

City of Springdale Council

March 2, 2016

President of Council Vanover called Council to order on March 2nd, 2016 at 7:00 p.m.

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

Mrs. McNear took roll call. Council members Emerson, Ghantous, Harlow, Hawkins, Shroyer, and Vanover were present. Mr. Diehl was not in attendance.

President Vanover: Mr. Diehl did advise me at the last meeting that he would be gone this evening.

The minutes of the February 17th, 2016 City of Springdale City Council meeting were considered. Mrs. Emerson made a motion to adopt; Mr. Shroyer seconded. With a vote of 6 – 0, the minutes of the February 17th, 2016 City Council meeting were approved as published.

Communications - None

Communications from the Audience - None

Ordinances and Resolutions

Public Hearing

Ordinance No. 4-2016

REPEALING CHAPTER 153 OF THE SPRINGDALE CODIFIED ORDINANCES IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 153, ZONING CODE, AND AMENDING THE ZONING CODE MAP TO REFLECT REVISED DISTRICTS CONSISTENT WITH THE NEW ZONING CODE

President Vanover: At this point, we will open the Public Hearing. Is there anybody in the audience that would like to address Council, either for or against the issue? (None.) I guess we will bring our advisors up and let them do their talk.

Ms. Liz Fields: Thank you Mr. President and Members of Council. Again, I am Elizabeth Fields with McBride, Dale, Clarion; I am here with Greg Dale. I am here with a presentation to summarize the update process that I can or cannot give based on if you would like - an overview of how we went through this update process but it is not necessary if you don't want to go through that tonight.

President Vanover: Council, what is your pleasure? (Council Members indicate overview is not necessary.)

Ms. Liz Fields: Okay, then I am going to skip right through that and I just wanted to remind Members of Council of the two changes that you recommended we make at the work session we held about a month ago. The first one was in Section 153.252(F)(8)(d)(3) to change the 72-hour restriction to 96 hours for parking of recreational vehicles in driveways. We made that proposed change. The second proposed change that we are proposing is to clarify that, for the allowing of vehicles that are used for commercial purposes that are not commercial vehicles, to be parked in residential driveways but that does not include buses and box trucks. This is the same language that you have in your existing Code. Just to clarify that - what we mean in this Section is that if someone drives a sedan or a truck that they use for their business, they can park that in their driveway without any violation of the Code but that we are not wanting to promote tow trucks and wreckers and box trucks and things like that to be parked in residential driveways. Those were the two changes. Let me know if you have any questions.

President Vanover: I guess we will throw to Mr. Forbes real quick; what we have first is this Ordinance, so that does not include these changes at this point in time because those were made recommendations as amendments, correct?

Mr. Forbes: That is correct. What you have before you is the Ordinance as it came out of Planning Commission.

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President Vanover: Okay, so we will work on that and these amendments, if we so choose to make the changes, they will be addressed as individual amendments. Are there any further questions?

Mr. Shroyer: I would just advocate that we either accept the document as it was provided by Planning Commission with no intent to make changes or that we send the document back to Planning Commission and let them make the changes and we pass a complete document.

Mrs. Harlow: I brought the item up at the number of hours that a recreational vehicle could be parked at a residence, I brought that up at our last Planning Commission meeting and told the Members that had been our discussion at Council. I did not receive any negative feedback so it is up to Council if they want that to go back to Planning Commission or not.

Mr. Forbes: At this point, I would point out that you are still in the Public Hearing portion. So once you close the Public Hearing, if Council would like, I can give you just a little brief procedure of how we can deal with this. I think that is all fair discussion at a certain point but you probably need to finish the Public Hearing first.

President Vanover: Okay, would anybody else like to address Council either for or against this issue? (None.) We will close the Public Hearing and at this point, Mr. Forbes?

Mr. Forbes: Just a brief, sort of procedural synopsis here - at this point what you would be looking for is a motion to adopt, and, assuming that gets a second, then that would open up Council discussion, just as any other piece of legislation. During that discussion, I think it is fair for you to discuss whether you would want to make any amendments or not. I would just point out through previous discussions, there were these two specific ones that were discussed. If Council wants to take actions on those amendments, they would be addressed individually, or any other amendments that the Council would want to consider, they would all be addressed individually. I would point out procedurally that to make the amendment it would take four votes of Council; someone would say, "I make a motion to amend the ordinance", to this effect, and that amendment would require just a simple majority, if there are any amendments. Then, once everything is done and you are ready to end your discussion and take action on the Ordinance, if there have been amendments made to it, that is when it would take five votes of Council to approve the Ordinance with amendments. If there are no amendments, then it would take just a simple majority of Council to approve the Ordinance as it has been presented to you tonight.

President Vanover: Alright. Council, you have heard the reading and this is our second reading; we have had our Public Hearing, so what is your pleasure?

Mrs. Harlow made a motion to adopt and Mrs. Ghantous seconded the motion.

President Vanover: Okay, we have a motion and a second. Is there any discussion?

Mrs. McNear: This would be the time, if Council chooses, to entertain the two amendments; this would be the time to bring forth your motion. Thank you.

Mr. Hawkins: I move to amend specifically Section 153.252(F)(8)(e), with regard to adding language indicating and discussing commercial vehicles, including "...and is not a bus, cement truck, box truck, box van, semi-tractor, semi-trailer, or any non-recreational trailer used for commercial purposes, stake bed truck, step van, tank truck, tar truck, dump truck, tow truck, or wrecker."

Mrs. Ghantous seconded the motion.

President Vanover: Okay, we have a motion and a second. Is there any discussion on this issue? (None.)

Mrs. McNear polled Council and with a vote of 5 – 1, with Mr. Shroyer voting "No", the motion was passed.

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Mrs. Emerson: I would like to make an amendment to Section 153.252 for the 96 hours per calendar month for the parking of recreational vehicles.

Mrs. Ghantous seconded the motion.

President Vanover: Is there any further discussion on this issue? (None.)

Mrs. McNear polled Council and with a vote of 5 – 1, with Mr. Shroyer voting “No”, the motion was passed.

President Vanover: Okay, we are at the Ordinance. This was recommended from Planning Commission and we have had a motion and a second. Do we have any further discussion at this point?

Mr. Forbes: Again, just to point out - at this point, what you will be voting for is the Ordinance that came from Planning Commission with the two amendments that were just included. Now, because amendments have been included, it will take five affirmative votes to adopt.

President Vanover: Okay, we have had a motion and a second. Is there any discussion? (None.)

Mrs. McNear polled Council and with a vote of 5 – 1, with Mr. Shroyer voting “No”, Ordinance No. 4-2016 passed with five affirmative votes.

Old Business - None

New Business

Mr. Shroyer: Thank you, Mr. President. Council, I have provided some information, kind of at the last minute, regarding Senate Bill 27 in the legislative process as we speak. You may or may not have had an opportunity to read it but I will summarize. Senate Bill 27 would provide presumptive legislation for certain cancers in firefighters. There is already in the State a presumptive law regarding cardiovascular disease, which has been proven to be of much higher incidence in firefighters than the general public. There is now considerable data that show that same issue with certain cancers in firefighters. The data has been around for some amount of time. In fact, I believe California passed the first presumptive cancer law for firefighters in 1982. Obviously, states have followed suit since then. I believe there are twelve to fourteen states that do not have presumptive laws at this point; some of those have them in the process the same as Ohio does. My concern is that one of the major opponents to this legislation, and it has been introduced four times in recent history, is the Ohio Municipal League. They have testified before the Senate Panel and basically their argument, or their objection, is money, the cost if the program were implemented. I have created a letter that I intend to send to Senator Bill Seitz, our District Eight Senate Representative, informing him that I disagree with the testimony and that I am in favor of and am asking him to, as well, support this legislation. What I would like to also do tonight is see if there is any interest among this Council in a resolution to the effect that we, as a governing body, would distance ourselves from the Municipal League’s position on this particular issue and support the passage of Senate Bill 27. Thank you.

President Vanover: Council, insight or comments?

Mayor Webster: I don’t think anybody wants to be cast in light of denying somebody cancer insurance. However, this thing just surfaced and Monday was the first that I heard about it and yesterday, I believe, we got a bulletin from the League. I’d like to see the whole bill; we just got a synopsis of it from the League here. In 2006 the University of Cincinnati did a study on this and they identified four types of cancers that are more prevalent in firefighters than other members of the workforce. This is just going to take it one step further. There are thirteen different types of cancers that are covered here and, as much as I will do everything we can for our firefighters, if it is something that is not caused by their occupation, then why do we single out the firefighters - what about the Police Department, what about Public Works staff, what about the office staff?

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Mayor Webster (continued): If it is something that is more prevalent with firefighters, then I think we need to bend over backwards to try to make that accommodation, but when we just state a blanket, and again, I would like to see the Bill, but if you are a firefighter at any time in your life and, all of the sudden you are fifty-five or sixty years old and you get cancer, is that just because you were a firefighter, this Bill kicks in and says okay, you are going to be covered? I am not sure that we are not going overboard here. Before we pass a Resolution opposing the Leagues action, I'd like to see the whole bill.

Mr. Shroyer: Thank you, Mr. President. I'm not asking for a Resolution tonight; I am just seeing if there is any interest in pursuing it. Yes, there are a number of studies. The U.C. study was in 2006; that identified four particular cancers that firefighters were at high risk for. There has since been a study in 2013 by the Center for Disease Control, a much larger study that studied sixty years of firefighter data and thirty thousand firefighters. They have indicated, or developed, a list of six types of cancers that are primarily of concern but have also listed others that are higher incidence. I believe the research is out there. Yes, there is the issue of what about police officers, what about office staff, but that study, for whatever reason, hasn't been done. If the data were there, I would support the same type of situation for those folks. I think the data is strong and I personally know of at least five or six firefighters in this local area that have died in their 30's or 40's from cancer; healthy guys that worked at staying healthy for their job. Three of them, in fact, worked for us at some point. I believe it is a real problem and certainly, I am not asking that you take my word for it or take any action this evening. I would whole-heartedly ask that you look into the bill, look into the statistics, look into the information that is out there, and at some point in the future, if we agree, yes, it is going to involve a cost predominately it would be handled similar to the way that the presumptive cardiac law is and that is anytime that a firefighter is hired they have to have a pre-employment physical that involves a cardiac screen. If there is no indication of cardiac disease at the time they are hired and then if they develop it over their career, it is presumed to be job-related. There would be the same type of screening process for some list of cancers. Yes, that would be an employer's additional expense when we hire. The bigger issue would be to give them bigger access to Worker's Comp coverage as a job-related injury but what currently regularly happens is that, and the League has made the argument that there are other avenues, that there are the individual's personal insurance and those types of things. The issue there is, what characteristically happens is other firefighters either cover the individual shift, they trade shifts, they donate sick time in order to keep that person on the books on a paid status in order for them to retain their employment, and with their employment medical insurance. At the point that they have no more paid off-time and nobody else has any time to give or donate to them, then they run out of time and they run out of insurance. Yes, there are other avenues. I think access to the Worker's Comp program as a job-related injury is the overall answer. Thank you.

Mrs. Emerson: Mr. Shroyer, just a couple of questions. First of all, the cardiac issue that you talked about, so most firemen when they get hired are young, I would assume? So, you are telling me if you are twenty-three, twenty-four, twenty-five and you have a cardiac study and you are clear, when you become forty-five or fifty and you have been a firefighter and you develop a cardiac issue, they are going to cover you?

Mr. Shroyer: Yes; that is presumed to be...

Mrs. Emerson: Doesn't that come along with just life and aging? I would find that very difficult to prove that your job caused you to have the heart attack.

Mr. Shroyer: Statistically, the incidence of firefighters is so much higher that it becomes a presumption that it was job-related and the same logic is in play for this legislation. Yes, are there some firefighters that develop cardiac issues that are not job-related? Possibly, and what the current legislation for cardiac does is put that onus on the employer or the pension system to show that there are other mitigating factors. If you are a smoker, if you are overweight, if you haven't lived a healthy life style, the employer or the pension system has the option to introduce the issue that there are other factors that may have caused it.

Mrs. Emerson: As far as that goes, I don't agree with that type of coverage. But as far as the cancer thing, if there are studies out there that proves this, and like the Mayor said, I would like to look further into this.

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Mrs. Emerson (continued): If that proves to come out, then I have no problem agreeing with you but if it is handled like the cardiac, I don't agree with that at all. Do you have the list of cancers that they said are specific to firefighters - you said one said four and one said six; two studies you looked at? What cancers are those, do you know?

Mr. Shroyer: U.C. in 2006 said Non-Hodgkin's lymphoma, prostate, testicular. I thought there was a fourth in that study, multiple myeloma. That is the new list in the legislation. The study at U.C. pointed out those three and I want to think there was a fourth one. The study through the Center for Disease Control said oral cancers, respiratory cancers, genital cancers, urinary tract, bladder and kidney, gastro-intestinal and prostate.

Mrs. Emerson: That is about all of them, isn't it?

Mr. Shroyer: Pretty much, yes.

Mrs. Emerson: Okay, I would like to look further into that.

Mr. Shroyer: Yes, and I would encourage you to do that. Statistically, in the research that I have done, there is some indication that sometime over their career, 68% of firefighters will get some type of cancer and that is three times the rate of a similar non-firefighting population. Thank you.

Mr. Hawkins: I too, obviously, I don't think anybody up here would have a different view point - we obviously want to be supportive to our first-responders, firefighters, and police officers. I need some more time to look at the Bill and look at the mechanics of it. I had a brief opportunity to sort of scan through it but I haven't had enough time to meaningfully look at it and look at the ramifications with what the statistics say. I appreciate you bringing this forward, Mr. Shroyer, but I personally need some more time to examine it as well.

Mayor Webster: Mr. Shroyer, can you explain to me why, and maybe you don't know, but why do firefighters get cancer three times the rate of the general population? I can understand lungs and that kind of stuff with inhaling chemicals and smoke but why all of the other ones? I don't understand that.

Mr. Shroyer: Well, a lot of these are in some manner environmental. Part of it, I think, is the issue of today's fires. These issues weren't there years ago when we were burning ordinary combustibles and breathing cardboard smoke. Most furnishings now are made with vinyl - as you burn vinyl and it breaks down into by-products, by-products are the hazard and they are absorbed through the skin and they can be obviously inhaled and can be absorbed through eye sockets, any moist tissue. Even with today's technology with protective equipment, obviously protective equipment is much better than it was years ago, but the fires are different than they were years ago as well but it is the by-products of combustion that are entering these folks' systems through a number of different routes, even with the best protection available.

President Vanover: Is there any further discussion?

Mrs. McNear: Just another reminder to get your annual financials filed with the Ohio Ethics Commission, please.

President Vanover: I think the concurrence from Council is that we would like to see more information on the Bill; we can take a look at it. I, too, am in big support of our first responders, fire, and police but also I understand the broad nature. Part of it reminds me of back in about the 80's when they started attacking and coming down on suntan booths and suntan beds - unless you can really prove that you never went out and got sunburned, I would have a hard time believing that it was that booth that did you in. I can speak from experience because I have got one healed scar and one stitch is still in it from removal of basal cell carcinoma just in the last three weeks. I would have no problem after further discussion; let's get the information and we can bring it back up and discuss it again.

Mr. Shroyer: That's fair. I would be glad to get that information or any information that somebody may request or if everybody wants to do their own research.

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Mr. Shroyer (continued): Yes, I understand that it is a hard issue to say no to because of what the issue is, but Ohio, as a State, has been saying no for a long time. A number of states, obviously have gone through the process and made a decision and it is something that has been evolving. No, you are not ever going to be able to say that every incidence of cancer that happens be accepted as job-related can 100% be attributed to the job relationship but years ago we probably couldn't prove that all cases of black lung were related to mining but we took steps in that direction. We probably can't prove that all cases of cancers or health issues in employees from the Fernald Atomic Energy plant were job-related but, at some point, there is enough information or enough statistics that I think we make an assumption. Thank you.

President Vanover: Mr. Forbes, can we ask you to forward us at least the Senate Bill?

Mr. Forbes: I just did. I actually forwarded the full text of the Bill to Mr. Thamann. I thought it would be easier for him to distribute it to the Mayor and full Council.

President Vanover: Okay. Very good, thank you.

Meetings and Announcements:

Mrs. Harlow: Planning Commission will meet on Tuesday, March the 8th at 7:00 p.m. in these chambers. On Thursday, March the 10th, 2016 at 10:30 a.m., OKI will meet.

Mr. Hawkins: I thought that Planning Commission was cancelled.

Mr. Thamann: Planning Commission was cancelled for this month; nothing was submitted by the deadline. Civil Service Commission will meet tomorrow evening at 6:00 p.m. in the Administrative Conference Room.

Mayor Webster: I would like to announce that the Lyon's Club will have their twelfth annual pancake breakfast on March 19th down at the Community Center; all you can eat, \$6.00. Pancakes will begin to be served at 8:00 a.m. until noon. Bring the family and have breakfast at the Rec.

Mr. Thamann: One more item before we get onto the next item here. I will have a couple things under the Pending Legislation but I just wanted to let Council know Mr. Parham is on vacation but before he left, he worked so diligently to make sure we had the specifications put together for the demolition of the old hotel property, the old Sheraton Cincinnati North. We do have specifications available. It will begin to be advertised starting March 7th, Monday, in the Cincinnati Enquirer for two weeks and also the Cincinnati Herald, for two weeks as well. Those bids are due on April 4th, when we will go ahead and open the bids for demolition of the property. I just wanted to let Council know that we are moving forward on the project and hopefully we'll see some favorable bids.

President Vanover: So with that, I take it that we did finally close on the property?

Mr. Thamann: Oh, yes. We own the property. We haven't closed on the bonds yet but that's something I will bring up here shortly.

President Vanover: It is ours.

Update on Legislation Still in Development

Mr. Hawkins: Item I - regarding the Ordinance adopting the new Zoning Regulations for the City of Springdale, this was addressed with Ordinance No. 4-2016, which passed with 5 – 1 vote. Item II and Item III are forthcoming.

Mr. Thamann: Thank you, Mr. President. Regarding Item II, which is the amendment of Ordinance No. 3-2016, just a little history here - on January 6th, Council passed an Ordinance to authorize the City to purchase the old Sheraton Hotel and then, on February 3rd, Council passed Ordinance No. 3-2016 to provide for bond anticipation notes, not to exceed \$3M for both the acquisition and the demolition of the hotel.

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Mr. Thamann (continued): Ordinance No. 3-2016 did have specific language in it that specified a closing date of February 16th, which unfortunately did not occur. Therefore we have to amend Ordinance No. 3-2016 and that is what is in the report here for the amendment to change the optional redemption provisions. Those optional redemption provisions basically are changing the closing on the notes so we are hoping to go ahead and have this Ordinance before Council at the March 16th meeting.

The other item, Item III in the report, I believe this has been reported, that it was going to be before Council on March 16th but this purchase process through the State of Ohio Cooperative Purchasing Program, and dealing with the vendors has been very challenging. I think you have seen that in past reports; again, it remains challenging. The Administration yet does not have a recommendation to move forward; therefore, you will see this forthcoming whenever we are ready and comfortable with the vendors in the State Purchasing Program.

Recap of Legislative Items Requested for next Council Meeting

Mr. Hawkins: An Ordinance amending Ordinance No. 3-2016, to change optional redemption provisions and Declaring that an Emergency.

Adjournment

President Vanover: That brings us to Item XIV.

Mr. Hawkins: Move to adjourn.

Mrs. Emerson seconded the motion and Council adjourned at 7:40 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2016