

City of Springdale Council

August 19, 2015

President of Council Vanover called Council to order on August 19, 2015 at 7:00 p.m.

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

Mrs. McNear provided the Invocation.

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

The minutes of the July 15th, 2015 City Council meeting were considered. Mr. Hawkins made a motion to adopt; Mr. Knox seconded. Minutes were approved as published with six affirmative votes and one abstention from Mrs. Emerson (not present at the July 15th City Council meeting).

Committee and Official Reports

Civil Service Commission

Mr. Higgins: The Springdale Civil Service Commission met on August 6th, 2015, with all members and Mr. Thamann in attendance. The minutes were approved from the July 1st meeting. The administrative position for the Building Department were in interviews at that time and the Tax Associate in the Tax Department began employment on August 3rd. There were a number of correspondences, reviewed for the possible movement of the Administrative Assistant list and Tax Account Clerk list and a decision was made not to combine the two lists. Final correspondence was from the Commission to the State Personnel Board of Review forwarding the City's 2014 annual report. That concludes my report.

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

Planning Commission

Mrs. Harlow: Planning Commission met on August 11th, 2015, with six members in attendance. Under New Business, we had a record plat approval at Cassinelli Square. Cassinelli Square had been before Planning Commission in January of 2015 with a subdivision plat which created four new lots. This plat was never recorded and subsequently the Applicant has requested a new subdivision plat be considered and approved and the previously approved subdivision be voided. The new subdivision plat makes up six lots. This was acceptable to the Building Department and it was approved by the Planning Commission 6 - 0. The second item of Business we had on August 11th was a modification to the Graceworks building at 11651 Walnut Street, which is adjacent to Pear Street. They wanted to add an addition of 667 s.f. This is zoned Public Facilities Medium Density. I think that only Anne McBride could probably walk it through the non-conforming use. It is an existing, nonconforming use and the Applicant is proposing to reduce the intensity of the nonconforming use. It will go from ten residents that are currently there, to eight residents, so that is where the changing and reducing the intensity of the nonconforming use. It will still be nonconforming. It was approved by 6 - 0 vote. I would be happy to answer any questions.

Board of Zoning Appeals

Mr. Hawkins: Board of Zoning Appeals met on July 21st and seven Members were present. Under New Business, we had two matters. The first item, the owner of 221 Diston Lane, requested a variance for the garage to remain partially converted living space according to Section 153.105(B), which indicates a residence is required to have a two-car garage. At the time the residence was constructed, a one-car garage was required. A variance was granted with regard to that and passed with a 7-0 vote. They did have to maintain an 8' x 10' storage area and they had to maintain an overhead operable garage door. We also had the owner of 246 Balsam Court appealing the decision of the Building Official issued on June 3rd 2015, to cease any further construction stating that the construction is not consistent with the conditions of the variance granted on October 20th, 2014. The variance allowed a garage conversion to remain. Said variance was from

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Section 153.105(B), which indicates a single two-car garage and related parking area is required. This was a situation where the issue was whether or not the door, which had been converted to siding and looked like a wall, which opened from the side instead of as an overhead door, was in compliance with the variance that the Board had granted. Upon review of what the variance specifically said, it did appear to be in compliance despite it was not what the Board had intended when the variance was granted. That appeal was granted with a 7 - 0 vote, reversing the Building Official. Board of Zoning Appeals also met on August 18th; six members were present. They had four matters on New Business. The first item was the owner of 11779 Lawnview Avenue submitted an application to the Board of Zoning Appeals to appeal Section 153.105(B) of the Zoning Code and requiring a dwelling to have a single two-car garage. That matter was denied with a 1 - 5 vote. The second item that we had was the owner of 11640 Greenlawn Avenue submitted an application to the Board of Zoning Appeals to appeal Section 153.488(H) of the Zoning Code restricting the height of solar panels to the height of the building. That passed with a 6 - 0 vote. Nothing is supposed to protrude beyond the highest peak of the home and the way the solar panels were, they protruded about 3" to 4". We also had the owner of 697 Smiley Avenue submitting an application to the Board of Zoning Appeals to appeal Section 153.480(D)(1) of the Zoning Code requiring recreational vehicles be parked at least 5' from the nearest lot line. In this instance, that variance was granted with a 6 - 0 vote, with the condition instead of a 5' setback, it would be a 4' setback. Last item before Board of Zoning Appeals, the owner at 11535 Jake Sweeney Place submitted an application to the Board of Zoning Appeals to appeal Section 153.222 of the Zoning Code requiring a minimum rear yard setback of 30'. This is Jake Sweeney's property where the BMW lot is. Based on some of the things that they have to follow from BMW, with them having a superstore, they had to change some of their bays for service and so as a result of that, they were going to rebuild and be closer to the lot line of another property that is theirs. That variance was granted with a 4 - 2 vote and instead of a 30' setback, they are allowed to have a 6' setback. That would conclude my report unless there are any questions or if Mr. Knox has anything to add.

Mr. Knox: Thank you, Mr. Hawkins. We did have a discussion following the four variances and that discussion was along the direction that the Board of Zoning Appeals gets for garage conversions or garage eliminations, whichever way you want to look at it. We feel that the new Zoning Code isn't giving us enough direction. Of course a lot of us sat on it and we said that was alright but we're going to need to do some work on that. Thank you.

Board of Health

Mr. Squires: The Board of Health is still on summer break. Their fall meeting will be September 10th.

Public Utilities	Mrs. Emerson	-	no report
Public Relations	Mr. Hawkins	-	no report
Capital Improvements	Mrs. Emerson	-	no report
Public Welfare, Safety, & Education	Mr. Diehl	-	no report
Housing Board	Mr. Squires	-	no report
Public Works	Mr. Squires	-	no report

O-K-I

Mrs. Harlow: OKI did not have a meeting in July and they have cancelled their August meeting.

Mayor's Report

Mayor Webster: Just a couple of things that I wanted to touch on this evening. I am sure all of you have participated in the opening day parade on May 2nd, but anyway, I was very embarrassed at the lack of participation. I think we had seven teams that participated in that. It is not like we didn't have teams that didn't participate - that was the make of the community. We have about seven sports teams playing sports. Anyway, this is not a new problem, it is one that we have been faced with over the years and we spent a good deal of time at the Park and Recreation Commission trying to address

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Mayor Webster (continued): that - what we can do to get youths signed up for sports. There is probably a number of different reasons. I have appointed a citizen's advisory council to try to take a look at that issue to see what they can come up with. It is made up of five residents of the City. It is going to be chaired by a fellow named Darryl Denny; he is a Springdale Lake Drive resident and he is an attorney and works for a downtown law firm. He is an assistant baseball coach and has been for a number of years. I think he has three children in the program. Two members of our Parks and Recreation Committee are going to be serving on here, Steven Brooks, who I think all of you know and also our newly appointed member Megan Sullivan Wisecup, who has a wealth of experience from running the Boosters and so forth. Also, I thought it was important that we had a Council representative on there, so I asked Mr. Bob Diehl, who used to serve on the Park and Recreation Commission if he would be so kind and he agreed. The fifth member is Renee Jacobs up on 509 Kemper Road. Renee is employed by Camp Joy, as I understand, and does a lot of work with the youth in Springdale and is also very active in the local PTA. This group of five citizens, and I reminded them that they did volunteer for this, but I gave them sort of a blank sheet of paper and nothing is off limits - just let us know what you think we can do to increase the participation in youth sports in the City of Springdale. At the same time, I gave them no deadline; I don't want them to feel that they have to get back to us for spring sign-ups or anything else. Hopefully, we will be hearing something in a few months from that committee. It is called the CAP Committee.

I am sure all of you have read a lot in the papers and have heard a lot of talk radio about body cameras for police officers. I guess the latest incident was a death and we found out a Springdale resident, down at U.C., by the U.C. police officers. This is something that our Police Department and Mr. Parham have taken a look at for some time and they are still studying the thing. It is a rapidly changing technology and I think the court is still out on the effectiveness of it and also there are a ton of safety issues and I think the worst thing that we can do is to run out and buy a bunch of body cameras and stick them on our police officers and keep our fingers crossed that we don't end up in court. We are studying the thing; we don't have our head in the sand. We are aware of the fact that a lot of other police departments are installing these things and at the same time, I think our state legislature has a lot of work to do to protect the cities from law suits.

The final thing, I took the opportunity this weekend and called on probably about 60% of the homes down on West Kemper Road, the newly completed section down there, and I was truly amazed at the frame of mind of those folks. We put them through a lot of adversity to get this program finished but it is really a marvelous job. The contractor did a marvelous job and I heard a lot of positive comments about our Public Works inspector, Mr. Chris Miller; he has practically lived on the project. There are some seeding issues and a couple grading issues, but all in all, I would say that the residents down there are very, very, pleased with the project and I would just like to publically say to all of them thank you very much for your patience. The contractor even brought the project in thirty days ahead of time, which is icing on the cake. That concludes my report.

Clerk of Council/Finance Director

Mrs. McNear: A general fund update through July 31st, our total General Fund receipts, based on a budget of \$16.153M, we have received \$12.212M; that is 76% of our anticipated receipts for the year. Of those receipts, our top five resources are earnings tax, real estate tax, paramedic services, local government funds and Mayor's Court; that accounts for \$11.537M, or 94%, of our total of \$12.212M. On the expenditure side, we have net expenditures of \$16.83M and we have expended \$9.543M, 54% of our anticipated expenses for the year. Our General Fund balance at the end of July is \$5.716M. That concludes the financial part of the report this evening.

I also have four liquor licenses that I would like to bring up at this time. Some of these will sound familiar to you - the first one is the Noodles Shop at 11725 Princeton Road. As you may recall at a previous meeting, we did have some representatives asking that they be able to TREX in a license and we do have the paperwork for this today. This is for a D5/D6, which is spirituous liquor for on premise consumption only, beer and wine for on premises and off premises in original sealed containers until 2:30 a.m. The D6, states sale of intoxicating liquor on Sunday between the hours of 1:00 p.m. and midnight. Is there any comments or opposition for this particular item? (None) I'll take that as an affirmative.

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Mrs. McNear (continued): The next one that we have is Thornton's, which is also one that we had that is a transfer in that we have spoken about at a previous meeting. This is at 12175-12195 Princeton Pike. This is a TREX transfer in. This is a C1, beer only in original sealed containers, for carry-out only until 1:00 a.m.; C2, wine in certain pre-packaged mixed drinks in sealed containers for carry-out only until 1:00 a.m. and D6 is a sale of intoxicating liquor on Sunday between the hours of 1:00 p.m. and midnight. (No objections)

Moving on, the next one we have is J and M Pizzeria, LLC, which is doing business as Marco's Pizza at 11439 Princeton Pike. This one is a D1/D2. D1 is beer only for on premise consumption and in sealed containers for carry-out until 1:00 a.m. D2 is wine and certain pre-packaged mixed drinks for on premise consumption and in sealed containers for carry-out until 1:00 a.m. Any objections? (No objections)

All right, the next one that we have is a request for a transfer in. We do have representatives in the building this evening that would like to speak to this item. This is for Jose Castano, and he would like to speak to this item for City BBQ.

Mr. Castano: Good evening. My name is Jose Castano. We opened a new restaurant, it is Columbian street food, Zona VIP, and the address is 11512 Springfield Pike. Right now we have the D3 liquor license and we want to transfer D1 to give us the possibility to sell beer. We opened our restaurant four months ago and business is picking up right now and we hope you approve for us the possibility to transfer that D1 to our restaurant. Do you have any questions?

Mayor Webster: This is a transfer in, right, as we've done in the past?

Mrs. McNear: Transferred from City BBQ and this is for a D1, which is beer only for on premise consumption and in sealed containers for carry-out until 1:00 a.m. So they have one liquor license and they are trying to transfer in this D1.

President Vanover: Council, do you have any questions or objections?

Mrs. McNear: Christine, you will be taking care of getting us the paperwork so that we can get that signed to send the liquor license and then we will probably have the paperwork at the next meeting where we can approve or deny still. Thank you so much.

Mr. Castano: Thank you.

Mrs. McNear: That will conclude my report for this evening.

Administrator's Report

Mr. Parham: Thank you, I don't have any comments right now but I will have comments on legislation later on.

Law Director's report

Mr. Forbes - no report

Engineer Report

Mr. Brueggemann: As was already stated by the Mayor, the West Kemper Road project, we are pleased to report that project has been substantially completed and we do have some pendulous items that need to be finalized but essentially the project is done. The contractor will be submitting his final payment request and we will be processing that and hopefully we can close that project out shortly. On the Boggs Lane Rehabilitation Project, as you are aware, Prus Construction was awarded that project in June. That project is under construction and it is going to consist of some spot curb repairs and some catch basin replacement and some pavement milling and resurfacing of Boggs Lane. We anticipate the construction being completed by the end of September.

Finally, I also wanted to discuss the State Route 4 southbound lane addition. As you are aware, the City applied for STP funds to OKI for 80% of that project, which is \$482,781. That project was reviewed by the OKI Committee and that committee has made a recommendation of approval and that goes to the OKI Executive Board for their approval and that will occur at the September 8th meeting. That is all I have to report.

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Mr. Parham: Just one amendment to the Engineer's report. I think he mentioned spot curb repairs. I think it is the spot gas main relocation work. We do not perform spot curb replacement; we do full curb replacements. Thank you.

Communications

Mrs. McNear: Thank you Mr. President. I do have one item; it is an email. It is an email from Francis Kraemer at 1029 Terrytown. This was addressed to Mr. Vanover and also copied to Mayor Webster. It states:

"Mr. Vanover, my name is Francis Kraemer and I have lived in Springdale, Heritage Hill for over forty years and I am disturbed how the neighborhood is going downhill. Things that would have never been allowed years ago are now the norm - holes in sidewalks, driveways, and aprons; cracks and holes, cars parked in yards, trash put out in bags, no cans; dogs, cats etc. rip bags,; trash put out on Saturday, trash pick-up Monday; holes in streets, Pilgrim more than five weeks, holes in the corner or Ledro and Tivoli for six months; people cut grass and leave it on the sidewalk and not just a few blades - it covers walkway. I am told no ordinance; if not, need one. This is littering, it is slippery when wet and it turns to straw, lays forever; cars block sidewalks, hang over driveway; grass and weeds grow in cracks of sidewalks, some 6" or 8" high. I hear of Springdale pride, we need to find it. Property values are going down, let's stop it."

That concludes Communications this evening, thank you.

President Vanover: I did talk to Mrs. Kraemer and got some specifics on some of these points and we have gone to work on them. We are moving into Communications from the Audience and first, before we open that up, at this portion of the agenda, we are talking about anything but the Public Hearing that will happen here in just a short while, concerning GEEAA Park. If you have anything to bring before Council, other than comments on GEEAA, please do so now.

Ms. Gamble: My name is Latrael Gamble. I recently moved to Springdale at the end of 2013. I retired from the Air Force and moved back to Ohio. I was living in West Chester with my son and his wife and I asked them, after I found two part-time jobs to look for an apartment for me. They found me an apartment in the Willows, also known as "Little Mexico". I didn't know anything about the Willows and I didn't know anything about the taxes that I had to pay to the City of Springdale, because I wasn't informed until maybe six or eight months later. I did talk to the people in the Tax Department and they were excellent and really helped me out with that. I have also talked to people in the Police Department because I filed two police reports regarding personal property damage and I have been stopped two or three times, no tickets; just profiling, I thought. However, I want to talk to someone about building codes, about health and safety. I want to talk to somebody about personal property damage and who is responsible. Who is responsible for the overcrowding - if there is policy that exists that a certain number of people can occupy a space then what is done about that? Who implements these policies, who sets the fines? I want to know what policies govern apartment communities because I am a renter and not a property owner anymore and I pay taxes, so I would like to get answers to those questions because I don't feel safe. I am not secure and I don't feel healthy. My automobile has been damaged on three occasions that I called the Police Department about. That's it.

Mr. Parham: Ms. Gamble, relative to the property damage, I will deal with that one first. In any event, property damage, you should contact the Police Department and they can come out and take a report.

Ms. Gamble: I have two.

Mr. Parham: You have two reports?

Ms. Gamble: Yes.

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Mr. Parham: So they have taken the report. I would imagine, depending upon what information they were able to obtain, maybe it could lead them toward an individual to identify a responsible party. They can address that issue. If we are talking about your vehicle, I would think it would fall just like any other property damage that one experiences, it would go with your individual insurance.

Ms. Gamble: There is no liability to the apartment community, since it is on their property?

Mr. Parham: I would surmise that probably, when you signed a lease, there may be something that you signed also to not hold them responsible, but I am not an attorney. I would think that you would secure legal counsel to assist with issue. But it seems to me that they would probably have you sign something to release them of that responsibility. If not, that is an issue you would have to approach with the owner of the development. Relative to the Building Code issues – Gregg, if you would stand please, this is Gregg Taylor, he is our Building Official (Mr. Taylor stands in the audience). Gregg would be able to assist you with any Building Code issues that you may have. His office is right here in the Municipal Building and he is here Monday through Friday, 8:00 a.m. until 5:00 p.m. and he would welcome the opportunity to talk to you about what concerns you have. I do know relative to single family homes, we do have a limitation on occupancy. Relative to apartment complexes, I am not sure. Gregg?

Mr. Taylor: Not that we are aware of.

Mr. Parham: Again, those concerns would be raised with the property owner of the Willows.

Ms. Gamble: Okay.

Mr. Parham: Those are the ones that I was able to catch.

Ms. Gamble: Oh, I was speaking too fast?

Mr. Parham: I don't write as fast.

Ms. Gamble: The other issues were safety and security. The police presence there is great; they are always around. Even so, I don't feel safe. I'm insecure there. I have been in the military security forces. I've traveled all over the world and I have felt safer than I do now.

Mr. Parham: I will say that, over the years, that may not have been our most cooperative property, but I think the new managers that are there now are better than what has been there in some previous years. The management team, if you will.

Ms. Gamble: The new owners of the property or the management team?

Mr. Parham: The management team. I believe that is a new ownership than what has been there in previous years. We have had unfortunate activities at the Willows; hence, the reason you do see more police presence there. The only thing I can suggest to you that we can do is look at increasing our presence as much as possible and as feasible. To eliminate the fear, unless we are there when the events occur, it is impossible to prohibit or stop those things from occurring. But we do, as you have indicated, frequent that location. The ownership, I think, could put some other things in place perhaps. I don't know, I'm not speaking firsthand, but in order to help their tenants feel a little more secure, maybe there are some things that they can do. We would be more than happy to have our police administration stop by and have a conversation with them as to offering suggestions of things they can do. But again, it depends upon what the risk items are – when I say that - breaking into property, causing bodily harm to another, and those type of things, unsecure properties; I think those are the types of things that we would be able to focus on to try to help them manage that risk.

Ms. Gamble: The police presence there, if I could ask, is it just to make sure that everything is okay or is it to look for illegals, is it to look for drugs?

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Mr. Parham: We are not the enforcers of whether someone is in this country legally or illegally. That is not our responsibility. We do patrol, and if we are aware of drug issues, we focus on those and try to eliminate that issue, as well as any other illegal activity. We also patrol that area just as we patrol other parts of the community.

Ms. Gamble: Okay. Is there anyone in your Police Department that I could talk to?

Mr. Parham: Sure; Chief Mathis; (513) 346-5760.

Mayor Webster: Getting back to the number of people in an apartment and so forth, several years ago the City adopted a housing code, Property Maintenance Code, but that only covers up to three family residential units and so, if you rent a single-family house or a two-family or three-family, you have to apply to the Building Department once a year for a license that is \$50.00 per unit. We did not adopt that for all of the apartment complexes and primarily because of the number of them. It would entail us adding one or two inspectors to the staff in the Building Department.

Ms. Gamble: The residents there still pay taxes; the 1.5% tax, if they are still working.

Mayor Webster: Anybody that works in the City, unless you pay that amount to the place you are employed, is required to pay that but you do not pay the property tax; the property owner pays that. That is one thing that we have never really considered, is amending that code to cover all housing units and if it did, then the overcrowding can be somewhat controlled because up to three-family, it depends on the square footage of the house – that's how many people can live in that unit, children or adult.

Ms. Gamble: Understandable. At the same time, if it is something that has never been looked at and you have renters who are living in the apartment communities and they are paying taxes, the taxes they pay go for some services. As I understand you have a recreation center but there is no library here in Springdale and they don't collect our trash, so I am kind of wondering if it needs to be looked at again.

Mayor Webster: We have a Council Committee on housing; they could take a look at that to see if they think it is justified to amend that ordinance to cover every housing unit and give it an evaluation of what they think it would cost and what kind of revenue it would generate to offset that.

Ms. Gamble: The Housing Committee is made up of who?

Mayor Webster: A couple of Council Members - Mr. Squires, Mr. Diehl, and Mr. Knox. As far as getting back to the crime, Ms. Gamble, that is three to four hundred apartment units over there and you know if you have lived there for several months that there are a lot of subsidized housing units in there. I think whenever you have a cluster of subsidized housing units or low-income, then you are just going to have more crime than you do in an area that is not subsidized. Some might object to me saying that but the facts bear that out.

Ms. Gamble: The crime was not the major issue. It was the safety and health issue that was most important.

Mayor Webster: I know that our Health Department spends a good deal of time at the Willows. Right now, we do not have a Health Commissioner but a new Health Commissioner is due to begin work with the City starting Monday, I believe, August 24th. We still have our public health nurse; we have our sanitarians and so we do spend a good deal of time at the Willows.

Ms. Gamble: And then I understood that Mr. Taylor could answer questions regarding mold or fumes from sewage, things like that.

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Mr. Parham: The mold issues and sewage issues are handled by our Health Department. We get our Health Commissioner on board on Monday, although my assistant has been serving in that capacity for some time now. I do have a couple of questions: when you say health and safety, can you clarify and tell me what you mean exactly?

Ms. Gamble: There are four hundred units there, one-bedroom, two-bedrooms, and three-bedrooms. The one-bedroom units and the majority of the two-bedroom units are located on the ground level. A teenager could kick the door open with their foot. When I talked about health issues, there are skunks galore over there; they're running rampant, they are everywhere. What if they spray someone? I don't know how to deal with a skunk. I saw one, but I don't know how to deal with them other than to stop and say, "Oh, it is a skunk!" The garbage gets collected but it smells like a landfill. You have pipes that are supposed to take sewage fumes or gasses up and out; I understand that that type of situation may and can cause Legionnaire's Disease; I don't know. I just see it and I can smell it. There is just a lot of things happening in this community and I think it is a place where there are a lot of hard-working people and a lot of people who want to make new beginnings and want to work and work hard and work more than one job. I myself worked a couple, even after I retired. I just think that more can be done to make this apartment community a more viable place in Springdale for people to live. Housing is much needed. Housing for seniors is much needed. If someone downsizes and moves into an apartment, they should be able to feel safe in that space. Those are the concerns that I have. The health concerns that I have are there. If a building inspector, or if I call to the State of Ohio or the insurance company and I talk to them about the parking situation; I worked for the State of Ohio for twenty-six years. I have called to the Department of Insurance to talk to people that I know there and I have called HUD to talk about Section 8 because I was unaware that that apartment community had Section 8 housing there. That is subsidized housing coming from the federal government on the federal level, so there has to be somebody who is willing to step up and insure that the housing is habitable. They come out and inspect an apartment, if a person has Section 8 to make sure it is up to all of their codes before they let that person move into that unit. Twice, since I have been there, raw sewage has come up through the pipes into my bathtub; twice.

Mr. Parham: Ms. Gamble, if you have some of the health concerns that you have articulated, you can always call our Health Department. We have a sanitarian that can come out and inspect your unit. We will then also have conversations with the owner relative to those health-related issues. Relative to the way the apartment system is designed with one or two bedroom units on the lower level and individuals having the ability to kick the doors in, I think that is a management issue. That is an issue for that ownership, that management team. As to the quality of the units they have, the quality of the door systems they have, the lock systems that they have, those are things that are regulated by that owner. If you have the health issues, then contact our Health Department. We will have our sanitarian come out and meet with you and take down your information, concerns, complaints and we will address those things with the property owner.

Ms. Gamble: Ellington is the current owner of the apartment complex. They're based out of Tennessee and I have been in communications with them. I haven't received a response back as to what they are going to do.

Mr. Parham: Okay. Well, we can make them address the health issues. How they address the issues relative to the structure and the makeup of their facility, that is theirs and that is an issue that you are going to fight with them on.

Ms. Gamble: I have one last question - does Ellington, who owns this property, pay taxes to the City of Springdale?

Mr. Parham: They pay property taxes, yes. If they have employees, which they do there, they pay income tax, earning tax, as well.

Ms. Gamble: Thank you.

Mr. Parham: Okay, thank you.

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Mr. Hawkins: Ms. Gamble, it is good that you came and it is good that you made sure that the City and the Administration and Council is aware of some of the issues that are going on. As Mr. Parham has given you, there are some avenues in terms of the Health Department and the Police Department and the Building Department to address some of those issues. The management side of things, you may contact an attorney and see if there are some issues in terms of the habitability of your apartment based on some of the things that you are saying that you are experiencing and a lot of that stuff is going to get controlled by the lease. If there is something that they are not doing that they have contracted with you to do or it is assumed that it is contracted to do, based on you being able to be in a place that is habitable; so, you may go talk with an attorney, as well, in that realm to see where that is, too.

Mr. Squires: Ms. Gamble, among other things that I do here, I am liaison to the Board of Health. The Board of Health is an open meeting; the Board meets the second Thursday of every month. The Board does take off a couple of months during the summer but the next meeting will be in September, the second Thursday in September. You are certainly invited to that and personally, I would love to see you there, so if you want to make a note about that. Let me tell you, it is a very active Board and you will be impressed with the professionalism that they have there and you will not be ignored, I can assure you. That would be a very nice thing if you can do that.

Ms. Gamble: I will make it a point to be there.

Mr. Squires: Okay, we would love to have you.

Mr. Parham: Ms. Gamble, did you leave your contact information there?

Ms. Gamble: I put my name and address; did you need anything else?

Mr. Parham: We are going to try to have a sanitarian out to visit you tomorrow. If you would leave your phone number with Mr. Thamann that would be helpful.

Ms. Gamble: I will leave my telephone number and email address.

Mr. Parham: Okay, that would be helpful. As well as, I know the Cincinnati Metropolitan Housing Authority has a number of units at the Willows, as well as other locations throughout the City. I don't know if your unit may fall under their authority or not but I know that if they are having problems with an ownership, they usually address those items, as well. I know they have a new director who happens to be a Springdale resident and has been there for now, I believe, two years. They are increasing their activity of responding on both ends, whether it is their resident that is not living up to their obligations or the property owner is not living up to their obligations.

Ms. Gamble: Thank you.

President Vanover: Thank you for coming in. Does anyone else want to address Council for any reason? Seeing there is no one, we will move into Resolutions and Ordinances.

Ordinances and Resolutions

ORDINANCE No. 15-2015

REDUCING SPECIAL ASSESSMENTS LEVIED FOR THE PURPOSE OF
CONSTRUCTING CERTAIN IMPROVEMENTS AND DECLARING AN EMERGENCY

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

Mr. Parham: Council, as you are well aware, but for the general public, this is an annual ordinance adopted by Council to establish assessments that are necessary to cover the debt service when the service payments generated by the office building at Pictoria fall short. The owner, MEPT, is responsible for making up the shortfall. We have Brenda Wehmer, our Bond Counsel with Dinsmore, here this evening, if you have any other questions.

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Ordinance No. 15-2015 passed with seven affirmative votes.

ORDINANCE No. 16-2015

AMENDING SECTION 125.04 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE REGULATING HOTEL AND MOTEL REGISTRATION AND DECLARING AN EMERGENCY

Mrs. Emerson made a motion to adopt; Mr. Squires seconded. Ordinance No. 16-2015 passed with seven affirmative votes.

Public Hearing

ORDINANCE No. 17- 2015

AUTHORIZING A MAJOR MODIFICATION TO THE PLANNED UNIT DEVELOPMENT AND PRELIMINARY DEVELOPMENT PLAN TO CROSSINGS AT THE PARK PUD (TRI-COUNTY COMMERCE PARK) AND DECLARING AN EMERGENCY

President Vanover: We will now open the Public Hearing and the floor is open for anybody that would like to speak either in favor or against this ordinance.

Ms. Kielau: Joan Kielau, 301 Bern Lane. I am asking to not vote yes for this project. Can anyone of you look me in the eye and say that you would want a warehouse in your backyard? I don't think you could. We are going to have two gas stations with trucks going in and out. If the warehouse goes through, it will be more trucks going in and out. We have an overabundance of traffic now and now we will have an overabundance. We will have pollution and we will have a lot more noise. I understand when the cabs and the trailers hook up, it is enough to shake your house. If this goes through, the equity in our house is going to go down even more than it already has. People come in and they are looking around and if we go to talk to them and they hear warehouses, they leave. The last few people that have bought, one was never told about the warehouse and the second one was told on the day of signing. If our equity goes down much more, then we will have Section 8 right where we live. Do we know what would be in these warehouses? About a month ago, there were two bad fires from warehouses; one was in New Jersey, it was so bad that the surrounding homes had to be evacuated. I am sure you don't want this for us. We were hurt by Glen Shepherd, an LLC, and I am asking you, please, don't throw us under the bus again. That's all I have to say. I thank you for listening.

President Vanover: Thank you. Right now I guess we'll go ahead and get the developer up here to do the presentation.

Mr. Steve Dragon: Thank you. Good Evening. I am the Vice President of Development for Vandercar Holdings. We are the developer for the project. With me tonight is also Rob Smyjunas, the President and CEO of Vandercar. We are pleased to be here tonight to answer any questions that you might have about the proposal in front of you. The plan that we have presented this evening and that we recently were in front of Planning Commission with, is for the development of the GEEAA golf course and former employee park. It is a site that totals approximately 116 acres and is located at the corner of State Route 747 and Crescentville Road. It is a plan that we have devoted nearly a year and a half to crafting, beginning with a thorough study of the market to evaluate the best possible options for development of the property. Concluding with the last five months working through the City's zoning process. The development plan is for construction of a business park, including nine new office and industrial buildings that range in size from approximately 25,000 s.f. up to 450,000 s.f., with a maximum building height of 48'. The development plan includes large landscape buffer areas separating the new development and existing residential uses. As proposed, it is estimated that the project would be valued at more than \$90M at completion and would support upwards of one thousand jobs with an average annual payroll approaching \$50M. We believe the plan as proposed represents an excellent opportunity for the City of Springdale, balancing economic vitality with the needs of the existing communities and surrounding uses. Planning Commission, however, did not recommend approval of this plan. The main reason that we were given were: number one, concerns relative to an outdoor storage yard that was proposed adjacent to Building 1 at the northeast portion of the project. Second reason given was the overall size of Buildings 1 and 2, which were proposed at 421,000 s.f. for Building 1 and 441,000 s.f. for Building 2.

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Mr. Dragon (continued): The third reason given for failure to approve the plan was the building setback from the Buildings 1 and 2 from the eastern property line, which abuts Heritage Hill subdivision, which was proposed as 125' setback buffer yard with extensive landscaping and mounding to mitigate the heavier uses against existing residential properties. In recognition of the objections of Planning Commission, we submitted a modified Preliminary Development Plan that addresses those concerns. We are requesting tonight that City Council approve this plan as modified. The plan includes the following major revisions: elimination of the outdoor storage yard on the Building 1 site. We have also submitted with this modified plan, a modified set of covenants, conditions, and restrictions for the development that would eliminate provisions permitting development of the outdoor storage yard in the project, absent future City approval of such items. So that has been removed from the plan. Buildings 1 and 2 have been reduced in size to 374,400 s.f. respectively; again, down from 442,000 s.f. and 421,000 s.f., as previously proposed. That represents a reduction of approximately 15%, the total floor area from the previous proposal. In addition this plan that is proposed would reduce the maximum building height from 48' to 44'. The third major change in this modified plan would be in relation to the eastern building setback. As I said, previously proposed it was at 125'; this plan would double that to 250'. As we pointed out to Planning Commission at last month's meeting, this is a plan that is not nearly as intense as it has sometimes been portrayed. The City currently has provisions in its Zoning Code that addresses buffering between industrial and residential uses. This exhibit shows what those requirements are, the City Code requires 50' buffer yard between adjacent residential and industrial uses. As planned, we have provided extensively more buffer yards, extensively more landscaping than required under the Code. We have worked extensively with the City's Staff to develop specific landscape plans for the most near adjacent residences and have addressed those concerns, we believe, thoroughly. Additionally, industrial uses in the City of Springdale under the current Code are required to have a minimum of 30% green space. The plan that is proposed provides over 45% green space; so again, over 50% of what would be the minimum amount under straight Zoning Code. Again, I think the perception that this is a heavily intense development is mistaken. There is extensive green areas and extensive landscaping, extensive buffering against adjacent uses and we believe it represents the best opportunity for responsible development of this site. It provides an economically viable plan that significantly improves the property value, provides an engine for job creation and encourages major private investment in the City of Springdale. We are anxious and excited to bring this development to fruition and we would respectfully ask for the Council's approval of this modified plan tonight so that we can move immediately towards construction. With that, I will turn over the microphone and welcome any question that you might have.

President Vanover: First off Council, the plan that we have before us was recommended to us for denial by the Planning Commission. We have the right, this is the plaintiff's petition to us for that to be reconsidered, which we have that right; we have that right to deny it as it was and we also have a right to amend. He's started down a path, talking about an amended plan. At this point in time, I am going to throw it out to Council, if we want to discuss and/or consider an amended plan?

Mr. Hawkins: Thank you, Mr. President. I appreciate the Applicant coming out before Council with regard to asking for Council to reconsider what Planning Commission has already denied. My thoughts on this are simple - we have a Planning Commission to go over these projects. For this particular project, I think Planning Commission met no less than four times on and had Public Hearings. Many of the same faces I see here tonight were there for all of those hearings. The Planning Commission took extensive time in letting everyone that wanted to speak come and speak. For Council to sit here and review these documents, which are far less extensive that what Planning Commission went over and far less time than what Planning Commission poured over with regard to this project, I think doesn't make any sense. I don't think Council is in as good of a position as the Planning Commission was in making that decision based on all the time, energy, effort, and feedback that they got from residents. I attended I think three of those meetings and I know that I saw some Council Members at some of those meetings. I know some Council Members could not make all of those meetings but the bottom line is, nobody up here beyond the people that are on Planning Commission got to have all of that information consistently from all of the residents that were there. For Council to go and stand in the place of Planning Commission, I think is not an efficient way to go about doing business.

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Mr. Hawkins (continued): I don't think that we are in the best position to go and make that decision based on all the time, energy, and effort that has been put forth from the Planning Commission. My position would be that I would not approve this plan; I would support what the Planning Commission has already done. My suggestion to you would be to go back to the Planning Commission, where there has already been a significant amount of time that has been put into it. There has been a lot of issues that they raised to you with regard to the situation and that weren't addressed at that time and that is why it was denied. I know you have gone through and you have done some modifications now. I would like to know if Planning Commission is satisfied with the modifications that you made because you are coming to us and we weren't the ones that denied you, Planning Commission did. So, my suggestion is that you go back to them and you see if you have met the things that they have wanted you to do and why they denied it in the first place.

Mrs. Harlow: I agree with everything that Mr. Hawkins has said. I sat on Planning Commission and we did spend a great deal of time going over this and I think I was a little bit surprised because I thought the ordinance tonight was for us to look at the same plan that Planning Commission denied and now I am seeing there is an amendment here. I am not in favor of looking at an amendment. Again, that is what we are sitting on Planning Commission with and that is what we have our Planning Commission Members there for. They are very familiar with all of the setbacks and the building sizes and I would like to see that we take any amended plan back through the Planning Commission as the proper steps. Thank you.

Mr. Knox: My understanding of an appeal is that you must present the same data that was presented at the body who made the decision. We have been given something new, as Mr. Hawkins pointed out. The next Planning Commission meeting is two and a half weeks from now. I don't see the reason for pressing this thing tonight. I personally will be voting against it. Thank you.

Mr. Squires: I wanted to say the same thing that Mr. Hawkins said. He is more eloquent than I would have been; his training is different than mine, but we are indeed looking at an amendment here and I agree with my Council person to my left, I think this is a Planning Commission issue and I, as a Council person don't want to override our Planning Commission - that is why they are there. I don't feel comfortable in voting on this amendment that we have here. I'm not saying that it's a good amendment or a bad amendment, I would just prefer to let Planning Commission look at it. Mr. Hawkins said it very well. I won't support it. We're on the same wavelength here I think. That is the way I feel about it; other Council people, I would like to hear from them too.

Mr. Diehl: First of all, the Planning Commission vote was 5 - 2, and, in full disclosure, I am on Planning Commission and I did vote in favor of the plan. The modification that they presented to us tonight, I am more in favor of that plan than the one I voted for. I think it has a lot of merit and the changes that they made are very favorable and I believe very positive that this has a good chance to go forward. That being said, I am also in full agreement with Mr. Hawkins, that the original plan should be voted on tonight and any modifications should go back to Planning Commission. Thank you.

Mr. Forbes: I would just like to clarify one point that I heard - this was referenced to as an appeal. I just want to be clear - this is not an appeal. This is the procedure that the Code calls for. Planning Commission doesn't make a final decision on this. Planning Commission makes a recommendation and the Code says that recommendation goes to Council. It is not that Planning Commission denied it and then the Applicant appealed it to Council. This would be the normal course - that it would come to Council. I just wanted to clarify that one point.

President Vanover: Very good. Council, as I hear, the majority then, we are considering the plan that was presented to Planning Commission and nothing but the plan that was presented to Planning Commission. Are members in concurrence? (Council members agreed.) The plan that was presented to Planning Commission is the plan we are considering tonight. That said, we can proceed with the Public Hearing.

Mr. Vaughn: I'm relatively new to the proceedings. I just moved to Ledro about a month ago so that will be my corner lot staring at the back of that building.

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President Vanover: Can you introduce yourself and sign in please.

Mr. Vaughn: I'm Christian Vaughn. I just moved to 972 Ledro and I am actually representing two residences - my grandfather lives next door. Some of you may know him - his name is Roy Bertram.

President Vanover: I know him well.

Mr. Vaughn: He has been there since 1932. I guess my first question and I have a couple of questions; like I said, because I am a new resident and I was not made aware upon the sale of my house that this was happening. I have grown up with that golf course. As a kid I'm hitting balls into that course. It is an emotional thing to realize that I have now bought the house next to my grandfather and there is no longer going to be a golf course there. So my first question is, for the residents, and I am sure a lot of us on this street have viewed this golf course the majority, if not all of our lives, is there going to be anything done for us when this is built? I am not a real estate agent; I am a design engineer for GE, but I think that our property values are going to drop substantially when this is put in. If somebody wants to come and look at my house when I want to sell it in maybe five or ten years and instead of looking at a golf course, they are going to see these buildings and whatever green space or buffer area is put between them, when we have been viewing a golf course for many, many years. So that is my first question - is there anything that is going to be done for the residents in this community to, I guess, offset that decrease in property value?

Mr. Diehl: We are not the one that decided to close the golf course. We would have been content to have the golf course there for another fifty years. Okay, but this is reality. Thank you.

Mayor Webster: Mr. Diehl is exactly right - the City doesn't own the golf course. It's privately owned through the GE Employee Activity Association. So it was their decision to sell the property and I think our responsibility here, as elected officials, is to try to do everything we can to protect your property values. That is one of the reasons that Planning Commission denied the original plan. You know there were other reasons, but one of the reasons was it was only 125' from the property line to where the property was built. So now the modified plan was disclosed here this evening doubles that, so it's up to 250'. I think that is where your City government enters into it - we're doing everything we can to try to protect your property values but we don't have a fund to reimburse people whose property values are reduced as a result of this development. Our responsibility is to help you protect your property values, the best we can through buffering and setbacks and that kind of thing.

Mr. Vaughn: I am actually in reality - I'm just trying to understand what is going to happen once this is built. I appreciate what you said. I feel that perhaps maybe there should be a fund in place; I don't know, because this is a substantial property loss to all the people on that street to no longer have that golf course as a view - we're talking \$10,000 to \$20,000 per house, per property at least. I am not a real estate agent but I think people probably want golf course-front property. Some of you may even own some yourselves. Beachfront property, high premiums, you know - to no longer have that there and to be staring at a business is a substantial loss to this community.

Mayor Webster: I don't deny what you are saying. I might disagree with you on the dollar amount but I totally understand where you are coming from, but at the same time, I don't think there is any precedence for a community, a government, reimbursing residents because of a property loss because of a development.

Mr. Hawkins: I agree with what the Mayor said. I understand the frustration there. I have a house on Bridgeport in the back of Beacon Hills and years ago, probably when I was in Junior High School, and the property that used to just abut woods and back then, Forest Fair Mall, now Cincinnati Mills Mall, came in and they tore all of that out. The City of Springdale couldn't even control that. That wasn't even in our purvey to be able to say that you need to have a buffer, you should be fifty yards away from these residences. They just put asphalt all the way up probably 10' from the property and nobody wanted to go back and look at a mall. They would have much rather had the woods there back when they did that.

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Mr. Hawkins (continued): I know some of the residents talked about this, too - when you take a wooded area where you have animals, you displace the animals. I remember back when that went on, we had foxes, deer and skunks, and that is a huge thing; all of that I understand and I think everybody understands. Some of that we can't control with the proper entity, but what we can control, as a City, we are trying to, to protect the residents. All of those meetings, and I know you are saying you are just getting here for this, but they had four meetings to go before Planning Commission, very in depth discussions and the whole thing that the Planning Commission discussed and the elected officials are interested in are all the residents and trying to manage your property values and your right to live in a nice area. You have the competing issue of also what happens if this development is not going to go through there. So you also have the issue of you may end up with things not being taken care of at all, managed at all, things being overgrown and then your property value suffers there, too. Or, you could have something even, while some people may not be able to image this, less desirable than what we have here before us. So, I know that you are coming into this newly, but that is the only thing that has been discussed and weighed – it's all about the residents and trying to put the residents in the best position possible. When this is all done and said, everybody may not agree, but you have to understand, that is the only interest that the folks up here have. It is not about taxes and it is not about income coming in; it's about the residents and making sure that you guys have the best quality of living possible.

Mr. Vaughn: Perfect.

Mr. Weartz: My name is Ken Weartz. I live at 228 Edinburgh. I have heard about all of the talk from Heritage Hill and I don't want to get into a neighbor's war here, okay? This development bent over backwards to improve the situation for Heritage Hill - it went from 25', to 100', to 250'. If you go down Ledro, there is maybe ten or fifteen houses; we have forty-eight units, forty-eight homeowners in our area. We don't have a 250' barrier and we are not really complaining about that. I am in favor of the project because when I look at that project up there, see where that pond is, right behind the corner of ours? Well, when we were sold our properties, we were told there would be common area out there and a pond up there and that is why our values were up. We overpaid for our property. When the market went to heck and the bank foreclosed, our property values dropped \$50,000 right then. We want to increase those property values and, as I see that, I don't care if there are warehouses there or not because we don't know what is going to be in those warehouses unless Vandercar can tell us what is actually going to be in those warehouses; they might be nice. But I do know that we have a green belt area around our property that is really nice and I would like to see that be that way. Sure, we have the trucks and everything you read about trucks. Right now, on 747, just two days ago, I couldn't even get out of the park because some trucks came off from the Sunoco and trucks were coming through the light and it just backed up everything. When Thornton's gets there, it is going to be worse. How many trucks we will add to Crescentville Road - well they might not even go down 747; they may go down to Mosteller but we do need the City to look out for us with the issue of trucks. I don't know what you can do, but I am sure we have a lot of brain power and I think we can come up with a project there that is going to benefit everybody. That is all I ask for, because I am going to live there, as my financial advisor said, until I'm ninety-three, so I have twenty-one more years. So, I am going to spend the next twenty-one years of my life there and the Mayor might still be Mayor by then. I just want you to take into consideration all the neighbors, not just the ones on the east side. I want you to understand that there are some positive things here for everybody and that is what we should look out for. That is all I have to say.

President Vanover: To set the record, I live there. There are twenty-nine properties that abut the edge of that property just on direct connection. That includes the one up in the northwest corner on Crescentville, all the way down. That doesn't talk about all the others that are across the street. Unfortunately that is one of the ugly things when this stuff happens and this property has been a resurgent of it – it's one neighborhood versus another neighborhood and it's not.

Mr. Weartz: I understand that.

President Vanover: It's the same, it's Springdale.

Mr. Weartz: I understand that but I did go down Ledro and I couldn't see the golf course. The only place that you can see it is the houses right by Crescentville Road. The rest of them have hills and they are nice places. Thank you.

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President Vanover: Is there anybody else?

Ms. Atwood: Hi. My name is Debbie Atwood and I live on Ledro. I am one of those people that Mr. Vanover spoke about being one of the other houses - I live on the other side, not the ones that will abut this project. Every day when I walk out my door, I see GE Park. I'm facing it every day. However, during the summertime and the springtime, you won't see it because there are trees everywhere. My problem with this, I appreciate the changes made with this project on the board over there, but I was here in the 80's when Shopco came in and wanted to put in a shopping center. Well, they wanted to put low-income housing all along the perimeter - that is my fear. You guys all think you're going to have trouble with trucks, wait till we have that in there. That's all I got to say.

President Vanover: Anybody else?

Mr. Colegrove: My name is Ralph Colgrove; I live at 758 Ledro. I have had the privilege of living in Springdale - it will be fifty years next week. When I got out of the military, I moved to Ledro Street. I have seen a lot of ups and a lot of downs. One of the things that was mentioned here about Shopco - can you imagine a shopping center there now, compared to the way Tri-County is and everything? But there were six of us, including Tom Vanover, that fought this. My life from them was threatened, my kids were followed back and forth to school, and we found bugs in our house, and I don't mean roaches. I gave this a lot of thought, what I am going to say. I know one thing - I don't want that project at GE Park but what I want and what is realistic is two different things. First, let's say it is turned down by Council. I don't mean tonight but I mean a revised plan. Let's say it is turned down. As I understand this now, GEEAA owes \$8M to General Electric. So what will happen? They will default - then what will happen? GE will walk away from it. I don't know how big GE Park is at all, but I do know one thing - the City cannot afford to maintain that property as far as cutting the grass because that is exactly what is going to happen. It is going to be a jungle back there. It is going to be a concrete jungle right now, so we have to decide what kind of jungle we are going to get. My wife would kill me if she knew I was saying this, but GE Park is gone. It is no longer; there is going to be something in there. Maybe we could build a bunch of Section 8 housing in there - I'm sure they would like to do that. Is that what we want in Springdale? I don't know but what I do know is, I don't know if this is the best thing for the City, but if it is the only thing, then I am probably in favor of it. As I understand it, if, for an example, something wants to go in there, like a jet engine plant, and I am being ridiculous just to prove a point, it still has to go before Planning Commission, isn't that correct? It still has to come before Council, isn't that correct? Then you have your duty and we elect you people here - you have your duty to represent the City and represent the residents. I'm done. That's the shortest speech I've ever made, isn't it, Tom?

President Vanover: Thank you, Ralph.

Mr. Knox: Ralph, before you get off, if you remember, I was also one of the people named on that lawsuit, along with a few other folks. The only thing I believe Council is saying right now is to wait until the Planning Commission meeting in two in a half weeks and at that time, to have the people who have really been reviewing this closely for a long period of time take another look at it. We are not saying "No" to the amended plan. We are saying "No, we don't want to overturn a decision of the Planning Commission". It is just as simple as that. It is not our job to do that. Apparently, some people seem to think so, but I really don't think it is. Thank you.

Mayor Webster: Just to clarify Ralph's points about what gets maintained as far as the City cutting all of the grass - the way the present ordinance reads, we can insist that the property owners, be that GEEAA or the bank or whoever owns it, maintain the grass 300' from the property lines along the whole eastern boundary and also around the condominium development; 300' and 200' from the public right-of-way. Now, that's a big site, 116 acres - so if you take 300' from the residences and 200' from the right-of-way, there's still a pretty big jungle in the middle and that is exactly what it will be and it's a pasture so there's no regulation on our books right now that will allow us to compel the owner to maintain that property, other than the parameter that I have outlined for you. So some of it will be cut, but a vast majority will not be.

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President Vanover: Anybody else?

Mr. Sheffield: My name is Sam Sheffield. I live at 222 Edinburgh Lane; I live in GE Park, Crossings at the Park. Most of the residents that have been there, like Ken said, are in the hole \$50,000 approximately. Most of that is the result of decisions that were made in 2003 and 2004 about the Glen Shepherd development. The biggest problem with the people that live inside GE Park, it's like we own the castle but we don't own the moat - we have no say so at all about outside the property. All of us probably wish that we could come up with some other kind of development that would be palatable for everybody and obviously it's not. That's all I have.

President Vanover: Anyone else? Since no one else has come forward, we will close the Public Hearing.

Mr. Diehl: I have just one comment and I want to make sure that everybody understands. When Planning Commission looked at this, we tried to do what was best for Heritage Hills and at the same time, try to do what was best for the condos. It was a juggling act sometimes, but I want to make this clear, we did not try to favor one community over another. We tried to do what was best for the entire City. Thank you.

President Vanover: Council, you have heard the reading of Ordinance 17-2015; what is your pleasure?

Mayor Webster: Mr. Vanover, you might want to just make sure Council understands what a "yes" and a "no" vote would mean.

President Vanover: Because we do things in the affirmative, an affirmative vote for this would be to override Planning Commission; a negative vote would be to sustain or uphold Planning Commission's decision.

Mrs. McNear: Just for further simplification, if you approve this, you are approving "yes", we are going to go forward with the request and if it is "no", we are not. If you just take out what Planning Commission talks about, it simplifies it. "Yes", is we are for going forward; "No", we are not. Just like anything else that we bring up, we need somebody to bring this up as a motion to accept and if it is "yes", you vote "yes"; and if you really don't want it, you vote "no" but we still need a motion in the affirmative.

Mr. Hawkins: For the purpose of bringing it to a vote, I move to adopt Ordinance No. 17-2015. Mr. Squires seconded. Ordinance No. 17-2015 was denied with seven negative votes.

Mayor Webster: Before all of you folks get out of the Chambers, I think it is only fair that everybody realizes that the developer has already filed with the Planning Commission the modified plan that Mr. Dragon presented here this evening. It will be on Planning Commission's agenda for September 8th. So the modified plan will be presented there and then it will be the same process back with Council; whether it is defeated or it is passed, the next step will be for the developer to come back to this body and the earliest that could happen would be October 21st, I believe it is. So that is two important dates for you - September 8th, Planning Commission and October 21st, back here at Council.

ORDINANCE No. 18-2015

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO RENEW THE CONTRACT WITH NEXT STEP NETWORKING TO PROVIDE NETWORK AND LAN ADMINISTRATIVE SERVICES FOR THE CITY OF SPRINGDALE LOCAL AREA NETWORK AND DECLARING AN EMERGENCY

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

Mr. Parham: Thank you, Mr. President. Council, as the legislation indicates, this is for a one-year agreement. The two previous agreements were for three-year periods, as I indicated in the current Pending Legislation Report. Next Step has gone through a number of changes; however, I have had an opportunity to speak with the President and CEO of the organization. We have a comfort zone with them. We still think that right now they can provide the service we desire and so it is our preference at this

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Mr. Parham (continued): time proceed with one-year agreement. We can reevaluate them in a year. They have been with us probably over fifteen years, from the days when we simply had individual desktops on various desks to now a linked system to where all of our buildings are connected into one system. I think they provide very good service. Our employees are familiar with them. They have an employee visit our facilities once a week. I think we are getting a very quality service, but at the same time, we will still just proceed at this point for one year and then look at reevaluating for a possible three-year period in 2016.

President Vanover: Any further discussion? (None)

Ordinance No. 18-2015 passed with seven affirmative votes.

RESOLUTION No. R7-2015

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE HAMILTON COUNTY ENGINEER'S OFFICE FOR MUNICIPAL ROAD FUNDS (MRF) FOR ROAD IMPROVEMENTS ON WEST SHARON ROAD IN THE CITY OF SPRINGDALE

Mrs. Emerson made a motion to adopt; Mrs. Harlow seconded the motion.

Mr. Parham: Council, as you are aware, in 2014 we applied for Municipal Road Funds for West Sharon Road with the Hamilton County Engineer's Office. Unfortunately, we were unsuccessful with our application in the amount of \$44,700, which, in that program is a relatively small number. In the 2017 Five-year Budget, there are plans for a major improvement to this road, in which we would at that point seek SCIP funds as well as MRF funds. Right now what we are trying to do is address immediate concerns that will buy us additional time. We previously, in a 2014 application, applied for 100% of the funding. This time we have adjusted the number primarily because of the next resolution that is coming up. This would be our secondary request, if you will, with the next resolution being our primary request. In this case, what we are requesting is 60% MRF funds, which would be about \$26,820 to a 40% City share or \$17,880 for a total project cost of \$44,700. Probably because we have the second application coming forward, more than likely we do not feel very comfortable that we are going to receive these funds. However, I always prefer to ask the question and have them reject us, but I don't want to ask the question too many times. In this instance, if we are not successful then what we will probably do is to approach the Capital Improvement Committee to simply put this as part of a 2016 Street Improvement Program to go out and address those issues to buy us more time. We will probably push that 2017 project back to maybe 2018 or even 2019.

Resolution No. R7-2015 passed with seven affirmative votes.

RESOLUTION No. R8-2015

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE HAMILTON COUNTY ENGINEER'S OFFICE FOR MUNICIPAL ROAD FUNDS (MRF) FOR THE STATE ROUTE 4 SOUTH-BOUND LANE ADDITION IMPROVEMENTS AT INTERSTATE-275 PROJECT

Mrs. Harlow made a motion to adopt; Mr. Knox seconded the motion.

Mr. Parham: Thank you, Mr. President. Council, as you heard, Mr. Brueggemann report and share with us a little earlier in the Engineer's Report, it appears that we may be successful with the Surface Transportation Program Funds (STP) funds. The overall estimated cost for this State Route 4 Southbound Lane Addition Project, including construction and construction engineering where construction engineering is usually about ten percent of the construction costs, is \$603,475. Of that, we are seeking 80% in combined construction and construction engineering or \$482,780. The City's share would then be the balance or 20% equaling \$120,695. What we were attempting to do here is to get Municipal Road Funds to help pay for half of our share or 50%; thereby making our application \$60,348 for both the City's share as well as MRF funds. The reason that we had to get this on the agenda tonight is because the application deadline for both the previous resolution as well as this one, is the 28th of this month and so this is the last opportunity. Again, Municipal Road Funds often are provided to support the SCIP projects but hopefully, they will look at the STP funds in a very similar manner and look on us favorably to cover half of this cost for us.

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President Vanover: Any further discussion? (None)

Resolution R8-2015 passed with seven affirmative votes.

Old Business (None)

New Business (None)

Meetings and Announcements

Mrs. Harlow: Thank you. As mentioned previously, Planning will meet on September 8th at 7:00 p.m. in these chambers. OKI will have a meeting on September 10th at 10:30 a.m. down at the OKI Building. Thank you.

Mr. Hawkins: Thank you, Mr. President. Board of Zoning Appeals will meet on September 15th at 7:00 p.m. in these chambers.

Mr. Thamann: Thank you, Mr. President. A few reminders – first of all, the free document shredding is going to take place this Saturday from 10:00 a.m. to 1:00 p.m. down at the Community Center. Again, there's no charge for your documents to be shredded and they do it in front of you so it's secure.

Also, the Mayor mentioned earlier about youth registrations – they're going to start taking registrations for youth winter sports - youth basketball, volleyball, and cheerleading, which begins September 1st. They can contact the Community Center if anyone is interested in participating.

The Junior Olympics, the annual Springdale Junior Olympics, will take place September 12th at the Community Center. It's an event that's comprised of some fun, competitive events for both boys and girls ages 4 – 12. The registration is 10:00 a.m. until 11:00 a.m., with the events starting anywhere from 10:00 to 11:30, with the awards to follow. Participation will also include eligibility for door prizes and I believe this is a free event and open to membership.

The Citizen's Police Academy will begin September 14th and run every Monday through November 9th, if anyone is interested to be part of the Citizen's Police Academy, please call the Police Department at 346-5760.

One final thing – the Records Commission will have a meeting at 6:30 p.m. in the Municipal Building on September 2nd.

Mr. Squires: Thank you, Mr. President. I was somewhat neglectful – it's sneaking up on you since they haven't met in so long, but the Springdale Board of Health will meet in September on the second Thursday- I don't have a calendar here, but I believe it is the 10th of September in the conference room immediately adjoining these chambers.

Mr. Hawkins: Also, I just wanted to take a moment to commend Mr. Karle and Ms. Casselman, our Aquatics Director as the pool season has closed – a wonderful Gold Fish Swim. I think it was their 40th Anniversary so lots of kids had a great time. I remember doing it when I was a young child so it's fun to see folks and going out and doing that. I commend the Parks and Recreation Department for a great event.

President Vanover: That was week, wasn't it?

Mr. Hawkins: I didn't get in there and help the kids, but my son, who is three, caught ten and my six-year old daughter didn't want to be in the pool with the fish. (Laughter)

Mrs. McNear: Mr. Hawkins, thank you for the reminder that it's the 40th anniversary – I was actually working at the Community Center when we had the first one so thanks for the reminder that I'm not 22 anymore. (Laughter)

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President Vanover: That would close Meetings and Announcements; we'll move to Communications from the Audience. Is there anybody in the audience that would like to address Council for any reason?

Communications from the Audience

Mr. Jacobs: I just had a very brief question. I'm Dan Jacobs, 509 West Kemper Road. Just out of procedural curiosity, did the developer not – were you aware that the developer was going to present an amended plan, because that seemed to be a miscommunication between this body and almost everybody. Do you know what I mean – was that the case – there was not an awareness he was going to?

President Vanover: It's his prerogative, or right, to do that. As our body, as we stated before, in hearing the plan that had come through Planning Commission, we had three charges or results: we could approve it, we could sustain the denial of the Planning Commission, or we could amend it and he was playing to that possible amendment card but as the body clearly stated, that none of us were comfortable in making that call, so that's kind of the long and short.

Mayor Webster: But Dan, I don't think anybody was surprised that they made a presentation. We anticipated they would make a presentation this evening.

Mr. Jacobs: But with the new plan?

Mayor Webster: Like Mr. Vanover indicates, that was their option because Council had the right to affirm or deny or accept a modification.

Mr. Jacobs: The main reason I asked is because it seemed like the body was like we're not even – it's not our procedure to look at that plan; at least that was some of the discussion. The next step is to go back to Planning, so it almost seemed like that was a waste of his time, to present the amended plan tonight. And again, it was just out of curiosity.

Mayor Webster: I think this is somewhat uncharted waters here. In all of my years up here, I think maybe one other time, with the same property, we went through this process so this is highly unusual, for a development to get denied at Planning and then to come to Council. Yeah, we're treading on some uncharted waters here but no, I think, I wasn't surprised. I don't think any of these people was surprised that they made a presentation on it tonight. It was their option whether they wanted to try to present a modification to get Council to consider that or not.

Mr. Jacobs: Thank you.

Mrs. Harlow: I was a little bit surprised on the modification, just for the simple fact that Planning had so much work, I just thought it would go back to Planning. I thought it was going to be an up or down yes or no and then any amendments would go through the Planning process, which, in my opinion, it needs to go through the Planning process.

Mr. Jacobs: So in essence, he was just taking his best shot. He had the opportunity and he tried it.

President Vanover: Exactly.

Mr. Squires: I think he, like you said, he took his best shot with the modification. Some of us, I guess including myself, I was a bit surprised at the modifications but he certainly has a right to do that. He actually gave us, what you see up there, we actually have a copy of as well, not in color, but we have it.

President Vanover: Correction, we didn't have the modified plan.

Mr. Squires: He had to give us the new dimensions, the new square footage and we didn't have the correct data. That was the modifications that kind of threw me a little bit.

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Mr. Jacobs: Thank you.

President Vanover: Anybody else?

Mr. Hart: Thank you for allowing me a few moments to take a few minutes to talk with you. My name is Bob Hart, Robert L., if you wish, 53 Aspen Court. My wife, Rita, is on the Board of Health. We've lived here since moving here since Michigan in 1987. First of all, I've only been to two meetings in the years we've been here and that's unfortunate. I should have spent more time here, learning about what's going on. I want to talk a little bit about this beautiful green space – the 116 or 120 acres that's about to be asphalt or buildings or something. I have very strong feelings about that green space. It's an absolute diamond. I've talked to a couple of people who are here about my feelings and about what I would like to see. I look at Springdale itself and that GE Park, I look at it, not just the park itself or that acreage, but I look at it in relationship to what's happening in Greater Cincinnati – the Riverfront, and I'm doing all I can communicating with some fairly key people to see if there's any way at all to save that green space in a manner that it can benefit everybody, everybody within Springdale and beyond Springdale. One of the areas that I look at as I consider what I've proposed, what I've put on paper, is downtown riverfront, Smale Park. John Smale and his wife, they're no longer here; John is from Canada. He came from Canada to Miami University to get his education and I think his wife might have gone to Western College for Women. They had seen fit to make sure that the people of Greater Cincinnati benefit forever with Smale Park. So again, it might be a stretch to you, but I look at what's happening there and what's about to happen here and I think about the people who could be influential here in doing something about GE Park, to save that green space in a manner that it can benefit everybody. So I've written some letters to some key people, heads of organizations. One of them is the man who runs GE. GE Headquarters is moving downtown and Jeffrey Immelt is from Cincinnati, Finneytown. So it might be a stretch, but as I see it, there might be a way to at least get Mr. Immelt to GE to say, GE employees own this, they're in default; maybe GE can do something about this. So I've contacted some people in Connecticut to at least ask them to think about this and I've talked to some other key people; written some letters to some other key people to look at this space and what's happening. Personally, I don't like to see that happen. I wouldn't like to see more Section 8 housing come in. I know there's a need for it but with what you see happening downtown, the redevelopment of downtown, it's affecting the schools out this way, whether you're talking West Chester, Winton Woods, Princeton, Mason – all of the schools in this area – Sycamore; all of these schools are being affected by what's happening downtown. Those people are being chased out of the downtown area and it's going to impact everything here and that's what could happen on that 116 acres in addition to the business development that's been presented. Thanks for hearing me out and those are my thoughts, thinking past Springdale, in a manner it can benefit the Greater Cincinnati area. I guess I should write my name down. Thank you.

President Vanover: Thank you, Mr. Hart. Anybody else?

Mrs. Emerson: Thank you, Mr. President. I'd like to make a motion that the Council go into Executive Session as a Committee of the Whole to discuss economic development.

Mr. Squires seconded the motion. With a vote of 7 – 0, the Council affirmed going into Executive Session. No action was anticipated from the Executive Session. Council departed chambers at approximately 9:10 p.m.

Council reconvened at 9:36 p.m.

Update on Legislation Still in Development

Mr. Hawkins: As you review your Internal Memorandum, Item I was dispensed with Resolution No. R7-2015, which passed with a 7 - 0 vote. Item II was addressed with Ordinance No. 18-2015, which passed with a 7 - 0 vote. Item III was addressed with Ordinance No. 16-2015, which passed with a 7 – 0 vote. Item IV was addressed with Resolution No. R8-2015, which passed with a 7 – 0 vote. Item V was addressed with Ordinance No. 17-2015, which was denied with zero votes in the affirmative and seven votes denying. Item VI was addressed with Ordinance No. 15-2015, which passed with a 7 – 0 vote. Item VII, VIII, IX, and X are all forthcoming.

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Recap of Legislative Items Requested for next Council meeting

Mr. Hawkins: There is a request for an ordinance enacting and adopting the 2015 S-16 Supplement to the Code of Ordinances and Declaring that an Emergency. We also have a resolution Authorizing the City Administrator to File an Application with the Ohio Public Works Commission (OPWC) for Local Transportation Improvement Program (LTIP) Funds and/or State Capital Improvement Program (SCIP) Funds, and Authorizing the Mayor and Clerk of Council/Finance Director to Execute all Contracts and Other Documents. There is also a request for an ordinance accepting a bid and Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Contract with the Lowest and Best Bidder for the 2015 Annual Street Improvement Program and Declaring that an Emergency as well as an ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into an Agreement with Advanced Data Processing, Inc. dba Intermedix, for Ambulance Billing and Related Professional Services and Declaring that an Emergency.

President Vanover: Administration, are we covered?

Mr. Parham: Yes. The only thing I would add is that we do have scheduled at the next meeting a presentation from the Mill Creek Watershed Council celebrating their 20th anniversary and then we'll have the introduction of our new Account Clerk I in the Tax Department. The new Health Commissioner will not be at that meeting.

Adjournment

Council adjourned at 9:42 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2015