

## City of Springdale Council

Sep 18

2013

President of Council Marjorie Harlow called Council to order on September 18, 2013 , at 7:00 p.m.

The governmental body and those in attendance recited the pledge of allegiance. Mrs. McNear gave the invocation. Mrs. McNear asked that you keep Pam and Joe Ramirez in your thoughts and prayers this week. Joe Ramirez lost his sister, Kathy Damerin earlier this week.

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

The minutes of September 4, 2013 were approved with seven affirmative votes.

PRESENTATION – Vineyard Church Healing Center - Monica Roberts

Mrs. Harlow said Monica Roberts was at the McDonald's grand opening and Mr. Diehl was telling me about some of the services they have there and he suggested we invite Ms. Roberts to our meeting so she could let us and our TV audience know some of the services they have there.

Ms. Roberts, Director of Program Development, said we are a ministry of the Vineyard Church but we are also a separate 501C3 organization that functions independently and provides a broad range of social services for people in this community as well as the broader Tri-State area. We see about 1500 unique households per month who come to the Healing Center for various services. Fifty to sixty percent of those individuals and families come from the area that most closely surrounds us at the Healing Center; Springdale, Sharonville, Lincoln Heights, Hamilton and Mt. Healthy but we are open to people in the entire community. We got our start twenty years ago as a food pantry that operated out of the back of a converted school bus. Since that time we have grown to provide over forty distinct services that are offered to all of our guests. Many of our folks come every other week for supplemental help with food and personal care needs with their families. We also have a store where household items and clothes are available as well. In addition to providing basic needs assistance we also provide emergency fund assistance for people who need help with utilities and rent. We provide job coaching appointments for people who are interested as well as classes in how to enhance your work force readiness, adult education classes including GED coaching and support, computer classes all free of charge. People have access to twelve step groups and other support groups. We partner with Tri Health to offer a women's health fair in June that includes free mammograms and other women's health issues. We give referrals for other agencies that might better meet the needs that they present. We would never say we are all things to all people but we do try to provide a broad range of services to individuals in our community and we really look forward to a greater level of partnership with the City of Springdale. We feel very supported by safety services and everyone else here.

Mr. Hawkins asked what percentage of the folks you are serving are parishioners?

Ms. Roberts replied ten percent. It's fine if they are but it is not a prerequisite.

Mr. Knox asked what are the best hours to contact you?

Ms. Roberts said our service hours where we are open to provide classes and opportunities that I discussed are Wednesday through Saturday mornings from 9 a.m. to noon and Thursday evenings from 6:30 to 9:00 p.m. The staff is there normal business hours but to receive services those are the times.

Mayor Webster said we have a handful of organizations that I consider the crown jewels, the Nazarene Church with their SOUL Ministries, Maple Knoll Village and some of their outreach efforts and also the Healing Center. I think Springdale is blessed to have three organizations like that that are concerned about our brethren and I'm very pleased that you guys have chosen to set up shop in Springdale. I know you do a tremendous job of serving the community and one of your latest ventures is the Hispanic Coalition. You

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want to talk about that expo a little bit. It was very well attended last year and is something I think is very much needed in this area and I hope the Hispanic community takes advantage of that.

Ms. Roberts said that is a day long event that provides access to not only the Healing Center services but a broad range of services available around Cincinnati, legal help, health care providers, whole broad range of providers will be on site primarily to address the needs of the Hispanic community which as you know, has been growing across the greater Cincinnati region and right here in Springdale. Currently about 25 percent of our Healing Center guests are Spanish speakers and we work hard to address that with bi-lingual staff as well as bi-lingual volunteers. That event was born out of a desire to see the community, particularly safety services, come together to address concerns on both sides and try to develop solutions that would enhance everybody's experience.

Mayor Webster said one of the biggest problems we have with dealing with the Hispanic community is a lack of trust. They're afraid they're going to be deported. There is an immigration representative at this coalition so they can get some advice. This gives the police an opportunity to interact with these folks and hopefully build up a trust level. A lot of the crime in these areas goes unreported because they are afraid to call the police. They don't trust the police. They don't trust anyone. That's the culture that they have grown up in and it's unfortunate. I think programs such as this would go a long way to tearing down those barriers and changing that culture.

It's been a team effort and the communication goes both ways. When some trust is built it enables the community to receive some education about expectations for what is legal and what is illegal in this country and what their rights are, and what their responsibilities are. It's created an opportunity for a much more open forum for discussion.

Mr. Squires said an important date coming up is October 1. That's the day citizens are going to have to start making plans to purchase health insurance. You're going to need navigation through the system. Thanks to Robin from ICRC, at the bottom of the screen is a website that can help guide you through the complexities of purchasing health insurance. Are you going to have some help for these folks at the Latino Expo?

Ms. Roberts said I can't speak to that specifically. Shana Horner is our Hispanic Services Coordinator and is most directly connected with the details of that event. The Healing Center is very aware of the October 1 date and the health care exchange and the need to provide navigators to help people through that process. We are still in the process ourselves. There are some pieces that aren't fully put together. We're still exploring whether we will become a site where people can come and walk through that exchange process with us. We are benefit bank site where people can come and apply for state and federal assistance with a trained partner who will walk them through that process. It's our understanding that the Health Care Exchange will function very much like that and we can see that there would be a role for us in both English and Spanish but we have not made any final determinations about what we will do.

Mr. Squires said I attended that expo last year and it's well worth it.

Mr. Diehl said in today's environment people are looking for a job, a better job, a full-time job. I think the perception that the service you provide is just for entry level jobs. Can you elaborate on what you do in that category?

Ms. Roberts said we see the broadest possible spectrum of individuals through our job coaching program. We see everyone from those who are looking for a job for the first time to those with bachelor degrees, master degrees and maybe fifteen to twenty-five years of experience in a career field and maybe they have been downsized or maybe they are proactively looking for a change.

Mr. Parham asked is there a fee for services?

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Ms. Roberts replied everything is offered at the Healing Center at no cost. From time to time there may be a workbook cost involved with a GED and we would ask the person to invest in himself/herself and invest in the cost of those things. Everything is basically provided through our church, community and business partners.

Mr. Parham said one of the primary challenges in the Latino community is the language barrier but away from ethnicity, do you provide any sign language?

Ms. Roberts responded we do on an as needed basis. We have a handful of volunteers who are interpreters. If we know in advance that you are coming we will make arrangements.

Mr. Parham asked does that person make house calls?

Ms. Roberts said we don't provide that service but we could network you with other agencies and organizations that provide services.

Mr. Parham said we face a challenge with a parent who has a child who has participated in some of our activities at the Community Center. The parent can provide the services herself but she would prefer that we provide the service. If there is an opportunity and you know someone who provides that service, for instance, for a swimming class, that could assist us in that process.

Ms. Roberts said I would be glad to provide you with the name of the person who oversees that team.

Mrs. Harlow said thank you so much for joining us this evening. Your presentation has been very beneficial and I'm sure that the people in our viewing audience will gain a lot of knowledge and be able to use your services. Thank you for being such a great community partner.

COMMITTEE AND OFFICIAL REPORTS

Civil Service Commission – Mr. Potts reported they met on September 5. There was a review of the test that was conducted August 24 for the position of administrative assistant in the Health Department. We had 251 applicants and 144 sat for the test. The results came back shortly after the meeting and have been sent out to the candidates. The Commission will be certifying the top ten for the position at our next meeting. We are also anticipating some upcoming promotional testing for the position of lieutenant in the Police Department. We talked about some of the finer points of the procedure. An actual timeline for the procedure will be established in the very near future. Last week wrapped up assessment center testing for a captain position in the Fire Department. There were seven candidates and the results are in the mail to the candidates. The Commission will be certifying the names of the top three candidates very soon. Testing for an account clerk in the Tax Department will be conducted on October 12.

Rules and Laws	-	no report
Finance Committee	-	no report

Planning Commission - Mr. Vanover stated they met September 10. We had a conditional use permit for parking at Manor House at Maple Knoll, 11100 Springfield Pike. There is a plot of land zoned residential that didn't get rezoned when they expanded. That was approved 7-0 and they have stated they are going to get that cleared up. A pump canopy and sign at the Shell Station at 11444 Springfield Pike was approved 7-0. There was a developmental plan for Gwen Moody Funeral Home, 12185 Princeton Pike. They are bringing their operation offices there. It will be a full service funeral home. The cemetery will be blended into Spring Grove Cemetery. That was approved 7-0. There was a revision to the PUD Transition District Development Plan for Waffle House at 11520 Springfield Pike. They want to put a Waffle House on site. They have bought the parcel of land it would be located on but there are issues with signage and boundary. That was tabled 7-0.

Mayor Webster asked sign and what kind of issues.?

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Mr. Vanover replied plot issues. The way they are right now they would need a variance for setback and they were going to back. In response to Mayor Webster, Mr. Vanover stated they would need a variance because they own that property.

Mayor Webster said then that is split off from the PUD by virtue of them owning it.

Board of Zoning Appeals- Mr. Hawkins reported they met September 17. The owner of 11285 requested a variance for a side yard setback for a port cochere. That was approved 7-0. A pool in the side yard at 346 Plum Street was approved 7-0. The City had granted a permit in error. The property has three side yards as it is used as one piece of land even though there are two plots.

Mrs. Harlow asked will that pool have to be fenced in?

Mr. Hawkins replied the Building Department has indicated that if it is an above ground pool that is four feet or higher, they don't have to fence it in and this is four and one-half feet tall.

Board of Health – Mr. Squires said they met September 12. A site has been obtained for the infectious disease program. Funding is available. They are still working on obtaining a van. The Public Health Futures centers around HB 59 and centers around accreditation. Criteria are still being determined. The board discussed the proposed food license fees which are consistent with the 2013 fees. The mammography van will be at the Community Center on September 24. The Health Fair will be held October 29. Flu shots are available for \$20 for adults, free for children. There will be someone there that bills Medicare recipients. The Latino Coalition for Southwest Ohio is November 10, 2- 5 pm at the Vineyard Church.

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 said the people in Louisville and southeast Indiana have decided on tolls for their bridges. They will be up to \$4 for a vehicle crossing and up to \$12 for a truck crossing. Frequent users will be able to get transponders and pay \$1 per trip. If Kentucky is going to okay that in Louisville, we can look forward to that eventually if the Brent Spence ever goes forward. OKI has been approached by ODOT and the City of Cincinnati with a new idea for funding the interchange at MLK on I-71. The interchange is proposed to cost approximately \$100 million. ODOT proposes that the City of Cincinnati would take out a \$25 million loan from Ohio Infrastructure Bank and OKI would pay back the principal over the next twenty plus years. The City of Cincinnati would be the debtor. If there's a default it would go to the City. The City is always responsible for interest. Fees will be paid by the City. OKI should have its federal allocation for the project cut for any reason, the State will pick up the principal payments as long as the reduction lasts. If other funds become available for the project, OKI's total payments would be reduced by an agreement based upon a formula yet to be announced. This is in the talking stage right now. The Stearns and Foster building on -71 will be taken during the fourth quarter of fiscal year 2014. When you come west off of I-275 and turn north onto I-75 and also east on I-275 when you swing around and meet them, they are going to extend the acceleration lane in 2015.

Mr. Vanover said it's hard to believe they would get a favorable bond rating on the interchange process and how would they pay it back because they are already running a deficit on their budget.

Mr. Knox said questions were raised about what this would do to the rest of the communities even the communities in northern Kentucky. Would this take up money that

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maybe should have gone somewhere else? They said, oh no, that's not going to happen. This only amounts to three percent of the income of OKI.

Mayor Webster said you have an entity that can't balance its budget. They have to sell off their parking garages and parking meters to get money to balance the budget. They have a pension system that is millions and millions of dollars underfunded. I can't imagine buying a bond for whatever the reason the City of Cincinnati issued. Is there no end to their proposals to spend money?

Mr. Knox said they are expecting private entities to help pay.

Mayor Webster said if they decide to widen I-275 in Springdale I hope they don't look to us to issue a bond to fund that.

Mayor's Report – Mayor Webster said I think all of you were at the Community Bash on Saturday. Everyone I talked to was ecstatic that we had an event with the type of activities we had and the crowd we had. We geared this to families with kids. I think Greg Karle and his staff did a wonderful job putting that event on. It was a marvelous event. CinCom at 55 Merchant Street will be celebrating their forty-fifth anniversary. They haven't been in Springdale that long but have been in existence. The firehouse is having their twenty-third annual open house October 25. Learn the proper use of fire extinguishers, the importance of smoke detectors and carbon monoxide detectors. Representatives from the Red Cross, Hamilton County Communications Center, Shriners Burn Hospital as well as Sparky the Fire dog and a visit from Kasey the Fire dog from Shriners' Hospital.

Clerk of Council/Finance Director – Mrs. McNear said on the revenue side we have a budget of \$16.032 million dollars. Through the end of August we have collected \$12.57 million which is 79 percent of our anticipated budget. Our earnings based on the top five sources are: earnings tax, real estate tax, local government funds, estate tax and paramedic services at \$11.647 million for 91 percent of our total revenue. On the expenditure side we have a budget of \$18.975 million. We have expended \$10.838 million which is 62 percent of the current budget.

Administrator's Report – Mr. Parham said we have a resolution of necessity for the driveway apron program. I'll make comments on that at that time. The other thing I have is the adoption of supplemental codes for the Ohio Revised Code. Each year the State of Ohio adopts a number of amendments or supplements to the Ohio Revised Code. Until 2009 the City of Springdale has enacted a number of those. Some are required for us to enact, others are optional. Unfortunately, from 2009 until today we have not gotten those. I'll take that responsibility. We're asking that we bring legislation in to bring us up to date. In 2008 there were twenty-six that were required, one was optional. All of the optional items have to do with our Police Department. They are things where they change a penalty for an offense. They change a penalty from an escalating penalty to a first degree misdemeanor or they may change it from first degree misdemeanor to a fourth degree misdemeanor or they may simply define what the penalty is. Right now the Police Chief is reviewing those supplements and we hope to have a recommendation for those that we would want to adopt that are optional for you with the legislation. In 2008 we had one that was optional; in 2009 there were twenty-four optional, twenty-five required. In 2010 and 2011 there were no optional supplements adopted by the state legislature. There were twenty in 2010 and forty-seven required. In 2012 there were ten optional and forty-one required. If Council is inclined we would be adopting the 2008, 2009, 2010, 2011 and 2012 since the last time Council took action on this was in 2008. This time next year or sooner we will adopt the 2013 supplements.

Law Director's Report

- no report

Engineer's Report – Mr. Shvegza said Adleta Construction continues to make good progress on the street program both in Oxford Hills and the streets off Glensprings. The curb work is substantially complete. The grinding and paving has not begun yet. The concrete pavement work on Northland in the vicinity of Tri-County Parkway is substantially complete. It was done last weekend. The additional concrete pavement on Northland in

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the Kemper Road area will take place this weekend and the completion date overall is October 11. There continues to be flaws in the pavement on the SR 4 ODOT Urban Paving project. ODOT has given the contractor an ultimatum to come up with a means to address this and ODOT will review it. The municipal building repair is underway and the completion date is October 31 but we expect it to be done earlier than that.

COMMUNICATIONS - none

## COMMUNICATIONS FROM THE AUDIENCE

Mike Higgins, 579 Observatory Drive said on prior to the May 2, 2012 Council meeting a zoning variance was requested for an addition to the north side and rear of the house at 584 Observatory. The north side was granted. The rear was not. At the Zoning Commission meeting, as part of the approval of the variance a stipulation was placed on the contractor that the house must be uniform in color by the end of the year. To date the house remained multi-colored. All the windows that were added to the structure as part of the addition are white. The old ones remain the blue color that they were. In addition, the construction materials that were used have been left on site. You can actually see a picture (on his computer) of the construction blocks and debris that are sitting off to the side of the newly placed addition. This resident continues to be a real blight to the neighborhood. I would ask that Council send the PMO to the residence to perform an inspection of the exterior of the home. There is a compost refuse pile sitting in the driveway that has been there approximately four years. It has taken root and weeds and other debris are growing out of the pile of rubble. The front yard well exceeds the ten inch maximum that the grass is allowed to be. It's gotten to the point that at this point, because there are so many other weeds growing out, I would actually ask that the City cut the yard in accordance with Springdale Ordinance 155.062 and send the residents the bill for doing so. I have a number of pictures of the property and it continues to be a blight in the neighborhood. If we could get someone over there to do an inspection and provide them with written notification of the items that need to be cleaned up, we can start improving our neighborhood. There are a number of buckets just randomly sitting in the grass and there are a number of hollowed out tree stumps that continue to line the property. We have a real bad problem with mosquitoes on that side and with all these buckets and containers allowing for the harboring of mosquitoes, we are spraying down our kids regularly but especially with West Nile becoming an issue, I can't let my kids out in the morning or evening.

Mr. Higgins said the Springdale Charter as it's posted on line, Article 5, Section B, number 4 reads "nomination petitions shall be field on behalf of each candidate with the Board of Elections not later than 4 p.m. on the 75<sup>th</sup> day prior to the general election as the Ohio Secretary of State has moved this to 90 days prior. I would move Council to update the Charter or at least update the Charter as it is listed on line. Anybody that was following the Charter as posted on line turning in petitions for Council after the 90 days but prior to the 75, those petitions have been rejected and I was one of them.

Mr. Higgins said my mother retired approximately two years ago and moved to Mississippi. She was a special education teacher for St. Rita's School for the Deaf and a sign language teacher. She moved back and is presently undergoing the background checks to be a substitute teacher in the Finneytown school district and I'd be more than happy to provide you her name and number if you are looking for services.

Mayor Webster said I'm not sure what the State of Ohio has done but we're a Home Rule Charter and the seventy-five days is still good.

Mr. Higgins replied I went to the Board of Elections eighty-four days before the election and I was turned away. I was told that the Ohio Secretary of State had changed the law to ninety-days prior and she read off to me the number of members of Council that had already turned theirs in prior to the ninety days. Mine personally was rejected at the Board of Elections.

Mrs. Harlow asked can you tell me what day that was?

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Mr. Higgins replied somewhere between August 17 and 22. It was outside the seventy-five days but inside the ninety.

Mrs. Harlow said I believe they did move it up a week.

Mayor Webster said but it's still seventy-five days.

Mr. Higgins said the Board of Elections still rejected it.

Mayor Webster stated I hope you have a record of that but it sounds like you were inside the seventy-five days even.

Mr. Higgins said I was outside the seventy-five days but inside the ninety. It was an issue and they did pull up and hand me a copy of the new law from the Secretary of State.

Mr. Forbes stated the State did change the timing to ninety days but that would have absolutely no effect. If the Charter says seventy-five days, then the Charter controls. That's an issue you may want to address with the Board of Elections and one they should be well aware of.

Mayor Webster said on the first issue, we appreciate your comments on the residence of 584. I know what house you are talking about. Believe me, that property will be receiving some attention. It should have already received some attention. We shouldn't have to wait for a resident to come up here and point that out to us. Shame on the Building Department for allowing that to exist. We've had other situations like this. We have other residents like you who have concerns about their community and we urge you to come forward with those. This is an administrative matter. It's something we should have enforced. We should have not allowed this to get out of hand. It's not a Council issue. Feel free to call Mr. Parham or me. We have a hotline in the Building Department that you can call anonymously.

Mr. Higgins said my wife did report that issue and another issue over a month ago and there has been no action. That's why I came here.

Mayor Webster asked was that on the hotline?

Mr. Higgins said I would like to thank Mr. Hawkins for at the variance hearing of ensuring that that stipulation was put on there to have the building multicolored.

Mayor Webster said we will make sure whatever variance was granted is carried forward and we'll also make sure the mess gets cleaned up.

Mr. Hawkins said I'm sure the Building Department will get on it and take care of it. You all live across the street. I remember when you came in. I remember the property had a lot of issues. I'm glad you re-brought that to the City's attention.

Mrs. Harlow asked Mr. Higgins, are you going to contact the Board of Elections?

Mr. Higgins replied I will but now that I've had this chance to address you and I'm within the seventy-five days now, I'm sure it is a mute issue which I'm fine with. I'm just bringing to Council's attention that there seems to be a conflict on what the Board of Elections is allowing and what's listed in our Charter, especially to have someone go down and be officially turned away.

Mrs. Harlow said I don't understand because I completed my petition quite early and turned it back in. I do remember being told we were about a week ahead of the normal schedule we adhered to in past years. I encourage you to follow up with that.

Mr. Higgins said thank you for coming and for the offer of the opportunity for your mother to assist us. Relative to the property on Observatory we will address that first thing tomorrow. Relative to the City moving in very quickly to cut the grass, there is a

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process we have to go through. We have to give them the opportunity to do so. Once they've not complied then we'll be able to do so.

Mr. Knox said somebody approached me in church on Sunday and complained about another residence in this City. My comment at the time was that may be a health problem. Can the Health Department move faster on these things than the Building Department?

Mr. Parham replied it depends on the violation. If it is a property maintenance issue, more than likely that will not fall under the umbrella of the Health Department. If it is a health issue causing potential health concerns to an individual or a resident, then maybe but we'd have to have a better idea of what the issue is.

Mr. Knox said the one I was approached with was garbage in the front yard. Mr. Higgins is talking about mosquitoes which is a health problem also. If we can get to the point quicker that might work out.

Mrs. Harlow said Mr. Higgins, if you have an issue that you think is not being resolved our telephone numbers are on the website and we would all be more than happy to assist you.

## ORDINANCES AND RESOLUTIONS

RESOLUTION NO. R8-2013

COMMENDING CDS ASSOCIATES, INC., ON THE OCCASION OF ITS 45<sup>TH</sup> ANNIVERSARY OF EXISTENCE AND DEDICATION TO THE BETTERMENT OF THE CITY OF SPRINGDALE

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

Resolution R8-2013 passed with seven affirmative votes.

Mayor Webster said I remember when CDS began its relationship with the City. When I came on board in 1971 we had a local individual who was our City Engineer. Shortly thereafter a fellow named Don Spencer came along and slowly took over those responsibilities. Then he hired this young fellow named Wayne Shuler. Wayne was ultimately named City Engineer in 1975. We've enjoyed our association over the years with CDS with Don Spencer and Wayne Shuler. We appreciate the services that have been provided and look forward to many more years.

Mr. Knox said it was my pleasure to work with Mr. Shuler when I was sitting in Mrs. McNear's chair. It was always a good relationship. Now it's my pleasure to work with Mr. Shvegza. I think we do well with CDS.

Mr. Vanover said I became acquainted with Mr. Shuler six years prior to occupying this position. He was very helpful on issues. It was a pleasure to work with him and Don is equally capable.

Mrs. Harlow said we certainly value the number of years we've had an affiliation with CDS.

Mayor Webster said I must have short term memory loss. I remember all these details from 1972 but how can I leave out Don and leave out the job he is doing for us on a daily basis and has been doing for a number of years. Sorry about that, Don. He's certainly right up there with Wayne and Mr. Spencer.

Mayor Webster presented the resolution to ? from CDS.

Mr. said thank you so much for this resolution. It means a lot to us. More than anything else the relationship we've had over the thirty-eight years is so important to us. Springdale was the first city we served as city engineer. We currently serve as city engineer for thirty communities and I like to think the City of Springdale had a lot to do

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with that. We gained a lot of experience. We got a lot of great references and we owe a lot to the City of Springdale.

Public HearingORDINANCE NO. 27-2013

AMENDING THE ZONING MAP OF THE CITY OF SPRINGDALE TO PROVIDE FOR THE REZONING OF THE MUNICIPAL PARKING LOT AT WALNUT AND PEACH STREETS FROM RESIDENTIAL SINGLE HOUSEHOLD HIGH DENSITY (RSH-H) ZONING TO GENERAL BUSINESS (GB) ZONING

Mrs. Harlow opened the public hearing.

Mary Koch, 11560 Walnut Street, said we have those two rain gardens at the north and south ends of that parking lot where the Farmers Market is moving that were supposed to be so pretty for the City to have. They have become quite an eyesore. Maybe either the City should remove them or maintain them before we bring a bunch of people in to look at that block with the Farmer's Market on it.

Mrs. Harlow said we will make sure that is taken into consideration. Thank you for your patience to wait for the public hearing.

The public hearing was closed.

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

Ordinance 27-2013 passed with seven affirmative votes.

Public HearingORDINANCE NO. 28-2013

AN ORDINANCE AMENDING SECTIONS 153.218, 153.014, 153.504, AND 153.531 OF THE SPRINGDALE ZONING CODE TO CREATE REGULATIONS REGARDING A FARMER'S MARKET

Mrs. Harlow opened the public hearing. No one came forward. The public hearing was closed.

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

Ordinance 28-2013 passed with seven affirmative votes.

Mr. Diehl said I'd like to go back to Mrs. Koch's comments. I would like to thank you for pointing things out to us. I'm sure when they first went in they were designed but I personally agree with you. We need to pay attention and bring it up to Springdale's standards.

RESOLUTION R9-2013

DECLARING THE NECESSITY OF IMPROVING THE DRIVEWAY APRONS IN THE PUBLIC RIGHT OF WAY

Mayor Webster said if you look at the exhibit the first attachment are the ones we did in 2012, not the ones being currently repaired or replaced. All of these people have been notified and been given the opportunity to pay to the City and they've chosen not to, correct?

Mr. Parham said the first list you have is 2012. Of that list, four of those individuals have decided not to. One will be removed from that list; they've made their payment. When you go to the 2013 program there are 48-50 total. There are about thirty-four there right now. In many instances residents have said to us, you go ahead and perform the work and send me the bill. Some may pay prior to it being placed on their tax duplicate. We had two residents who noticed the low rate that our contractor is performing and asked if they could be added. They are listed there as well. There are two others that we were unable to contact. We had not heard back from them and performed

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the work. Everyone has been notified via a letter early on to indicate that we were coming. We made attempts on several occasions to speak to residents. We had some who had questions initially. We responded to those. The majority, if not all, of these will probably be paid off or some may have asked that we put it on their tax duplicate.

Mayor Webster said so no one will be shocked when they open up their tax bill.

Mr. Hawkins said with it reading that the entire cost of this improvement less the administrative cost, engineering cost and legal fees, all of which shall not be less than two percent of the total cost of improvements. Is that the way the contract reads, less than rather than more than? I just assumed it would be something that would cap the cost.

Mr. Parham said the language found in the document is the more, legal language. The only thing we are charging the residents is the cost associated with the measurements you find on the exhibit pages. When our staff went out to measure their square footage, they used the rates provided by the contractor. We calculate that number and that is what they are paying.

Mr. Hawkins said it only puts a floor on it, not a ceiling.

Mr. Forbes said the less than two percent is statutory language from the statute that allows you to do this type of assessment.

Mr. Hawkins said if a resident did object how is the equalization board formed?

Mr. Parham replied Council would have to appoint the equalization board. Whether it's the 2012 or 2013 program, we have provided enough lead time, enough knowledge to the resident. We had one resident in 2012 who objected to the process. We had one resident in 2013 but finally after much discussion she said go ahead and file it. In our original notification we said we are giving you thirty days. Then we're going to contact you again. Then we will contact you again before we add it to your duplicate. The ORC says after passing this Resolution of Necessity you give them twenty-one days. We're making sure we are following these steps. That's the reason we are here today. It was a step and also the reason we are handling 2012. All the residents have the appropriate information. We are going to send a copy of the resolution along with a new letter to each resident and notify them of their twenty-one days. If someone objects to the process at this point, then Council must establish a board of equalization using three members of the community. They are to hear the objection of those individuals. Once the board makes their decision, if they uphold the City's position, that individual will be added to the list. Either they will pay it prior to or if there are any we have to assess on their taxes there is another step with an Ordinance of Assessment. We'd ask Council to adopt that and then identify all the properties that we would assess their taxes.

Resolution R9-2013 passed with seven affirmative votes.

#### OLD BUSINESS

Mr. Knox said the staff did an excellent job on the Springdale Bash.

NEW BUSINESS - none

#### MEETINGS AND ANNOUNCEMENTS

Planning Commission	-	Oct 8
Board of Health	-	Oct 10
Board of Zoning Appeals	-	Oct 15
Business Expo/Health Fair	-	Oct 29

COMMUNICATIONS FROM THE AUDIENCE - none

#### UPDATE ON LEGISLATION STILL IN DEVELOPMENT

City of Springdale Council

Sep 18

2013

Accepting the amounts and rates - Oct 2  
Accepting amendments to joint self-insurance - Oct 2

RECAP OF LEGISLATIVE ITEMS REQUESTED

Updating Springdale Code - Oct 2

Council adjourned at 8:37 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Marjorie Harlow, President of Council

\_\_\_\_\_, 2013