

# City of Springdale Council

July 15, 2015

President of Council Mr. Vanover called Council to order on July 15, 2015 at 7:00 p.m.

The governmental body and those in attendance recited the Pledge of Allegiance.

Mrs. McNear provided the Invocation.

Mrs. McNear took roll call. Council members Diehl, Harlow, Hawkins, Knox, Squires, and Vanover were present. Council member Mrs. Emerson was not in attendance.

The minutes of the June 17th, 2015 City Council meeting were considered. Mr. Knox made a motion to adopt; Mr. Hawkins seconded. Minutes were approved as published with six affirmative votes.

## Committee and Official Reports

### Civil Service Commission

Mr. Higgins: The Springdale Civil Service Commission met on July 1<sup>st</sup>, 2015, with all members and Mr. Thamann in attendance. The Commission reviewed and approved the minutes from the April 15<sup>th</sup> meeting with a 3 – 0 vote. During open discussion, Mrs. Nienaber informed the Commission that she was approached by a lady who had interviewed with Springdale and felt that a question concerning the year of her graduation may violate the EEOC Fair Hiring Practices. Mr. Thamann stated that the question is used to verify educational background as reported by an applicant on their resume and, in this manner, is not discriminatory. Mr. Thamann assured the Commission that all practices follow the EEOC Guidelines and that he is present at every interview to ensure that no questions violate the EEOC Fair Hiring Practices.

Merger of the Account Clerks list with the Administrative list was discussed due to a long list of the highly qualified candidates after the recent Account Clerk I test and the expiring Administrative list. The Commission considered merging the two lists. The discussion was tabled pending legal review.

Under Reports, the Administrative Assistant, Health and Building Departments hired the Administrative Assistant April 28<sup>th</sup>, 2015; the Violations Bureau Clerk began employment June 15<sup>th</sup>, 2015; and a resignation was received by the Administrative Assistant in the Building Department to be effective June 18<sup>th</sup>, 2015.

There was no Unfinished Business. Under New Business, all prior correspondence that took place between the Commission and Mr. Thamann between the April and July meetings were reviewed. The Commission voted 3 – 0 to extend the Patrol Officer Eligibility List for another year. The next meeting for the Civil Service Commission is scheduled for August 6<sup>th</sup>, 2015 at 6:00 p.m. That concludes my report if there are no questions.

Rules and Laws	Mr. Hawkins	-	no report
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Finance Committee	Mr. Diehl	-	no report
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### Planning Commission

Mrs. Harlow: Planning Commission met this Monday, July 13<sup>th</sup>, 2015, with all members in attendance. We had one item on the agenda, which was the GEEAA Park. Lots of discussion. The developer, Vandercar, had addressed a lot of the issues that the staff had, especially in regards to landscaping – they did a Landscape Plan. One of the charges that we had to think about in looking at this redevelopment was the 2002 Comprehensive Plan Future Land Use map for Park Land and Recreational. The plan from 2002 recognized that the site might not remain as a recreational use and designated the site as a Focused Planning Area. There were 14 items that we were to look at from the Comprehensive Plan. Most of those, I believe that most of the Commission could accept and agree with. There were two of them that were a problem for me, personally, and I think that they were a problem for others on the Commission as well. It was for strict design control on future redevelopment of the property to ensure strong access control, site planning, building design, and integration between the uses.

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Mrs. Harlow (continued): The one that I think was most important to everyone was to protect the existing residential neighborhoods to the east of the property to limit the impact of future redevelopment. The issue that I think most people had on the Commission was Buildings 1 and 2, which abutted the Ledro residences. These buildings would be approximately 200' from the residences on Ledro. There was going to be a berm there, there was going to be trees, but I think some of the concerns that were heard Monday night were noise, the storage yards, the one company that was interested in Building 1 was going to be running a 24-hour a day operation. Granted, the evening hours or overnight, would probably only have a few employees, but there was a possibility of semis being delivered in the middle of the night and we just felt like that was going to be a real problem for the people who live over in that area. The Committee voted and it was voted down with a 5 - 2 vote. I would be happy to answer any questions that you might have.

Mayor Webster: Just a couple of comments. First off, these requirements that Mrs. Harlow has referred to, and I know we have a lot of people here in the audience from the condominium association - you weren't mentioned in there because you guys weren't in existence when guidelines were put together. What was the date on that?

Mrs. Harlow: 2002.

Mayor Webster: So that's why it called out the residential area to the east and it didn't mention you guys - just didn't want you to feel left out. Secondly, I'd just like to take this opportunity to congratulate our Planning Commission. I think there were four meetings. So this developer was given four opportunities to make his pitch to the Planning Commission. I think Planning Commission did an excellent job of sending them back to the drawing board a number of times, in identifying areas they had problems with, and some they addressed and some they didn't. I wholeheartedly support the work the Planning Commission did; they did an excellent job - so Mrs. Harlow, Mr. Diehl, good job.

Mrs. Harlow: Thank you.

Mr. Hawkins: I also want to first commend the Planning Commission and Chairman Darby in particular for the way he conducted those meetings and allowed the public to speak and controlled that whole process. I think I attended probably three out of the four meetings. I didn't get all of the information that Mrs. Harlow and Mr. Diehl got, but, to be clear - the developer was taking exception to the idea of the control over what type of businesses were going to be and where they were going to be within the development, was that it?

Mrs. Harlow: No, that wasn't it. They wanted those two buildings, 1 and 2, which I think probably if I pulled my paperwork out, totaled probably over 700,000 s.f. and it wasn't necessarily so much that they were objecting to the type of businesses or whatever, it was they already had a business that wanted to go in Building 1. This business wanted to buy that individual property. I think it would be a great business for our City to have; I'm just not sure that it's the right business to have up next to our residences. That was my whole issue was wanting to make sure that our residents didn't have to sit there and look at a huge tall building. I know that when we're protecting one set of residents, we're kind of hurting another set of residents because the people of the Crossings worked out with the developer for them to have a new road which would be maintained by the City eventually. Their road is in disrepair. They would also have new green space, which would buffer their condominiums, which would add value and curb appeal to everything over there. There would be walking paths, sidewalks that would meander through the project, so it would be to their benefit but I think then it would also hurt the residents of Ledro. They don't know who's going into Building 2; they don't have a prospective tenant at this point in time. But the tenant in Building 1 would be running full-time operations during the day and then in the evening hours, it would be a three- or four-man shift, with trucks coming in. One of the things they said was that they could remove the beeping from the fork-lift trucks. I worked for a fork-lift truck manufacturing company for five years a long time ago and there's an awful lot of safety features on those fork-lift trucks and I don't think OSHA's going to allow anybody to remove the beeping. I would be really surprised with that. It's the size of the buildings, it's the proximity to the neighbors - if we could switch those buildings and put them on the south side of the property or the west side of the property so it didn't impact residents so much, but I'm not sure that's even going to happen because, if they put them over there, it's going to impact the people from the Crossings.

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Mayor Webster: I don't want to steal Derrick's thunder, but just to let you know, they do plan on being on the agenda for the August 19<sup>th</sup> Council meeting; that's the next logical progression, to appeal the Planning Commission decision. The requirement, as we understand it, is they will have to submit the same plan that you guys rejected. Now Council, and the developer, once they have introduced that plan, can modify it and approve it or deny it but, for starters, they have to appear before City Council and submit the same plan that was rejected.

Mrs. Harlow: As I understood it, they could come before Council, they could walk away from the project, or they could do another concept of the project. I was so hoping for another concept.

Mayor Webster: They've notified us, have they given us anything official, Derrick, in writing?

Mr. Parham: Yes.

Mayor Webster: They have? They will be on your agenda for the 19<sup>th</sup> of August?

Mr. Parham: We did receive a letter from them, I believe on Tuesday, July 14<sup>th</sup>, indicating that they wished to appear before City Council at the August 19<sup>th</sup> meeting and so for that meeting, we need to also schedule a Public Hearing. At your direction, we'll go ahead and advertise for that.

President Vanover: Yes, sir. Go ahead.

Mr. Hawkins: Just out of curiosity, between now and our August meeting, are they still talking with staff, trying to work through any issues? Obviously, I know they have to present the same thing to us, but, foreseeing that there may be issues, are they still having conversations with staff?

Mr. Parham: We have probably had about seven phone calls from them and conversations with them. We are still trying to help them understand what we heard as well as, what was the message to them from the Planning Commission. We have also attempted to see whether they have the ability to make adjustments to their plan. As the Mayor and Mrs. Harlow indicated, when they come before this body, they have to come with the plan that was rejected by the Commission. If they do not appear before this body, their options are: submit a new application with the same plan before the Planning Commission or make adjustments to the current plan. Hopefully, through continued discussions with them, we can find out if they will have the ability to make adjustments. However, I understand there are other constraints on them such as the acquisition of the property and other things that they are dealing with. So to answer your question, yes, we have had additional conversations with them.

Mr. Hawkins: Obviously, I can't control, we can't control, what they do. I think the ideal thing, from my perspective, would be if they would maybe revise their plan and go through Planning Commission and go through that process as opposed to turning City Council into the Planning Commission. I understand there may be some time ramifications or things I am not privy to at this time, but I know from going to three of the four meetings, that it is very time-intensive with it actually being a Public Hearing for this, which it turned into, sort of, for the Planning Commission. Turning City Council into doing what we already have a Commission to do probably isn't the most productive thing, but obviously we can't control that. Just my two cents, for what it's worth.

Mayor Webster: I think I've told several of you that we've been meeting with these folks since November, December last year. They didn't hear anything Monday night that they haven't been told. They've been told about the size of the buildings; they've been told about the outdoor storage; they've been told about the noise; they've been told about the height. They didn't listen and so they got rejected. Now all of the sudden, like Derrick indicated, they're burning the phone lines up, asking what can we do, what can we do? Well, you can do what we told you to do back in November.



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Mr. Squires (continued): Northland Boulevard from State Route 4 to Kemper Road – it's not going to be a major project there but we don't want to spend a lot of money on that – we just spent some several years ago so we feel like if we do some pavement preservation there, that will save us money in the long run. Merchant Street from Tri-County Parkway to State Route 747; also pavement preservation and Century Circle North will also be that way. Now all of that is as far as the street program is concerned but that is not the only thing. There's going to be some city-wide repairs involving sidewalk repairs as well. Vista Glen, repair at 403 Vista Glen was by itself – it's going to get some repairs over there. Council, if you remember what collector lines were, there's going to be three of those: 12085 Greencastle Drive; 12055 Brookston Drive, and 448 Vista Glen. Collector lines, if you remember, are those lines that go between the curb and the street that will collect the water either for poor drainage or from sump pump operations on those properties and through gravity flow will go from there to the basin and be collected from there to the storm sewers. If that's not repaired, what you see there now is a lot of water accumulating between the curb and the road itself. During the winter, that freezes over and there's considerable amount of ice there and it is a hazard that we must take care of. That, in essence, is an overview of the plan itself. Mr. Parham, if you wish to follow-up on any of that, please do.

Mr. Parham: Thank you, Mr. Squires. I'll add some highlights to Mr. Squires' report. As Mr. Squires indicated the project is proposed to perform a bit of paving. As everyone is well aware, under our 2012 and 2013 Street Improvement Programs, we did not have a 2014 Street Improvement Program, but under those two, there was quite a bit of work done in the Oxford Hills Subdivision. We performed full curb replacements, paving, catch basin repairs and replacements, and also improvements at various locations for handicapped ramps. The paving in Oxford Hills that you see on the first page of the document will essentially complete all of the work on the Oxford Hills side. Once, we will have completed this work, we should be finished over there until probably, I would think, maybe in a five-year period. That may alarm you when I say five-year period, but we have to go back and perform other minor repairs in order to preserve the work that we are about to invest in. To preserve the pavement is the reason we go back in such a quick time. It also buys us even more longevity of the pavement. In addition, on Rose Lane if you've been near the park, you will see a big gash in the road. It is almost as if it is a 12 inch pothole in length. Our guys have been out repairing the hole. There is a photograph in the packet so you can see the hole. In this instance, we are going proceed with fixing it. We believe this is a situation that over time water has penetrated the surface and has caused the pavement to crumble and cause this problem you see in the photograph. I'm going to skip down on the page. If you look under the city-wide Repairs section, under Pavement Preservation, you will see the pavement preservation portion of the project will include crack sealing. For many years, the City performed crack sealant work throughout the community. Again, we were trying to preserve the pavement and asphalt throughout the City. This year, we are also proposing to apply a process called Onyx®. First of all, with crack sealant and I am sure we have all seen it on the road, you will see a crack down the road. We will go in with a tar-like substance and begin to seal the cracks. Again, this process preserves and maintains the life of the asphalt. What we are then going to do with the Onyx®, because the crack sealant only handles and addresses that specific location, the Onyx® will then sort of overlay the entire roadway and then those micro cracks that you do not see very well with the eye, the Onyx® will handle those and preserve the pavement for even a longer period of time. This is the first time that we will be engaging in the Onyx® part of the process, but it is an opportunity and a chance to preserve our roadway system even longer so it will be a while before we have to go back to these particular roads. If you were to take the Oxford Hills paving work on Yorkhaven Road and Cedarhill Road, the Rose Lane repair, and the pavement preservation work, those four items totals an estimate of approximately \$332,000. The plan is to group those together and that will be the part that we will put out to bid as we have in previous years for the Street Improvement Program. All of the other improvements that you see there – the sidewalk repairs, the Glen Springs extension business drive, the pavement repairs, the Vista Glen repairs, as well as the collector lines, staff believes that there are enough smaller contractors that are in the market that we can make contact with them and then get prices from them that are more favorable to the City. These items will be done under individual purchase orders. As soon as Council is on board and decides that we can move forward with the project, we are going to start right away on those items. The other four items that we are grouping together, the Engineer has given us a cost for the design engineering of about \$16,000.

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Mr. Parham (continued): That will be grouped along with the \$332,000 going out to bid and remember, in the budget, we have budgeted \$410,000. I believe \$150,000 of that is in the Street Maintenance Fund (061) and the other \$260 is budgeted in the Capital Improvement Fund (090). If you look at the total on the first page, it is \$429,000 or about \$19,000 over the \$410,000. We discussed that with the Capital Improvement Committee. Again, we do not know the actual costs for the projects until the bids are received. The Committee members were in support of moving forward with the \$429,000 but always remember, we add the \$16,000 for the Engineering cost on there as well. And so, if the numbers come out more favorable, then we should be able to implement this program at about \$440,000. We hope this is the maximum. Mr. Squires talked about the city-wide repairs. The sidewalk repairs, we have said repeatedly - if we wanted to put a program together in this community that just simply went around repairing sidewalks, we would probably have over a million dollars of improvements. There are a lot of sidewalks in the City in need of repairs. The attached list is generated from telephone calls, contacts the residents have brought to our attention as well as staff identifying problem locations. If we identify a location, we go out immediately and make a temporary repair. We wedge it together to eliminate the hazard and then we add it to the list so that when we come forth with a program, we can go back and make the full repair. If you have been down to Vista Glen, you will notice that there is a dip in the road which from time to time holds water. We have been out, the Mayor, Mr. Agricola, and I and met, I think just before the end of 2014, with representatives of the Glenview Homeowner's Association to talk about the improvements that were needed as well as some improvements they needed to make. The Association stepped up very quickly and took care of their part of the issues. There was water coming off of the Sharon Road side down towards Vista Glen that would have standing water in the area of the sidewalk, as well. We want to eliminate the standing water that is on the road. For some reason, the road sort of comes in from both angles and you have water just sitting there. We want to take care of that problem so you see that has been added to the project list.

Mr. Squires talked about the collector lines. This past winter, when Mr. Agricola and I drove through the community we noticed a number of locations that are very hazardous during the winter months. We have water that is seeping out onto the roadway system and during the winter, you have large accumulations of ice. We want to begin the process of eliminating this issue. Because there are addresses associated with the collector lines, the issue is not necessarily with that individual homeowner nor are they getting an individual benefit. That is where we see the problem located and then we're going to add the lines and it should eliminate it from the street totally. With that, I will be willing to answer any questions that you may have. There are photographs that we have provided of all of the information that is shown on the cover page as well.

Mr. Squires: Let me just add one thing to what Mr. Parham said. You heard him that the Onyx® treatment is new to us. At the Capital Improvements meeting, no one knew anything about it. But our Director of Public Works, Mr. Jeff Agricola, is very high on this. He gave some rather alarming statistics. I can't quote him without him being here, but he indicated within the first three to four years of new pavement, that new pavement will lose over half of its' extended life. Now, with the Onyx® treatment, that is seriously reduced so it doesn't take much of an arithmetic student or a math student to realize that is some significant savings to the City of Springdale and that's one reason we're going to do that. It's the Onyx® treatment - it's an emulsification that they put down over the tar and it just preserves the pavement. That's what it's intended to do and that's the reason we're doing it. Thank you.

Mr. Parham: If you look at page 9, in particular, it is a better indication of what you will see when the road is crack sealed. The photograph is of a street in Sycamore Township. We provided that picture just so you can see what the crack sealing looks like. Then, if you were to go to page 10, again, this is an application of the Onyx® product. This is a street that's over by Meijer's in the City of Fairfield, the little service road. If you look pretty closely there, you can see underneath the Onyx treatment on the pavement traces of the crack sealant. That is essentially how our roads will look. One of the big locations for us will be on Kemper Road, from Lawnview heading east up to State Route 747. So there will be crack sealing work performed there along with the Onyx® application.

Mr. Diehl: Mr. Parham, can you give us a timetable for all of this?



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Clerk of Council/Finance Director

Mrs. McNear: I don't have a formal report this evening but I do want to let Council know that, under Communications, I am going to introduce a couple of gentlemen from Columbus who are here regarding transfer of liquor licenses. We have representatives from Noodles and Company and Thornton's. I will bring that up under Communications. Thank you.

Administrator's Report

Mr. Parham: Council, I have one item and then probably will have comments on other items on the agenda later. In 2011, at the June 15<sup>th</sup> Council meeting, Council adopted Ordinance No. 22-2011. It is an ordinance that created Chapter 125 of our Code of Ordinances on Hotel and Motel registration. It was a piece of legislation that was requested by our Police Department to assist with identifying individuals checking into hotels. As you can imagine, those of us (communities) along the I-275 beltway experience a little different challenge with some hotels and trying to get cooperation sometimes is a little challenging. Section 125.04, Registration Record requires that hotels and motels must maintain register records for a period of at least one year and shall exhibit those or provide a review of those to police upon their request. Very recently there was a Supreme Court case that involved the City of Los Angeles that essentially said that you can require a hotel or motel to maintain their register, however, you cannot require they provide a copy of the record unless they are doing it willingly or unless you have a warrant. In essence, that ruling makes our ordinance unconstitutional. We have had the Law Director's Office take a look at it and what we believe we can do, in order to rectify the challenge for us, is to eliminate the language that says "shall exhibit the same to properly designated police officers upon their request". Essentially the language would be left to say, "Every owner, proprietor, lessee or keeper of a lodging house, inn, motel or hotel shall maintain the register records for a period of at least one year after entry of same on its records". Then if we think that we need to gain access to those records, we can seek a warrant or we can simply request the opportunity to review the records of that proprietor. If they choose not to give us an opportunity, then the warrant would be the next step. With that, I think we need to request legislation to address this issue at the August 19<sup>th</sup> meeting. I will try to answer any questions you may have.

President Vanover: Any questions?

Mr. Hawkins: What's the old ordinance number again?

Mr. Parham: The old ordinance is Ordinance No. 22-2011.

President Vanover: I assume you want emergency clause on that?

Mr. Parham: Yes, sir.

Mr. Hawkins: My understanding, as it stands right now, our Police Department is not acting on the ordinance as it currently stands?

Mr. Parham: We are not.

Law Director's report

Mr. Laux - no report

Engineer Report

Mr. Shvegza: On West Kemper Road, the detour is continued to be maintained. Currently for local traffic, the residents are able to access their homes based on riding over the newly installed granular backfill that has been placed in the area that will be the base for the new roadway. To date, as far as we know and from discussion with staff, there have been no concerns or complaints registered with the staff relative to the traffic detour. Regards to the schedule of the project, items that have been completed to date include the storm sewer, catch basin grate adjustments, the concrete work which consist of the drive aprons, curb and sidewalk replacement, and, just yesterday, the full-depth removal of the old pavement and reconstruction of the aggregate base course has been completed. Also, we just learned today that they intend to start on the asphalt base placement tomorrow and this, along with the intermediate asphalt work, should be completed the week of July 20<sup>th</sup>. Then following that, topsoil and seeding will take place the week of July 27<sup>th</sup> and then the final asphalt and pavement markings will be completed the week of August 3<sup>rd</sup>. The end of the detour is August 8<sup>th</sup>; we are working towards that schedule.

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Mr. Shvegza (continued): On the Boggs Lane Rehabilitation Project, Council, at the meeting of June 17<sup>th</sup>, awarded the contract to Prus Construction. We did have the preconstruction meeting on June 25<sup>th</sup> and they submitted their schedule. There is a little bit of gas main relocation work that has to take place in the City where we are relocating a catch basin. That work will be done the week of August 3<sup>rd</sup>. Pavement grinding and pavement repairs will be underway the week of August 10<sup>th</sup>. Asphalt leveling, concrete work, and catch basin work will start August 17<sup>th</sup>. The final pavement and pavement markings will start September 28<sup>th</sup> and they anticipate, at this point, that the construction completion will be at the end of September. That concludes my report.

### Communications

Mrs. McNear: The first item that I have is a letter from Jonathan Dever, the 28<sup>th</sup> District of Representative. The letter is dated July 1<sup>st</sup> and it is addressed to me. It states:

“With the recent passage of the state’s main operating budget for the FY16-FY17, I thought I would provide you with a glimpse into the budget as well as an update of the developments around the Statehouse. The more than 4,200 page Budget Bill covered hundreds of policy areas. During the budget process, my office focused on a few items that were of deep concern to the district and I am pleased to say that many of my amendments to the budget became part of the final version. The General Assembly focused heavily on K-12 Education by appropriating an additional \$900 million, as compared to FY15, in aid to K-12 schools. I was proud to champion the budget amendment that provided additional funding for the lost dollars as a result of the TPP and KWH reimbursement phase-out. This was great news for districts like Sycamore Community Schools and Princeton City Schools, who stood to lose millions of dollars in the executive budget proposal. Much to the dismay of school officials, parents, and myself, the Governor utilized his veto authority and rejected this additional funding in FY17. The General Assembly continues to work diligently towards a solution Ohio’s school funding challenges. Some additional provisions in the budget included: Implementing a 6.3% state income tax deduction across the board for all Ohioans. Providing small businesses a 75% deduction for the first \$250,000 of income in 2016 and 100% in 2017. Eliminating PARCC Common Core tests in Ohio. Appropriating funds for the Healthier Buckeye Grant Program. Providing a total of \$11 million to expand the Medication Assisted Treatment (MAT) drug court program. Overall, this budget continues Ohio on a necessary path forward. While I do not agree with every line item in the budget, it reduces taxes on the middle class, helps small businesses succeed, and will provide for the Ohioans that need it most. I remain committed to pushing a legislative agenda that reflects Southwest Ohio. Since taking office in January, I have introduced eleven pieces of legislation on a wide array of topics, four of which have passed the Ohio House and one is awaiting the Governor’s signature to become law. Some of the legislation I have sponsored includes: House Bill 46 establishes the Ohio state government expenditure database, or what is known as Ohio’s Online Checkbook. Currently, State Treasurer Josh Mandel publishes the expenses of the state and select local governments at [www.ohiocheckbook.com](http://www.ohiocheckbook.com). HB 46 requires, in statute, future State Treasurers to publish the state’s expenses online so that Ohio can maintain its position as #1 in the Government Transparency in the nation. I was proud to join our County Commissioners, County Auditor and Treasurer Mandel in May when Hamilton County announced it would post its expenses on the online portal. HB 46 is currently pending in the Ohio Senate. House Bill 155 creates the Ohio ABLE program. The purpose of this legislation is to help disabled Ohioans provide for themselves and pay for some of their extra and rather significant costs of living with a disability. This allows individuals with disabilities to save money for themselves for approved expenses, such as medical treatment, therapy, transportation, housing, etc. without losing critical benefits such as Medicaid or SSI. I am pleased to say HB 155 passed both the Ohio House and Ohio Senate unanimously and is currently awaiting the Governor’s signature. House Bill 171 updates state law to increase penalties for those trafficking heroin. This will help combat the distribution and sale of this terrible substance. Although this is not the ultimate solution to the heroin epidemic, it is an important step in helping our communities and provides our law enforcement officials with greater resources. HB 171 passed the Ohio House in June and is currently pending in the Ohio Senate. House Bill 242 recognizes the fourth Sunday of July as Blue Star Mothers and Families Day. It is a small gesture, yet it reminds us of the importance that mothers and families play in the lives of our service members. We must never forget the sacrifices that these individuals have made and continue to make for our nation.”

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Mrs. McNear (continued): "HB 242 is expected to be on the House Floor when we return this fall. This summer I plan to continue to develop legislation that reforms Ohio's business statutes and tax law, modifies foreclosure laws, continues to address the heroin epidemic, and holds our government accountable, among other things. It is an honor to serve the people of the 28<sup>th</sup> House District and I will continue to advocate on their behalf in Columbus. I would be happy to discuss any questions, comments, or concerns you may have. Please do not hesitate to contact my office anytime at [Rep28@ohiohouse.gov](mailto:Rep28@ohiohouse.gov) or (614) 466-8120. Sincerely and respectfully, Jonathan Dever".

The next item that I have, I had received an email from David Raber on June 26<sup>th</sup>, and this is regarding the Noodles TREX application. I will briefly give you some highlights of this email as Mr. Raber is here to speak to us this evening. Mr. Raber practices Ohio Beverage Law. He is representing Noodles and they want to TREX in a liquor license. At this time I will call Mr. Raber to the podium to give an overview of the request.

Mr. Raber: If it would please Council, Council President, my name is Dave Raber and I represent Noodles and Company. Noodles and Company is building a store at 11725 Princeton Pike. Noodles is a family-style restaurant and they desire to have a Class D5 license which gives them the privilege to sell beer, wine, and spirituous liquor for on-premises consumption. In this particular case, there are no D5's available through the quota. So the general assembly, a few years ago, came up with the TREX process and that allows, with the endorsement of Council, for a business to transfer a permit into this community. We are here before Council today to respectfully request that they allow Noodles to have this D5. I am from a suburb in Columbus and there is a Noodles about a half mile from my house and I walk there with my two minor children, my oldest son just turned eighteen, and it is a nice family-style restaurant, if you are unfamiliar with the concept. Thank you. If there are any questions, I am happy to answer them.

Mrs. McNear: Does anybody have any objections to the TREX? Also, to make comment, I have been in many of your restaurants in Indiana and in Ohio, for the most part, and I agree with you - it is a very nice family-type restaurant.

Mr. Raber: Thank you.

Mrs. McNear: Thank you. We will look ahead and sign off on the paperwork for you. The next item I have, also with us this evening is Mr. Nathan Gordon; he is an attorney-at-law as well. He is here representing Thorntons.

Mr. Gordon: Thank you very much, Mrs. McNear. If it pleases Council, as the Mayor and I were talking before the meeting, I pointed out that I hadn't been here for quite a while. I was last here for a similar situation for the Costco and I think we decided it was at least 15 years ago. This situation is for Thorntons, which is building a brand new facility, convenience store/gas station at the corner of Princeton Pike and West Crescentville Road. The plans have all been approved. Ground has been broken. I drove by earlier and there is a big hole in the ground. They are going to be spending at least \$3M on this facility. I have seen their new stores in other locations and I think you will be very proud of it. I do have someone from Thorntons here. He's his own manager and came in in case you have any questions. What we're trying to do here is bring in a C1 and C2, which is a carry-out license only, so that they can sell beer and wine to go. There will be no on-premises consumption. Are there any questions?

Mr. Diehl: I personally look forward to it.

President Vanover: Any objections?

Mrs. McNear: I don't have any paperwork from you that you would like us to sign off.

Mr. Gordon: I think I sent some to Mr. Parham but I will be happy to resend it if that's what you need. I won't be back in fifteen years; I plan to be retired by then.

Mrs. McNear: I will give you my email address - if you can send that to me tomorrow and then I will go ahead and take care of getting that signed for you.

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Mr. Gordon: Thank you.

Mrs. McNear: Feel free to step up here and I will give that to you. That concludes Communications. Thank you.

President Vanover: I know Thorntons has been spending a lot of money getting concrete out of the ground over there. That would conclude our Communications. At this point in the agenda, we will open the floor for Communications from the Audience.

Communications from the Audience

Mrs. Matheny: Good evening. I'm Julie Matheny. I'm here wearing the hat of Property Manager for our Kemper Pond Office Park tonight. That address is 1329 East Kemper Road. I have some hand-outs for you. Our owners bought the property. They're out of California. They bought the property back in 2009 and have put about \$4.5M in improvements into it. We currently have nineteen tenants between our three office buildings. One of the challenges that we knew we were going to have when we bought the property, and we still continue to have, is location because we are nestled away back there off of Kemper Road. One of my tenants has brought it to my attention and then a week later someone else did - there is no actual street sign when you are heading west on Kemper Road, to enter between I-HOP and Chuck E Cheese. The only sign that is there right now is a sign at the top above the light that says Chesterdale, which people confuse as being our street all the time. The purpose I'm here tonight is I've talked to Jeff Agricola, who talked to Derrick and Derrick had recommended I guess that I come to Council to get it approved. I am asking Council to allow us to have our own street sign there at that corner that would simply say KPOP Way or KPOP Lane. KPOP is the abbreviation for Kemper Pond Office Park. It would be strictly for directional purposes only. Kemper Pond would purchase the sign, would pay for the sign; there would be no cost to the City. I am asking for your understanding in allowing an ordinance to be brought in to allow us to do that. I can answer any questions if you have any.

Mr. Hawkins: So the proposed sign would be where the "X" is on the diagram on the map?

Mrs. Matheny: Correct. There is room. Jeff has physically come out there with me and looked at it and he said it could easily go there.

Mr. Diehl: Do we know who owns this piece of property?

Mrs. Matheny: Yes, we actually do. I had a feeling someone might ask me that question. The property, 1.6 acres, is owned by the Boymel Family, LLC and that is the portion of the driveway going from Kemper Road up to their strip plaza. We own 10 acres of land, behind them. So they maintain the street, from up to that point to where our property starts and the landscaping and everything.

Mr. Diehl: So they own the land where you would like to put your sign?

Mrs. Matheny: That would be in the right-of-way, I guess. Jeff Agricola didn't indicate that we would need any approval from any property owner.

Mr. Parham: I think we need to have our Legal Counsel take a look at that. Yes, this maybe right-of-way, but we can take a look at it to be certain.

Mrs. Matheny: I wasn't under the impression that we were going to need legal opinion on that.

Mr. Parham: I think it is important to make sure that we are doing it right.

Mrs. Matheny: Yes.

Mr. Diehl: I am all in favor of the sign. I think the sign will be very beneficial for the office park, which, in turn, would be beneficial to the City.

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Mrs. Matheny: Right. Because if they're coming eastbound on Kemper, we have a large sign but this is for people coming westbound on Kemper. We get trucks back there all the time because they think it is Chesterdale. We've had Sharonville police officers, and we're not even in Sharonville, but they're nice enough to come back there and help the trucks get out. From a directional standpoint and to help our tenants, I think it would be great thing.

Mr. Diehl: Have you spoken to the property owner?

Mrs. Matheny: I have not.

Mayor Webster: You indicate that Kemper Pond is going to pay for the sign and so forth - what if somebody knocks it over - are you going to pay to have it replaced?

Mrs. Matheny: Yes. We have an onsite Maintenance Department that will take care of that promptly.

Mr. Knox: I am in favor of any sign that helps drivers find where they are wanting to go. If it is legal, I am in favor of it.

Mr. Hawkins: We're talking about a typical street sign; that's what you're looking for?

Mrs. Matheny: Correct.

Mr. Hawkins: And this is for traffic that is heading west-bound on Kemper?

Mrs. Matheny: Right, that's the purpose, but you would see it on both sides.

Mr. Hawkins: I remember when the sign that's further west on Kemper that was put in and we had those discussions about trying to capture both ways. I am in favor of trying to help folks find their way back there. I think it may be a little bit difficult even for traffic going westbound to see it over there. I don't have an issue with it, but another question may be - I can see in the picture the Chesterdale sign that is hanging over the street - is there any possibility of having a street sign with an arrow that is pointing north for Chesterdale and one pointing south for the Kemper Pond? You would be more likely to capture that traffic that's heading westbound opposed to looking across the street.

Mrs. Matheny: So are you talking about having an additional sign on top, next to the Chesterdale, with an arrow?

Mr. Hawkins: I think that would be the most effective way to capture that traffic. Kemper is fairly busy and if you are heading westbound - I guess if you're looking for it, you may catch it but you're going to be looking across a couple lanes of traffic trying to catch that sign. Whereas, if you're seeing that overhead, where the Chesterdale sign is currently, that's probably going to be the most advantageous thing for you and if there's an arrow pointing north for Chesterdale, south for Kemper Pond.

Mrs. Matheny: That would be totally fine with us as well. That might take the issue out of having Legal look at it.

Mr. Hawkins: I think that probably captures what you are trying to do the best.

Mrs. Matheny: I agree with you. That is a good idea. Thank you.

Mr. Squires: Council, if you will recall, when Kemper Pond first came into existence, there was considerable discussion about the sign that is there now - the monument sign that can easily be seen as you go east on Kemper. At the time that that was put there, it was even discussed that the traffic on westbound Kemper would have a very difficult time finding the place. There is no doubt in my mind that the sign is needed, or something there is needed in order to get traffic into that development there, whether it can be on that right-of-way or something - we need to do something to help them out. Some direction sign is needed there; that's all I can say and it's been needed there for some years.

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Mrs. Matheny: Thank you, Mr. Squires. When they purchased the property in 2009, there weren't that many tenants and now we have nineteen tenants. It's a very diverse group of tenants there, with a lot of people coming in to see them - service organizations and things like that. The need has gotten even worse.

Mr. Parham: Relative to what Mr. Hawkins was suggesting was putting it on the overhead, we would have to first make sure that we have enough space there and now when we add new signs, there are new requirements. I think you indicated that the name is KPOP?

Mrs. Matheny: Yes. Jeff informed me that it cannot be all caps.

Mr. Parham: And it has to be reflective and all of those other things but we can explore that as well and see if that is an option or it may turn out the easiest is making sure we are okay with the right-of-way issue and having the little small sign.

President Vanover: It looks like we have a little bit of homework to do. I don't have any objection to the sign and assisting the development.

Mr. Squires: Mr. Parham, does that mean that we are going to explore, with the right of way, for a possible sign there?

Mr. Parham: We are going to explore the right-of-way and we are going to also look at the overhead sign and make sure there is enough room, how long the sign needs to be, and all of those other dimensions.

Mrs. Matheny: So, no ordinance request can be made tonight, if a motion were made?

Mr. Parham: I do not think they have enough information.

Mrs. Matheny: Okay.

Mr. Parham: Let us do a little research.

Mrs. Matheny: Okay. I guess I'll see you guys back here on August 19<sup>th</sup>.

President Vanover: Is there anyone else that would like to address Council for any reason?

Mrs. Schmidt: My name is Kathy Schmidt. I'm actually from Rochester, New York, but I am the daughter of Bonnie and David Parker who live at 419 Lisbon Lane. I was serendipitously here and they asked me to come to the Planning Board meeting on Monday. You may ask why I'm here addressing you and it is because I needed to listen at that meeting and talk to them and I will be going home tomorrow. So if you don't mind, I would like to offer some thoughts about the GEEAA development. I came away with from the Planning meeting very concerned about the health and safety of my parents and the community that they are in. This is a community of 70- and 80-year olds on fixed incomes. They need to have roads that provide appropriate accessibility to emergency vehicles and they need to have roads that they are able to navigate safely. As a fixed income community, they are not able to afford to fund road repair, to fund the maintenance and to fund the snow removal of those roads. So without some sort of development, like Vandercar, and it does not have to be Vandercar, but without some sort of development and without those roads, I, as their daughter, am very concerned about their health and safety. The quality of the roads and the access to the community, which is poor, if you have ever tried to get back in there, is critical for new buyers. There are currently a lot of condos that are empty. It is also important for current residents to be able to sell. My parents are one of the first to move in. At that time, there was a vision that included assisted living and skilled nursing. That didn't come to fruition so now they find themselves in a position where they feel they may need assisted living, sooner rather than later. For full disclosure, my parent's house is for sale for that exact reason that they need to get closer to those types of facilities so they need to be able to sell their house.

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Mrs. Schmidt (continued): They bought their house for \$234,000 and they are listing it for \$199,000. They have a verbal offer, which happened before the Planning Commission meeting, so I am not sure how that will really go now - a verbal offer of \$169,000, which represents a 28% or \$65,000 loss just starting now. As the golf course goes back to nature, we don't believe that it will be a beautiful appealing usable park; it is just going to go back to nature and nobody is going to care for it. I don't know what it is going to look like but nobody is going to do anything to it. Already, the other road, is it Edinburgh? I'm not sure of all the roads. I'm sorry, I only know Lisbon Lane, but on the roads near the front of the property, the property along 747, where it's already sold and it's not maintained very well, they're already having a skunk problem. I don't know what the animal situation will be when the park is allowed to just go back to nature. I know that there are differing opinions but it is our opinion that will reduce the property values for Crossings and for anybody else who lives around that property as it is not maintained. I am of an age where I could live in the Crossings. I love my parent's condo - I would buy my parent's condo in a heartbeat if I could pick it up and move it to where I live, I would do that - it is beautiful. I love the outside. They love the community, the people there. It's a wonderful place, but given the access roads and the situation with the access roads and the unknown development of the park, and the fact that it is just going to go back to nature and who knows what it will be like, there is not a chance that I would consider it. I think that there are probably a lot of other people that are in that position as well. Personally, I am really afraid that my parents will never be able to sell it; that their property will just go to \$0 and that they will end up moving to where they need to move to and getting pretty close to nothing for their condo. My parent's condo is, in fact, the condo that is most impacted. They're the ones, where they live, they currently have a view straight down the golf course. With the Vandercar development, they will end up with a berm, a wall, and just a single row of trees because they couldn't fit in a double row of trees. Any noise, light, or odor issues will affect them the most because they are the closest to those buildings. We feel that the Vandercar developers, the City staff, the Planning Commission, and among others, the Crossings Homeowner's Association, have worked hard to identify and address issues. They have come up with a plan. We may not all think it's the best plan, but another thing that grabbed my attention was the broker speaking about where he has shopped this and how hard he has shopped this and also the fact that, over the years, and my parents have been there twelve years, they have talked about lots of things that were supposed to happen and everything has fallen through. There were churches and retail that might have been in the front but those didn't happen. The broker has shopped it to all the major home developers, according to what he reported on Monday and nobody wants to build homes there; nobody wants to build office space only there. I don't know what other options there are. It seems like they have been exhausted. While we could wish for a more beautiful view and a different development, it seems like the Vandercar development is what is possible and that, if we were to go with any other development, in my opinion, by the time you would identify somebody and come up with a design and go through the whole process and actually build something that would include streets and maintaining the park, then we are probably three to five years out. I don't think that community can support the roads for that time and I don't know that the property values can be supported for that period of time. So we would like to strongly encourage you to help Vandercar find a way to make this something that you can approve because something needs to be done right away, so that the people in the Crossings can have a safe and reasonably aesthetic community to live in and where their life savings are protected. Thank you for letting me speak. I know I am not a resident but I appreciate your attention.

Mayor Webster: At the last Council meeting, I sort of followed up on a question that Mr. Diel had asked at the previous Planning Commission - "What happens if this fails?" So I tried to outline, for everybody in Council and on T.V., some of the problems that I saw if it failed. Some people in the audience interpreted that that I was for this project as it was presented, which is the farthest thing from the truth. Like I said before, I totally support the decision that the Planning Commission made. I had the same objections that they had and we shared those objections with this developer back in November of last year, and every meeting subsequent to that we shared with them concerning the outdoor storage, the size, and on and on. It was not a surprise to me, and I was pleasantly surprised when the Planning Commission took the action that they took because I didn't think that was the best thing, especially for the people on Ledro, on the east. However, at the same time, I knew that we were going to have to face the issues that your parents are faced with and all of the other residents there. Please believe me, I don't want you folks to leave here feeling that you are all alone in this thing. We realize that there are fifty to sixty residents over there that we know that we are going to have to provide emergency services for so we have to get in there.

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Mayor Webster (continued): It is not a dedicated road so we are not going to go in and make those street repairs; however, I would assume that when that development was created back there, the condos, that there was an easement granted from GEEAA. We, the City, are going to look to GEEAA, as long as they are in existence. If they close up the shop and it is taken over by a bank, then we are going to look to that bank to maintain that easement, to maintain access in and out of there, to make sure that we can get emergency vehicles or police and fire in there to service you folks. We're not going to just walk away just because this development failed and say "Well, the hell with those people." That is not going to happen - we are very conscious of our obligation to provide those services and we are going to do that and we are going to make sure that whoever, whether it is GEEAA or I think GE Credit holds the paper, that's my understanding, that those folks maintain that right-of-way and we will do whatever we can to make sure that they cut the grass although that's a lot of grass that we're going to have to police somebody to make sure they cut.

Mrs. Schmidt: I still think that there's a concern about whether the roads will be maintained so that they are safe for the residents, but you're the Mayor and you're the Council and I just want to express my concern. I am also very concerned about property values. This is the last house that a lot of people who moved in there ever thought they would have to have - certainly my parents thought that this was the last house. Now they're trying to find the money to be able to do the next thing and the money they would find to do that should come from their house. They've already lost \$65,000. The property values are a really big issue as well. And I want to make sure that I say I am speaking for Crossings and I know Mr. Vanover, that you're from the other side and that it's really, really important for you too and I understand that this is a complex decision and that you guys are way more far into it than I am but I just felt like I had to express these concerns and I couldn't do them on Monday because I couldn't just jump up and not have thought about it and said something - I needed to think about it.

Mayor Webster: Going back to the last Council meeting a month ago, I alluded to that also, that, in my opinion, that if that project was approved, whether it was that project or a revision of that project, that the road system is going to be a godsend to you folks from a standpoint that I think that is going to help to restore your property values because it's going to identify where the Crossings of the Park are. Now, you pull in off of 747 and you figure "somebody said there was a condo development back here", but you don't know what direction to go in to find it. I think that the road system is going to help that and I think it is going to spur sales and it's going to create an entryway into there that will be really identifiable as soon as you get off of 747, and I really think it is going to help the property values. Whether it is this development or some modification of it, or another development, when a development goes in there, and if your units are properly screened from the activities and so forth, then I think it is going to create a market for those units and I think the ones on the market are going to sell. You have seven that have never been occupied and I think you are going to see a demand for those.

Mrs. Schmidt: I absolutely agree with you. Those are beautiful condos.

Mayor Webster: Please don't leave here in total despair. We're aware of the situation that has been created here and, as Mrs. Harlow indicated before, Commission was well aware that the decision to deny was going to help the eastern neighbors and maybe hurt the western and vice versa. I think in the long run they made the right decision and I think in the long run we will have a resolution to it.

Mrs. Schmidt: The question is can the Crossings and the people in the Crossings survive as is, until that happens? I honestly can't see, how, if we have to start over, finding somebody new. If Vandercar walks away, how anything can happen until 3-5 years from now? Development just takes a while and when you speak to the broker and he says that he has shopped it to everybody and I don't know who else to shop it to - what are we going to do?

Mayor Webster: We hear you.

Mrs. Schmidt: Thank you very much.

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Mrs. Harlow: I also want to address your concerns. I don't think anyone on Planning Commission had an easy time with this development. Going in from the very beginning we looked at it and, as the Mayor said, and I've said, and Mr. Diehl has said, we kept telling them what we needed to see in order for us to be happy with this project. So I hear your concerns and I think that we have an Economic Developer that works strictly for the City of Springdale, who is working diligently with the developer, with Mr. Parham, with the Mayor, and I think that they are going to be coming back with some type of a plan. And, if they don't, then we have to address whatever issues that we have and if it turns into an area that is not maintained, then we have to address that. We are going to have to take it one step at a time and we try to be as active as we can be in pieces of property like this but they are in the driver's seat. They're the ones who have to make the decision – will they lower and reduce the size of those two buildings in order to get what they need, in order to make the Crossings residents happy but also satisfy the residents of Ledro. We are listening and we are hearing and I want you to be aware of that – that we have taken everything that you have said into consideration because it's been brought to us way before you brought it here tonight. We heard this four months ago and we are very much aware of it.

Mr. Weartz: I think everybody's probably getting sick of hearing me. I am the person that raised the financial issues but 45 years as a CPA, the numbers are off. My name is Ken Weartz, 228 Edinburgh. I feel positive after listening to Mrs. Harlow and you, Mayor Webster, that we will get this done. Our Board has worked really hard with you all and with the developer and within our community pulling this together to try to get something that's positive, to erase all of the negative that we have had. I understand where you are all coming from and I think it can be resolved. If it doesn't work out, I think we have a significant problem because we have dealt with banks, three other banks, and it always turned out against us. A park that size, you are not going to be able to maintain it. We paid \$2,000/month just to care for our lawn, cutting it, so you are looking at maybe \$10,000/month. I am not sure that they are going to be able to handle that. Also the roads - if you don't take care of them, you can see now where there is grass growing in them and it is just going to crack them more. We have seen that on the entrance to our place. I am the president of the Board but I'm also, unfortunately, the person that deals with the maintenance. Derrick gave us a very good idea on fixing our roads with the ONYX® treatment because our roads were repaired last year. They weren't done right and we have had them tear up on us. We spent \$4,000 last year and we're going to have to spend \$12,000 - \$13,000 this year to get our roads back up to where they should be and that is not really in our budget. We have other problems because of the development such as our gutters were installed undersized and we are having leakage down into the walls of some of the condos and we are going to have to replace those gutters; that is \$90,000. All of this stuff keeps building up on us. The road issues is just too much for us, we can't do that. We were looking for Vandercar to take that off of our shoulders plus some of the other vegetation that is around the units. I know that we had somebody talked Monday night about the pollen. I know that she is right because I have had trouble with my eyes for the last six months because we have a wheat field out in front of where I live and I left it there with the expectation that that would go away once this development was done. If we have to start maintaining the roads that are currently in there, I know that the City was going to use TIF money to develop those roads. If the development doesn't go through, is the City able to use TIF money to put the roads in with just us there? If we have to maintain those roads, putting those gutters in and some other things, we are looking to increase our condo fee from \$35 to \$100/month. Our community, we are not destitute; we're going to make it pretty well but there is only so much money that we can afford to spend. I appreciate what you have done for us, Mayor and Derrick, you have been great for us. Mrs. Harlow, I was a little upset with you Monday but I feel good about it today. I want to thank you and we will not interfere with your negotiations. We will sit back and listen and hope it works out for the best. Thank you.

Mr. Parham: Mr. Weartz, the TIF process, those dollars, can only be used for public improvements. Unfortunately, your development, your roads, are not built up to City standards and they are private roads and so there are no dollars that we can put into your roadway system. The roads that were anticipated to be constructed leading into your development; those were the roads that Vandercar was going to build to City standards. Those were the roads that would be maintained by the City and those are the roads that TIF dollars and other City dollars would be used in order to make sure snow removal was there and any other improvements are made to those roads.

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Mr. Weartz: I was anticipating that the City would come in and build all new roads, and then, because we do have this hazard with emergency equipment getting into our community, that the City would be able to widen those roads and put the stuff in right so that our road situation would be eliminated. I guess I was dreaming, wasn't I?

Mr. Parham: It was a wonderful dream. However, if the City began with that process, which I don't think we could, I think that would take a total reconfiguration of those roads. More than likely the width of the streets is not the proper size. Any widening would begin to encroach upon your properties. But if we begin down that road, there is another community called Olde Gate that has for many years requested that the City maintain their roads and take over their roads. Those roads were not built to City standards. Unfortunately, if you and your neighbors, as well as the residents of Olde Gate, were to make the investment, that's the unfortunate part, to bring them up to City standards, then, and only then, can we accept the roads and begin to take responsibility for them.

Mr. Weartz: Okay. That's good to know.

Mayor Webster: We have that situation all over town. I live in one up in the Gables. Olde Gate, the Knolls, wherever we have any condominium developments, most of those developers have not built those roads to City standards. It is a lot cheaper to build them and just turn them over to the association and let them maintain.

Mr. Weartz: That is what we found out and it has been a struggle. We are doing well; we work good together and we have a good community, so we'll persevere.

Mayor Webster: The road system that we are talking about is the ones that get you in from 747 into your property.

Mr. Weartz: Okay, thank you.

Mr. Hawkins: To all of you from the Crossing, and I think I have made three of the four Planning Commission meetings, and in speaking with folks before and after meetings, there is not a whole lot that anybody is going to be able to tell you that is going to make you feel good. You guys, from the beginning, have been promised things and they haven't happened. Talk is cheap and talk about Missouri, the Show Me state, someone's got to show you before you guys will feel good and if I were in your shoes, I would feel the exact same way. People have been telling you stuff for years and it hasn't happened. The only thing that I can say is be patient through the course of the rest of what's going to happen with this development. You have to continue to put pressure on the folks that control those roads, as the Mayor had indicated, those people who are responsible have to continue to put pressure on them to do what they are supposed to do with regard to those roads and be patient; we will work through this thing in the grander scheme of things. I don't expect any of you to feel good about anybody telling you, "Hey, it's going to be okay and this is going to happen; that's going to happen", because if the things that people had promised you had happened over the years, you wouldn't be here now. Try to hang in there and be patient but know that everybody on Council, the Mayor, and Administration is well aware of the issues that you guys are suffering and folks are trying to do something to help you out.

Mr. Weartz: Okay, thank you.

President Vanover: Is there anyone else that would like to address Council for any reason?

Mr. Noah: Leo Noah. I live at 407 Lisbon Lane. I will start this on a little bit lighter note. If you guys did worry about finances when you guys were discussing this, then maybe you could buy that golf course and save it for us. We did meet as a Board several times with Steve Dragon and Rob and they were very cooperative with us as far as getting our setbacks, etc. The young lady that spoke here, her parents have had the best view and they would have to look at part of a building but they've have accepted that as one of the things that they would have to accept in order to get good roads. That is our big thing, are the roads going to 747 or Crescentville. So if there is some way you can work out with Vandercar, if they come back with something, I sure hope that it works out. Thank you.

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Mr. Squires: Mr. Weartz, I don't know if this is going to make you feel good or if it is going to make you feel bad, but at one time, this Council offered to buy that and GEEAA said no and we were going to make it very attractive to them - we were going to lease it to them for as much as \$1.00 a year. We were going to do all of these things and they said no. I know that doesn't make things much better, but we did make an offer to do that at one time.

Mr. Weartz: It has gone downhill over the years. My youngest sister, who is now 52 and lives in Iowa, but her best memories are when she was a child, coming out to the park and playing putt-putt golf. It's just not there anymore; things do change. When my wife and I moved in here, she didn't want to move from our house and she definitely didn't want to move to Crossings at the Park. At 10:00 p.m. she went to bed and the people above us started vacuuming the floor. She came running out of the bedroom and she said, "You've ruined my life for good". I had a choice – confront her or go up in the middle of the night and confront the neighbor above us. I chose that. Our neighbors were welcoming me and thought I was coming to visit but they did stop vacuuming. It has got a little bit better since then but I still get reminded every day that she didn't want to move there. Thank you very much.

### Introduction of New Employee

Mr. Parham: We have filled a vacancy in the City's Police Department to replace one of our retired police clerks. Police Chief Mike Mathis is here this evening to introduce the new addition to his department.

Chief Mathis: It's always good to come to you to introduce a new employee. This is Mr. Christopher Knittel. Chris grew up in Tennessee. He graduated from the University of Tennessee with a Finance degree; worked most of his career in the food industry in management positions. He ended up here in the Cincinnati area when his mom moved up here. His mom is a civilian employee for the Cincinnati Police Department in District 2. I think Chris was interested in changing his profession into public service and took the test. He got hired as a Violations Bureau Clerk. Obviously, a lot of times when people think about the Police Department, they think about the people in the blue suits with the badges and police cars and all of that exciting stuff but a lot of time it's our clerical staff behind the scenes that really drive a lot of what we do. It's a very critical position to the Police Department. They do so much; they're there 24 hours a day, 7 days a week, just like the officers are. They have to come out in all different weather, just like we do. They get all of those phone calls from people who are upset with the tickets that we give them. They have people come to the window to take care of business. They have to do all of the computer entries, the paperwork, the filing, administrative tasks and all of this stuff that is behind the scenes. Anybody that has worked in business knows that is really the engine that drives what we do, so it is a critical position. Chris is right now in training with our staff to learn the job and he is doing very well and I am very happy to have him here. I just wanted to introduce him to you and I think he has a brief comment for you.

Mr. Knittel: Thank you Chief. I would just like to say thank you for the opportunity and I look forward to doing this job, hopefully for many years to come, to the best of my ability. Thank you.

All: Welcome!

### Ordinances and Resolutions

#### Ordinance No. 12-2015

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF DRIVEWAY APRONS IN THE PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY

Mrs. Harlow made a motion to adopt; Mr. Squires seconded.

Mr. Parham: Council, this ordinance is reflective of the drive aprons that were repaired on Ashmore Court and Woodvale Court, as a part of the project that separated from the 2013 Street Improvement Program. I believe we had somewhere in the neighborhood of twelve property owners total, but we are down to the five that are identified in the exhibit of this ordinance.

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Mr. Parham (continued): If the ordinance is passed this evening, we have a letter prepared to go out tomorrow morning to those residents, giving them one final opportunity of a thirty-day period to make the payment. For those who chose not to, and some have already consciously made the decision to go ahead and have the cost of the improvement added to their taxes, then we will certify it to the auditor in early September.

Ordinance No. 12-2015 passed with six affirmative votes.

Ordinance No. 13-2015

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO APPROVE VARIOUS CHANGE ORDERS IN THE AMOUNT OF \$61,854.02 TO INCREASE THE CONTRACT OF FORD DEVELOPMENT COMPANY FOR THE WEST KEMPER ROAD REHABILITATION PROJECT AND DECLARING AN EMERGENCY.

Mr. Squires made a motion to adopt; Mrs. Harlow seconded.

Mr. Diehl: Could we have some explanation of the \$61,854.02?

Mr. Parham: Sure. As we have talked about in the past, this came about because of the conflict with the Metropolitan Sewer District (MSD) sanitary sewer laterals and the alignment of the storm sewer system upgrade as a part of the West Kemper Road project. Unfortunately when we made contact with MSD prior to the beginning of the construction, they simply signed off on the plans but then once we got in the field, we began to find laterals in locations that they were not anticipating and, as a result, because we could not get MSD to properly identify both the location, the depth of these laterals, the contractor essentially had to go out there on a discovery mission and dig around until they were able to locate the laterals. As a result, this work generated the \$61,854.02. I believe there were a total of nine laterals that were in conflict and so, as a result, these are the dollars that are generated as we have shared with you before. We have previously had discussions with MSD relative to their responsibility in this project and we will continue those discussions if we have not already begun those.

Mr. Diehl: Thank you.

Mr. Squires: Mr. Parham, and perhaps Legal Counsel as well, and anybody in the Administration, what is your feeling as to our chances of recovering a good portion of this \$61,854.02?

Mr. Parham: I will say that initially, the lower end of the MSD staff was not as responsive to our concerns. However, we then made contact with the MSD Director and he and I had several discussions on this matter. He right away had one of his assistants begin to get involved and that got the project moving. That got the workers back out, actually looking to see if they could locate the laterals. We have also put her on notice that our intention is to recover part of our cost from them. In an earlier conversation with a MSD representative, that person pointed Mr. Agricola to their process in which you try to mediate this situation. I can't tell you whether there is a 50% chance of us recovering these funds. I just have to tell you that we are going to go through the process and attempt to recover what we believe is proper.

Mr. Squires: I understand, reluctantly, but I understand.

Mr. Hawkins: How much was MSD compensated to go out and identify locations of laterals?

Mr. Parham: We do not pay MSD anything. All of this, the \$61,854.02 is the contractor's cost, for them to do all of the digging, but we did not pay MSD.

Mr. Hawkins: Thank you.

Mr. Squires: Is the approval of this the only way that we can continue to negotiate with MSD?

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Mr. Parham: No. This has nothing to do with the negotiations with MSD. This is to make the contractor whole. We have engaged them into this contract. We have given them the direction to go out and locate these laterals because we needed this project completed. We just needed this part of the process to be complete so that we know all of our costs. At that point, we go back to MSD. The project continues to move forward, but neither of these is holding up the other.

Mr. Squires: They are independent?

Mr. Parham: Yes.

Mr. Squires: Okay, thank you.

Ordinance No. 13-2015 passed with six affirmative votes.

### Ordinance No. 14-2015

AUTHORIZING CONTRIBUTIONS TO CERTAIN HEALTH ACCOUNTS OF FULL-TIME EMPLOYEES OF THE CITY OF SPRINGDALE RELATED TO THE CITY'S HEALTH INSURANCE PLAN AND DECLARING AN EMERGENCY

Mr. Diehl made a motion to adopt; Mr. Squires seconded. Ordinance No. 14-2015 passed with six affirmative votes.

### Old Business

Mr. Parham: I just wanted to thank Council, on behalf of the employees, for this last ordinance and the contribution you are making to their health savings accounts.

New Business - none

### Meetings and Announcements

Mr. Hawkins: Board of Zoning Appeals will meet on July 21<sup>st</sup> at 7:00 p.m. in these chambers.

Mrs. Harlow: There will be a workshop this Saturday, July 18<sup>th</sup> at 10:00 a.m. for members of the BZA, Planning Commission, and Council to review the new draft of the Zoning Code. On August 11<sup>th</sup>, Planning Commission will meet in these chambers at 7:00 p.m. and then on August 13<sup>th</sup>, OKI will meet.

Mayor Webster: I would like to remind everyone that Cop on Top activity is Friday, August 7<sup>th</sup>, and Saturday, August 8<sup>th</sup>. They are looking for volunteers to stand up on the platform and wave to the crowd. All of the money they raise goes to the Special Olympics. I believe the Torch Run takes place that week. The Cop on Top is where they are looking for volunteers so if you want to stand out and get some sun, give Joe Ture a call.

Mr. Thamann: A few items from the Recreation Department. They are still taking registrations for youth soccer for ages 4 and up, for boys and girls. If anyone is interested, they are asking them to please contact the Community Center to get registered. Also on Saturday, August 8<sup>th</sup>, the annual Springdale Neighborhood Yard Sale will take place. Residents are encouraged to participate at their homes for the sale of items on the suggested date as well as the time, from 9:00 a.m. – 2:00 p.m. They will advertise this. I believe last year they put the banner up with the notification as well as on the website. Also, we are going to have the annual free document shredding event down at the Community Center; that is going to be held on August 22<sup>nd</sup> from 10:00 a.m. until 1:00 p.m. If anyone is interested in looking at safely destroying any sensitive documents, this will give you an opportunity to do it for free. They do it with a company that is a professional document shredding company and they will do it in the presence of the person dropping the stuff off. That is all I have.

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President Vanover: I messed up - in checking my email this evening before we came in, I had an email, and Mr. Parham, I'll pass this down to you, from Mike DeWine. It says "On June 3<sup>rd</sup>, 2015, the Ohio Attorney General, Mike DeWine, announced an \$11.5M settlement with Morton's Salt, Inc. and Cargill Inc. over past sales of rock salt to public purchasers in Ohio including state and local governments. Local public entities in Ohio that bought rock salt from Cargill or Morton between July 2008 and June 2011 may be eligible to receive a share of the settlement". It has information on the claim. I don't know if we do or don't, but if somebody wants to write us a check, we will take it.

Mr. Parham: We did also receive the email. We did begin the process of reviewing our records and apparently, it appears that between 2010 and 2011, when we were participating with Hamilton County's process, Morton's Salt was the supplier. We are gathering our information and we are going to apply online. We have to apply online. The challenge is that, based upon what I have been able to read so far, suggests that, if you are within the window, they are only going to count when you made a payment. Earlier in that year, we adopted the legislation that identified the rates that we were going to pay but we didn't make the actual payment until, I believe, outside of the window. Our argument to them would be that we may have made the payment outside of the window, but the contract that dictated how much we were going to pay, if there is a problem with the rates of the payment on their performance, also affected that payment that was made outside of their deadline. But thus far, when I went online today, you are kind of limited as to what kind of information you can put in. They are limiting you to put in the rate, the dates, and the total amount of dollars that you expended and they section them off by a four-year period. We are looking into it.

President Vanover: Okay, thank you.

### Communications from the Audience

Mr. Higgins: Mick Higgins. I live at 579 Observatory Lane. I just wanted to note that the Frisbee golf is up in Underwood Park. I'm not sure if it's up in all parks, but I wanted to thank the Administration for getting that in. It is something extra for the family so I appreciate it. Thank you.

### Update on Legislation Still in Development

Mr. Hawkins: As you review your Internal Memorandum, Item I was dispensed with Ordinance No. 12-2015, which passed with a 6-0 vote. Item II was addressed with Ordinance No. 14-2015, which passed with a 6-0 vote. Item III was addressed with Ordinance No. 13-2015, which passed with a 6-0 vote. Item IV was addressed with the introduction of our new Violations Bureau Clerk. Items V, VI, VII, and VIII are all forthcoming, as well as Item IX.

### Recap of Legislative Items Requested for next Council meeting

Mr. Hawkins: We have an Ordinance requesting Reducing Special Assessments Levied for the Purpose of Constructing Certain Improvements at Pictoria Island and Declaring that an Emergency. We also have a Resolution Authorizing the City Administrator to File an Application with the Hamilton County Engineer's Office for Municipal Road Funds for Road Improvements on West Sharon Road in the City of Springdale. Also an Ordinance Renewing an Agreement with NextStep Networking for Technical Support Services for the City's Local Area Network and Declaring that an Emergency as well as legislation revising Ordinance No. 22-2011, with an emergency clause regarding law enforcement's access to hotel registries without a warrant.

Mr. Parham: One thing I did omit from the Capital Improvement Committee Report, if you look on Item VI on the Pending Legislation, the Application for Sharon Road, last year we submitted an application for Municipal Road Funds (MRF) and we were unsuccessful. This year, we plan to once again submit an application for MRF funds. We don't know whether we are going to get these funds or not. Typically what they do with the MRF funds is they try to hold those to support the SCIP Applications. We have no SCIP funds for Sharon Road with this improvement.

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Mr. Parham (continued): The cost is estimated at \$44,000. We applied for that entire amount last year. We are looking to apply for either the entire amount or some smaller number. We are trying to ascertain from them whether it is worth us continuing to go through this process or if we need to simply abandon it if they are not going to award us. That is part of the report that I wanted to make sure you are aware of as well.

Council adjourned at 9:02 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

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