incorporated for a job retention and creation incentive program. Clarke Fire Protection is looking at occupying the old International Paper site, located at 100 Progress Place. That building has been vacant probably since 2004, at least I believe that was about the time International Paper moved their operations, maybe even a little longer than that. At some point around 2004, they put a sign out for sale as well they simply used the facility for storage of their product. Finally, we have an employer that's looking at occupying that building. They are anticipating starting off somewhere in the neighborhood of 100 employees and then, over the next ten-year period, adding maybe another 30 employees. With Council concurrence, we request your acceptance of incentive program for Clarke Fire Protection.

Mayor Webster: We talked about this earlier, maybe six months ago, and there were some wrinkles to it. But it's a straight deal, just like we've done with everyone else. It's a 30%/10 year deal, straight-forward, no upfront money or anything else.

Mr. Vanover: Would that include an emergency clause?

Mr. Parham: Yes sir.

#### MEETINGS AND ANNOUNCEMENTS

Mr. Hawkins: Board of Zoning Appeals will meet on March 18, 7 p.m.

Mr. Squires: Board of Health will meet on March 13, 7 p.m.

Mr. Diehl: Planning Commission will meet March 11, 7 p.m.

Mr. Vanover: I will add that we will continue the West Kemper Road sidewalk presentation on the 19<sup>th</sup> also.

COMMUNICATIONS FROM THE AUDIENCE - none

The Talent Show has been cancelled at this time.

UPDATE ON LEGISLATION STILL IN DEVELOPMENT

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Mr. Hawkins: If you look at your memorandums, Item I was dealt with regard to Ordinance No. 7-2014, which passed with a 6-0 vote. Item II was dealt with Ordinance No. 6-2014, which passed with a 6-0 vote. Item III was dealt with Ordinance No. 8-2014, which also passed with a 6-0 vote. Item IV with regard to the public meeting on the sidewalk took place and was also going to be continued in progress to our next date on the 19<sup>th</sup> of March. We also obviously voted in regard to the current sidewalk, which was denied. We also voted with regard to the exchange program termination, which was also denied.

RECAP OF LEGISLATIVE ITEMS REQUESTED - none

Mr. Hawkins: There's a request for legislation for incentive program for the Clarke Fire Protection, with an emergency clause.

Mr. Vanover: Does that cover everything?

Mayor Webster: Just one thing, going back to the Kemper Road sidewalk. Do you think it's necessary to do another mailing to those folks, with all the participation we had here tonight?

Mr. Vanover: I don't think so.

Mayor Webster: I don't either. Okay, we will not do another mailing.

ADJOURNMENT

Council adjourned at 10:10 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:

Tom Vanover, President of Council

\_\_\_\_\_, 2014