

City of Springdale Council

May 2

2012

President of Council Marjorie Harlow called Council to order on May 16, 2012 , at 7:00 p.m.

The governmental body and those in attendance recited the pledge of allegiance. Mrs. McNear gave the invocation.

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

The minutes of May 2, 2012 were approved with seven affirmative votes.

COMMITTEE AND OFFICIAL REPORTS

Civil Service Commission - Mr. Thamann said they certified the eligibility list for the top ten candidates for the senior administrative assistant's position. We will be setting up interviews later this month.

Rules and Laws	-	no report
Finance Committee	-	no report

Planning Commission - Mr. Vanover said the color and material changes for the Autism Center at 305 Cameron Road was tabled. The minor improvement to color changes at Hooters, 12185 Springfield Pike is an issue that happened three years ago and they were given time to get it taken care of it and it hasn't been. That was tabled also. The next item was minor improvements to the exterior façade at Springdale Plaza, 459 East Kemper Road. They are removing the SP on the keystone in the arch and building up in the middle of the façade. That was approved 7-0. Firehouse Subs at Princeton Plaza requested a minor improvement to the exterior façade. They are reconstructing and will have an outside patio area. That was approved 7-0.

Board of Zoning Appeals – Mr. Hawkins said a patio roof at 501 Lafayette Avenue seven feet into the front yard was granted. The resident at 584 Observatory asked for an addition 19 feet from the rear lot line and a screen room addition on the other side of the rear of the home. The addition passed 6-1 and the screen room failed 5-2. The board also discussed a point of clarification regarding the property at 12134 Kenn Road. This resident put up a shed and there was a question as to whether they had to maintain vegetation around the shed. It was determined that they needed vegetation to screen the shed from the neighbors. There was also discussion about the terms of Council members and residents on the Board of Zoning Appeals. Several members gave input. They were supportive of Council members terms being two year terms. At the same time they felt the non-elected members should be kept at four year terms. Most of the rationale was that it takes some two or three years for them to get up to speed. One person was okay with Council members having shorter terms based on the fact that they felt Council members should do other things and touch other committees.

Mr. Knox said 571 Lafayette Avenue is a corner lot. When the letters came around to the neighbors about an expansion into the front yard they said that's a back yard so corner lots continue to be a problem. They may need to look at that again sometime.

Mrs. Harlow said there are some corner lots where you couldn't find 19 feet of rear yard setback on at all. Those are really hard.

Board of Health – Mr. Squires reported 430 children attended the Children's Health Fair where there were eighteen stations. Thirty-seven pounds of drugs were taken in on Drug Take Back Day. A Servsafe class will be held in September and a woman's health screening will be held at the Vineyard Church on June 9.

Public Utilities	-	no report
Public Relations	-	no report
Capital Improvements	-	no report
Public Welfare, Safety & Education	-	no report

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Housing Board - no report  
Public Works - no report

O-K-I – Mr. Knox said Mr. Policinzi said he and the executive board were in favor of a public/private partnership. Translated that means they are in favor of a toll bridge. The people in Northern Kentucky aren't too wild about a toll bridge so we may have an interesting time. They did say they were going to try to get it straightened out by the end of this year.

Mrs. Harlow said the idea of a toll bridge isn't anything new. The Roebling Suspension Bridge was a toll bridge until 1963. If we need it we have to pay for it and we desperately need it. The sooner we get that bridge the better it will be for this area economically.

Mr. Squires said I assume since Kentucky owns the river they will get all the proceeds. Is that correct? I just wonder why Ohio's even involved if it's going to go that way.

Mr. Knox replied that hasn't even been discussed yet because the people in Northern Kentucky don't even want it.

Mayor's Report - no report

Clerk of Council/Finance Director – Mrs. McNear stated the internal audit is coming along. Mr. Williams is working on the CAFER so that can be submitted in the next several weeks. Hopefully there won't be any findings.

Administrator's Report – Mr. Parham stated the bid results for the City's 2012 Annual Street Program were opened. Adleta Inc. was the low bidder in the amount of \$431,566.60. This project involves full curb replacement, catch basin repairs as well as ADA curb ramp repairs in the Oxford Hills subdivision area. We also included the SR 4 Sidewalk Replacement Project across from Cameron Road. After meeting with the Public Works Committee of Council we had an estimate of roughly \$500,000 that would cover the Oxford Hills subdivision portion. There was an additional \$75,800 budgeted for the SR 4 Sidewalk Replacement Project. The 2012 Budget for the Annual Street Program is \$400,000. To cover our estimated construction costs, we included the General Improvements line item of \$100,000 to help cover the estimated costs of \$500,000 for the Oxford Hills project. Adding on the additional \$75,800 for the Sidewalk Replacement provides a total of \$575,800. Because the bid came in at \$431,566, the only other additional cost that we anticipate at this time is design engineering with CDS for an additional \$19,000. Combine that with the construction cost and the combined total is \$450,000. It will not be necessary that we engage the \$100,000 General Improvements line item. We should be able to cover the cost with the amount budgeted for the street program as well as the budget for the sidewalk replacement. We anticipate that we should not need to go outside for construction inspection.

Twenty-four residents are required to improve their drive aprons. Two of those will have to also repair their driveways and five will have to make improvements to only their driveways. So far, we have had four property owners get permits. I believe they have engaged two contractors. Three of these properties are using the same contractor. One of the four was not required to make improvements to their apron but they decided to improve it as well as the driveway. We became aware because they had to obtain a permit for the apron. The project is scheduled to begin late June with a completion date of early September.

Mr. Parham said we were informed by a resident that Duke Energy has sent out the second letter relative to the City's Electrical Aggregate program. At the conclusion of the seven days and if a resident has chosen not to opt out of our program, they will begin to enjoy the benefits of being part of the program after their next meter reading.

Law Director's Report - no report

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Engineer's Report – Mr. Shvegza said the SR 747/I-275 ramp modifications is scheduled to start mid June. The Beaver Run Creek riparian restoration project is basically complete. Items that need to be addressed have been submitted to the contractor for their action. Construction began today on Century Circle North with the installation of the under drains behind the curb. Final paving will begin early August with an anticipated completion date of early September. Merchant Street construction is scheduled for August. The contractor for the traffic signal system upgrade project requested to move the completion date to June 30. We are reviewing the bids for the street program.

Mayor Webster stated I had the opportunity to view the Beaver Run Creek project last week. It is impressive. It looks like they did a great job.

### COMMUNICATIONS

Mrs. McNear read a letter from Ron Pitman, 579 West Kemper Road addressed to Mayor Webster: "I could not help but notice an article in the Cincinnati Enquirer dated April 28, 2012 – limits sought for speeding. Well, I can appreciate the efforts of Springdale's resident, John Birkenshaw to reduce speeding on Cameron Road. I would have to agree with you and the City Administrator on your assessment and solution of the problem. Installing radical speed bumps on a public street is not the answer. It only adds a danger factor to the general motoring public, especially in bad weather, rain, ice and snow. I always see the Police Department's patrol division out of the street patrolling all areas of the city aggressively. I applaud their dedication to the residents. The Police Chief's increased attention to the Cameron Road area will assist in reducing the problem. We are blessed to have such fine officers in Springdale. Everyone should keep in mind that the police cannot be in all areas of the city at all times. As you know, all areas of the city have the same problems; speeding, running stop signs, DWIs and other violations and it is never ending. Mr. Birkenshaw should live on my street which is West Kemper Road near Southland Road. He could really see what speeding, noise, reckless driving, etc. really is. While I can appreciate the efforts of the Sharonville Fire Chief to assist Mr. Birkenshaw, I bet if you ran the problem by the Sharonville Police Department, City Manager or Mayor, their response would be the same as yours; that it is the only reasonable approach to the problem. I am a longtime resident of Springdale. I object to installing speed bumps on any of our public streets. I'm sure that the Departments of Transportation of Hamilton County and the State of Ohio would agree with you and I. I'm also sure they can back up their reasoning with solid traffic engineering facts. If I can do anything to assist you in this issue please feel free to call me. I think that you, Mr. Parham and Chief Mathis are on the right track. Sincerely, Ron Pitman."

Mayor Webster said I appreciate Mr. Pitman's support. I told Council we'd try to have a recommendation in thirty days. We're not ready to do that yet. We are still gathering information. We hope to finalize our position. We have a meeting next Thursday and shortly thereafter we will sit down with Mr. Squires and Mr. Knox and review the data we have collected. We hope to have something back to Council after that. We have not forgotten about it. It's a big project and not something we want to jump in lightly.

### COMMUNICATIONS FROM THE AUDIENCE

Julie Matheny, Springdale Chamber of Commerce gave an update on the Farmer's Market. Opening day will be June 7 from 3 p.m. to 7 p.m. at Springdale Town Center, at Kemper and Springfield Pike. The vendors to date are Brown's Family Market, Walker Farmers Market, Miller's Amish Bakery, New Sole Glass Works, Scissors and Saws, Swan Maiden Soaps, Brite Soapworks, Mamaw Hamptons, It Spells Good, RB2 Farms and Wax On Candles, and possibly Treehuggers. Gorman Heritage Farms is bringing baby goats out to kick off the season.

### INTRODUCTION OF NEW EMPLOYEES

Mr. Parham said as part of our 2012 budget we had planned to replace the Public Works Inspector position. We knew that Mr. Green was retiring and felt it necessary to fill

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that vacant position once he departed. In addition, two of our firefighters left our employment and we are now in the process of replacing them. We're still not at full staff in the Fire Department but we're getting there as times and opportunities improve for not only our community but the general economy. Chief Dan Shroyer will introduce our new firefighter and Jeff Agricola, Public Works Director will introduce our new Public Works Inspector and then the Mayor has a proclamation to present to the Public Works Department.

Chief Shroyer stated that over the past couple of years the department has lost a number of personnel through attrition and unfortunately, were not able to replace those folks right away. While it helped us to make our budget numbers it created some creative scheduling to fill all the seats on the fire truck. Mike McMannis is our newest hire. He comes to us through the part-time fire system. He has worked for Green Township and Colerain Township. That means we get an experienced firefighter/paramedic and either he or somebody else paid for his training. He's ready to go and we put him to work.

Mike McMannis thanked the Chief and the City for the opportunity to work here.

Mayor Webster thanked the Chief and the department. He said the Fire Department used to have 24 full-time firefighters. They went down to 21, then 19. That has been supplemented with part-time firefighters and they continue to perform very well.

Public Works Director Jeff Agricola introduced Mr. Chris Miller as the City's new Public Works Inspector. Mr. Miller is a 2011 graduate of Northern Kentucky University with a bachelor's degree in Construction Management. In addition, he graduated from Cincinnati State Technical and Community College in 2008 with an associates degree in Civil Engineering Technology and Construction Management. To gain his project inspector experience, Mr. Miller worked with ODOT as an intern between 2006 and 2011. He also has some commercial construction experience. Chris started April 30 and already has proven to be an asset.

Chris Miller thanked the City and community for the opportunity to serve.

Mr. Parham said in the past when we would hire new employees in the public safety departments (Police and Fire) we would bring them in and introduce them to Council and the community. I think it's very important that you meet all new employees of the organization and they get a chance to meet you. Although we have not been filling any of the vacancies in the Public Works Department, we do plan to have two more maintenance positions filled in the near future. We will bring them in to meet you and the public.

Mayor Webster said just so the public and you folks don't think we're going on a spending spree here, Chris is a replacement for Tim Green. The other two maintenance positions that Derrick alluded to, Jeff and his staff have been interviewing for a long time trying to select those folks. All the things I said about the Fire Department is ditto for Public Works. They've done a yeoman's job of getting things done with a lot less people. It is unfortunate that we lost a lot of seasoned people through retirement but we're fortunate that a lot of those people came back and worked part-time for us and they are still doing that to this day. We do have reinforcements on the way to try to replace those full-time people that they've lost.

Mayor Webster read a proclamation proclaiming May 20-26 National Public Works Week.

ORDINANCES AND RESOLUTIONS

- none

OLD BUSINESS

Mr. Vanover said I still have not gotten a replacement digital meter. Do we know where Duke is in the City. Everyone else in the neighborhood has a new meter. I thought maybe you knew if they were running behind.

Mr. Parham responded I don't know why you have not received the upgrade but I will make a phone call tomorrow to see where they are with yours and get a general update on where they are in the community.

#### NEW BUSINESS

Mr. Hawkins said with regard to our notification requirements, set by statute I believe, for Board of Zoning Appeals and possible Planning Commission issues, I would like to ask if there is a possibility to expand those. I don't know costs and how do our costs compare with other communities.

Mr. Parham replied our Planner did perform a survey to see how our neighbors handle this issue. Unfortunately, I do not have a copy of the results with me at this time. Our notification requirement is within 200 feet. Townships are required by ORC (Ohio Revised Code) to have a 200 feet minimum notification requirement. If my memory serves me right, I think the Planner's survey included at least three townships. It seems that two of them were at 200 feet and one went to 300 feet. That requirement for townships is not the same for municipalities. I believe that the City of Forest Park requires notification only for the adjacent neighbors. Sharonville, I believe is at 200 feet. If we were to expand to 250-300 feet you'd simply bring in a few additional homes. There was some discussions at previous meetings about notification and there was concern because some individuals on the same street had not received notification but residents on an adjacent streets had received notification. Those on the adjacent streets fell within that 200 feet boundary. I've talked with the Building Official and Planner and we're not sure how the law makers arrived at the 200 feet. I think a number of cities probably followed that limit. One township and maybe one community went to 300 feet but at least two municipalities only notify the adjacent property owners.

Mr. Hawkins asked do you know the average cost for notification?

Mr. Parham replied no. It would add additional homes to be notified and the cost would be for any additional letters and postage but I should think it would be a small number.

Mr. Hawkins stated I would personally be in favor of increasing that to 400-500 feet. In the Board of Zoning Appeals we have had a number of things of great interest to residents and the residents haven't been notified because they are a little further away.

Mr. Parham said if you recall, we had the discussion about speed bumps on Cameron Road. If this issue had been a BZA issue, (I believe the distance from the turn onto Cameron leaving Springfield Pike driving in the direction of Glensharon is .4 mile. I think that would be far greater than 200-400 feet.) each individual on the street would not have received a notice. In the situation with the speed bumps, a resident went out and knocked on every door on Cameron as well as Glensharon and Naylor. That is how the residents on those streets found out about the speed bump issue.

Mayor Webster said I would like to suggest something other than the 200 feet. The 200 feet is sufficient for getting the people behind you and across the way, but I'd like to see it at 200 feet with at least x number of residents on the street. Two hundred feet in a big subdivision could be maybe three houses on each side. I'd like to see that be 200 feet and at least x number of residents on each side of the subject property, maybe ten houses, something that eliminates the size of the lot having a bearing on this. I'd also like to see us go back to putting a sign in the yard so that everybody that goes past that is aware. I know this is a lot of trouble with a minimal amount of expense but I think it's well worth it. We are talking about giving a variance in perpetuity and we've got to live with whatever this body decides to do so I think we should spare no effort to make sure everybody is notified of what is going on.

Mr. Vanover said I think the sign is a good idea. With the sign there if a mailing gets missed there is something solid that the information is out there.

Mrs. Emerson said I agree with the sign plus including ten houses. The last issue we had on BZA included us because we were in the 200 foot area. Otherwise, I would have missed out on that also.

Mayor Webster stated you are on another street and get notified but people five or six building lots away didn't get notification.

Mr. Diehl said I agree and the number going forward should be 50 house numbers in either direction.

Mrs. Harlow asked, if there's a rental property, does the letter go to the renter or the owner? A tenant does not have a vested interest in the property.

Mr. Parham replied the owner. Some communities use the sign and they find that to be effective. We have notification requirements for BZA and the Zoning Code, so I think whatever the number is needs to be consistent. The last issue dealing with the salon could have an impact on the neighborhood, but if you have a resident that wants to place a shed in the back yard, the only people who see that are the two adjoining properties, is that something the neighbor fifty doors down or ten doors down has to receive a notice on. If we change the notification on one we need to keep it consistent.

Mrs. Harlow asked how do we want to move forward with this?

Mayor Webster responded Council needs to decide how many building lots you want to do on each side and turn it over to the Law Director to prepare for the next meeting.

Mr. Hawkins said my recommendation would be to go 500 feet in any direction and ten houses on either side of the applicant on both sides of the street.

Mrs. Harlow said so if I do something in my back yard, then ten houses to the south of me would be notified. That would put me on Northland Boulevard.

Mr. Hawkins said that's a suggestion. I think it's important to increase the radius as well as addressing folks on that street. I also suggest we put the sign in the yard.

Mrs. Harlow said I like the sign and I don't have a problem with more notification. I think it should be ten houses up to so many feet. Some of the lots on Kemper Road are 400 feet deep so if they want to do something, they will be coming back into the subdivision.

Mr. Hawkins said if there are ten houses. If there aren't you only notify the ones on there. The goal is to make sure the folks on the street get a notice.

Mayor Webster said if you adopt ten houses on each side that's twenty houses away on each side of the street. Do you really think you need to expand the 200 feet because that is going to cover the other people on the street behind you? In talking with the Building Department, with an issue in Heritage Hill under the existing guidelines they sent out 33 notifications because those lots are small. With 500 feet we're not talking a huge expense but do we think we need to expand the 200 feet to 500 feet. Five hundred seems almost as bad as Mr. Diehl's fifty houses.

Mr. Hawkins replied that's fair. Maybe it doesn't have to be 500 feet but I'd still like to see the radius increase somewhat, maybe 300 feet.

Mr. Parham said recalling the survey results, we were consistent with the balance of the communities that participated in the survey. Two communities were at 300 feet; two were simply requiring adjacent properties be notified and there may have been three that talked about 200 feet. Just so we're clear on how we would enforce this suggestion, if I started where Madam President is seated, I would count ten doors to the opposite direction and across the street and then count ten doors this direction and across the street. If we include expanding to 300 feet, we're looking at capturing the homes in the

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rear of the subject property. We've already captured the homes across the street but we may pick up the ones on the other side of them, depending on how far you go out.

Mr. Knox stated I'm in favor of the signs. I've seen them in other cities and it worked out quite nicely. I would like to point out if we went to 500 feet and it was Mr. Diehl's house for a variance, we would take in part of Fairfield. Are we going to send these to other cities?

Mr. Vanover said the 200 feet is a 400 foot radius. You are talking a quarter mile. That would get you a front door and back door in Heritage Hill and there are 520 households over there. Maybe we try the sign and run with that for a couple of months and see what effect that has. Then if we need to fine tune it for distance we do that.

Mayor Webster said I'd like to see the number of houses from Day One. I think it's mandatory that we notify people on the block that are going to be mostly impacted by the change, especially when you are talking about a home business.

Mr. Diehl asked what do we do with people on Kemper Road who's lots go way back?

Mayor Webster said on one side they go into the park and on the other they go into Olde Gate condominium complex. The association would get notified.

Mr. Diehl asked how far back do the lots go on Kemper Road going westbound?

Mayor Webster replied 500-600 feet.

Mr. Diehl said so the guy who butts up doesn't get notification.

Mayor Webster said you could always say every adjoining lot would get notified.

Mrs. McNear suggested ten houses to the left, ten houses to the right, ten across the street in both directions and ten houses behind. That covers all of it and you don't have to worry about feet so much as well as using the sign.

Mr. Squires said the number of houses is what's important. Ten houses seems like an awful lot.

Mrs. Harlow said if someone wants to put a business in their house and it's going to impact traffic on your street, that's not a lot.

Mr. Diehl said how about ten on the street you live on and five on the opposite side.

Mayor Webster said I think if you hit every adjoining property and then put the other parameters such as ten houses and 300 feet radius, I think there will be very few cases that aren't well covered.

Mr. Parham said I need to know where we're going so we'll know how to measure and enforce the code.

Mr. Schneider said I understand it to be a three hundred foot radius to include at least ten residents on each side and across the street fronting on the same street and a sign in the yard.

Mrs. Harlow asked for a consensus from Council. Council agreed.

Mr. Schneider said I will make a draft. Do you want me to send it out ahead of time?

Mrs. Harlow replied send it out by e-mail so we can study it before Council

Mrs. Harlow stated I wanted to bring up an e-mail I sent to everyone regarding the Rules and Laws Committee Rules of Council. At the February 2, 2009 meeting the Rules and Laws Committee (Mr. Hawkins and Mrs. Emerson) were asked to review the Rules and Laws of Council. On May 19, 2010 we added a super committee to Mr. Hawkins and Mrs. Emerson and that was made up of Mayor Webster, Mrs. McNear and Mr. Vanover. We chose to do that because of the number of years those people had sitting on Council. On December 15, 2010 Council passed Ordinance 39-2010 which dealt with mostly housekeeping issues. On April 20, 2011 Ordinance 13-2011 was passed. Prior to the passage of this ordinance we had a discussion on Article 30.13 which is the Charter Amendment Review Panel. When we passed it at that time we were getting ready to go into an election year and I did not want left over material for a possibly new Council to be addressing. I let everyone know we would revisit this at a later day. Three members of the super committee favored removing the article from the Rules of Council and four members of Council were in favor of removing the article as well. In order to change this by majority of Council, five votes of Council were needed.

Mrs. McNear read Article 30.13

“Before an ordinance is considered by Council to place a Charter amendment on the ballot, the President of Council shall determine if any member desires for a Charter Amendment Review Panel to be created. If any one member of Council so request, the Law Director shall randomly select five electors of the City to serve. The Charter Amendment Review Panel shall convene to gather facts for and against the need to put such an amendment on the ballot. Said ballot shall report to the Council its findings and its recommendation within forty days after appointment. No member of Council, the Administration, or the Charter Revision Committee shall interfere with the work of said panel and shall only have contact with the panel as the panel may request. The Law Director shall assist the panel in its work and in presenting its findings and recommendations to Council.”

Mrs. Harlow said this review panel would take recommendations made by the Charter Review or by Council to five people randomly selected by our Law Director. I believe this is a burden on the Law Director to find five people who want to serve on the committee who are familiar with Council rules and I'd like to have an ordinance brought in at our next meeting to remove or delete this Article 30.13.

Mr. Knox said Mrs. Harlow and I have separately discussed this question and my feeling is it's not a good idea to have a review committee to review another review committee. Also, it will slow things down as I find great difficulty in finding five random citizens to undertake this. If you want to slow things down, you can leave it this way. If we want to move things along, I think we should delete this.

Mrs. Harlow said we will have an ordinance at our June 6 meeting.

MEETINGS AND ANNOUNCEMENTS

- Police Expo - May 19 & 20
- Veteran's Memorial Wreath Laying - May 25
- Pool opens - May 26
- Community Center closed, pool open - May 28
- Fall soccer sign ups, swim lessons, sailfish swim team - now open
- Pool memberships being sold - now
- Planning Commission - Jun 12
- Board of Zoning Appeals - Jun 19
- Board of Health - Sep 13

COMMUNICATIONS FROM THE AUDIENCE - none

UPDATE ON LEGISLATION STILL IN DEVELOPMENT

- Street program - Jun 6

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RECAP OF LEGISLATIVE ITEMS REQUESTED

Delete Article 30.13	-	Jun 6
Notification Process for BZA	-	Jun 6

Council adjourned at 8:15 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Marjorie Harlow, President of Council

\_\_\_\_\_, 2012