

City of Springdale Council

February 3, 2016

President of Council Vanover called Council to order on February 3rd, at 7:00 p.m.

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

Mrs. McNear took roll call. Council members Diehl, Emerson, Ghantous, Harlow, Hawkins, Shroyer, and Vanover were present.

The minutes of the January 20th, 2016 City of Springdale City Council meeting were considered. Mrs. Harlow made a motion to adopt; Mr. Hawkins seconded. With a vote of 7 – 0, the minutes of the January 20th, 2016 City Council meeting were approved as published.

Communications - None

Communications from the Audience - None

Presentations

President Vanover: Council, at this point, we are into some Presentations. I guess I'll throw it to Mr. Parham and you lead us through.

Mr. Parham: Thank you, Mr. President. Council, this evening we have representatives from Duke Energy with us to make a presentation to the City. We have Mr. Warren Walker; he is the Community and Government Relations Manager with Duke Energy. He is joined by Ms. Megan Plassman.

Mr. Walker: Thank you, Council. I am Warren Walker. I am the Community and Government Relations Manager for this area and that basically means that I'm the person that you call when you're unimpressed with our services and need something resolved but I'd also like you to call when something good is happening. The reason I'm here tonight is there is something good that I want to share with you. Duke Energy – you see our trucks and our crews out there trying to deliver a value to our customer. Sometimes when you're sitting in traffic or sitting behind us or when we're in your way during a project, you don't appreciate that value so much but it takes a lot of resources, manpower and work, to make sure that you have reliable power, right? Before you got to the meeting tonight, no one had the thought, I hope, I wonder if the lights are going to be on when I get there or I wonder if the building's going to be warm – it's an assumption that we make. In order to have that assumption be a reality, the power to be reliable, we invest a significant amount of resources into our system and that's what brings us here tonight. We had a significant project that we just completed in 2015 and I'm going to have Megan present a token of our appreciation to the Mayor and the Council. Megan is the Manager of Guest Field Operations and behind that title is a significant amount of responsibility of managing the resources that are delivering that value that I mentioned earlier. I'm going to let Megan make the presentation.

Ms. Plassman: Good evening, everyone. First off, thank you for allowing me to speak with you all tonight. Almost 180 years now, Duke Energy Ohio has been providing natural gas to southwest Ohio. It's really just relationship with our communities and cities like Springdale that we've been able to do that and have that working relationship. I'm here tonight on behalf of Duke Energy Ohio to express our appreciation for that relationship and that ongoing collaboration and to continue that as we move forward in increasing our safety and reliability for the natural gas industry and services that we provide to not only Springdale, but also our 400,000 gas customers. Fifteen years ago, Duke Energy Ohio embarked on a program to replace deteriorated facilities in order to reduce the risk of incidences. That program, approved by the Public Utility Commission of Ohio, consisted of replacing nearly 1,200 miles of cast iron and bare steel main and associated services, which approximately were 116,000 metallic surfaces. We finished that program last year and we're really extremely pleased to announce that we reduced our leaks by 40% and we've completed that program on time and on budget. The program encouraged other gas companies, major gas companies in Ohio and outside of Ohio, to implement similar programs to replace deteriorated facilities. As many of you may be personally observed, that was a significant undertaking and it's really with the appreciation of Springdale and the residents that we want to say thank you for working with us through that construction and restoration process.

City of Springdale Council

February 3, 2016

Ms. Plassman (continued): On behalf of Duke Energy Ohio, in commemoration for the completion of that accelerated main replacement program, I would like to present the City of Springdale this gift, of a clock, to show our appreciation for that cooperation and to thank you.

Mr. Walker: May we present this to the Mayor; would that be okay?

President Vanover: Sure.

(Clock presented to Mayor Webster; photograph taken.)

Mr. Walker: Thank you very much.

Mayor Webster: I will proudly display this on my office.

Mr. Walker: They always ask – that is the type of material that's part of a pipe but just so you know, it's not a missing piece of a pipe. (Laughter)

Council: Thank you.

President Vanover: Okay, staying with Mr. Parham, we'll venture down the new Zoning Code.

Mr. Parham: Thank you, Mr. President. Council, if you will recall, I think it's been maybe about 14 months that we've been working towards updating the City's Zoning Code. There was a committee formed which was comprised of two representatives from City Council, two representatives from the Board of Zoning Appeals, and two representatives from the Planning Commission that worked with our consultant, McBride Dale Clarion, on going through our Zoning Code. The process, as I said, took about 14 months, a rather extensive period of time. Within that time, we also had two different Building Officials that participated in the process. In July of 2015 we had a Saturday session where the results of the committee, the City Council, along with the Board of Zoning Appeals and Planning Commission, all met to hear the recommendations of the committee. There was feedback provided to the consultants at that time. They took that feedback and provided an update to the document that is being presented at this time. So this evening, what we want to do is to have the consultants, Ms. Liz Fields, come forward, and provide an update for us. As we've previously identified in the Pending Legislation Report, this process will hopefully end at the March 2nd Council meeting with the adoption of the new Zoning Code.

Ms. Fields: Thank you. That was a nice summary of the process so far and I'd like to add that the Zoning Code in its entirety was presented to the Planning Commission in December, who forwarded a recommendation of approval to Council. This presentation, like Derrick said, is an update from that Zoning Workshop in the summer. This is going to touch on, highlight the changes that were made since that time but of course, if there are any other questions on any other sections of the Code, feel free to let me know and we can discuss those as well. One of the major coordination themes that happened throughout the Code was to ensure that the terms used in the Code were consistent. So there were terms in the Permitted Use Table, which uses are allowed in the Zoning District, similar terms in the Parking Table, and in the definitions. So we did a double check after that summer workshop to ensure that all those terms were the same, that we didn't have gas station and then automotive fueling station and then something else – just to ensure that that term stayed consistent throughout the Code.

One of the other changes that was made was a change to the multi-household density. We started with a ten units per acre maximum density and, based on the discussions at that workshop, we reduced that to eight units per acre, so that change is reflected in the Code. And of course, if you have any questions on these topics as we go through, please let me know – I'll just kind of hit the high notes. The next is the minimum green space – we have minimum green space requirements in the commercial and industrial zoning districts but there was not a specific minimum green space for the residential multi-household, and as apartment buildings, it makes sense to establish that minimum green space to ensure that there is that requirement in there and the requirement that wasn't stated was a 50% minimum green space for all of the uses within that residential multi-household zone.

City of Springdale Council

February 3, 2016

Ms. Fields (continued): For solar panels, based on some comments that we received at that meeting, and then following that meeting, some of the regulations that we had in the Code were slightly outdated. Again, that is technology that is changing ever so rapidly and probably after this Code is adopted, new solar technology will come out, so a lot of this green technology, the City will have to continue reviewing and updating those standards as things change and things that we can't expect occur so we updated some regulations to ensure that they were in conformance with modern standards and practices.

Industrial setbacks, this is something that we talked a lot about in the summer and so what we were asked to do after that meeting, was to review currently we had recommended a 100' setback from an industrial-zoned property to a residential-zoned property or residential use and we were asked to confirm to see that if that was appropriate or if that was not as restrictive as maybe some of your neighboring cities. So we looked at multiple cities in the region and deemed that that 100' setback is one of the more restrictive setbacks for the communities we surveyed. A lot of them had lesser setbacks, like 30' or 50' so the 100' setback, I actually didn't find a more restrictive setback than that so we would recommend to continue with that 100' setback as it is; it does seem to be appropriate for this case.

The next, the cellular wireless communication towers – a Planning Commissioner asked us to review if there was a possibility to put in a regulation that you could not install a wireless communication tower if it involved the removal of any trees. So we discussed that with Legal Counsel and, due to the federal rules and requirements that are placed on cellular communication towers, that was not recommended, so we did not add that into the new Code but I did want to touch base on it, that we did look that and explore that as an option but at this time, not recommended. Again, the City's tree ordinance is still in place so that would still apply.

Mayor Webster: Are you taking questions as we go through or do you want to finish your presentation first?

Ms. Fields: I'm okay, either way. We're almost done so I might as well just go through and then we can discuss. For the Planned Unit Developments, we had residential Planned Unit Developments and nonresidential Planned Unit Developments, but never did it specifically address mixed-use Planned Unit Development so we changed those regulations to address purely residential Planned Unit Developments, and then mixed-use, and nonresidential. If it's a mixture of residential, office, commercial - that would be considered a mixed-use Planned Unit Development so we ensured that that was clearly marked in the Code now.

For the Parking Requirements, we reviewed a couple of uses that were brought up in the summer to ensure that they were appropriate and we actually changed a couple in particular – the Automotive Fueling Stations, we clarified that the pumps at the stations were included, that those count towards the parking requirement. Theaters – we reviewed the Theater Parking Requirement and that changed to one space every five seats and then the Retail was upped from one space for every 250 s.f. to one space for every 300 s.f. We added an allowance for the phasing of parking. A lot of Codes have this or allow this. Sometimes a use comes in and the parking requirement may require a large amount of parking that the proposed developer or applicant doesn't think is necessary so this would allow for Planning Commission to approve a phased Parking Plan that maybe allow them to construct only a portion of their parking up front and then, if it's deemed necessary, or an expansion occurs in the future, then additional parking would be constructed so it's something that Planning Commission could approve. It would also allow, if a project was phased over time with multiple buildings, like a Planned Unit Development, that they could establish sort of a phased Building Plan and a phased Parking Plan.

For the Electronic Signs Standards, that again was a large discussion in the summer, we had the hold time for electronic signs that were less than eight feet - previously it was eight seconds; we increased that to 24 hours so any of the low ground-mounted electronic signs that may be approved in the City would only be able to change once per day. We also reviewed the pitch space requirement as one of the Planning Commissioners did not think it was strict enough. We did leave those as they were originally written.

City of Springdale Council

February 3, 2016

Ms. Fields (continued): In reviewing the standards, the standards we have in place are pretty consistent with current technology and would require a high quality electronic sign that making it more restrictive would maybe price out signs, electronic signs altogether so we would recommend to continue with where they're at now and then if in the future, technology changes again, that's something that the City should keep a monitor on and update as needed and if the City's not happy with some of the signs that are coming in under the new Code, then that would also be a way to prompt revisions to that section.

For Temporary Signs, we increased the time limit for banners from 90 days per calendar year to 120 days. This would of course be after the yearly ordinance that you have currently in place, so once that expires, this would be the regulation that would carry on after that unless Council decided to carry on that ordinance or do a different version of the current banner ordinance that you have. For the other Temporary Signs, we previously had a political sign section and there's been some recent court cases that have called out when people regulate based on content, and a political sign is technically a sign based on content, so we revised that section based on Legal Counsel's recommendation to state for other temporary signs, which then address real estate signs, political signs, all those kind of other kind of typical temporary signs that you may find in residential zones.

Lastly for definitions, we did review some of the definitions and added a few definitions that weren't there, we missed the first way around. We made sure that there was a clear definition for garage door as that has been an issue, accessory apartment, ambulatory care, health care facility, convenient store, and government buildings. Again then, we've also updated terms and the definitions to make sure those were consistent throughout. So that is a summary of the changes that have occurred so at this point, if there are any questions, I'd be happy to answer them.

Mayor Webster: I have a question on the setbacks – you know we just went through the massive development, the GEEAA Park PUD, and had discussion throughout that about the setbacks and I think that we finally got 75' setbacks almost uniformly throughout that. So with this new Code, we could have gotten 100', or in the future, we would get a 100'?

Ms. Fields: This is for industrial-zoned property, so properties that are zoned GI, not for PUD- zoned property so there's a different setback requirement for when a property zoned industrial versus when it develops under a PUD. The setbacks become a little bit more flexible.

Mayor Webster: Alright. Second question – theater parking – We have a Cinema 18 sitting up here - I would venture to say that 25% of that parking lot has never been used and they've been open for 30 years and it's just a concrete jungle up there, an asphalt jungle. With today's Code, would they have to build all of that parking?

Ms. Fields: I'm not exactly sure what that standard was built to.
(Addressing Mrs. McBride) Do you have any?

Mrs. McBride: This would actually be a reduction in the number of parking spaces that would be required Mayor.

Mayor Webster: Okay, I would hope it would be a substantial reduction because that's the biggest waste of land and water runoff I've ever seen in my life.

Ms. Fields: A lot of time the uses coming in may have the amount of parking that they want to build. I know theaters generally want a lot of parking for that Christmas Day show. The big theaters, just like for retail, they want that black Friday parking that they may want to build over what's required because they have a corporate model that they think works for them even though it creates a lot of extra parking and the Code does have that stipulation in it, that if you do overpark your site based on the requirements, you have to provide additional landscaping and screening requirements on that.

Mrs. McBride: Just to answer that question, the Code I believe that was in place when Showcase went in was one space per every three seats and what we're saying is one per every five seats. In addition to that, obviously Planning Commission has the provision to modify the parking requirements.

City of Springdale Council

February 3, 2016

Mayor Webster: Super. Okay, great. Thank you.

Mr. Shroyer: I had provided some information to Council and I think to the Administration regarding some thoughts or questions in the area of vehicle parking, recreational vehicle parking – boats. Did that happen to make it to you?

Ms. Fields: Yes.

Mr. Shroyer: Did you have any opinion?

Ms. Fields: We reviewed it and I would just continue to say that we carried on the standard that was currently in your Code. We discussed that with staff and the Technical Review Committee through the process, and it felt like that group thought the current regulation was appropriate. We did do some research on some of the other jurisdictions around you, what their recreational vehicle policies are. Again, this Code should represent the policy of Council, so if it's a discussion that Council wishes to have, you have every right to make a change to what the Code says.

Mr. Shroyer: Okay. Am I correct in understanding that this new document will be the Code, it will replace the existing document that's on the City's website?

Ms. Fields: Yes.

Mr. Shroyer: In the area of commercial vehicles, it looks like we stayed with most of the existing for recreational personal or watercraft, those types of vehicles but then it almost looks like we completely backed off of commercial vehicles, unless I'm missing something. The proposed Code basically makes a reference to commercial vehicles and allows for one commercial vehicle parked in a driveway and then basically defines the term commercial vehicle as anything used for commercial purposes.

Ms. Fields: The intent of that was to allow if someone works for a Messer Construction or has a home house cleaning company and they have a commercial vehicle but that it is still a personal-sized vehicle, like a sedan or a truck that they could continue parking that in their driveway, that the City wouldn't penalize if someone used a regular vehicle for commercial purposes so that's why it was written in a way with that 8' in height and 20' in length, so it wouldn't be a vehicle that was a large box truck or a trailer or things like that so it was intended to allow for that kind of personal vehicle that was used for commercial purposes.

Mr. Shroyer: But under supplemental district regulations in the current Code, we spelled out some specific types of vehicles - busses, cement trucks, box trucks, vans, wreckers – are we now okay with those type of vehicles as long as they fit within the 20' long, 8' high?

Ms. Fields: That was not the intent; we may want to clarify that section to ensure that we're not allowing that. I'm guessing most of those types of vehicles wouldn't fit within that size requirement, but that is definitely was not the intent. The intent was, again, those kind of personal vehicles that were used for commercial purposes so we may want to clarify that.

Mr. Shroyer: Okay, thank you.

Mrs. Harlow: In regard to the commercial-type vehicles – I know of a community where a gentleman works for Cincinnati Bell and he is required to bring his truck home at night and it's a big one. It's one that I guess he has to have access to, to get out to a job site immediately; it's one that he has to park the cones in front of and behind – how would that be handled here?

Ms. Fields: How the Code is drafted now, if it didn't meet that size requirement of 8' in height and 20' in length, which it sounds like it probably doesn't, that we wouldn't allow it but I don't think your current code would allow it either, the code that's adopted right now. Typically with those things, it's usually a complaint-driven thing, so if someone notices and has an issue with someone parking something in their driveway, they may complain to the City about it and then the City would follow up.

City of Springdale Council

February 3, 2016

Mrs. Harlow: This is not in this community; it's in a different community. I was just thinking about that - if we had a resident who worked for a utility company and was required to have that vehicle at their disposal, how would we handle that?

Ms. Fields: That's a policy decision for the Council.

Mr. Parham: In response to that, I think that there are employers throughout the Greater Cincinnati area that put requirements on their employees and sometimes those requirements that the employer places on their employee may be contrary to what our rules are. Whether the rules are for parking your vehicle at your residence, whether the rules are something else, we will enforce what our Code indicates we enforce. That employee and that organization has to simply make an adjustment to what the rules are. I do not think they want that individual to receive a citation for violating the parking code. I think of things probably a little differently. One of the things that we have been dealing with a lot is this garage conversion. If we think back to probably when a lot of the homes were constructed in this community, they were a lot of smaller homes. Probably when those homes were constructed, individuals' incomes were less than what they are today. The things that they chose and could possibly possess probably were fewer and now we are in a day and age in which incomes are higher. There are more trinkets, and there are more things that people choose to accumulate. What you choose to accumulate is up to you. We do not tell you what to purchase. We do not tell you what to acquire. We simply set the standard for the community and sometimes what you choose to accumulate, if you can keep it contained within the premises of your home, you do not violate the standard of the community. The Zoning Code is the standard of the community. The rules and regulations that are established by this body are the standards for this community. Sometimes that conflicts with what I choose to purchase or what I choose to have in my possession. If I cannot keep it contained within the walls of my home and once it comes outside of the walls, then that is when I am in violation of what the standards are for the community. Now, at that point, the community makes a decision that either they are going to enforce the standards or they are going to adjust the rules and the standards for the community and that is no different than if an employer tells me that I have to take a vehicle home and keep possession of it. Well, this community has a standard that we do not permit, for example, the box truck or a big dump truck to be parked on a residential street or in their driveway. In this case, I do not think the community is going to adjust their codes because most of the neighbors would then start calling you all and the Mayor. Then the Mayor's going to call me, and so we are going to have to then enforce what the community has set as the standard.

Mr. Shroyer: I think that's exactly where I'm at, is that I think our community has evolved to a community of folks that may have made a decision to stay in this community, in our price range of homes and amenities and have some of the extras. Maybe the community standard is, maybe our current standard is not in line with the community standard as much as it could be. That's my position, is I would like to look at the possibility of allowing more of these trinkets as opposed to outlawing them. By the same token, when we say a commercial vehicle is okay, as long as it's less than 8' high and 20' long, if aesthetics is what we're after or if line of sight to the neighbors' yards or to the street is what we're after, a 20' long panel van, 8' high is, to me, more obstructive than the 20' long fishing boat that sits four foot off the ground on a low trailer. That's just my position is I think we need to look at less restriction on some of these vehicles as opposed to where we are now. Thank you.

Mayor Webster: Getting back to the situation Mrs. Harlow asked about, I have a lot of empathy for somebody that has a job and the employer says you will take this truck home at night and then they get home and the City says you can't park it here, so it's damned if you do, damned if you don't. That's on one hand; on the other hand, if you say it's okay if your employer makes you do it, then how do we enforce that? If one guy can have it there and his rationale is his employer makes him do it and somebody down the street puts an oversized vehicle in their driveway, and we're going to say we're going to cite you but we're not going to cite this guy because he says his employer makes him park it there so wherever you draw the line, somebody is going to get gouged, if you will. Like I said, I have a lot of empathy for the guy that has to bring home a truck from work and it violates the City's Code. I had several conversations with Dan on the problems he's got here and just couple of thoughts - first off, we do have a regulation on the books and we do enforce it, about blocking the sidewalks so do we really need to have a length spelled out in the code, say 20'? What if there's 20' and there's still five or six feet before you get to the sidewalk and it's not exceeding the height of the regulation, do we really care about that? I'm just asking the question.

City of Springdale Council

February 3, 2016

Mayor Webster (continued): Another thing I know Dan is very concerned about and I certainly understand this is, is smaller recreational vehicles. It seems like our Code now, the old one, and I think the new one too, looks upon a recreational vehicle as just one size, shape, and not color, necessarily, but all regulations apply to a recreational vehicle, so should we give some consideration to having different size or different classifications of recreational vehicles? I mean a wave runner or whatever you call those things, are they the same as a motor home like Mrs. Emerson has in front of her house a couple of times a month? I know you store it off-site, but just an example? A full-fledged motor home that people take camping for the weekend - right now, the same regulation applies – should we take a look at classifying those things - different shapes and sizes? Just asking the question. I don't have a small one; I don't have a big one; I have no plans on acquiring them.

Mrs. Emerson: Mr. Parham, if you could bring back some of my memory. I think when we discussed this last year in this new ordinance, we placed a new ordinance out; I believe we did a thorough study of surrounding communities and what they did. I was under the impression that the whole idea was to get these RVs, recreational boats, all that kind of things, out of front yard. I believe, when we did the research in the other communities, that was done in other communities – there weren't any local communities that could park RVs, boats, and those kinds of things in front of their houses. Is that correct? We should have a list of the communities that we even researched I believe.

Mr. Parham: We did perform research. At the time, the focus was on the recreational vehicle. As I recall, the gentleman at the time had a fifth-wheel, a really large unit and that's where a lot of the discussion focused. I cannot recall that a lot of the discussion, or any of it, quite frankly, focused on anything that was smaller in nature to a wave runner or an ATV, or something of that nature. As a result, the adjustment in that ordinance was made. The decision was then made to not permit those recreation vehicles, no matter which ones we're talking about, to be parked in front of the residence. So a resident can still own a recreational vehicle, big one or small one - they simply cannot park them in the front of their home.

Mrs. Emerson: Correct.

Mr. Parham: They can park them on the side but it must be a clearance of 5' from the property line or they can park them in the rear of the property.

Mrs. Emerson: Correct.

Mr. Parham: And so they still have the opportunity to own those items. I did ask Mrs. McBride and her team to conduct another bit of research for us and they did. They looked at neighboring communities and still, very consistent. I will just give you a brief read here:

The City of Sharonville – “Sharonville does not permit trucks (over one ton), boats, trailers, or recreational vehicles over 24' to be stored on a residential lot unless they are in an enclosed structure. Boats, trailers, and recreational vehicles 24' or less in length may be parked or stored in the rear or side yards only. Personal watercrafts and jet skis are specifically included in the definition of recreational vehicles.” Then they give some of the code citations.

The City of Fairfield – “Fairfield allows the parking of recreational vehicles (trailers, noncommercial trailers, motor homes, truck campers, and recreational vehicles as defined in ORC 4501.01 and watercrafts, personal watercrafts and vessels per ORC 1547.01) in the front yard. No part of the recreational vehicle can be closer than two feet to a right-of-way or property line and they must be on a paved surface.” Remember, in ours, you do not have to keep them on a paved surface.

The City of Forest Park – “Forest Park does not permit the storage of trailers, mobile homes, motorized home or major recreational equipment in the front yard or in the front of the house for periods longer than 48 hours. The exception to this rule is that pick-up campers under specific conditions and operable motorized camper-type vehicles may be parked in the front driveway.”

City of Springdale Council

February 3, 2016

Mr. Parham (continued):

The City of Forest Park (continued) – “The Forest Park Code also makes the provision that if access is not available for the trailer, mobile home, etc. to be moved to the rear of the front building line, it may be parked on the lot forward of the front building line as close to the building line as possible with conditions.” I would have to ask Mrs. McBride to explain that part of it. “They also have a maximum size (8’ in width or 30’ in length) that restricts larger vehicles from being parked on a residential lot. The Forest Park Code does not identify personal watercraft, jet skis, etc. but considers them as a boat.”

West Chester Township – “West Chester does not permit the storage of any recreational vehicles in the front yard except for 48 hours every 30 days for loading/unloading. A maximum of two recreational vehicles may be on a lot with only one permitted in each of the side yards (provisions for corner and double frontage lots exist). Recreational vehicles must be located 5’ from a side lot line and 25’ from a rear lot line. The definition of recreation vehicle includes water crafts.”

The Village of Evendale – “Evendale permits recreational vehicles parked on a lot in a residential district for two days in a calendar week. To exceed two calendar days, the recreational vehicle must be stored in an enclosed building. The definitions in the Evendale Code provide for a boat to be any vessel used for water travel.”

The City of Blue Ash – “Blue Ash allows temporary parking of recreational vehicles beyond that permitted by the Code for up to 14 days with the issuance of a temporary permit by the City Manager. In the R-1 District, recreational vehicles must be parked in the side or rear yard only. In the R-2 and R-3 Districts, recreational vehicles may be parked between a residence and the street under specific conditions.”

So they performed another survey and you see that in the majority of those, they do not permit recreational vehicles in the front yard, very consistent with what do. One of the things that Mr. Shroyer, in his correspondence, identified, and I talked with our staff relative to enforcement issues, we really did not see much that would create a challenge by the way of enforcement with the exception, and that is one of the things he suggested, is to permit one unlicensed vehicle. I would not be in favor of permitting an unlicensed vehicle. Earlier this year, I had a resident to make contact with the City, speaking about his concern of his unlicensed vehicle and he had been cited for the unlicensed vehicle. One of the reasons I think that unlicensed vehicles are not permitted in just about every one of these communities with the exception of, I think Sharonville – I did not find information in the Sharonville portion that required your vehicles to be properly licensed and road-worthy but one of the things is that in order to identify – where do you usually see unlicensed vehicles is probably a junkyard or an impound lot, something of that nature, where you have vehicles sitting around that are not licensed; they are not licensed vehicles. And so, in order to prevent a certain situation in our neighborhoods, most communities will prohibit unlicensed vehicles. I think in your correspondence, you talked about having one, but what if that one happens to be a large bus – it is a vehicle, it is unlicensed, it is unsightly. I doubt if any of us would want to have that sitting next door to us and seeing it on a repeated basis. I hope that answers your questions.

Mrs. Emerson: Thank you.

Mr. Shroyer: Just to quantify the unlicensed vehicle thought - I was thinking more along the line of small utility trailers, those type of things that don't require a license as opposed to a vehicle that would normally require a license I think is probably covered our existing Code for an expired license. I was looking at some provision for the small utility trailer or small type of vehicle that somebody wants to store in the backyard behind the house that is not required to be licensed but I'm not particularly married to that language either. Thank you.

Mrs. Emerson: Utility trailers do need to be licensed. We have one and it has to be licensed.

President Vanover: I do too, a 4 x 7.

Mr. Shroyer: Not in the State of Kentucky.

City of Springdale Council

February 3, 2016

Mrs. Emerson: We live in Ohio. (Laughter) Just saying.

Mayor Webster: Mrs. Emerson, you brought up to me and Derrick, I think, the issue of the 72 hours of parking, that you have trouble maybe going on two camping trips in a 30-day period, because of that stipulation?

Mrs. Emerson: Right. When I had spoke to Mr. Shroyer, and I think he told me, you told me, I thought you told me 72 hours a year.

Mr. Shroyer: 30 days.

Mrs. Emerson: 30 days, okay. That is difficult because if we do two weekends in a row, a lot of times we pick the camper up the night before so I can pack it, then we go camping. We come back and it's too late to unpack and clean, so then we take that day and the next day unpack and clean it, then take it to storage. Then the following weekend, we do the same thing, so that's two weekends in a row, I'm already up to four days, so that, I do believe, is tight. A lot of people during the summer season, they camp every weekend. We do local camping, so we could camp every weekend.

Mayor Webster: So is that something we need to look at?

Mrs. Emerson: That might be something, yes. I totally agree with that.

Mayor Webster: From 72 to 96?

Mrs. Emerson: Yes and that would give people a chance to pick up the vehicle the night before, like I said, and have it ready so in the morning they can pull out and then the next day, when they get back, they have a day to clean it up and get it back.

President Vanover: Mr. Shroyer and I have talked. I'm borderline one of those people because my personal vehicle is also my work vehicle and I am, depending on where 8' comes in, I am close to it. If I add another ladder or two, I can be and quite honestly, I see siding guys come in and they'll have ten or twelve pieces of scaffolding that they'll have five or six feet up above the roofline and my vehicle is right at 19' long. I can't park it and my wife's car in the driveway because then I would be overshadowing the sidewalk. Most of Heritage Hill and a lot of The Terrace are really kind of in the same situation. We don't have a deep front lots, so we have a short driveway and we definitely don't have the space to get to the back yard. It's all I can do to get my trailer, my little 4 x 7 utility trailer into the side yard and storage back there behind the gate. The personal watercraft, to me, I delineate, yes, they are a type of recreation vehicle, but their license is completely different than a travel trailer or a fifth wheel or a fifth wheel's trailer so there's breakdowns there but I'm not prepared to sell and move but my personal vehicle, and I know I've had a neighbor walk around and red tag, verbally, vehicles and I've got a commercial license plate on it, I have to, or I'm in violation of ORC regs for a noncom vehicle. So that is, to me, I'd like to get clarification. I know the other thing that we were talking about – parking fields, I take up a stall at any of the parking fields around town and I occupy that stall, and with the expand side-view mirrors, I have to be cautious because if there's ... Well today, I was in one of our big boxes and there was a Ford F150 and his mirrors were projecting out; he wasn't quite centered, and I had to tuck mine in so I didn't take his out or damage mine. That's been a beef of mine on the commercial side, because as the vehicles, especially trucks and vans get longer and wider, that creates, that's a personal pet peeve of mine, but where does, I guess in my mind, the question is, where does the 8' draw – is it from the very top of what would be on my ladder rack to the ground; is it to the roofline or to the peak of my ladder rack to the ground or is it the roofline of the vehicle itself? My wife laughs that she needs a stepladder to get up in because it's a ¾ ton van and there are a number of people; I'm not unique in that situation, that those are their personal vehicles are their work vehicles.

Ms. Fields: I don't believe we have anywhere in the Code that states how to measure that.

Mrs. McBride: Maybe Mr. Taylor could clarify how your Code enforcement does that.

City of Springdale Council

February 3, 2016

Mr. Taylor: We would enforce to the roof of the vehicle, right now. That would be our policy.

Mrs. Harlow: In regards to vehicles parked in driveways, cars specifically, cars or pick-up trucks, they have to be licensed, is that correct, by current Code? I would like to see that they have to be roadworthy. We have a vehicle in my district that I brought to the attention of the Building Department that had not been licensed since 2011 and I'm sure that it hasn't been moved or started since 2011. Oh, Mrs. Emerson is saying that it says roadworthy. Okay, sorry, I didn't catch that.

Mr. Diehl: Mrs. McBride and Liz, do you have any comment at all on any of this?

Mrs. McBride: We have done a lot of research and looked at a lot of communities and I've talked to a lot of my Planning friends who are Planners for other communities. The vast majority of these communities do regulate and largely prohibit, except on temporary basis, the storage of recreational vehicles in the front yard. They include, very specifically, in the vast majority of the definitions, they include, and very often times will specifically identify personal watercraft, jet skis, canoes, and so forth, within those definitions. Obviously, it is Council's decision to represent what the community represents but our research, and again, in talking with other Planners for other communities, Springdale is not unusual in these requirements, either in terms of the 20' length or the provisions for temporary. Now whether the 72 hours is appropriate or that gets extended, that's kind of a separate issue, but in terms of the prohibition of the storage in the front yard is very consistent with your surrounding communities.

Mr. Diehl: I would like to think that I'm correct here, but correct me if I'm wrong, when it comes to zoning ordinances like this, it has to be one size fits all, right?

Mrs. McBride: I have not seen one that differentiates between different types of vehicles. It doesn't mean to say it's not out there but I have not seen it in working with codes or in doing the research for this code. Again, as I said, very specifically in a number of these codes, recreational vehicle includes personal watercraft, jet skis, etc.

Mr. Diehl: Thank you.

Mr. Hawkins: Personally, if Council wants to revisit recreational vehicle code and ordinance, I will have an open mind to do so but I want to make sure that we know where we're coming from historically on this. This thing got revisited initially because two residents came in to ask for a Variance at the Board of Zoning Appeals. They were denied. I suggested to them if they had an issue with what the actual law says, they should come to Council; they did. As a result of that, a committee was formed of residents that had RVs and residents that didn't have RVs. Lots of time went into that process. They came back to Council and we ended up with the ordinance that we have. That ordinance isn't perfect; no one's going to make everybody happy with whatever we come up with; that's not possible. The important thing that I think we need to remember when we're looking at residential vehicles is something that Mrs. Emerson had noted back then, and this coming from someone who has a recreational vehicle, this ordinance is not for people with recreational vehicles; it's not for people with wave runners, boats, RVs. It's for people who don't have RVs and have to live next to people that have recreational vehicles. So while I want our residents to be happy and feel like they have the opportunity to do certain things, it's important that, when you live in a city or if you live in some neighborhoods where there's a HOA or whatever, there's going to be some guidelines to living there and that's why we have this code. It's important that we keep in mind as we look at creating more opportunities for people to have trinkets, boats, SUVs, trucks, whatever, it's not for those people. This code is for the people who live next door to them so that we're not infringing on those residents, because that's the majority. The majority of people don't have these things; we want to make sure that we're not overlooking that. So if we want to look at it, that's fine but we need to make sure that we're keeping that in mind as we're making decisions.

Mrs. Emerson: Mr. Hawkins, just to tag on to that, I do believe we did do a count in the community of how many people had them during that whole study because we were looking at how many people this actually affected. So with what Mr. Hawkins had said, I think the count came out relatively low; very few people that this ordinance actually affected in the community, as far as people who owned them.

City of Springdale Council

February 3, 2016

Mrs. Emerson (continued): We had talked about grandfathering the people who were already parking them in their driveway; we had grandfathered those people in but I think when they went around and they took a survey of the Springdale area, very few people were affected by this new ordinance. Also another tag onto Mr. Hawkins, I think we should at least look at the 72 hours; I think that would be pertinent. That's my say on it.

Mr. Shroyer: I guess my thought in response to Mr. Hawkins and the whole issue is yes, I would support protecting the folks who don't have these type of vehicles. At the same time, I think, in fairness, we should look at what it is we are trying to accomplish or what we are trying to protect them from – protecting sight lines, protecting public right-of-ways, or safety issues, then we should do that across the board. To single out certain vehicles and say well, this recreational vehicle is different than this commercial vehicle that's different than this 12-passenger personal van is, to me, I think moving in the opposite direction. Yes, we're protecting the neighbors but let's decide what it is we're going to protect them from and then craft an ordinance or legislation that does that. Again, the existing ordinance, under the Supplemental District Regulations, talks about protecting the residential character of a residential district and it specifically talks about commercial vehicles as vehicles that have more than two axles on the road, equipped with utility body, service body, commercial equipment racks, attached visible equipment or tools, whether or whether not the equipment or tools is covered with a tarp, has signage of a commercial nature. To some folks, and again, if I have a commercial vehicle that fits within the 20' length, 8' height, my neighbors are going to look at it but if they have a boat that I don't particularly care for, I don't have to look at it. If they drive a car that barely stays together and I hear it start up at two o'clock in the middle of the night and it has license tags on it, it's okay. If we want to look at vehicles, I think we should look at a licensed vehicle or an unlicensed vehicle. If it's a licensed vehicle, then why do we need to go further and describe it as this type of vehicle, that type of vehicle? It pays road use taxes, it pays for licenses the same as the vehicles in the driveway next door and folks should be able to use them.

Mr. Diehl: I certainly agree wholeheartedly with Mr. Hawkins' statements but I do recognize some of the comments that were made by Mr. Shroyer and other people that there might be enough here that we might want to send a portion back to committee to look over certain items and make other recommendations because once we pass this, it's done with and I think it at least deserves an opportunity to go back and take another look at it. Thank you.

Mr. Parham: If I can offer a suggestion, as opposed to reconvening the committee, if perhaps we could look to see, and I think we have some of that information, what some of the other communities are doing and provide that information to this body, because ultimately, it is this body who is going to decide, what the standard is going to be, whether we need to expand it beyond the 72 hours or not. Because if you send it back to the committee, that is trying to get the committee members back together again and some of the committee members, whether they are still around and are willing to participate, is another issue but just so we can keep it on track, and perhaps we have the first reading of the ordinance at the next meeting on the 17th, and then the Public Hearing for the meeting on the 2nd of March, perhaps we can have enough information back to the body that you can consider and look at those.

Mrs. Emerson: Mr. Shroyer, when you talk about these other residents in parking their vehicles, why can't they park the vehicles on the side or in the back? I would say 99% of the people can park them in the back or on the side, so who are we talking about that can't park them on the side or in the back?

Mr. Shroyer: I would say it's probably more likely 20 – 25% that can park it on the side or in the back. An 8' vehicle with a 5' setback from the neighbor's property line, requires a 13' side yard. Most, if not all, of Heritage Hill, doesn't have 13'. Most of The Terrace and the Royal Oaks area doesn't have 13'. In order to park it in the back yard and, I've pulled a lot of trailers and consider myself fairly proficient in backing them up, even to get through a 10' or 12' space with an 8' trailer takes a straight shot at least the length of the tow vehicle and the trailer to get past the house. Once you get past the house, you're still within 5' of the back lot line or the side lot line; you can't just move it over five feet – it takes another area at least the length of the tow vehicle and the trailer to be able to back beyond the side of the building and then make your way over in order to move away from the property line.

City of Springdale Council

February 3, 2016

Mr. Shroyer (continued): So where we have a provision that, for all intents and purposes, is useless to probably a great majority of the residents.

Mrs. Emerson: Maybe so and maybe because my husband's a professional driver; he drives a semi. He said that you can do that. Now I don't know if the typical resident can do that or not but it is possible.

Mr. Shroyer: It's possible. I've pulled a lot of trailers - it's possible, but in most cases, not probable.

Mr. Hawkins: I just wanted to make sure if there are other issues, if we're going to go through and look at this before it goes through the Code, if there are other issues besides the number of hours that it's going to be parked there, if we're talking about reclassifying different recreational vehicles, or what have you, whatever it is that where those concerns are with Council, that we go through and discuss those issues and it's important that if there are other issues, that people specify them now so that if the Administration is going to look at some of these other municipalities that they can get that data so when we have a full discussion, so I wanted to make sure, particularly Mr. Shroyer and anybody else who has an issue or concern that we mentioned some different classifications for recreational vehicles, if that's an issue or if that's something that folks want to talk about, I want to make sure we afford Administration ample opportunity, if they're gathering information, looking at information, that they have that opportunity to look at those things specifically. If we're just talking about the hours, that's fine but I just wanted to make sure that we're not doing half of this and then come back and someone is saying I wish we would have looked at this aspect of it too. I just want to make sure everybody's on the same page.

Mayor Webster: I personally would like to see Council refine the search a little bit stricter for us - what do you want us to do? The only thing I've heard, definitely, is we need to change the hours of how many hours that you can park the vehicle there in front of your house. Okay, do we want to consider different classifications? Let's get a yes or no on that and our consultant said she has never run across that. Is that something you want us to search the whole United States to see if we can find somebody that's doing that or do you want to cross that off? Give us some better direction from what you have given us up to this point as for information that you want us to play with within the next week or so here. I don't know, Mr. Parham, whether he has enough information to go on a search or not, do you?

Mr. Parham: I think the only thing that I have heard so far that is definitive is whether we need to look at is the amount of time that an individual has to have access to their RV at their property.

Mayor Webster: Right, that's I've heard definitely. We've talked about a lot of other things but give us some better direction, please.

President Vanover: Alright, Council, speak up.

Mrs. Emerson: I'm in agreement with that - that we extend the 72 hour per calendar month to 96 hours and that's all I would change in that. I think if you get down and break down all the classifications between boat, wave runners, and everything else, I think it's too hard - any rules you make you have to be able to enforce and I think the more complicated we get it, we make it, the more difficult it is going to be to enforce. I think we just need to look at the RV situation, keep it as is, and extend it to the 96 hours a calendar month.

Mayor Webster: Mr. President, can I suggest that we maybe address the two issues that she's brought up and let's get a yes or no. Do you want to go from 72 hours to 96 hours and are we making an amendment? Let's get that one put aside and, in the same way, do you want to consider classifications and let's say yes or no on that one. I think that would help us a great deal and trying to compare other cities.

Mr. Hawkins: I have no objection to extending the time to 96 hours from 72 hours.

President Vanover: Mr. Diehl, your thoughts?

Mr. Diehl: I agree.

City of Springdale Council

February 3, 2016

President Vanover: Mrs. Harlow?

Mrs. Harlow: I'm fine with that.

President Vanover: Mrs. Emerson?

Mrs. Emerson: Agreed.

President Vanover: Mrs. Ghantous?

Mrs. Ghantous: I agree.

President Vanover: Mr. Shroyer?

Mr. Shroyer: That's fine.

President Vanover: Mr. Hawkins? You said it. I go along with that too.

Mr. Parham: So there is really no research for me to do on that one – we will just make the adjustment.

President Vanover: Okay. Anything else?

Mayor Webster: We talked about the classification of the thing; I'm the one who brought it up - I thought it was, and like I said, I could care less about it, but do you want us to consider that or do you want us to try to find a city that has different classifications as vehicles?

Mr. Diehl: I have a question for Mr. Taylor on that. If we have four or five different classifications, what type of burden does that put on you?

Mr. Taylor: Well, I guess my concern is unless it's pretty darn specific, we're going to run into a hornet's nest because Person A might say well, it's a this and Person B says it's a that and we're faced with trying to draw some kind of conclusion, so I guess my preference would be if we're going to draw that distinction, I would like to see it drawn as specifically as possible because otherwise I fear it's going to be an enforcement nightmare.

Mr. Shroyer: My understanding was the last time this was revised was to specifically address the large vehicles, the height was brought down, the length was brought down, and in the process, where they could be stored also was redefined. I wouldn't advocate different classes of vehicles. I would advocate that if the vehicle fits within the 20' length, the 8' height, and it's licensed by the State of Ohio, that it can be parked the same place any residential vehicle that fits within that classification can be parked. Thank you.

President Vanover: Mr. Hawkins, thoughts? Aye/Nay?

Mr. Hawkins: I'm open to having further discussion if Council wants to go through it. It's not something that I'm sitting here saying I think we have to, we need classifications or need the changes but I'm open to discussions if some of the ideas Mr. Shroyer has had, I'm open to going through and looking at them more in-depth, if that's where we're going.

President Vanover: Well, let's address the classification break down - specific classifications - do we want, for example, watercraft – you have personal watercraft, you have watercraft, trailers are pretty much cut and dry – it's either a noncom or a commercial trailer. There's no middle of the road on that. So do we want – I guess the question is do we want to refine the Code to include classifications; specific classifications of different watercraft, I guess, that's really the drive here, correct, Mr. Shroyer, Mayor?

Mr. Shroyer: To me, a vehicle is a vehicle - whether it's a watercraft, wave runner, a pull-behind camper. If it's less than 20' long and less than 8' high, it meets the objective of the last changes that were made.

City of Springdale Council

February 3, 2016

President Vanover: Mrs. Ghantous, your thoughts?

Mrs. Ghantous: I'm not in favor of classification. Part of what started the whole process, I don't know how many years ago, was when the folks were coming and asking for permission to park their big RVs. Throughout that process what we learned was that the neighbors found it annoying. They didn't want to see it, they really didn't want to see it, and I don't see how classifying it is going to change that fact. They're going to complain about a boat; they're going to complain about an RV; they're going to complain about a canoe - they don't want to see it. We heard that over and over and that was kind of how the committee arrived at where we were - the residents were telling us we don't want to see these things so, because of that, I'm not in favor of the classification.

Mrs. Emerson: I agree with Mrs. Ghantous.

Mrs. Harlow: I'm conflicted about this because I would like to see our residents be able to use their property however they want as long as it doesn't infringe upon the neighbors and I do know that parking RVs and things like in your sightline can infringe and then I think that it goes back to what can be enforced. We don't want to, again, do anything that can't be enforced, so I'm conflicted about it.

Mrs. McNear: My son has a lot of toys. He lives in the township so it's not a concern for his breaking any rules. Some of it he stores on his site; some of it he stores in storage and I can tell you I do not want to live next door to him because I do not want to see all of his toys. Thank you.

Mr. Diehl: I agree with Mrs. Ghantous.

President Vanover: And I would say that too. So it either fits or it doesn't and that's the way it will go. Okay, is there anything else? Council? Administration?

Mr. Parham: There is no legislation or anything before you. We were simply going through. I think we will just make the adjustments in the document that will be presented. Well, let me make sure before I speak, because it did go before Planning Commission.

Mr. Forbes: Right. The only point I would like to make procedurally is that, keep in mind what you will have before you is an entire new Zoning Code, the whole document, which went to Planning Commission and that has now been recommended for approval. So that document is what will be coming to you because that is what Planning Commission recommended for approval. Now what your code says is you are permitted to make changes to it at this level but I do want to point out that any changes that are made that will differ from the Planning Commission recommendation - that means that now it is going to require a 2/3 vote of Council instead of the simple majority. So if you do anything any differently than what came out of Planning Commission, it just takes five votes instead of four.

Mr. Parham: So just for clarification purposes Jeff - at the meeting in which Council chooses to take action on this, the March 3rd meeting, then someone would have to make a motion to amend with the 96 hours.

Mr. Forbes: Whatever changes.

Mr. Parham: That is the only one I have heard so far, is the 96 hours. Outside of that, if there are any other changes, so nothing has to occur this evening.

Mr. Forbes: Correct.

Mr. Parham: This is just more of a discussion this evening.

President Vanover: Okay.

Mrs. Emerson: But it has to be five.

Mr. Parham: And it has to be five votes to support it.

City of Springdale Council

February 3, 2016

President Vanover: Okay.

Mayor Webster: But what I'm hearing, Mr. Parham, is that Council's asking us to give them some more information to address these other issues that have been discussed tonight and I'm not sure what you're looking for, do you?

Mr. Parham: Well, I am not sure. I thought the only things we discussed was just the 96 hours and we have handled that one. We talked about the classification; we have handled that one. I have not heard anything new.

Mayor Webster: Is that the only issues we have then?

President Vanover: Seems to be. Council, is there anything else?

Mayor Webster: So you're not looking for us to give you any more information?

President Vanover: I'm not, no.

Mayor Webster: I'm not looking for work; that's fine.

Mrs. Ghantous: I just wanted to speak to one thing that Mr. Shroyer said. What you said about the commercial vehicles being the same or similar in size to the RV – what you said is very logical but don't you think that neighbors might have a different feeling, or opinion, if they see somebody's parking their van for work, their truck for work, and not the big one like Mrs. Harlow was speaking about – I'm talking about the regular things that we allow. That doesn't seem so bothersome to me personally because that's their vehicle that they use for their job so even if it has a logo on the side or, you know, something that indicates it's obviously a commercial vehicle, somehow I kind of just say that's their work vehicle, that's what they have to have, that's what they use and it doesn't seem to me personally to be bothersome and I think that a lot of people would feel that way. So when I look back on all of the folks that we heard from that had issues and were annoyed, because I think that's the best word to use, about the RVs parked in their neighbors' driveways. I just think that most of those people might look at it the way I'm looking at it where there's less annoyance if it's a work vehicle. Now what you said is absolutely true – if they're the same size and it blocks the sightline, then it is the same thing but when we go back to what started and opened up this conversation originally, that was the fact that the neighbors were annoyed about the RVs. My opinion would be that most of those people would be less annoyed by a work vehicle than they would be by a toy. I'm not sure about that but that's what I think.

President Vanover: Well, I can state that I have a resident that we've gotten a couple of letters and it was commercial vehicles were called out specifically. Mine is a typical, it's not a one ton, two ton dump; it's a ¾ van - it's a work van. It's white; my nephew said I need to put a logo on there because otherwise I would look like a child molester, but, be that as it may. One man's garbage is another man's gold. We're the ones that are going to get the phone calls and the Mayor too, I'm sure and Mr. Parham and Mr. Thamann. But at least there's concurrence that this is, you know, Mr. Hawkins said, you're not going to please everybody and somebody's going to get – well, whenever letters on violations go out, there's always burrs that come out. This guy's got shingles hanging off and this guy needs painting, etc. so we're going to upset some along the way and that's the nature of the beast.

Mayor Webster: I've been sitting here debating whether to tell this story or not and I think it's very appropriate because, like you said, wherever we draw that line – size, shape, whatever, - somebody's going to be gored, if you will. This past fall, I was out campaigning and I knocked on this guy's door. He comes to the door and I told him who I was. "I hate that City of Springdale". I said well, I'm sorry to hear that. So he proceeds to tell me that the reason he hates the City was that we gave him a citation because he was parking his cars on the lawn. I said well that doesn't look very good. He said I was trying to do the police a favor. He said you know we took all six of our vehicles when the snow emergency was announced and we wanted to get them off the street and we put all six of them in the side yards. I said you have six vehicles? Well yeah, he says, we got a lot of people in this house. He rattles off grandma, and this, that, and the other.

City of Springdale Council

February 3, 2016

Mayor Webster (continued): He said the same way with the garbage cans – we had the garbage cans there by the side of the garage and he says they gave me a citation on that. He says when you got ten people, you got a lot of garbage cans and you can't build a shed big enough to put all these cans in there. And then he says on top of that, the Building Department gives me a citation because I have too many pets. He said we only had four dogs; three of them are ours and one's my sons – he got called into service. So I'm standing there talking to this man, looking at his house, and here a little cat comes out, so he's got four or five dogs, a cat, and the Building Department is on his case because he's got too many animals. You know what I said to that man – you know, I think you'd really be better off living out in a township somewhere where people didn't care what you did with your house, your vehicles, or cans or pets, thank you and I marched on down the street. There are some people out there that that's exactly the way they feel, that there shouldn't be any regulations about how many people live in a house, how many garbage cans you have or where you store them or how many vehicles you have or where you park them. I looked that man in the eye and I'd look him in the eye tonight and say you're really not the type of person we want in the City of Springdale.

Mrs. McBride: Mr. Vanover, if I could just also just remind Council that we are not only looking at the Zoning Code but we are also looking at the Zoning map. That has been modified just to reflect some of the district changes that we've made so I just wanted to make sure that when we're talking about the Code, we're talking and acting on the Code and the map both.

Mr. Shroyer: Just to clarify, if this moves through the process, we pass this document just as it is, we are then opening up to any type of commercial vehicle, as long as it fits within 20' long and 8' high - it can be a wrecker, it can be a box truck, it can be signs on both sides, whatever you choose, as long as it fits, as it reads now, am I correct?

Mr. Parham: Liz?

Ms. Fields: The Code, as it reads now, allows for one commercial vehicle to be able to be parked in the driveway as long as it's less than 8' in height and 20' in length. We did update the definition for commercial vehicle. We did simplify it to the definition for commercial vehicle in the new Code as a vehicle which displays any commercial activity which use is primarily for commercial purposes. So, if that is a concern, I would recommend maybe altering the language to say one personal vehicle used for commercial purposes or something along that line, if we're concerned about other commercial vehicles being parked in the driveway.

Mr. Parham: I guess, that if we retain the dimensions, the 8' and the 20', we are not going to have those other big things that we talked about – they would be outlawed; they would not be permitted, if they fit within those parameters.

Mr. Shroyer: I don't know that a standard wrecker is more than 20' long.

Mr. Parham: Okay, then maybe we need clarification; maybe we need to call out those items as they're currently called out, I believe. Are they not? In the existing code?

Ms. Fields: Yes, the existing code definition kind of specified those specific uses which I don't think, if changing the definition is going to still get you the result that you want. Really, the intent was, again, personal vehicles used for commercial purpose. So I think if we changed that language in that section. Let me find it.

Mr. Parham: Which page?

Ms. Fields: Twenty seven. So if we said, on 27, the "E" is the section that's in question. Currently it says "however, one commercial vehicle shall be permitted to be parked or stored in or upon a driveway in a residential Zoning District provided it does not exceed 8' in height or 20' in length." So if we changed that to say "one personal vehicle which is used for a commercial purpose, shall be permitted per those regulations" - is that more in line what Council is aiming for?

Mr. Parham: I guess I am more so leaning towards identifying specific examples as to what would constitute a violation and what would not constitute a violation.

City of Springdale Council

February 3, 2016

Ms. Fields: Okay.

Mr. Parham: For enforcement purposes. I think that gets to what Gregg talked about earlier and then there's the debate we really do not want – our enforcement department debating with someone as to whether it is in violation or not.

Ms. Fields: So you would prefer if we stated a car, truck, van.

Mr. Parham: A box car, a dump truck.

Ms. Fields: Outlawing, specifically outlawing certain things.

Mr. Parham: Yes.

Ms. Fields: Okay.

President Vanover: Okay, anything else?

Mrs. Emerson: Thank you, Mr. President. I have a question – so if there's a tow truck that's 8' high and 20' long, it's allowed to park in the driveway, correct - and it's commercial, is that correct?

Mr. Parham: No. Well, what we just talked about is we would identify specific things that would be outlawed whether they fall within those parameters or not. As Mr. Shroyer talked about, you may be able to find something that falls within the 8' 20' but if it is something that we would prefer not to have on the street, then we will identify those specifics and those things would be outlawed.

Mrs. Emerson: Got you; thank you.

President Vanover: Mrs. McBride, just one little tidbit. You were talking about cell phones and as I have frequented one of your western cities, they do a good job of creating cell towers that look like trees, specifically Vegas. My son was there for two years before he realized some of those trees were cell towers. (Laughter) That apple fell further than the tree than I'd hoped. But those are nice; I know there's a price tag that goes with that and they're not going to.

Mrs. McBride: And if they're not done Class A+++, then, personal opinion, they look worse than the cell tower itself.

President Vanover: Sure, exactly; you're right but there's hope that we'll have palm trees in Springdale one of these days. With that, we will move on to Ordinances and Resolutions.

Ordinances and Resolutions

ORDINANCE No. 3-2016

PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,000,000 REAL ESTATE ACQUISITION BOND ANTICIPATION NOTES BY THE CITY OF SPRINGDALE, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS, PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES, AND DECLARING AN EMERGENCY

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

Mayor Webster: Mrs. Wehmer, would you please step forward? On the second page of this document, Section 6, it says these notes are not general obligations to the City.

Mrs. Wehmer: Correct.

Mayor Webster: So they're not revenue notes, so what are they?

City of Springdale Council

February 3, 2016

Mrs. Wehmer: They are revenue notes. They're special obligations you're pledging any of the City's revenues other than your taxes. The purpose is for economic development and therefore you cannot pledge your full faith in credit for the payment of these notes.

Mayor Webster: So we're buying this property and we're going to tear it down and hopefully have some other business go in there. So what happens if we can't sell the property? We can't pay the note off with taxes?

Mrs. Wehmer: You can. There is a difference between what you're allowed to pledge and what you're allowed to actually use for the payment. You have the ability to decide, as a Council, what monies in the City budget you want to use to pay the debt service on the notes.

Mayor Webster: Regardless of what it says?

Mrs. Wehmer: It doesn't say you can't use tax money to pay. It says you can't pledge tax money so the note holders have no right to force you to use the tax money. They only have a claim on the nontax money revenues of the City and the sale proceeds from the property. You, as Council, have the ability to decide which monies of the City are actually going to be used but if you do not sell the property, it is a possibility that the City could choose to default on the note by not appropriating other funds if there aren't sufficient sales proceeds because you haven't sold the property. It's unlikely that Council would decide to do that but, because you're not allowed to pledge your full faith in credit, you could make that determination at some point in the future. Now, we have lots of time because you don't necessarily have to pay the notes off immediately upon their maturity date, but should you be unable to refinance the notes, we would have to have these discussions - how are we going to pay for the continued holding of the property until we do find a buyer for it?

Mayor Webster: If financial conditions would change and we couldn't get someone to, say a year from now we still haven't sold the property and we need to renew this note - financial conditions have changed, interest rates are maybe sky-high, are we at a disadvantage by it not being a general obligation note?

Mrs. Wehmer: Well, it will be harder to market because it's not a general obligation note. It will be harder to find a buyer for the note at maybe the interest rate that you want to pay. Special obligation notes and taxable notes, because this cannot be tax-exempt, require a higher rate of interest by the purchasers in order to hold those obligations but the statutes don't allow you to issue general obligation debt for economic development purposes.

Mayor Webster: What about for community development purposes?

Mrs. Wehmer: If you were going to buy the property to put a community center on or a senior center or a fire station or a public park ...

Mayor Webster: Eliminate blight?

Mrs. Wehmer: Yes. Excuse me?

Mayor Webster: Eliminate blight?

Mrs. Wehmer: Are you going to leave the property green space?

Mayor Webster: Until we find a buyer, yes. (Laughter)

Mrs. Wehmer: Therein sort of lies the problem. If, after a certain period of time, the property is not marketable and Council decides to do something else with the property for some period of time, it may be possible to issue general obligation debt for that period of time that it might be being used for a different purpose, but for the immediate future, it was my understanding that Council's plan is to immediately market the property for redevelopment and hopefully it will be attractive to somebody and it will not be in the City's possession very long. If that does not come to pass and Council makes other decisions about the use of the property, then we can revisit how the debt could be restructured in the future.

City of Springdale Council

February 3, 2016

Mrs. Wehmer (continued): It's one of the reasons why we do not recommend that communities issue long-term bonds for these kinds of projects because things change and once you issue long-term bonds, that's much harder to change with the facts and circumstances.

Mayor Webster: Along those lines, assuming that our plans come to fruition here, we can pay this off any time after August of this year?

Mrs. Wehmer: Right.

Mayor Webster: In full or in part?

Mrs. Wehmer: Yes.

Mayor Webster: We can make a payment on it. Okay. Now, Section 10, the Annual Debt Service, "the annual interest due on the notes plus an amount equal to a principal payment as if the notes had been issued as 30-year bonds" – so in other words, \$3M is \$100K we have to pay off on the principal at renewal?

Mrs. Wehmer: You do not have to make that principal payment necessarily on that schedule while it is in note form for the first five years; however, that language is in there for calculating a debt service coverage ratio. If you were going to be issuing any additional debt and pledging these same revenues, you have to first make sure that you have sufficient to pay at least \$100K plus the current interest before at 1.25 times plus the debt service on any other calculated in a similar manner in order to be able to issue additional debt. So that, assuming it's a 30-year bond, is for purposes of the debt coverage ratio for purposes of issuing additional debt subject to the same pledge. It is not saying you absolutely have to pay \$100K every year. Now, at some point, once the debt has been out for at least five years, you will have to make principal reduction payments on the obligation.

Mayor Webster: Alright, thank you.

Mr. Diehl: Since this is a bond, do we have to draw down the entire amount at one time or can we draw as needed?

Mrs. Wehmer: No, you will receive the whole principal amount. Now the ordinance is structured as a not to exceed amount and Administration will finalize the amount. It might be the full \$3M, it might be \$2.5M, but once they finalize the final amount of the bond with the bank, you will receive the entire amount of those proceeds at closing.

Mr. Diehl: Typically, what's the time period for that?

Mrs. Wehmer: Well, you adopt the ordinance now; the initial proposal by the bank called for closing on February 16th. If there's going to be a close in the closing date, the bank is going to have to be consulted if we're not ready to close on the 16th so a decision will need to be made fairly quickly about the final amount and any other terms that are still be to negotiated with the bank in order that we can get the closing documents prepared and to the City for execution and then delivered to the bank for closing in time to close on the 16th.

Mr. Diehl: Thank you.

Mayor Webster: Mr. Diehl, you were thinking along the same lines as I was thinking initially when I asked Jeff and Christine, they were meeting with the banks, if we could establish a line of credit, we would draw down just what we needed, so Day 1, we'd just draw down \$1.950M and then as we started tearing the building down, then we'd draw down some more and they said that's a no no; cities cannot do that, so we have to borrow the whole enchilada.

Mr. Parham: In response to Mr. Diehl's comments and also Brenda's comments, we had originally talked to the bank about a February 16th time frame; that's what's identified in the documents. We have had conversations with them; they are open and flexible to extending that time, so I think we should be fine.

City of Springdale Council

February 3, 2016

President Vanover: Any further discussion? (None.)

With a vote of 7 – 0, Ordinance No. 3-2016 passed with seven affirmative votes.

Old Business - none

New Business - none

Meetings and Announcements:

Mr. Thamann: A couple items I'd like to report on. I know I've mentioned this in the past couple of meetings, but AARP income tax assistance is available down at the Community Center. That began last Friday, January 29th and they are from 09:30 a.m. until 12:30 p.m. on Fridays at the Community Center. You can contact the Community Center if you'd like to make an appointment and also find out what information you need to bring for your income tax help.

Also, the SYB's Cinema Horse Race Event, will be held Saturday, February 28th at the Community Center. This is one of SYB's major fundraisers and the tickets for admission are on sale for \$6.00 each and they're available at the Community Center.

Also, Heritage Hill Elementary - they are having a Valentine celebration breakfast for seniors in the Princeton School District February 12th at 08:15 a.m. All seniors are invited to attend the event and reservations are required by February 9th and you can contact the school at 864-1434 to make your reservation. Thank you.

Mrs. Harlow: Planning Commission will meet in these chambers on February 9th at 7:00 p.m. and OKI will meet on February 11th at 10:30 a.m. Thank you.

Mrs. Emerson: The Board of Health will meet February 11th at 7:00 p.m. in the conference room adjacent to these quarters. Thank you.

Communications from the Audience - none

Update on Legislation Still in Development

Mr. Hawkins: As you review your Internal Memorandum, Item I was addressed with the presentation regarding the Zoning Code and it will be addressed again at our next meeting. Item II was addressed with Ordinance No. 3-2016, which passed with a 7 – 0 vote and Item III is forthcoming.

Recap of Legislative Items Requested for next Council Meeting

Mr. Hawkins: I don't have any unless there's anything from the Administration.

Adjournment

President Vanover: That brings us to Item XV.

Mr. Hawkins: Move to adjourn.

Council adjourned at 8:58 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2015