

## City of Springdale Council

October 16

2013

Acting President of Council Tom Vanover called Council to order on October 16, 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 took roll call. Present were Council members Emerson, Hawkins, Knox, Squires, and Vanover. Mr. Diehl and Mrs. Harlow were absent.

The minutes of October 2, 2013 were approved with five affirmative votes.

#### COMMITTEE AND OFFICIAL REPORTS

Civil Service Commission – Mr. Thamann stated they met October 3. They approved the timeline for the promotional test for the position of lieutenant in the Police Department. The commission also certified the names of the top three candidates for the position of captain in the Fire Department. The commission also certified the names of the top ten candidates for the position of administrative assistant in the Health/Building Department. A written test was administered October 12, 2013 for the position of account clerk in the Tax Department. There were 160 applicants, of which 107 sat for the test. The test will be graded and the results should be out to the applicants in the next week or so.

Rules and Laws	-	no report
Finance Committee	-	no report

Planning Commission - Mr. Vanover said they had a revision to the PUD/Transition District for Waffle House, 11520 Springfield Pike. That was approved 6-1. Minor improvements for signage material and color change of the façade of Value City Furniture, 94 West Kemper was approved 7-0.

Board of Zoning Appeals – Mr. Hawkins said a wall sign less than three feet from the edge of the building for Enterprise was approved 7-0.

Mayor Webster asked is Enterprise moving their entire operation over there or just their rental office?

Mr. Hawkins replied my understanding is that they are going to move everything over there and shut down the other one.

Mayor Webster said they had a garage on Northland Boulevard.

Mrs. McNear said the garage belongs to Sweeney. Enterprise had been engaging in conversations about the possibility of taking over that building but they didn't go forward with that. I can't imagine there is enough space there for rental cars.

Mr. Vanover said Enterprise usually has a small garage for vehicle prep. The number of cars on the lot will vary according to demand.

Board of Health – Mr. Squires reported they met October 10, 2013. Grants are becoming available for the Infectious Disease Program and they are about ready to close on a van. They had the first reading of the food service license fees which have increased by 8 percent for next year. The City received the Healthy Ohio Healthy Community Gold award again this year. The Governor has mandated that all municipalities be accredited. The City must file a community health assessment document, community health improvement plan and health department strategic plan. All of those documents have to be dated in the last five years. The cost for accreditation is \$12,700 spread over five years. Drug Take Back Day is October 26 at Walgreen's. The Health Fair which includes flu shots and diabetes screening will be held October 29. The Latino Expo will be November 10 at the Vineyard Church.

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Mr. Hawkins asked if the \$12,000 for accreditation covers five years, do you have to reapply after that five years? Mr. Squires replied yes.

Mr. Hawkins said there is nothing we get inherently other than the ability to be in existence with this accreditation.

Mr. Squires responded I think we will benefit from it because there are flu vaccines and others that we order from the Ohio Department of Health. If the board is not accredited we may not be able to get those.

Mr. Hawkins replied we are already getting things now. You're saying it comes down to we have to have this accreditation to exist.

Mayor Webster said and to get the \$3,000 a year in state aid which will go away if we are not accredited along with some of the other subsidies. If you want to continue with the local board of health and health department, you will have to be accredited. I don't look at it any differently than what our police and fire departments, building department go through. Looking at the things that have to be done, there are some laborious tasks there but there's nothing insurmountable.

Mr. Hawkins said it seems we are already doing the things that have to be done.

Mayor Webster said we did a health assessment five or six years ago so we'll have to do another one. That was no bid deal. When I first heard about it I thought they were going to set the bar so high that a small health department could not meet it but in looking over the requirements, that's not the case.

Mr. Hawkins said I'm not concerned about what needs to be done because that is not a problem. I'm more concerned about the State finding a way to take more money.

Mayor Webster stated my concern is not necessarily the money they are going to take; it's the fact that I think they would like to see the smaller health departments go away. They'd like to see us contract with the County. There are 203 health departments in the State and they would like to see that get down to a more manageable number. I think this is one way of doing it. Some of the smaller, rural health departments may not have the expertise that we have to be able to become accredited. I think some will fall by the wayside.

Mrs. Emerson said I would think it's a lot like the hospital. We get accredited every four or five years. It's probably nothing that we aren't already doing but it's somebody overseeing, making sure and documenting that we are carrying these safety limits in the Health Department. It says that we are giving safe care and correct information to our residents.

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 on the OKI funding to help the Martin Luther King/I-71 interchange I asked the executive director some questions and he kind of put me off by saying that they intend to form a committee. Apparently a lot of people have questions about how they are going about maneuvering this \$25 million over a twenty-five year period. Since OKI cannot raise money through bonds it would have to come from income. A lot of people, particularly in Indiana and Northern Kentucky are a little bit worried about funding drying up even though they swear none of the money is going to come from that angle. Funding for the Brent Spence Bridge has come down to two options. It will either be bonds based on tolls which the Louisville bridges are going to have or a public/private partnership. If we have that it will be run by a private company. Either one doesn't look like a palatable solution. The State of Ohio is looking at allowing six-axle trucks up to the

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weight of 97,000 pounds to go up and down our roads. This is coming from the US Department of Transportation because by December 2014, they want every state in the union to have the same regulations about trucks. Amendment 2 to the Transportation Improvement Plan known as the TIP included Hamilton County Interstate Route 75 right-of-way construction funding Phase I for the I-75 Carter Project, that is reconstruction of I-75 between Shepherd Lane and Glendale-Milford Road. This project will cost \$111 million.

Mr. Squires asked what is the weight limit now for trucks?

Mr. Knox replied I believe it is 80 or 85. I would hope if they are going to allow larger trucks on the highway that they increase the revenue from trucks. At that weight they are going to beat the heck out of our roads.

Mr. Vanover asked are they widening the road on the I-75 project at Shepherd Lane?

Mr. Knox replied I think it's going to be a bit wider but there are places there that you cannot widen it unless you widen the bridge. The section that goes to Neumann Way would have to be demolished and rebuilt. I don't think it's going to be an extra lane.

Mayor's Report - Mayor Webster stated last week we cut the ribbon at Burlington Coat. It's a very nice looking facility inside and 70,000 square feet. Week before last Jeff Tulloch and I were at CinCom for their 35<sup>th</sup> anniversary. I think they've been in the City 14 or 15 years. It's time to renew the contracts for our Mayor's Court personnel. I need three ordinances for the magistrate, prosecutor and public defender. The terms and conditions are the same as they have been for the last four or five years. Right now we pay the magistrate \$17,500; prosecutor, \$9,000 as a retainer and additional compensation for cases going downtown, and the public defender gets \$150 a case.

Clerk of Council/Finance Director – Mrs. McNear stated I have the third quarter financial results. On the revenue side we have a budget of \$16 million. Through the end of September we have collected \$13.7 million which is 86 percent of our anticipated budget. The sources of that income are earnings tax, \$10.3 million; real estate tax, \$937,000; local government fund, \$188,000; estate tax, \$729,000; and paramedic services, \$368,000 for a total of \$12.5 million which is 92 percent of that revenue. Our ending general fund balance is \$5.2 million. On the expenditure side of the house, we have a budget of \$18.9 million. Through the end of September we have expended \$11.9 million which is 70 percent of the anticipated budget.

Administrator's Report – Mr. Parham said the 2013 street improvement program primarily focused in Oxford Hills and the cul de sacs off Glensprings has been completed. I think anyone who has been in the neighborhood has seen that they did an outstanding job with the curb work, overlays, catch basins, etc. Following the adoption of the Resolution of Necessity at our September 18 Council meeting, we determined that there were thirty-eight affected properties that were required to make improvements on their driveway aprons. This is a combination between our 2012 and 2013 program. In 2012 there were four residents who had not paid for the improvement. Under the 2013 program there are thirty-four. On September 27 we successfully hand delivered the notice that informed the property owners that they had the right to appeal. That's what the Resolution of Necessity spoke to at the last meeting; that we affirmed that there is a reason and need to have this improvement and they had been placed on notice that there is an ability to appeal the decision to the City. If they appeal the decision, then Council has to appoint the Board of Equalization. So far we have not received any appeals. There are two ways in which we were required to deliver the notice; either by hand delivery or certified mail. On September 27 we were successfully hand deliver seven and the residents signed off on those. The remaining thirty-one notices were sent via certified mail and they have twenty-one days from the date of receipt in order to file their objections. To date, all but five of the certified letters have been signed for and returned to us. Certified letters went out October 1<sup>st</sup>. As of yesterday we had twelve property owners who made full payment and one property owner who made a partial payment. The residents understood that this was coming. They had far more than the twenty-one days because we have been

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keeping them informed throughout the entire length of these projects. We are just waiting for the twenty-one days to receive some sort of acknowledgement on those five so we know when the clock begins to tick. At some point we'll pull together those who may not have made their payment and those will be the ones that have the cost assessed to their properties.

Mr. Parham stated earlier this year we became aware that the vacant hotel has been purchased. We were having discussions with the Greater Cincinnati Port Authority about them establishing the Land Bank through Hamilton County and having the ability to acquire that property after it goes through two sheriff's sales. We became aware that there is an opportunity for the City to establish a land reutilization program as well. We have the same opportunity as the Land Bank to gain control of the property in the City of Springdale if Council so chooses to establish the program. We put forth an ordinance establishing the language for the utilization program. We informed the County Prosecutor, Treasurer and Auditor that the program is in place. The County Prosecutor is then responsible to identify all delinquent properties in the City of Springdale, send that list to the City. We go through the list and prior to a scheduled sheriff's sale, we have to identify what properties, if any, we choose that we want to try to take ownership of. This has to occur prior to any advertisement of a sale date. Once we have identified those, we send that to the County Prosecutor. That piece of property then goes through two sheriff's sales. If no one purchases it after the second sheriff's sale, our assertion is deemed to be the effective bid. We then will be able to take ownership of that piece of property. We will then have to pay a number of minimum costs in order to satisfy the ownership. We do not have to pay for the taxes or liens or assessments at this time. Our program is different than the Land Bank program because once the Land Bank takes ownership the property tax and all those things simply disappear. In the instance of a City, they do not disappear. They are simply placed on hold up to about a fifteen year period. The gist of this program is centered around taking non-productive land as they identify it and putting it back into a tax generating revenue status. We take possession of the property. We are responsible for cleaning it up, maintaining it. If we need to demo a building that is there, we do those things. Then we are to attempt to market and sell the property at fair market value. We have fifteen years to attempt to do this. If we are unsuccessful in selling the property through year 15, then during year 16 we have to have it as public auction and offer it for two-thirds of the fair market value. Whatever the property sells for, we are first in line to recoup our expenses. Whatever it has cost us to manage, maintain, demo, if we sell, the proceeds go first to pay us back for our expenses. If there are no dollars remaining after we have cared for the property, then we're done. If we sell the property for more than our expenses, those extra costs are going back to the County to address any taxes. If the property is not sold after the public auction, then the property becomes the ownership of the City to be used for any public purpose and we no longer have to follow any of the rules of the Ohio Revised Code.

Mayor Webster said we had an in-depth discussion of this in executive session several months ago primarily related to the hotel at that time. We decided to put this program on hold until the hotel was resolved. What about current taxes during this fifteen year period? Are taxes levied each year and held in abeyance?

Mr. Parham replied it is in a tax exempt status the entire time we have ownership during this program.

Mrs. McNear said so the benefit to the City is that we can take care of a blighted property.

Mr. Parham responded if we have a blighted house in a neighborhood that has been foreclosed on and is an eyesore and we decide we want to eliminate that, we can take ownership of it. We can demo it. We can clear the property and then put it back on the market very similar as we did with the Greencastle site. It gives us a great tool to be able to clean up some of these areas. We would like an ordinance at the next meeting to adopt a land reutilization program.

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Engineer's Report – Mr. Shvegza reported the street program is complete. The Public Works inspector is putting together a punch list for the contractor at this time. There was a problem with flaws in the pavement for the SR 4 Urban Paving program. ODOT has directed the contractor to make spot repairs in all the flaws that are apparent at this time. The contract will remain open for a year. The performance bond will be held for a year and the project will be re-examined in a year to see if there are any additional issues. The masonry work was completed on the Municipal Building damage. The windows are being assembled and they should be delivered the week of October 21 and installed.

COMMUNICATIONS – Mrs. McNear said there is a letter from Time Warner Cable dated September 27, 2013 stating effective on or about November 12 Time Warner Cable will take another important step towards adding additional programming and improving internet speeds by reclaiming bandwidth through providing existing programming in digital format only. In order to continue to offer customers the advanced services they must continue efforts to manage bandwidth utilization with more efficiency. The bottom line of this is that they are going to be taking away channels and just making them for digital format only. There is a converter and an application for residents to request this piece of equipment. It will be on file in my office if anyone so chooses.

## COMMUNICATIONS FROM THE AUDIENCE

Julie Matheny, Springdale Chamber of Commerce, said I want to remind everyone of our ninth annual Business And Community Expo and Chili Cook Off will be Tuesday, October 29<sup>th</sup> from 11 a.m. to 2 p.m. at the Community Center. It is free admission to everyone. The only thing you have to pay for if you so desire, is a soda or bottled water. There will be door prices and Mr. Tulloch has created a cornhole tournament for entertainment purposes. We have fourteen chili vendors right now.

## ORDINANCES AND RESOLUTIONS

ORDINANCE 32-2013

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO EXECUTE THE HAMILTON COUNTY, OHIO, MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT AND DECLARING AN EMERGENCY

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

Mr. Parham said in January 2012 we adopted a mutual aid agreement for law enforcement. There are a number of communities that had minor issues they wanted addressed but at the time they agreed to adopt the legislation to put something in place and then address it later. Some of the things that are adjustments in this document include: citations of high rise code to include university law enforcement; also to identify a specific amount for insurance coverage and protection that a jurisdiction would be responsible for when the special law enforcement teams such as SWAT and underwater rescue, are called to your community. When they are called to your community you are responsible for those officers in protecting them. If an officer under the general mutual aid comes into your community and does something that is inappropriate, that jurisdiction that employs that officer is responsible for his/her actions. They are very minor adjustments. I think every community at this point has been asked to adopt the legislation.

Mr. Hawkins asked what is the mutual aid situation in regard to municipalities that are outside of Hamilton County?

Mr. Parham replied we do not have a formal document. For many years we didn't have a formal document for Hamilton County until we had a couple of incidents. We do provide mutual aid for the communities that border us in Butler County, probably more so with Fairfield, probably less with West Chester, but we also exchange services with them as well, whether it's law enforcement or fire/EMS.

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Ordinance 32-20313 passed with five affirmative votes.

ORDINANCE NO 33-2013

ENACTING AND ADOPTING THE 2009 S-10, 2010 S-11, 2011 S-12, 2012 S-13, AND 2013 S-14 SUPPLEMENTS TO THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

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

Mr. Parham stated the document is so large that we did not attempt to provide copies to everyone. A copy is in the Clerk's office.

Ordinance 33-2013 passed with five affirmative votes.

RESOLUTION R11-2013

RESOLUTION ADOPTING THE HAMILTON COUNTY NATURAL HAZARD MITIGATION PLAN

Mr. Squires made a motion to adopt and Mrs. Emerson adopted.

Mr. Parham said FEMA has approved the County's multi-hazard plan and now it is before each jurisdiction to adopt the plan. If a jurisdiction decides they're not going to adopt the County's plan they must put their own plan in place or they will not be eligible to receive federal funding in the event of one of the hazards such as floods, tornadoes, severe storms, etc.

Result R11-2013 passed with five affirmative votes.

OLD BUSINESS - none

NEW BUSINESS

Mrs. McNear said Council, you have a copy of a liquor license request for Big Lots, 11372 Princeton Pike, for a C-1, beer only in sealed containers for carry out only until 1:00 a.m. and C-2, wine and certain pre-packaged mixed drinks in sealed containers for carry out only 1:00 a.m.

There were no objections.

Mr. Knox said last night at BZA a resident said they live on Kemper Road near the school and she commented that the road in front of her house was like a corrugated road. Do you have any information on when we might expect relief from that, Mr. Shvegza?

Mr. Shvegza responded that is one of the projects that got submitted for PWC SCIP funding. Hopefully, tomorrow we'll hear how that application went. In the meantime we are proceeding with design for the repair and replacement of a segment of that roadway.

Mr. Vanover stated yesterday I became aware that the SB 193 was passed in the last couple of days. Mr. Seitz was the sponsor and the effect of this legislation is to reduce and eliminate any third, fourth, fifth parties from the General Election. The rules changed strictly for those parties. The two greater parties are unaffected. I find this very disturbing and quite questionable. I can't imagine that the Ohio State Supreme Court would allow this to go through. With Council's concurrence I would like to direct our Law Director to do some further investigation on this with the end result being a proclamation or letter of protest to that bill.

Mr. Vanover said the bill reads "it eliminates intermediate political parties and revises the methods and standards in determining whether an organization qualifies as a political party, it lowers the percentages of votes required for a party to retain its status as a political party and revises the process for a new party to gain resignation by filing a party

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formation petition, permits a new political party to be formed by filing a party formation petition not later than 125 days before a general election and permits a new political party to nominate candidates to appear on the ballot at that general election. It requires candidates of the new parties to file nominating petitions no later than 110 days before a general election and specifies the circumstances under which the names of those candidates will appear on general election ballots as nominees of the new political party, permits nominees of new political parties to be designated on the ballot with the name of the new political party, exempts those candidates from the general requirement that the party candidates be nominated in a primary election and permits new a new political party to fill ballot vacancies in its' nomination prior to the general election, increases the length of time that a political party remains a recognizable political party after it meets the requirements to become a political party, voids existing directives issued by the Secretary of State that recognizes political parties that do not meet the bill's requirement for political party recognition, makes a technical correction to the bill and was done with an emergency clause."

Mayor Webster said I had seen something in the paper about it but to be honest, I don't totally understand it. I suggest we may want to invite Senator Seitz to come to a future Council meeting and explain the bill before we go off passing resolutions and proclamations opposing it. There may be some good reasons for doing that. I'll give him and call and see if he can come to a future meeting.

Mr. Knox asked did you read there that it lowers the percentage that a party needs to have in order to become a party?

Mr. Vanover replied that's to retain its status as a political party and revises the process for new parties to gain recognition by filing. I also have an announcement from Ohio Libertarian and SB 193 was introduced in September 19 by Republican State Senator Bill Seitz extensively to provide law for so called minor parties in Ohio. The State has not had such a law since 2006 when a then existing law was declared unconstitutional. Since that time LPO and other challenger parties and voting rights groups have offered solutions to Ohio lawmakers on how to craft a law that would be constitutional and fair for everyone. Essentially they, as I, are not happy with this scenario. I think bringing Mr. Seitz in is a good idea.

## MEETINGS AND ANNOUNCEMENTS

Housing Board	-	Nov 6
Planning Commission	-	Nov 12
Board of Health	-	Nov 14
Board of Zoning Appeals	-	Nov 19
Veteran's Day Ceremony	-	Nov 11

COMMUNICATIONS FROM THE AUDIENCE - none

UPDATE ON LEGISLATION STILL IN DEVELOPMENT - none

## RECAP OF LEGISLATIVE ITEMS REQUESTED

Mayor's Court appointees, magistrate, prosecutor, public defender	-	Nov 6
Land Resolution	-	Nov 6

Council adjourned at 8:13 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

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Minutes Approved:  
Marjorie Harlow, President of Council

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