

# City of Springdale Council

February 1, 2017

President of Council Vanover called Council to order on February 1<sup>st</sup>, 2017 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 18<sup>th</sup>, 2017 City of Springdale City Council meeting were considered. Mrs. Harlow made a motion to adopt; Mrs. Emerson seconded. With a vote of 7 – 0, the minutes of the January 18<sup>th</sup>, 2017 City Council meeting were approved as published.

## Introduction/ Swearing In

Mr. Parham: Council, tonight we want to introduce to you and to the community a new employee of the organization, a new police officer as you can imagine. That's why all those gentlemen back there are standing up. I'm going to ask Police Chief Mike Mathis to come up and handle the introduction.

Chief Mathis: Thank you again for having us here. Again, it is a pleasure to express the great support we get from our elected officials and from the City Administration. It is a joyous event for administration, and us being able to bring on new people is always a joyous event. I'd like to introduce to you Jesse Morgan. Jesse is one of our newest officers. He went to the State Highway Patrol Academy last year. He was born and raised in Cincinnati. He went to Oak Hills High School and the University of Cincinnati, where he got a degree in Criminal Justice and then went through our process. We like the young man. We hired him then he went up and spent quite a few months in Columbus, where he learned how to properly dress and make his bed. The Troopers show you how to do that in a very specific way, and if you don't, they have you do it again and again and again until you get it right. He was very pleased to find out at the end of the year when he thought he was going to graduate shortly before Christmas that they added two more weeks on due to changes in State curriculum, so he got to graduate in January. He is now in field training with us. He has his mom and step-father here; his aunts; and no offense to anyone else, the most beautiful lady in the room Kelsey; so again I'd just like to introduce him to you. Mayor, you've got to swear him in.

Mayor Webster swore in Officer Morgan.

Chief Mathis: I would be remiss, I'm sorry; I missed another Morgan. We have Shane up there, Jesse's brother who works for Sharonville, right next to us. I've been talking to their chief, and if we have problems, we can maybe work out a swap or something. Some kind of free agency if it comes to that, but I think we're good for now. Again, thank you for coming up and for Sharonville letting you come over.

President Vanover: Officer Morgan, do you want to say something? The mic is yours.

Officer Jesse Morgan: I would just like to shortly say that I really appreciate the opportunity, and I'm incredibly grateful. Thank you.

President Vanover: Welcome. This is always one of the fun parts of our job.

Mayor Webster: I'd just like to officially say congratulations. You've just joined one of the, well we think one of the finest police departments at least in the State of Ohio if not in the whole country. If you ask Chief Mathis, he'd probably say it's the whole country. But anyway, welcome aboard and we're proud to have you with us. Good luck to you.

Officer Morgan: Thank you.

Communications - None

Communications from the Audience - None

Ordinances and Resolutions

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Ordinance No. 6-2017

AMENDING VARIOUS SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE ZONING CODE

President Vanover: Okay, at this point, this is our first reading. We have a Public Hearing Scheduled? Do we have to do a Public Hearing on this?

Mr. Parham: The Public Hearing is scheduled for the February 15<sup>th</sup> meeting.

President Vanover: Is there any discussion at this point in time this evening? Alright, I don't see any lights.

Old Business - None

New Business

Mr. Parham: Council, I think at the last meeting I shared with you that we're pretty much getting underway with the Comprehensive Capital Improvement Program. We held a Bid Opening for the 2017 Street Improvement Program. As you recall, that program was divided into two different phases. The rehabilitation portion of it, the program bids were opened on Thursday, January 26<sup>th</sup>. We received five bids. The lowest and best bid was submitted by Adleta Incorporated in the amount of \$1,516,329.73. If you recall, in the 2017 budget, we reflected a cost of \$1,692,566, so as you can see, we came in \$165,203 below what was actually budgeted for the project. Relative to the maintenance phase of the program, we only received one bid. That bid was submitted by Strawser Construction Incorporated. Their bid was in the amount of \$626,632.63. The 2017 budget reflected \$728,785 for this work, so once again we experienced a savings from after the bids actually came out. That was in the amount of \$102,152.37. Based upon the amount that we budgeted, we had a savings of about \$267,000. So this worked out extremely well in our favor. Just to enhance a little bit more of what we've been able to benefit over the last year, as you recall, we had a 2016 Street Improvement Project that included maintenance work in the Oxford Hills subdivision as well as off the cul-de-sacs off of Glensprings Drive, and included rehabilitation work with the service road off of Route 4 and Kemper Road. We received one bid, if you recall, last fall in the amount of \$593,337. When we decided to reorganize that project, the West Kemper Road portion was placed in with the 2017 Street Project from the numbers I just read off to you. The work with the maintenance has already been completed, and that was at around \$35,000. The service road work will begin this spring, as soon as weather permits, but when we put those three together which made up the 2016 Street Project at the time, we will only spend roughly \$401,000. This is a savings of \$192,000. So it worked out to our benefit to, first and foremost, reject that one bid that came in, but then two, to sort of reorganize things and put them out as a new package. So that has worked well in our favor.

Mrs. Harlow: Mr. Parham, have we ever worked with Strawser Construction before? I'm not familiar with that company.

Mr. Parham: Yes, ma'am. We worked with Strawser. They were under several different names: one was Terry Asphalt Materials.

Another one is identified here, but Terry Asphalt Materials is another name that we've worked with them on. Just one thing that the Mayor wanted to point out is with this particular work, there are a very limited number of contractors who actually perform it. We thought we may have a second group submit a bid, but unfortunately they did not. If you recall, during a discussion last fall, we understood that the State of Ohio was going to have a massive program scheduled that goes out this spring. We wanted to get out in front of their program and that's why we decided to go ahead and bid ours and get moving.

Mrs. Harlow: I'd like to address this to Mr. Parham. You sent us an email regarding the Governor's decision to change how the municipal taxes are collected. Is there anything that we can do to fight that? I know we sent out a Resolution. I would really prefer that our money doesn't go to Columbus and then they met it out to us however they want us to have it.

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Mr. Parham: There are always things that you can do. That came from the Ohio Municipal League. One of the things that they request and suggest is that we contact our State Representatives to impress upon them not to adopt such a budget. It is proposed for the 2017 – 2019 Biennial Budget. Absent of that, I guess I'm more of a fighter, so it depends on how you want to address it, if you don't think you can convince them not to support it. The frustrating thing that I see coming out of a lot of what's going on in Columbus is some of the attacks on municipalities. There are two things that stand out. One, the one that we're talking about right now (that they're going to propose). Number two, at the end of the last legislative session, a bill was passed that focused primarily on registration of pets, but what occurred is that a number of other, I think somewhere in the neighborhood of twenty-eight items, were added to that bill that had nothing to do with pets. One of those was relative to what we refer to as small cell towers. Legislation was adopted that essentially takes out of our hands the ability to regulate small cell towers coming in to our community. As long as a cell tower provider provides application, and I believe the height is fifty feet, there is very little we can do to prevent them from putting one in front of your home or putting one in front of many places or anywhere in the public right of way in the City of Springdale. That legislation was only impacting municipalities. It does not impact townships. It does not impact the County. It is simply cities. A majority of the folks that are in the State Legislature, my understanding, are from townships. They're not from municipalities, and slowly but surely, home rule seems to be eroding and under attack. These are two things that I see occurring now that are further attacking the home rule. There's been a bill introduced repeatedly by one individual, I believe, that has called for municipalities to not have the ability to levy an income tax against anyone who does not live in your community. I'm not sure they understand the magnitude of that, but with the jobs that we have in the City of Springdale, the majority of those people do not live in Springdale, so we would not be able to collect income tax off of them. That would hit our Earnings Tax, which we know is about 81% of our revenue, severely. That would cripple this community. It would cripple a lot of cities, and so we are constantly under stack. I'm not sure how you change it, other than maybe trying to have a sit-down conversation with them. The Municipal League battles on our behalf. I think they got some things changed. In the small cell tower legislation, it was originally one that gave us no authority whatsoever. I think right now we have a very limited authority, but really what they've given us, you really can't say no to the cell tower operator. If you recall, I think the Planning Commission or the Staff may have reported to the Commission at some point, we were considering trying to get ahead of these, because we're being inundated right now with requests from cell tower operators wanting to bring cell towers in. To date, the Public Works Director and I have been sort of trying to limit the height, size, and location and it's been working to a degree, but I just didn't feel comfortable and think that's where our community needs to be, so we wanted to bring legislation before the Planning Commission and eventually before Council for us to set something in stone how we regulate small cell towers. Well, we put that on hold until we had an understanding of what this new legislation that's been adopted says. Now we know what it says, so it really doesn't matter whether we put something in place because we have very little ability to regulate them.

Mrs. Harlow: If I recall correctly, the last time that we asked our residents for a half of a percent increase in the Earnings Tax, we were not able to use City funds to fund that and all of the members of Council kicked in and contributed to that. Is that correct, Mayor?

Mayor Webster: Yeah, that's true. We are prohibited from using public funds to promote an issue like that, so I think we all dug in our jeans to come up with \$100 a piece or something like that.

Mrs. Harlow: And it really bothers me that we cared enough about our community and our services that we would work and give our own money to increase our Earnings Tax, and some of us do live in the City and would be paying that tax, and then it's going to go up to Columbus and they can do as they see fit to do with it and give it back as they see fit. That really bothers me.

Mayor Webster: Well, bear in mind, this is just the Governor's proposal. I think, somewhere down the line we're probably going to want to send a Resolution to all of the elected reps, especially Mr. Dever, our local District 28 representative, but I would suggest now we just monitor it through the Ohio Municipal League and let's sort of let them take the lead on it because they're right up there battling this thing every day. This is not the first time

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this has been brought up. This is a five, six, seven year battle and this was part of the original proposal and they knew that this would never fly, so they took it out in order to get the uniform code adopted, which you folks didn't have any choice. You had to adopt it the beginning of last year, I think, or the end of '15 maybe. But anyway, that satisfied Mr. Kasich temporarily, but now he wants his last budget to pull all of the receipts into Columbus and have them take out one percent for operating and for service fee and then return the other ninety-nine to us. Now that might last on year one, year two, but as Mr. Parham just indicated, we've got all these township people up there. Townships are not allowed to levy an Earnings Tax, so they're going to see all this money these municipalities are getting, all this money going to Springdale. Why don't we give some to Green Township and this township and this township. It's a matter of time until the money that we send up there, just like the Sales Tax and the Income Tax that we send up there. You saw what happened to that. They used to send some of that back. Well, Mr. Kasich decided he wanted to keep it all in Columbus, and he did. I just don't think that he's got the wherewithal and the legislation to pull this thing off.

Mrs. Harlow: I certainly hope not.

Mayor Webster: I just don't think he has it. So I would suggest we certainly monitor it. We get a monthly, if not more often, publication from the League, and let's just take their lead and once they say inundate your Representatives, we'll be prepared to do that.

### Meetings and Announcements

Mrs. McNear: This is your reminder to prepare your Financial Disclosure Statement for 2016. The deadline is May 15<sup>th</sup>. Do not be late; you will be fined.

Mrs. Harlow: There will be a Spruce Up Springdale Committee meeting. Everyone is invited and urged to attend. It's tomorrow evening at 7 p.m., and we're going to ask Administration if we can have it in these chambers, since our last meeting we had to pull chairs in. So if we could have it in these chambers, that would be appreciated.

Mrs. Zimmerlin: Just a reminder that you can still register for spring sports. That's softball, baseball, t-ball, and spring soccer, and you can call the Community Center for that.

AARP is still offering the free tax assistance, and you need to call for a meeting for that as well.

The City Building will be closed on Presidents' Day, February 20<sup>th</sup>.

Mrs. Emerson: The Board of Health will meet on February 9<sup>th</sup> at 7 o'clock in the conference room adjacent to these chambers.

Mrs. Ghantous: Board of Zoning Appeals will meet on Tuesday, February 14<sup>th</sup> at 7 o'clock.

Mrs. Harlow: Planning Commission will meet on the 14<sup>th</sup> at 7 p.m. in these chambers.

Communications from the Audience

- None

Update on Legislation Still in Development

Mr. Hawkins: Item number one in your internal memorandum, an Ordinance amending various sections of the Codified Ordinances of the City of Springdale, Ohio, we had a first reading on. All other items are forthcoming.

Recap of Legislative Items Requested for next Council Meeting

Mr. Hawkins: We'll have a second reading and a public hearing on an Ordinance amending various sections of the Codified Ordinances of the City of Springdale Zoning Code. We also have a request for an Ordinance authorizing an agreement with the contractor with

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the best bid for the 2017 Street Program and declaring an emergency; an Ordinance authorizing an agreement with the contractor with the best bid for the 2017 Maintenance Work and declaring it an emergency; as well as an Ordinance authorizing the City to enter into a lease/purchase agreement by and between US Bank Corp Government Leasing and Finance Inc. and the City of Springdale to purchase a new fire engine and declaring an emergency; and an Ordinance accepting a proposal under the State of Ohio Cooperative Purchasing Program and authorizing the purchase of a new fire engine from the Voegelpohl Fire Equipment Inc. in the amount of \$575,285 and declaring that an emergency.

President Vanover: Before we move on to item fifteen, we all have our Emergency Operation Plan binders in front of us. Go through, and I guess Mr. Parham, if we need field questions...?

Mr. Parham: You can let me know.

President Vanover: We can let you know?

Adjournment

Mr. Hawkins made a motion to adjourn. Mrs. Harlow seconded the motion and Council adjourned at 7:24 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

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