

City of Springdale Council

April 17

2013

President of Council Marjorie Harlow called Council to order on April 17, 2013 , at 7:00 p.m.

The governmental body and those in attendance recited the pledge of allegiance. Mrs. McNear gave the invocation. Mrs. Harlow asked for a moment of silence for the people in Boston.

Mrs. Harlow said we send out our thoughts and prayers to the Boston community for all the victims that are injured as well as those who are deceased.

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

The minutes of April 3, 2013 were approved with six affirmative votes.

COMMITTEE AND OFFICIAL REPORTS

Civil Service Commission - Mr. Thamann stated they met April 4 with all members in attendance. They provided a status update regarding the hiring process for several positions including the administrative secretary in the Tax Department, the maintenance worker in the Public Works Department, fleet mechanic in the Public Works Department and the Recreation Programmer in the Recreation Department. The Commission held a discussion on the hiring process for the assistance fire chief's position. After thorough consideration, the Commission granted a conditional waiver of the standard thirty-day notification period and also the written test process. Since that conditional waiver was approved, we have set interviews up for the three captains in the very near future.

Rules and Laws	-	no report
Finance Committee	-	no report

Planning Commission - Mr. Vanover reported they met last Tuesday evening and all members were present. We had a guest appearance from our legal counsel. We had discussion on the political sign text amendments before us. Mr. Forbes, what state district court was that ruling out of? Mr. Forbes replied the Northern District. Mr. Vanover said they just ruled on a political sign case and it threw our revised amendment into question. That was pulled and sent back to committee and the Law Director to get that further worked out. The recreational vehicle regulations were approved 7-0 and you should have the referral letter from Planning Commission to Council in your packet.

Board of Zoning Appeals	-	no report
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Board of Health – Mr. Squires said they met April 11 with 100 percent attendance. There were four findings in a business with smoking violations in the past two years and they were all in the same business, The Boulevard. The Health Commissioner announced the winners of the 6 Star Honor Award that our restaurants get if they meet six criteria throughout the year. Those criteria are less than 2 Critical violations during routine Health Department inspections per license year (March 1, 2012–February 28, 2013), no follow up inspections per license year, no SmokeFree violations per license year, in good standing with other City of Springdale agencies, have a valid food license according to the requirements of the Ohio Revised Code for one full license year and renewed license by due date. Educational requirements are Persons-In-Charge (Manager, Supervisor, Owner) – Show proof of ServSafe Certification or equivalent food safety training. There were thirteen winners.

Mr. Squires said the nurse reported that Ohio currently is experiencing widespread flu activity. During the current flu season 4,830 influenza hospitalizations were reported as of March 23, 2013 compared to 439 in 2011-2012. The Healthy Women/Healthy Lives program will be held June 8 at The Healing Center. There will be

screenings for blood pressure, mammogram, cholesterol screening, body mass index, glucose, osteoporosis. Call 862-1050 to make an appointment.

Mr. Diehl asked do you know the thirteen restaurants that got the award?

Mr. Squires replied, yes. They are Maple Knoll Village Breese Manor, Beecher Place, Bodman Pavilion second, third and fourth floors, Manor House, Main Street Café, Blue Aguave Mexican Grill, Chick-Fil-A, Jimmy John's, Ponderosa, Riley's Restaurant and SMOQ.

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

O-K-I – Mr. Knox said they met last Thursday morning. We got an update on RIIZ, the Regional Infrastructure Improvement Zones, which may become important in the future in relation to the Brent Spence Bridge. RIIZ allows private corporations or individuals to contribute funds toward the construction of roadways and other infrastructure. These donations will be tax deductible and can only be spent on transportation upgrades. They're trying to get as many senators and congressman to sign on to this as they can and it's slow going because of the tax deductible nature of this. Nothing is going to happen real soon because the Kentucky legislature has finished their session and Kentucky owns the river and the bridge. There will be people going back and forth between the Kentucky Transportation Cabinet and ODOT. The Value for Money Study which they have highly touted and which was due in February is now due sometime in May or June.

Mr. Squires asked is there is any feeling you can comprehend about the legislature in Kentucky? Are they just holding out since it's an interstate bridge and they want the federal government to pay it all?

Mr. Knox replied probably the biggest determinant that has a bearing on the Kentucky legislation is that the people in Northern Kentucky do not want a toll bridge. Two out of three people in every poll say they don't want it so they are trying to tread very lightly. A RIIZ might help them out but then again, you have the problem with federal taxation. About two months ago they were making noise that something would happen in 2015 but now they're not.

Mayor Webster said the Kentucky State Legislature only meets every other year. I doubt that they are going to start building a bridge in 2015 when they don't meet again until 2015.

Mr. Knox said they have a problem now because they have the bridges coming out of Louisville that are being constructed and they want to look at that first to see what implications that will have for the Brent Spence.

Mrs. Harlow asked Mr. Knox to give a report on the Redistricting Committee as well.

Mr. Knox stated the Administration sent the redistricting map down to the Board of Elections. I went down there last Thursday morning and talked to the gentleman who was going to be working on that. He liked what we sent down. He said their work is not final yet because they have to get the contracts in place for the loading locations but what we sent down should stand up quite well. The unique thing is if you add up the number of voters they used when they decided how many was going to be in each precinct they came up with 6625 which is yet another number.

Veteran's Committee – Mr. Wilson reported the committee met this past Monday. Present were Mrs. Harlow, Mrs. McNear, Mr. Redden and me. Prior to the meeting I went

over to the memorial to try to get some ideas of what we could do. While I was there I saw Mrs. McNear. We walked around and got some thoughts of what we could do. She came up with the suggestion that maybe we could earmark a section where we have blank bricks and allow Mr. Redden to purchase bricks in that area. When we came to the meeting one of the topics of discussion was those bricks and that specific location. Mr. Redden told us he had the names of twenty veterans from World War II. We informed him the price of each brick was \$25. He agreed to purchase twenty bricks. So we are going to send him the forms and he will fill them out. He didn't remember all the dates of service, the branch of service or even the rank of some of his friends so it was suggested that Mr. Wright and I work with him through the VA and Veteran Services, ARPERCEN which is Army Reserve Personnel Center to try to help them get the correct names, the rank, the branch of service and the dates served. The other item that was discussed was the educational timeline of our conflicts and wars. It was decided that we would turn this over to the Administration and an architect would perhaps come up with some ideas at a later date. Having that done and there was no further business this meeting was dissolved.

Mrs. Harlow said as a footnote, Mr. Parham, Mr. Agricola and I walked over to the memorial today. There are thirty bricks on the top row and they were in agreement to set those aside for Mr. Redden's World War II veterans. I called Mr. Redden this afternoon and told him about that. He thinks he has twenty-one names now. I told him I was very sure Mrs. McNear had put the forms in the mail to him and if he had any questions he could give us a call.

Mrs. McNear said the reason for turning this committee back over to Administration besides needing to have an architect look at it, pricing, etc., this committee had no budget so we did not want to commit to funds. If at some time in the future we would have budget dollars available then we could pursue adding the historical reference to the memorial.

Mr. Hawkins stated so what you're saying is in the future Springdale residents will have white bricks.

Mr. Wilson responded we haven't thought about a color. At this point we're just looking at adding new bricks but using the same color and the same black etching. There's no change. Based on the bricks that are already there, if we tried to do any type of etching on those bricks, we run the risk of breakage and that would be at our cost. We thought about relocating the bricks of Springdale residents but unless we specifically knew a person was a Springdale resident, we didn't know. Even if the form was filled out by a Springdale resident, it could be for a family member but we weren't able to determine based on the form whether the veteran was at any time living in Springdale. That idea of separating veterans living in Springdale we decided wouldn't work. The Veterans Memorial really was designed for all veterans, not just Springdale veterans.

Mrs. McNear said after all the research that was done by the Administration and the discussions we had at several of our Veterans' meetings, we just determined that retrofitting it wasn't feasible. It was too expensive. It could have been too damaging. In hindsight, could we have had what I was terming the Springdale Garden? Maybe, but as Mr. Wilson said it's to honor all branches and all people who served so we didn't think it made sense to go back and disrupt what we had and we were able to accomplish what Mr. Redden requested which was a means to honor the World War II Springdale veterans. I think we were able to come to a conclusion that works for everyone without being disruptive to the fine monument that we have sitting there today.

Mrs. Harlow said since that work is done and we will be closing that committee out.

Mayor's Report – Mayor Webster said we had the 8<sup>th</sup> annual State of the City address jointly sponsored by the Chamber of Commerce and the City. We had between 90 and 100 people in attendance, the largest one we've had. It went very well. A number of business people came up to me before the meeting to tell me how much they enjoyed the previous ones and how much they appreciated the City doing this. I think we have a

real winner on our hands and we have every intention of continuing it. I made a few opening remarks and the majority of the show was conducted by Mr. Tulloch.

Mayor Webster said speaking of Mr. Tulloch, I think most of you are aware that Mr. Tulloch had announced previously that he had planned on retiring shortly, the end of April. The burden fell on Mr. Parham and me to try to seek a replacement. We talked with Mr. Tulloch and he has agreed to stay on as the Economic Director of Springdale at least through the end of 2014. That was extremely good news. Mr. Tulloch and I are going to make this same presentation to the Springdale senior citizens next Wednesday. Also Arbor Day is schedule for April 26 at the elementary school.

Clerk of Council/Finance Director - Mrs. McNear said I have the Quarterly Report for Q1 2013 based on our budgeted revenue of \$16,032,301. As of the end of March we have collected \$4,189,598 which is 26 percent of the anticipated budget. Our top five sources of income are earnings tax, real estate tax, local government funds, estate tax and paramedic services. That is 91 percent of the revenue that we've collected for that quarter. Of that \$4.1 million collected \$3.2 million is from earnings tax. Our ending General Fund balance at the end of March is \$4.5 million. On the expenditure side we have a budget of \$18,975,828. We have expended \$4,198,729 through the end of March and that is 23 percent of the current budget.

Administrator's Report – Mr. Parham stated at the April 3 meeting shortly after swearing in the Fire Chief, the Chief announced that the City is fortunate enough to receive a grant from FEMA in the amount of \$114,000 to purchase defibrillators for the three ambulances and one of our engines. Because of the generous amount that FEMA has awarded the City a couple of things need to occur. We need legislation at the next meeting to authorize the purchase of the defibrillators. The grant was in the amount of \$114,000. The City's cost will be just under \$6,000. At the same time, because of the fact that we had not anticipated receiving \$114,000 or expending this amount, in discussions with our Finance Officer we think we need legislation for supplemental appropriations to address that issue so that when the auditors are here, we're not dinged for that issue. Two items we will need are the ordinance to purchase the defibrillators and the supplemental appropriation ordinance. The third item I have is in the 2013 budget. We have budgeted \$78,000 for the purchase of three new police vehicles, two of those being cruisers and one being an unmarked detective vehicle. The Chief has taken a look at the State bid. The State bid contract is located in Van Wert, Ohio with Greve Chrysler Jeep Dodge in the amount of \$22,868.16 per vehicle. We'd like to have legislation at the next Council meeting to purchase the two cruisers. Relative to the unmarked vehicle, because the cost does not exceed \$25,000; in fact, we found a Ford Focus at Kerry Ford for \$15,549. Of the \$78,000 we had budgeted \$16,000 for the unmarked vehicle with the balance for the two cruisers. We are coming in much less than what we budgeted for those vehicles. With Council's concurrence we'd like to have legislation for the purchase of the vehicles. We have started the process of purchasing the unmarked vehicle through a purchase order.

Law Director's Report - no report

Engineer's Report – I talked with Mr. Agricola today and the contractor has addressed the remaining few punch list items on the 2012 street program. We'll be able to close that out shortly. For the 2013 street program, the construction project scope was approved last month by Council. We're looking at construction starting mid July with completion in October. We anticipate the SR4 ODOT Urban Paving Program will start prior to the week of May 12. No change on the SR 747/I-275 infield drainage correction work by ODOT. On the SR 4 culver replacements, Ford Development has completed the north culvert replacement work. We weren't able to come to an agreement with the original contractor we were working with on the south culvert on some issues on that so we approached another contractor, Queen City Mechanical, and they offered the cost of \$23,600. That work is currently underway and we expect it to be completed next week.

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Mr. Knox said on the west side of Neuss just north of Harter there is pit that keeps filling up with water. It has been doing that for several months. People have apparently been doing some work there. Do you have any idea what the problem is?

Mr. Shvegza replied no, I'm not aware of that. I'll get with the Public Works Department and see if we can find out what that is.

Mrs. Harlow said it's on the sidewalk. It's been open with tape around it and cones for a couple of weeks now.

Mr. Parham asked have you ever noticed a contractor or utility company?

Mrs. Harlow answered no, I've never seen anyone around it.

COMMUNICATIONS

Mrs. McNear said we have one communication from Governor John Kaisich's office dated April 3 addressed to the Honorable Doyle Webster. It states: "Dear Mayor Webster, Thank you for a copy of the resolution passed by the Council of the City of Springdale in opposition to HB 5. The Governor has asked that I reply on his behalf. We appreciate that you took the time to share your views about this important piece of legislation. HB 5 is currently being debated during the 130<sup>th</sup> session of the Ohio General Assembly. Please be assured the Governor will keep your views in mind if HB 5 is passed by the General Assembly and forwarded to Governor Kaisich for his signature. I encourage you to share your concerns with your legislators and your input will be important as they review this legislation. Once again, thank you for writing to Governor Kaisich. Please do not hesitate to contact the Governor's office if we may assist you in the future. Sincerely, David Ward, Director of Constituent Affairs"

COMMUNICATIONS FROM THE AUDIENCE - none

ORDINANCES AND RESOLUTIONS

Public Hearing

ORDINANCE NO. 12-2013

AMENDING THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO, TO AMEND SECTIONS (A)(3)(a) AND (A)(3)(b) OF CHAPTER 153 .533 OF THE SPRINGDALE ZONING CODE

Mrs. Harlow opened the public hearing. There was no response and the public hearing was closed.

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

Mayor Webster said this is a continuation of an ease of restrictions on banners and signs to help our business community. We suggested this several years ago but it does have a sunset clause and every year it ends unless it is extended. I've heard from several business owners that they appreciate the relief it gives them so I recommend that Council adopt this so we can extend that relief for another twelve months.

Ordinance 12-2013 was approved with six affirmative votes.

OLD BUSINESS

Mrs. Harlow said we received a letter from Planning Commission in regards to a recommended Zoning Code amendment regarding recreational vehicle regulations. I think this is scheduled for a future meeting. Would Mr. Vanover or Mr. Diehl like to address this this evening. We have a man in the audience who has been waiting to hear about this ordinance.

Mr. Vanover said you can see what has been lined out. The first note is at D1. You will note any size restrictions have been removed. This was prompted by industry

standards that have changed many times and rather than have to rework this with every change in standards we opened that up. Most of it is fairly unchanged. We surveyed 16 neighboring jurisdictions to see where we fit in. Only six of those had size limitations. We looked to bring ourselves in line. We also looked at permitted locations. Fairfield and Springdale were the only two municipalities that allowed front yard parking. The footnote on Springdale as well as Liberty Township is that it must be on a paved surface and must provide parking for two additional passenger cars in the driveway. We were pretty much in line with the side yard with the exception of Glendale and Wyoming who didn't allow side yard. Everybody allowed rear yard. We have a five foot setback. Four jurisdictions had the same. Anderson had three and the others had no setback requirements. We had an unpaved but that is not extended to the front yard. The one caveat we are still working with is the non-conforming and situations where they would require a variance. Because a variance goes with the property for infinity, we're looking at this with a way of having some control if the property would change, so we're looking at conditional use.

Mr. Diehl stated, in a nutshell, you can't park in the front yard. You can park in the side or in the back and you can't get any closer than five feet to your neighbors. Otherwise, we don't care what you do.

Mrs. Harlow asked will you address the people who can't park in the side yard who currently have RVs in their front yard.

Mr. Forbes said if you are in compliance right now and we change the code, you are allowed to continue to park in the side yard or front yard until that use is discontinued for a period of six month. If the use is discontinued for six months, then your non-conformance status goes away and then you have to comply with whatever the current regulations are.

Mr. Hawkins asked have you given any thought to how we're going to manage those folks that are already there and make sure we can document who's in compliance and who's not?

Mr. Forbes stated I would say the burden is on the property owner to show that they're a non-conforming use. Let's say this is adopted and you can no longer park them in the front yard and someone is already doing that. It would be their burden to show that they are a legal, non-conforming use or grandfathered is the more common term. I haven't been involved in any more discussions about how that would be documented.

Mr. Hawkins asked what is your thought of legality if we indicated folks that are qualified in have the responsibility of notifying the Building Department or Administration. If they don't, then they're not.

Mr. Forbes replied I'd have to do some research. It's an additional burden you would be placing on them.

Mr. Vanover said to the issue of who's conforming now, Mr. McErlane mentioned that they were going to start cataloging the existence of who's out there now so in this situation we have verification that they can't sneak and say I was here. As Mr. Forbes said, the bulk of the proof goes on the RV owner to do that.

Mr. Parham said I think an important part of this is that you can no longer park in your front yard, but another key part is it doesn't matter how big it is. We have eliminated any size restriction on this. No matter how large your neighbor has of a vehicle, they can park it in the rear or on the side of their home. I guess in the rear it won't have that much of an impact on the neighbor, but if you park it next door to your neighbor, that could be a pretty massive size vehicle they have to encounter each and every day. I think that's pretty significant.

Mayor Webster said just to comment about Mr. McErlane cataloging these. That's pretty noble of him but I don't know how he's going to do that. Even if went out tomorrow and canvassed the whole city and made note of who had one there, maybe someone hasn't brought theirs home from winter storage. It has to be gone for six months before

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they lose their conditional use permit. Are we going to go around every day for six months to see who's lost their use? I'm not sure what kind of game plan he has in place to do that. The important thing is that the onus is on the homeowner. If we see one parked in the front, they're going to be sent a letter and then the burden will be on them to prove it was there before we passed this last legislation.

Mr. Hawkins said the rationale for getting rid of the size requirement was to not have to worry about going back and redoing the legislation after so many years.

Mr. Vanover stated that was one of the issues. We surveyed the manufacturers and a travel trailer which is not a fifth wheel runs a minimum height of 10' 1" to a maximum of 11' 1" with a minimum length of 22' up to 30'. There is variance within that from the manufacturer. We were one of four communities that had any height restriction at all and one of six that had a length restriction. There were two that had a width restriction but that is in line with surrounding neighborhoods.

Mr. Parham said I'm not sure when you want to address it but it will require a public hearing but the earliest you can address it is your June 5 meeting. Right now, the gentleman is still in non-compliance with the ordinance.

Mrs. Harlow said let's set up a public hearing for June 5.

Mr. Knox said I have two things that should be of interest to the residents of Springdale. The first one is The Convention Facilities Authority met on March 22. The budgeted amount of receipts from the tax on hotels for people staying there was \$4.8 million. We achieved \$6.4 million. The first \$1.3 million goes to the Sharonville Convention Center by agreement that the CFA is funding them as long as the money is available for thirty years. It looks like it's going to work out quite well because revenues keeping increasing. The remainder of the money goes to the Cincinnati Convention and Visitors Bureau. The bonds which are now less than 24 years out are going to be refinanced to lower the amount that has to be paid in interest. The problem is all the money realized from the reduction in interest is going to go to the County or the City of Cincinnati. The CFA won't realize anything out of that. The initial five-year agreement between the City, the County and the Convention Facility Authority runs out in June which may get quite interesting because we have to start taking to the Council of the City of Cincinnati. There will be more news later on.

Mr. Knox said on April 8 at St. Bernard City Hall, Mayor Mark Mallory of Cincinnati held a press conference to express the City's and Hamilton County our feeling about HB 5. He did an excellent job. He was joined by people from Sharonville, Madeira, Blue Ash, Montgomery. I was there but I did not speak as I had not talked to the Mayor or City Council about it. He did a very good job. It was covered by Channels 5 and 9. I noted the very next morning that there was not one word about that press conference. So I wonder where their heart really lies because they had a large article saying what a wonderful thing HB 5 was about two weeks ago and then when somebody speaks against it nothing gets into their newspaper.

Mayor Webster said I received an invitation from Mr. Mallory's office to attend that but I decided I was not going to be a prop for Mr. Mallory's news conference. I'm on record as being in opposition to this bill working through the Hamilton County Municipal League. In fact, we have a joint meeting on April 27. We're continuing our efforts to fight that and I don't know where Mr. Mallory's been through this whole thing but it's the first time his name has surfaced in the two years we've been battling this issue.

Mr. Diehl said Mr. Knox, you said they took in \$6.4 million and \$1.3 million went to the Convention Center. Where did the other \$5.1 million go?

Mr. Knox replied the answer to that is the rainbow. Kathy Krueger, who monitors this, takes the money and it is dispersed according to the bonds and the Bond Counsel. Most of it goes to pay for the interest and principal on the bonds. Some of it does go to pay for the legal costs involved in that. Every cent is accounted for.

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NEW BUSINESS - none

Mr. Knox made a motion that Council go into executive session as a committee of the whole to discuss possible economic development. Mr. Vanover seconded. The motion passed with six affirmative votes.

Council went into executive session at 7:56 and reconvened at 8:30.

MEETINGS AND ANNOUNCEMENTS

Planning Commission	-	May 14
Board of Zoning Appeals	-	May 21
Springdale Arbor Day	-	Apr 26, 2:15
SkyZone Trampoline Center Ribbon Cutting	-	Apr 23
Farmer's Market Starts	-	Jun 6, 3-7

Mayor Webster read a proclamation proclaiming April 26, 2013 Arbor Day in the City of Springdale.

COMMUNICATIONS FROM THE AUDIENCE - none

UPDATE ON LEGISLATION STILL IN DEVELOPMENT

Agreement with TEC	-	May 1
Purchase 2 police vehicles	-	May 1
Amending Zoning Code (RVs)	-	May 15

RECAP OF LEGISLATIVE ITEMS REQUESTED

Supplemental appropriations	-	May 1
Purchase defibrillators	-	May 1

Council adjourned at 8:37 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Marjorie Harlow, President of Council

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