

City of Springdale Council

September 7, 2016

President of Council Vanover called Council to order on September 7th, 2016 at 7:00 p.m.

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

President Vanover added item 8A, Executive Session, to the agenda.

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

The Minutes of the July 20th, 2016 meeting were considered. Mr. Hawkins moved to adopt and Mrs. Harlow seconded. The Minutes of the July 20th, 2016 City Council Meeting were adopted with a vote of 6-0.

The Minutes of the August 17th, 2016 meeting were considered. Mr. Shroyer moved to adopt and Mrs. Emerson seconded. The Minutes of the August 17th, 2016 City Council meeting were adopted with a vote of 6-0.

Communications - None

Communications from the Audience

Mrs. Matheny: Good evening. I'm Julie Matheny. I'm here representing the Chairperson of the Charter Revision Committee, and I was pretty surprised and rather unpleasantly so, not pleased, to hear that once again tonight, these issues are going to have to be re-voted on. Let me just refresh everybody's timeline a little bit if I may. We proposed these Charter Amendments back in March. It was brought to Council, brought to the floor May 18th, and one of the Amendments was passed. The Second Amendment was passed on June 1st. So without hearing anything, whether they had been filed with the Board of Elections or anything else, I asked Mr. Forbes before the Council meeting, the last Council meeting, "Have these Amendments been filed?" "No, I don't ever do that." That was the response I got. "Kathy would do that." I ask Kathy if she's got a minute, call her aside. Kathy's like, "I never do that." Jeff goes back, checks with Derrick who still doesn't have an answer. Sits here in the meeting though and represents that they'll be filed, look into it and be filed on the next couple days. So here we are, 98 days since the very first one passed. 98 days! A lot has happened in 98 days, but you know what's not happened? Our Charter Amendments did not get filed at the Board of Elections. They sat on someone's desk and if this isn't the definition of the height of confusion, I'd like to know what is. Quite honestly, I think it shows a lack of respect for the residents of this City. I think it shows a lack of respect for the Body up here that has to sit through this once again tonight, and yes Mrs. Emerson, I can relate to you. Now you get to vote for a third time. Most of all, I find it lack of respect for the work that the Charter Revision Committee put into this. We're not paid. So I've been wanting to say this for the last two weeks, so I'm glad I finally got to get it out. Thank you for your time.

President Vanover: Is there anybody else that would like to address Council for any reason?

Mr. Gibbs: Hi. This is my first meeting. I live here in Springdale. I've lived here for ten years and this is the first time I came here (laughs). I have a concern. I live down on Van Cleve and Nelson Lane, and it's a very heavily traveled area. There's cars coming constantly in that area. You may be familiar with an address. It's a residence. It's 248 Nelson Lane. I have called the police on the residence on different occasions. I've worked with the residents. Those have all been taken care of. What they do is, it's a, I have respect for all cultures. It's a Mexican family, and they have multiple people that live there, and I think they have been up here before with some issues concerning how many lives in the household. My concern is that there's a lot of activity going in and out, and I'm right there on the corner, and there's a lot of vehicles that are parked on all areas of the intersection. They stick out and people... the wrecks are just waiting to happen. I mean I see this all the time. And when you come down through there in the daytime, they're all gone. They have trucks with ladders. They do construction work, so they bring in all their workers and they stay there at the night. Now I have a list. I keep track. I have fourteen license plates that have been at this residence and have stayed there during the night. Fourteen. Not all of them have stayed there, but there's been as many as seven to eight at one time. I know it's a public parking place, but it's being hogged from our surrounding neighbors, and I know we have families

City of Springdale Council

September 7, 2016

that come and we have parking areas, but this is every day. Nothing has happened – I mean they don't really bother anybody. I know they've been cited for chickens, of course you know, if you haven't heard that. They've had hogs in the back of their yard. They've killed them. I know this from the people that's back. Now I've talked to my surrounding neighbors, and I tried to handle this in a nice way. You know, you don't want to make enemies. But, I even know they went down to the creek and got a rock and carried it up, but the policeman caught them a few years ago. They use it for washing. That's their mashing machine. But they caught him and they made him take the rock back. So their living, is just, it's not picking on any culture, but it's just, they're just free-living. We're in a residence. I pay taxes on this corner. I have a very commended corner lot. I grow a lot of, if you ever go past there, you'll see all the flowers and different things that I grow. I keep it and I have respect in my neighbors. I work with them to make it a really nice community, and it just takes one to kind of mess up the whole thing. So, I just wanted to approach this. I have had people that's willing to come with me to the next meeting or at some point. I rounded them up to just come up. I don't know if anything can be done, but it's just, why do we have to have, I know there's, you have so many residents that's in a household, but it seems to me you should have a limit to how many vehicles you can own, can be in that property or within that area all the time. They're the same ones. That's the problem, you know. It's just you can have three vehicles and everybody parks their cars, but six? Eight? Up to fourteen that I get? It's just, I don't know. There oughtta be a limit somewhere. Something to look into. And I know that this is probably not the only place that's in this area. There's probably others. I mean you park the cars where the tailgates hang over the sidewalk, and people have to walk out in the street to get around. And they park their cars in the yard too as well. Now I've called them. I know the police officers can't be a babysitter. I mean, I commend them for the work they do and for all that you do here, and it's just maybe a minute thing, but it's really an eyesore to our community, and if you let one get by with it, it keeps going, and you know we want to keep the community strong and looking good. We just gotta step up and do something with the bad apples and see what, I just think it should be looked into.

President Vanover: Before you walk away, we've got some comments, but first, could you sign your name and address for the record. Tell us who you are.

Mr. Gibbs: Yes, I can do that. I'm Larry Gibbs, and I...

Mayor Webster: There's a pad there if you would, just put your name and phone number and address on there.

Mr. Gibbs: Okay, I can do that.

Mayor Webster: So we can get in touch with you.

President Vanover: Makes our recording secretary's job a little easier.

Recording Secretary Moore: He lives behind me; I know him quite well! (laughter)

Mr. Gibbs: What's that? Oh, hey! (laughter) She's right behind me!

Mrs. Harlow: Thank you, Mr. President. I have been aware of the parking situation that you're referring to, and it is very dangerous because the vehicles park right to the corner and you cannot see. If you're coming down Van Cleve and you want to turn left onto Nelson, you can't see if there's a vehicle coming the other way. You have to just kinda inch your way out there.

Mr. Gibbs: Right.

Mrs. Harlow: And I have seen all the pick-up trucks there as well.

Mr. Gibbs: Just one thing is where you're talking at, when you come down Nelson Lane and you're coming into Van Cleve, that section...

Mrs. Harlow: Is tight.

City of Springdale Council

September 7, 2016

Mr. Gibbs: From so far should be no parking, really, because it's heavily traveled.

Mrs. Harlow: Right.

Mr. Gibbs: And the section coming Nelson to Van Cleve which is right in front of mine, there should be at least one section of it to the corner that there should be no parking. That whole corner should be open. I mean I've seen police cars, they all have wait and they can't get around and it's, it wouldn't be a problem if it was just one or two cars. But if you just park there and sit there... they're constantly coming all day long. It's a main drag, so that's basically all I have to say.

Mrs. Harlow: The Nelson to Van Cleve, when you're making a right turn, it's a tight turn anyway.

Mr. Gibbs: Yes it is.

Mrs. Harlow: And if you've got vehicles parked right up to the corner, it makes it impossible. Somebody has to give, and...

Mr. Gibbs: Yeah, there should be some footage on down to give that, because they have to come up, there's cars parked on down the side anyway, and they have to kind of ease over to let one another through anyway. But when you get to the corner, you've got everybody coming in there. So that needs to be free. I know, I've had one car in my yard already. It came in. I wasn't there, but I seen the tracks, so I mean it just, I mean that could have been just something different. But I just think it needs to something looked into.

Mrs. Harlow: I agree with you.

Mr. Gibbs: The residents would really appreciate it and you know, like I say I've spoken with several of the residents around the area,. And so I wanted to come up and just present this. I'd appreciate it if you'd just give it some thought and at least look into it or something.

Mayor Webster: Have you talked to anybody in the Building Department about the situation at all?

Mr. Gibbs: Yes, who did we speak to?

From audience: Brian?

Mr. Gibbs: Brian.

Mayor Webster: Brian Ward. Okay. Alright.

Mr. Gibbs: Yes, we spoke to him. He pulled up the satellite and everything. I've talked to several of the officers, you know just pulled them aside and talked to them, and I had, I was going to propose a letter of the situation to whoever it needs to go to. I was just doing it through the channels and just see what could be done because I think it's something that should not be overlooked. If you really want to.

Mayor Webster: Okay, we'll have Mr. Ward take a look at the situation and also investigate the possibility of maybe we need to designate part of that as the fire lane. If normal traffic has trouble getting through there, God forbid an ambulance squad or a fire truck had to make that turn.

Mr. Gibbs: Right. Yeah.

Mayor Webster: So we'll take a look at that. Not if cars are blocking the sidewalk, hanging over, that is a violation, and that can, they can be cited to court for that.

Mr. Gibbs: Well the thing of it is, you know, it's, they're so quick I don't know if any, it's like if you make a phone call they know you made the phone call. I don't know. I mean they don't know it's me, but it's, when the police gets there, there was another one just the other day, one was parked right in the middle of the intersection. The car was just sitting there! And by the time the

City of Springdale Council

September 7, 2016

police car had got here, he'd just made the turn, and he come out of that house, he didn't see the car, the police car, but he was just in there visiting or doing something, and making and run and stuff like that. I mean sometimes even in their garage, they will take a lot of chairs, and they have some kind of meetings there. I mean I've been here for ten years, so I know it's going on. It's, you gotta have proof of what's going on, what's happening. I've seen them carry mattresses in several times lots of different furniture, so I don't know how they all pack in.

Mayor Webster: Okay, we'll certainly give it some attention and see if we can't clean it up.

Mr. Gibbs: Alright, thank you much.

Mr. Shroyer: I was just going to mention that I think the vehicles are a secondary problem to the number of people that live in the residence. It's not like a family with a couple of teenage kids that have cars. I mean, there's a vehicle for each person in the residence and there are as he said, in the evening anywhere from six to eight, and they're all very nice custom pick-up trucks, but they're not teenage kids' trucks. I think the trucks are indicative of the number of adults that live in the house. Thank you.

President Vanover: Well, and I did my driving test years ago, but even in a parking area, aren't they supposed to be what, twenty-five, twenty-six feet off the corner? For whatever reason, that number sticks out in my mind.

Mr. Parham: Mr. Gibbs, what's your address?

Mr. Gibbs: 11848 Van Cleve

Mr. Parham: Okay. The subject property is at 248 Nelson?

Mr. Gibbs: 248 Nelson, yes.

Mr. Parham: Okay. There's a number of things that Mr. Gibbs identified, and as the Mayor said, we'll have both the Building Department as well as the Police Department begin to provide a little bit more attention to this location. However, as he indicated and as I think most of us are aware, there is a limitation on the number of adults that can reside in a household. One of the things that he provided is that there are seven to eight vehicles residing there overnight. The way of gauging how many are at a residence is through identifying the number of vehicles at night. The challenge you have is whether some of those people are family members that sometimes come in town to visit. Maybe this isn't that type of situation. Maybe these people are residing there. If that's the case and we can identify that, then we'll correct that problem as well. As the Mayor mentioned, parking the car over the sidewalk is a violation. Parking cars in the grass is a violation. We'll address and take a look at the issue relative to whether it's a fire lane opportunity or not, at the corner. I think one of the easiest ways to address the problem is to make contact with them. We can also send them correspondence to let them know what the requirements are for housing and the number of individuals residing in the household. This will sort of put them on notice. A lot of times that helps with people beginning to find other places to reside. If it doesn't fix the problem, then we'll also address it through other methods. But we'll address the issue.

Mayor Webster: Is that a rental property, sir? Do you know?

Mr. Gibbs: No, I believe they own the house.

Mayor Webster: Okay, you think they own the property. Okay.

City of Springdale Council

September 7, 2016

Ordinances and Resolutions

Ordinance No. 28-2016

ENACTING AND ADOPTING THE 2016 S-17 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY.

Mr. Hawkins motioned to approve the Ordinance; Mr. Diehl seconded the motion. Ordinance No. 28-2016 was approved with a vote of 6-0.

Resolution No. R11-2016

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION 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 (BEACON HILLS/KENN ROAD)

Mr. Diehl motioned to approve the Resolution; Mr. Hawkins seconded the motion. Resolution No. R11-2016 was approved with a vote of 6-0.

Resolution No. R12-2016

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION 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 (GLENSPRINGS DRIVE)

Mr. Diehl motioned to approve the Resolution; Mrs. Emerson seconded the motion. Resolution No. R12-2016 was approved with a vote of 6-0.

Resolution No. R13-2016

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION 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 (JAKE SWEENEY PLACE)

Mrs. Emerson motioned to approve the Resolution; Mrs. Harlow seconded the motion. Resolution No. R13-2016 was approved with a vote of 6-0.

Mayor Webster: I'd just like to say a couple words. I was going to say something before we started down the path of those three Resolutions, but Mr. Vanover was too quick on the draw there for me. But anyway, as all of you know, these three Resolutions that you passed tonight are requesting about \$4.3 million dollars, I think, of our \$7 million overall Street Program that we hope to implement over the next three years. This, hopefully we're going to get some funds, some grants here, and what we don't get in grants, we're gonna hopefully take a twenty-year interest-free loan, and so this is sort of the cornerstone of the whole program, so I just, you know, want to express my appreciation to you guys for your unwavering support on this thing. I think it's going to mean a heck of a lot to the City of Springdale if we can pull this thing off, and there's no reason why we can't. So just keep your fingers crossed that we get some nice grants out of this thing. I guess we find that out in September, or November, isn't it, Don?

Mr. Shvegza: (inaudible, off mic)

Mayor Webster: End of November, we'll find out how we scored on this thing. Thank you very much.

President Vanover: Thank you.

City of Springdale Council

September 7, 2016

Resolution No. R14-2016

IMPOSING A MORATORIUM FOR A PERIOD OF 180 DAYS ON THE GRANTING OF ANY PERMIT ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF SPRINGDALE, OHIO.

Mrs. Emerson motioned to adopt; Mr. Hawkins seconded the motion. Resolution No. R14-2016 passed with a vote of 6-0.

Resolution R15-2016

DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF SPRINGDALE, OHIO, AT THE NOVEMBER 8, 2016 GENERAL ELECTION, A REVISION TO ARTICLE II, SECTION C, PARAGRAPHS 4 AND 5; ARTICLE III, SECTION B, PARAGRAPHS 3 AND 5; AND ARTICLE IX, SECTION C, PARAGRAPH 8 OF THE CHARTER OF THE CITY OF SPRINGDALE (GENERAL MUNICIPAL ELECTION)

Mr. Shroyer moved to adopt; Mrs. Harlow seconded the motion. Resolution No. R15-2016 passed with a vote of 6-0.

Resolution R16-2016

DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF SPRINGDALE, OHIO, AT THE NOVEMBER 8, 2016, GENERAL ELECTION, A REVISION TO ARTICLE VI, SECTION A, PARAGRAPH 1; AND ARTICLE VI, SECTION B, PARAGRAPH 1, OF THE CHARTER OF THE CITY OF SPRINGDALE (TERM LENGTH)

Mrs. Harlow moved to adopt; Mr. Diehl seconded the motion. With 4 affirmative votes and two negative votes (Mrs. Emerson and Mr. Hawkins), Resolution R16-2016 failed. A 5 vote super-majority was necessary to pass.

Mrs. Emerson moved that Council enter an Executive Session to discuss labor negotiations. Mr. Diehl seconded the motion. With a vote of 6-0, Council entered Executive Session at 7:36pm and reconvened at 8:06pm.

Old Business

Mrs. McNear: Council, as you may recall, last week I did bring up Communication from Mrs. Frances Kramer at 1029 Terrytown Court. She had sent a complaint and some pictures in about grass clippings that are being left on the sidewalks. Since then I've had fifteen additional emails from her with additional pictures. She still is highly concerned about folks who are not sweeping up the grass clippings from the sidewalk. I did tell her I would bring this back up at Council again tonight to see if there was any appetite for any type of legislation. In the meantime, too, Mr. Parham has sent a survey to the other municipalities to see if there is anyone that has anything on the books on how to administrate, and if there is any legislation in place on this particular item. So I just wanted to bring it, just open up real quickly to see if anyone has any thoughts on this beyond what I've just mentioned this evening.

Mr. Hawkins: I know the Mayor had referenced that we may have some difficulty with regard to enforcing this. Is there something on the books already with regard to keeping sidewalks clear, or clean of debris, or anything of that nature?

Mayor Webster: As it relates to grass, the only thing that we have on the books, if we order you to cut your grass, if it exceeds ten inches, part of that regulation also says you shall rake and bag the clippings. But if it's nine inches, you cut it and some of it goes on the sidewalk, there's nothing on the books that we can do about that. And that's exactly the conversations that I've had with Mrs. Kramer over the couple years on this issue. There's absolutely nothing we can do. "Well put something on the books." Well, okay, how are you going to define what's too many clippings? So, that's what we're searching for now, is to try to find and see if any other community has a regulation like this on the books, and if they do, how

City of Springdale Council

September 7, 2016

they define what's in violation. If we can find that, then I would support it wholeheartedly. We would amend the Property Maintenance Code and put that in there. But just to stick something in there without any way of, sort of tying Brian's hands, we don't need any more Ordinances on the books that we really can't enforce.

Mr. Shroyer: We do have a section currently on the books in the Property Maintenance Code under sidewalks that states "The owner shall maintain all sidewalks, curbs, driveways, or parking area in a proper state of repair and maintained free of hazardous conditions." Now what we define as a hazardous condition, but in this particular case, the pictures that I've seen with the excessive accumulation of the clippings, at any particular point that those clippings are wet or they set there long enough that they begin to mildew or rot and become a slipping hazard, then whether we can address that under current language as a hazardous condition, I don't know. I would agree with the Mayor that I don't know that we would need anything else with any more stringent specific wording, but if we have specific cases like these, if we felt like they fit under hazardous conditions, we could probably address them under existing language.

Mrs. McNear: Thank you, Mr. President. One of the things that I addressed with Mrs. Kramer is that, you know, what is, what do you consider debris? Is it ten percent coverage? Is it fifty percent coverage? What if leaves blow from somebody else's tree onto your sidewalk? And how much time do you have to clean this up? I said it's just a matter of, how do we administer something like that, and how do you determine which condition is bad enough to warrant having somebody go out there? And I said it's also a matter of, you know, how do we get enough people to monitor that situation? And as a matter of fact, it's something that can change daily. You know, your sidewalk might be fine today, but you cut the grass tomorrow and leave your clippings. Same thing, Mr. Diehl, if you may recall when I was complaining about the goose droppings everywhere. You said, "Can we go in and clean it up?" We said, "Well, it works for today, just like owning a dog." The cleanup works today; it doesn't work for tomorrow. So, I mean, there's just a, I tried to explain that, you know, there's just no easy way to administer this, but I continuously get new pictures. Now I don't know if the picture is the same house every time, because I've only had one location identified from any of the pictures, so I don't know if it's just a smattering from the neighborhood, or if it's just one location.

Mayor Webster: I think it's different ones.

Mrs. McNear: You can't tell from the pictures. You know, you just can see grass.

Mr. Diehl: Thank you. Well, up front I will tell you I probably would not be in favor of this because there's just too many things that go along with this. Who controls Mother Nature? If they wanna blow the clippings from one property to another? Before you know it, we have a bunch of people in here complaining about the loud noise from all the leaf blowers that are going off. I just think there's too many issues that go along with this that we don't need to aggravate ourselves. Thanks.

President Vanover: Well, and I've been a recipient of some of Mrs. Kramer's emails, and I know Mayor Webster has too. One of the issues, you know, is grass growing up in the cracks, and I harken back to when I moved in, nobody told me that that was my responsibility. It was just my pride in my ownership and my property, but times have changed. These zero-turn mowers, I mean there are probably more non-baggers than baggers out there, and yeah, I'm sure everybody would see it get blown in the street all over. A good issue Mr. Diehl just mentioned about, you know, it's blown on the neighbor's property, and you know, it's one of those, how do we enforce it? You know? Do we, are they willing to, you know, support a tax increase to pay for a grass police department? You know, it's, I don't know. It's, unfortunately, I think it's just a statement of the times we live in and I agree there are some hazardous conditions. You know, I've mentioned before, blowing grass in the street and it ends up in the storm sewers and then people call and complain about the odor emanating from the storm sewers, the catch basins. So, it's, as my wife's grandfather would say, "it's a sticky wicket". Mr. Mayor.

Mayor Webster: Why don't we hold off until the next meeting? Let's see what we get back on the queries we have out, and also Derrick is going to have to talk to our Planner tomorrow and see if she's aware of any other communities that have regulations along this line. So let's see. If we can't come up with anything, then I would have to agree with Mr. Diehl, but we've got to find a way to measure this thing. That's all there is to it.

City of Springdale Council

September 7, 2016

Mrs. Emerson: Has Mrs. Kramer or the City or any other residents had any discussion with these people who are having these large amount of grass clippings, because sometimes like you were saying, Mr. Vanover, sometimes the people don't realize it and just a discussion of saying, you know, we want to take pride in our neighborhood, we want to keep our sidewalks clean, that kind of thing would change that behavior. Have we gone to that extent, or has Mrs. Kramer addressed it?

Mayor Webster: I don't think, I don't know that it's a neighbor. I mean she walks all over Heritage Hill.

Mrs. Emerson: Oh.

Mayor Webster: So this is just things that she observes.

Mrs. Emerson: She notices.

Mayor Webster: So I don't know that she knows these people.

Mrs. Emerson: Oh, okay.

Mayor Webster: And like I said, I think it's different locations that she's sent us pictures of.

Mr. Parham: Mrs. Kramer, I think, speaks to Brian Ward almost every day about this and other items. I know in talking to Brian, there are some photographs I think we had recently with a lot of grass on the sidewalk. In that instance, it was a property owner or landlord who leased the property out who left grass on the sidewalk. As I understand it, they are in the middle of ridding themselves of this rental property. Typically he has a contractor that goes out and cuts the grass, but his contractor hasn't been performing very well, and so when Brian made contact with the landlord, the landlord fessed up and said "Well, actually it was me and I'll go back and take care of it." And he went back and took care of it. So, sometimes, if you have the conversation with people, they will clean up the grass. Other times they may not.

President Vanover: Alright, then everybody willing to wait out and see what we get back from surrounding areas?

Mrs. McNear: I think that's the only step we can take at this point.

President Vanover: Okay. Alright.

Mayor Webster: Is that the end of it? Are you ready for other Old Business?

President Vanover: Other Old Business. Mayor Webster.

Mayor Webster: Okay, at the last Council meeting, I think Mr. Diehl asked the Administration to take a look at what kind of skunk control program we could find, or see if there's anything available, and so forth and so on, so Mr. Parham and our Health Commissioner have been doing a lot of work on this, so let me turn it over to him to bring you up to date on what we've found that's available.

Mr. Parham: So, as I just kind of went back through the minutes trying to identify questions that had been asked, I had one question who wanted to know whether or not the County had a program that offered any sort of assistance. Another question wanted to know whether or not the Ohio Department of Natural Resources offers any assistance. We made contact with Hamilton County Health Department, City of Cincinnati, City of Norwood, Butler County, Clermont County, Middletown, and the City of Hamilton Health Departments, and each of those organizations, we also talked to ODNR, but I'll get to ODNR, but each of those organizations, none have a program that will assist with addressing skunks or any other nuisance animals. Typically if you were to contact them, in some instances, they would, in fact pretty much all of them, would suggest you contact or they give you the telephone number or they would point you in the direction of the website of the Ohio Department of Natural Resources. The City of Norwood used to have a trap program where they provided traps for their residents to

City of Springdale Council

September 7, 2016

capture the animals. Unfortunately, at some point, the residents stopped returning the traps, and they simply abandoned the program. Now they are simply referring residents to the Ohio Department of Natural Resources. We did make contact with the Ohio Department of Natural Resources, both with their Columbus location as well as they have a local representative. When we spoke to the Columbus office, they would refer you to their website. If you go to their website, there's a lot of information on their website. Sometimes it's a little challenging to find what you're looking for, but once you get to Nuisance Animals, then you'll find an abundance of information that will give you information as to how to avoid seeing the nuisance animals, how to address them, how to capture them, etc. They'll also give you a list of contractors by counties who capture nuisance animals. You can go to their website and identify a trapper, if you wish. I have to applaud our Health Commissioner Mr. Clayton, Matt Clayton. He did an outstanding job. I had him on the phone a lot today making additional calls to other departments that we could think of that had a health department. Typically this issue is handled through the health department. Although the phone conversation with the Middletown Health Department, they indicated "we don't handle those. We pass them on to the police department." (Laughter) And so I had the police chief to contact the police department. It's better to let police talk to police, and when he spoke to the dispatcher answering the phone, she said to him, "No, we don't deal with those things." And he said, "Well, wait a minute, now. We've been told by someone in your organization, your health department passes it on to your police department and you guys address them." And her response was, "So that's why we're getting all those calls!" (Laughter) But they too do not have a program, very similar to the other departments. As for the individual with the local ODNR office, Mr. Clayton said he was quite curt and he said very quickly, "No, we don't do anything with that. That's the homeowner's or property owner's responsibility." And he did not refer them to the website. He did not refer them to any resources. That was just simply his response. As we talked last meeting, there may have been an inference or maybe even a statement that we didn't have a program. What I'm passing out to you is a pamphlet that we've had in place for some time now. It is our Nuisance Control Program. There is a program in place. What this document does is identify exactly what it is the City of Springdale provides. At this time, we do not pay for capturing animals, nor do we hire a trapper or anyone else to collect animals and dispose of the animals. But we do have the Have-A-Heart traps. We provide this document as well as other information that's on our website that identify those six animals that if you capture one of the six animals, those animals are either required to be euthanized or those animals are required to be let go at their current location on your property. We also provide roughly about six contractors or organizations that are in that business. So if the resident wants to use a City trap, they can use a trap at no cost. They can set that trap up, and then once they set that trap up, there are then other options. One of the options for the resident is if they are so lucky to capture one of those six animals, that they have the responsibility to euthanize those animals or to let that animal go. Now, as I said earlier, ODNR has a lot of information on their website, and they will provide information as to what the Administrative Code requires relative to these six animals, but they do not provide you with any guidance or any direction as to how you follow through with euthanizing an animal. There are some methods that we were able to ascertain from the American Veterinary Society. One is using a form of gas, whether it's carbon dioxide or carbon monoxide. One is using what's called a penetrating captive volt. I guess they use that to kill cows. One is through a lethal injection. One is decapitation. One is electrocution. I think Mr. New, who presented his concerns at the last meeting, didn't necessarily say exactly how he did it, but he did share with us what he did, and that was he captured them, put them in a bag or something, and tossed them into the river. We found information where individuals will place the cage into a garbage can or some other vessel, fill it up with water, and they would drown the animal. None of these are very humane, but one of the things they keep saying, it has to be humane. Now the ones that I identified earlier, those are considered to be humane ways of euthanizing these animals. So that's an opportunity. It may not be a pleasing opportunity, but that is actually an opportunity, whether we agree with it or not. Second option is that the resident has the ability to use the trap, capture the animal, and then they contact the trapper. They can have the trapper to come out and to take away the animal, and they are going to have to foot the bill and it ranges from all kinds of costs that we have received from a number of trappers. One of the things that I found as I was going through this document. We went back through the minutes from the Board of Health, as well as City Council meetings back to 1999. We have had this discussion for a long period of time. I found other minutes earlier that, in 1992, there was a lot of discussion about skunks during that time. There was a gentleman over on Elkridge who shared with the Council at that point in time the fact that a family of skunks had gotten into his home and they had to move out of their home for about twenty-two days. The good thing for them was ten of those days I think he was on vacation. The others they had to find someplace else to live.

City of Springdale Council

September 7, 2016

They had to have their home fumigated and other things. So it's been a subject matter that's been throughout our history, as well as throughout the Greater Cincinnati and probably a lot of other places outside of that. But one of the things that I found as I was going through here, there was a report, I can't remember it was a report that was either at the Board of Health meeting or the Council meeting, but there was an indication that SPCA would euthanize animals for the resident for \$40. And so I had Mr. Clayton contact SPCA, and at their location, their main location in Northside on Colerain, they indicated for \$50, they will euthanize the animal. If the animal is ill or sick, and I don't know if that means injured, but it does if he's ill or sick, then they will do it for free. So that's another option that's available to residents.

Mayor Webster: You have to take the animal down there?

Mr. Parham: You have to take the animal there.

Mrs. Harlow: (inaudible, off mic)

Mr. Parham: I can't hear you, ma'am.

Mrs. Harlow: They wouldn't be allowed to do that because the animal can't leave the property, right?

Mr. Parham: No, ma'am, that's not true. You cannot take the animal off property and set the animal free.

Mrs. Harlow: You can't set it free.

Mr. Parham: You can't set it free, but if you take him off property, you have to euthanize him. Let me see what other information I have for you. There's just a ton of information I have here. I'll answer any questions that you have.

Mayor Webster: Are you finished, Derrick?

Mr. Parham: I'm finished, yes.

Mayor Webster: So I think what we've confirmed here is that every other community has taken the same approach that we're taking, that it's the residents' responsibility. Now, that wasn't always the case here in the City. As all of you know, for a long period of time, and I think it goes back to probably back in the nineties when we had a severe problem. David Bloomberg up on Elkridge was the family. I think that sort of spawned the creation of the Animal Control Program, and we started that, you know, if you had any kind of a wild animal, you call the Health Department. Then we call the trapper and they went out and they set a trap. They were trapping squirrels, bats, raccoons, the whole nine yards. And the cost of the program just continued to increase, and it got to the point where, you know, we had repeat offenders. You have a big gaping hole under your porch, and you don't cover it up, you know there's only so many times the City's going to send a trapper out there to get the skunks or raccoons or whatever out. So I think we, you know, at the tail end of the program, I think we adopted a program that was you got one bite of the apple. You got one call per year or something. So anyway, then in '08 and '09 when we really had to tighten our belt, we looked at the cost of that program and it was around \$18,000 a year, so we recommended to Council that they do away with it. And so we've had to, at that point then we adopted the program that Mr. Parham has described to you here and that's where we are today. Now, if the intent is to recreate some semblance of that prior program, then you know we've got information to be able to proceed with that, but really it boils down back to you guys and girls. Do you want to leave the responsibility with the homeowner or do you want the City to take some of that responsibility?

Mr. Diehl: Just a general question. The gentleman who was here at the last Council meeting, was he an isolated case or have we had a lot more complaints about multiple skunks?

Mayor Webster: We're getting a lot of complaints on skunks and also coyotes. A lot of coyote calls.

City of Springdale Council

September 7, 2016

Mr. Diehl: I have some more questions, but I will come back.

Mrs. Emerson: What if we did like a partial, like where we pick just, since skunks are the issue right now, that we made the resident responsible for trapping it, we provide the traps, and then reimburse them for the SPCA euthanizing them at \$50 a pop.

Mayor Webster: Okay, but...

Mrs. Emerson: That puts responsibility on both. They have to trap it, and then we pick up the cost to euthanize it.

Mayor Webster: But I think if we were going to start absorbing some of that responsibility I think I would rather for us just to dispatch the trapper out there and let them take care of the animal, rather than asking a homeowner to take that trap. I mean, I wouldn't feel comfortable loading a skunk (laughter) in a cage, in the back of my car, and then taking it down to Northside to get it done away with.

Mrs. Emerson: Put a blanket over it.

Mayor Webster: Please?

Mrs. Emerson: You put a blanket over the cage.

Mayor Webster: Ehhhh... I don't want any part of it. I'm either going to do one of two things. I'm going to call a trapper and have the trapper take care of it, and it's a matter of who's going to pay for this? Is it going to be out of my pocket, or is it going to be out of the City's pocket?

Mrs. Emerson: What's that cost for them to come and pick it up, and euthanize it?

Mayor Webster: What's it cost for a skunk? \$85.00. You know we've got appropriate...

Mrs. Emerson: You're talking thirty-five more dollars...

Mayor Webster: Please?

Mrs. Emerson: You're talking thirty-five additional dollars between...

Mayor Webster: Versus chucking it down to Colerain Avenue, yes.

Mrs. Emerson: So can we do that? If we limit it to just skunks.

Mayor Webster: Well, what do you, I mean, what are you going to do if a trapper comes out and there's a raccoon in there? So now, State Code says if you're going to release it, you gotta release it on site. If you take it away, you gotta (makes noise and motion of finger across throat).

Mrs. Emerson: Just release it then. Release the raccoons and keep the skunks. Raccoons aren't bothering us; it's the skunks.

President Vanover: Actually...

Mrs. Emerson: How many people have you heard complaining about raccoons lately? It's the skunks. (Mayor and audience members indicate that they have had trouble with raccoons.) Alright, you guys don't count. (laughter)

Mayor Webster: I mean seriously, we have a raccoon problem.

President Vanover: Oh yeah.

Mayor Webster: Or we have had, and I think a lot of people have had. I mean, in talking to the animal control, probably the best, the most economic animal control trapper we've dealt with here, we had a meeting with him today and he's given us a proposal that, a lot of these people

City of Springdale Council

September 7, 2016

want like \$175 just to come out and set up the traps, then so much per day to service the traps, and then so much per animal to take them away.

Mrs. Emerson: Right.

Mayor Webster: Well, this guy is pretty straightforward. There's no fee to set it up. I mean, if Matt called him and said, "Go to 123 Ledro Street." The guy would go out and set up a trap at no cost. If it was a raccoon, we caught a raccoon, it would cost \$75. He'd come out and take the raccoon and do away with it. A skunk would be \$85. Here again, I don't think this is going to happen, but if he would trap a coyote in one of those traps, it would be \$105, which is pretty darn cheap for a coyote. The other wildlife like possums and all that would be \$60. If he came out and it was a feral cat, he'd just turn it loose. So rather than, I guess I am of the mind that we either go all the way or we don't do it. To do it halfway and say "we'll only, we'll reimburse you up to \$50" and then we get people with all different trappers out there and I think that would be my recommendation. If you want the City to assume that responsibility.

Mrs. Harlow: Thank you. I believe that when we ended the trapper program, Mayor Webster, we were looking at \$18,000 plus per year.

Mayor Webster: Yes.

Mrs. Harlow: I guess my question is, this trapper that you spoke with, would he come out for the resident and give them the same price that he is offering the City, or do we not know that?

Mayor Webster: We didn't ask...

Mr. Parham: I'd probably say, we didn't ask the question but I would probably say yes he would.

Mayor Webster: He's a small operator. I would think he probably would, but...

Mrs. Harlow: I think it goes back again to the homeowner's responsibility like you were saying before, that in the previous program that we had, we had repeat customers that we kept having to go back to their home because they had not done the due diligence of boarding up the entryway that the animal was getting in. I don't know if it's the same way with skunks as it is with raccoons and squirrels. Will they come back to the same place, or is it something that needs... Do they get one bite of the apple? I mean, how do we work that?

Mayor Webster: Well, if we want to do the program, what I would suggest is let's do it on a thirty day trial basis, and let's see what kind of success we have and what kind of cost we incur, and maybe with, you know, we go on a month-to-month basis. Hopefully, right now, I think it's somewhat of an epidemic with these darn skunks, and let's see what we can do as far as, we're not going to eradicate them, but make an impact on it. And maybe do it for two or three months, or maybe till the end of the year, if the cost isn't exorbitant. And then at that point we, you know, get down to business and turn it back to the homeowner. But you know, we really hadn't, I guess if we've got a homeowner that calls us every day because they've got another one and another one, and there is something wrong with the structure where they're allowing them to get in, yeah I think we should you know, we should say no. Two or three times, that's it. Fix your house. Fix your gables. Fix your hole under your porch, or whatever it is.

Mr. Hawkins: I sympathize with residents and we see a number of coyotes, to the extent where we don't let the kids out around dusk, because there's a bunch of healthy coyotes that just bravely go up and down through the back yard, but at the same time, my, and I'd love to provide the service for the residents, but my concern is financial, and so it's something that you know, we've got a lot of things going on right now with regard to money for infrastructure and the Street Program. I would be more inclined to wait and visit this twelve months from now and see if it's something we can put in the budget. I wouldn't be in favor of doing it right now for 2017, but seeing how some of the other things financially go with the city, before we're spending more money on this kind of thing.

City of Springdale Council

September 7, 2016

Mrs. McNear: I do believe it's the homeowner's responsibility, however, I think that we could so some relief, but I am concerned about the financial aspects of it, and I wouldn't just want to have an open checkbook that says oh my gosh, we have all these critters. We need to get rid of them, be it for thirty days or the rest of the year. I think if we're going to do this, we say we're going to spend X dollars, whether that's \$5,000, \$10,000, the whole \$18,000 that we used to do before, but I don't think we can just carte blanche say we're going to take care of any critter call that we get. I mean I think there has to be some skin in the game for the homeowners too. I mean I've had them at my house. I've had trappers out, and I paid for it myself.

Mr. Diehl: Overall I agree wholeheartedly with the Mayor that what we should do is have a program, a temporary program, to alleviate the immediate burden from having ten, twelve, fifteen of these creatures and try to get that under control and then go back to a program that we have now, that it's the homeowner's responsibility. But I think we could offer the community thirty days, forty-five days, sixty days to get it under control. As far as money goes, you have a skunk problem. I don't think you really want to wait until 2018 to get this resolved. Anyway, my recommendation will be to have this program in effect, that we can get a trapper in here for thirty days and alleviate the problem, and then put the burden back on the homeowner.

Mr. Shroyer: I would agree with some type of a temporary pilot program. I had occasion to speak to an individual who was a trapper, who turned out was more than willing to educate me in the ins and outs of trapping skunks. Turns out that there's a right time of the year to trap skunks. Their mating season is April and May, ninety day gestation period, babies are born in June and July, and this time of year, August and September is when they're old enough to be leaving the nest and roaming. So that may be why we're seeing the increased problem as it is. The issue with providing traps to the homeowners and have them call us when they catch a skunk is that under Ohio law, the traps have to be checked every twenty-four hours. If the trap is set and not checked for twenty-five hours, that's a violation of the law, so if we're providing the traps, and they're not being properly used or properly checked I don't know if that puts us in any type of a positions, but I would advocate and be in favor of some type of a program where we at least bear the cost of the disposal of the animal if the resident traps it. Whether contract with a trapper and the Mayor mentioned that they have an individual that's willing to set the traps at no cost and basically I guess our only cost was if they trap an animal. Some of the others that I've talked to are much more expensive. \$179 to set the traps, and \$69 a day to come check the traps. I think at that point we start spending a lot of money and it becomes cost-prohibitive, but if there is an in-between where... and the other thing is that regardless of what we want to do, apparently under Ohio law, the animal is the homeowner's responsibility, and we can, whether have our own contractor or not, we can only go on their property, our contractor can only go on their property to trap skunks with the written permission from the homeowner, so we would need some type of process that the homeowner requests that we come out, they sign a document that they are in agreement with it. And the other issue with it I guess is to look at the number of calls that we've had and whether we chart those, or what we do with them, but obviously if we have skunks in an area, four or five homeowners in a row are going to smell the skunks. Well, they're all smelling the same skunk so it doesn't make sense to go set traps in five yards side-by-side. If we did some type of a sampling program, thirty days or whatever, over what we thought was the placement of, strategic placement of skunk traps, and see what we catch. Maybe we don't have the problem that we think we do. Maybe we've got some smaller number of skunks that are, and apparently they will travel up to a mile or two range, so we may have a smaller number than we think that are just ranging a large area. But I would be in favor of us looking at, at least some type a pilot program to let the residents know that we do take the concern seriously and that we are willing to make some investment in it. Yes, it's not budgeted money, but it's not lots of dollars either, from residents' standpoint. We're spending several million dollars on infrastructure and street repairs, and to go back to the residents and say because we've committed all of these million, there's not \$5,000 or \$10,000 available to address your problem, I think it's probably somewhat unfair. So I would advocate that we look at doing something even if it's on a pilot or temporary basis.

Mayor Webster: Mr. Shroyer, you brought up an interesting point about the twenty-four hours on the traps. This trapper, what they do, they'll come out late on Friday and pick up all their traps so the traps will not be out there over the weekend because if an animal gets caught, that's when you're in violation. You can't leave an animal incarcerated, so to speak, for more than twenty-four hours. So they'll pick them up on Friday and come back on Monday morning and set the traps.

City of Springdale Council

September 7, 2016

Mrs. Harlow: I would also be in favor of a limited sixty-day or ninety-day time period for pilot program, because I think some of our residents don't have the ability to go out and set the traps, and I think that it is a nuisance for them and so I would like to see us offer them some relief.

Mayor Webster: Well, you know, I totally agree. I just can't get this thought out of my mind that I'm probably more agile than some of the older people in this town, but taking a cage with a skunk in it, whether it's covered or not, and picking it up to put it down into a garbage can so I can fill that garbage can with water. That just doesn't register in my mind that I would want to attempt to do that. I'd probably be in the can with it. (laughter) Send my wife out to do it. (laughter)

Mr. Shroyer: I would agree with the Mayor's sentiment that I would advocate all or nothing. I wouldn't be that comfortable with a shared program where the residents doing some and our contractors doing some, and we're providing traps. I would think either it's their program, their problem or we accept that they need something from us and it's our program, our problem until we make a determination that it works or it doesn't.

President Vanover: Well, and you brought up a good point and actually we're in September. In about ninety days we're going to be heading into winter and their activity slows way down. Now in having conversation with Mr. New before he came to Council, we had a mild winter last year, and that maybe led to their success in that there wasn't a hard freeze and all that good stuff, so more of them survived to show up in our yards. But I, yeah, I, you know because you used to, I can remember if you had skunk issues, it was one of two things. You were leaving food out in garbage cans or accessible, or you had a grub problem. But that doesn't seem to hold, at least at this point. I know in my case, I don't have a grub problem and the garbage cans are locked up.

Mayor Webster: So are you in favor of doing something?

President Vanover: Sure. At least...

Mayor Webster: Mrs. Emerson? Okay. 5-1. (laughter)

President Vanover: Mr. Shroyer, you got something else?

Mr. Shroyer: The other thing that I might say, and believe me, I learned more about skunks than I set out to learn about, but apparently the other thing is that the average life expectancy for skunks is about three years. So long term, we may be, even if we looked at a thirty or sixty day program within what we believe, and the gentleman explained the skunks to me as, the gestation period, the babies, and by August or September they're teenagers and teenagers are the ones that want to get out and roam around. What we're likely seeing are the younger skunks. The older ones are smart enough to stay in the shadows and stay out of sight, so whether it turns out to be a short term program two or three years in a row if we see that we are having some success, I think we're still probably looking at a three year program whether it's a short term program each year. But some length of time until we see a noticeable reduction in the population. To say that we did it for thirty days in June and the skunks were back, or in 2016 and the skunks were back in 2017 shouldn't necessarily be taken as an indication that the program didn't work.

Mayor Webster: We'll proceed.

President Vanover: Alright, any more Old Business? Mr. Parham.

Mr. Parham: At the July 20th meeting, we discussed the fact that we're trying to get the PACE program up and running. We adopted legislation that evening for the HVAC replacement at the Community Center on the auxiliary gym. We also talked about the other parts of our project. There have been lights out in the lobby. I think probably if you go out there right now before they all, all three go off, we only have three lights that are working out there at this point of the total eleven. But we've had a challenge of trying to find other

City of Springdale Council

September 7, 2016

organizations that were willing to take advantage of the PACE program right now. Tri-County Mall, of course, going through some renovations. They have decided to postpone that part of the process for them. At this time, the other organization that we thought was ready to participate, that property itself is in some sort of limbo, and so we have found ourselves with the HVAC units in particular with a price of \$47,500 where the contractor indicated to us that he is willing to hold that price until the end of this year. Unfortunately, at the end of the year, the manufacturer is going to increase the cost by about six percent, which would put him over the \$50,000 threshold number. This means we will have to go through a formal bidding process and doesn't guarantee that we will get the price that we have the opportunity to take advantage of right now. As a result, we've decided to move forward as long as you're in concurrence with that process. We will go ahead and replace the systems. Right now we have two units that are on top of the building. One that does not work. The other is providing all of the work, and it is over thirty years of age itself. So, we're moving forward to make the purchase. Relative to the lights out in the foyer, we've reduced that project cost down to \$10,400.

We can go out there and put light bulbs in the system, but they're going to blow because the ballasts are bad. And so we need to replace the ballasts in those lights, and then replace the bulbs, as well. We have taken the lights in the Administrative wing out of that process. They are very similar to the ones that you see here hanging in the Council Chambers. As well as we've postponed the ones for the exterior of the building that weren't that urgent. I wanted to share that with you since the last time we talked about it, we left you with the impression that we were going to use that as part of the PACE program. That's all I have. Thank you.

President Vanover: Mr. Parham, have we talked to Duke? I know there is a program in place for...

Mr. Parham: Rebates.

President Vanover: Yeah, the rebates, and that...

Mr. Parham: In fact, the price that we got with this vendor for the \$47,500, he's agreed that instead of us applying for them, he is going to apply for them and he's reduced his cost by that number.

President Vanover: Okay, okay. Alright. Very good. Any more Old Business? (none) While we've got a spare moment, I got an email today, and we'll call it old just because it's tagging on since we had the Moratorium tonight on the medical marijuana. October 24th from 8-5 at Scarlet Oaks, they are, the Hamilton County Police Association is going to present a one day seminar on understanding legal marijuana in Ohio. The cost is \$85. The gentleman that originated the email is Paul Hartinger, who is I guess with Blue Ash PD. So get that out, if anybody is, I know as Mrs. Emerson and I were talking, of course it would be during the day so those that wouldn't have the flexibility of taking time off couldn't do it, but if you have, I think it would be very beneficial. I'm going to try myself to make that presentation, but just to throw that information out.

New Business

Mayor Webster: I've got something that's come up on the new Zoning Code, and not that the new Zoning Code has caused it, but it's an Amendment I'd like to recommend that we make to the Zoning Code. As a matter of fact, I think that Derrick was telling me that they've got several issues that have been identified that for whatever reason were left out or created some conflicts, so there's gonna be several changes and this is, but this is a new one. Right now, if you put a temporary sign out, we're talking about the small ones you stick in the yard, those cannot be in the public right of way. So, if a resident puts one out there that says garage sale and puts it in the public right of way, we send them a notice or we knock on the door and say you've got to take that down. Well, then we were coming along behind that person and if we were having sports sign-ups, yard sale, we're having the Bash, we're sticking those in the right of way. So one of our Council people brought that to our attention; we've got two sets of laws here. One for the people, one for the City. So we discontinued doing that. We no longer violate the law so to speak. But, the flipside of that, you know, we spend a lot of time and effort on trying to come up with ways to create awareness for sports sign ups; our neighborhood yard sale, I don't know how many of you participated or toured the city a couple weeks ago and that was way way way down. We talked

City of Springdale Council

September 7, 2016

about that a great deal last evening at the Parks and Recreation Commission meeting, and several members of the Commission said they didn't even know it was happening. They weren't aware of it. Well, we didn't have the signs out this year because we didn't want to violate the law. We got the Bash coming up this weekend. You don't see any, you see very few, a handful of Bash signs. I think Greg said he had like six, six to eight signs out throughout the whole community. So I suspect we're going to suffer as a result of that, not having those signs proliferated throughout the City. And the next time we have sports sign-ups, I suspect the same things going to happen. So what I am proposing we do, is to put an Amendment in the new Zoning Code that would come along with all these other ones that they're working on that would allow the City to do that for public information purposes. Maybe with some stipulations, fifteen days or something, but yeah we would have two sets of laws, in effect. The City would be exempt from this prohibition of putting signs in the, temporary signs in the right-of-way, but the residents would not be able to do that. They would do it strictly in the name of public information, public events, public announcements, whatever the best terminology that fits. And so before Derrick presents that tomorrow to the Planning Commission, what do you call your...

Mr. Parham: Staff meeting.

Mayor Webster: Staff meeting, the Planning Staff meeting tomorrow. I wanted to run that past Council to see what your reaction to that is.

President Vanover: Anybody? Mrs. Harlow.

Mrs. Harlow: One of the things that I have thought about for a while that I would like to see and that would be some electronic signs that would be small over in the Heritage Hill area and maybe somewhere along Kemper Road that would advertise what's going on in the City: sports sign-ups, ComeUnity Bash, Fireman's Open House, that type of thing. And I know that those are expensive and I know that our budget might not be able to afford something like that at the moment, but I think it's something I'd like to see us put on our radar that, because I've heard from the residents of Heritage Hill that feel like they're distanced. And I think if we had some type of an electronic sign that we could have over there, as well as on the main thoroughfare somewhere through town that would let people know what's going on. I think it would benefit everybody.

Mayor Webster: I couldn't agree with you more. I think they probably would be expensive. We probably would have to amend the Zoning Code to amend that, but I think six or eight of those throughout the community strategically located to announce public events, I think it would be great. And I would wholeheartedly endorse that, but I think we are talking more of a long-term thing, but I think this Zoning Code change, this tweaks here, as soon as we get that in place we could immediately feel the benefits of that. But no, long-term wise, I'd like to see us maybe invest in that and get in our Capital Improvement Budget to do that.

Mr. Diehl: As far as the electronic signs, I'm totally in favor of that too, but going back to your request, I think that's a great idea to get that done. Get it done yesterday. Thank you.

Mrs. Emerson: What signs are the residents putting up, other than a garage sale in the public right-of-way? What other signs are we dealing with that residents would put up in the...

Mayor Webster: No, we're not talking about residents; we're talking about the City putting them out.

Mrs. Emerson: I know, but what I'm...

Mayor Webster: Well, I don't know, house for sale...

Mrs. Emerson: that you're excluding them from being part of it.

Mayor Webster: I mean, well, you name it. House for sale, car for sale, house for rent, anything that they want to advertise. And here again, they can still put it in their yard. We're just saying you can't put those out in the right-of-way, even though the City might come along

City of Springdale Council

September 7, 2016

next week and put one out there saying sports sign-ups. But you can't put one out there for, you know, regular things.

Mr. Shroyer: In the interest of full disclosure, I was the person who brought that to the Administration's attention, but it was strictly from that standpoint, is the specific wording of the code not the spirit of what we were trying to accomplish. I would support what the Mayor is proposing. The residents have plenty of yard space to put a sign in their yard. The City owns the right-of-way and it would not be practical, I think, for us to go knocking on residents' doors and asking them if we can put a sign in their yard to advertise our public information, any more than it's practical for them to assume to... Yes, it's in front of their house. Yes, they mow it, but technically they're putting a sign in our yard. If we went and put a sign in theirs, they'd take it down. They put a sign in ours, we take it down. I don't have an issue with that. My concern was with the wording, so if we were able to change the wording to indicate that for specific reasons, for specific public information purposes, we are permitted to put a sign in our yard just as the residents is permitted to put a sign in theirs. I would be fine with that.

Mr. Hawkins: I guess I'd have to look at the wording. I'm, I don't have an issue with the City putting a sign in the public right-of-way, because as Mr. Shroyer indicated, I think the City has the right to control what's happening in the public right-of-way, so my question is, I don't know that it's necessary. But I guess I'd have to look at the wording in the code. If you're saying that you think for some reason it's necessary that we have something in there, if the code is saying you can't put signs in the right-of-way, to me that's really speaking to other people whose property that does not belong to, opposed to the City who has the authority to control that property. But I'd have to look at the language, so I'm not saying it's something I'm not for, I just don't know if it's necessary.

Mayor Webster: I mean the code says "no temporary sign shall be located in the right-of-way unless specifically permitted by this code." So what I'm suggesting is that we insert a specific permission saying City may put temporary signs in the right-of-way for public purposes or public events or whatever.

Mr. Hawkins: I don't have a problem with that.

Mayor Webster: But I mean I agree, you know, I totally agree with the Chief here. When he brought that to our attention, there was no contention at all. Let's get those out of there, because that is right. I mean the code, we were in violation of our own zoning code and I would not want to see them go back out there until we correct it.

Mrs. Harlow: Yeah, I'm willing to support that if we can get something on the Planning for some signs for our community, electronic signs for our community.

Mayor Webster: Okay, well let's, I mean we're going to have to do some legwork on that.

Mrs. Harlow: Understood.

Mayor Webster: Pull some costs together and see what's available and so forth, and you know, get that in the future year budget.

Mrs. Harlow: And I'm sure that maybe if we can't afford to do all of the signs that we want at one time, if we could start working on one or two at key areas and then build from there, that would be beneficial.

Mr. Parham: I don't think the cost is that big of an issue. You're talking about promoting programs, and there's an item in the Recreation Department budget for promotions, and so there's dollars to spend there. We just stopped that practice. We don't put them in the right-of-way any longer. The zoning code, when it was adopted, one of the things that we didn't talk about is that it is a living document. It is a document that from time to time is going to need to be adjusted and changed, even though we made a major adjustment if you will to the document itself, now there are things that have come along. As the Mayor mentioned, there are some things that the Planning Staff has been discussing. Some of them are things that may have been omitted. Some have been missed. There's one in particular that would change how signage is applied for different size of users, and when we began to put it into has put together a long list of items that they're going to recommend to the Planning Commission and go through that process

City of Springdale Council

September 7, 2016

and eventually then it comes to Council. This will be simply one of those things that we would ask the Planner to come up with (and the Law Director), some language that would work for us that would meet the spirit of what we're trying to accomplish. Have that added along with those other items and then brought before those two bodies.

President Vanover: I myself don't have... I think it's a good thing that we spell it out, you know, and take it from there.

Mayor Webster: Just didn't want anybody to be surprised when they saw that in the other changes.

President Vanover: Alright, still in New Business. Mrs. Harlow.

Mrs. Harlow: Thank you. I noticed that we had a budget timeline in our packet, and one of the things that I wanted to ask my fellow Council members about is if they are interested in looking into picnic shelters in our parks. That was one of the things that I heard a lot about, that it would be nice to have picnic shelters in some of our parks, and again I realize that might not be something that we could afford to do all of our parks at one time, but perhaps if we could do one a year. I would certainly be interested in hearing what Council members have to say about that.

Mr. Parham: When you speak of picnic shelters, what are you...

Mrs. Harlow: A concrete base with a roof over it, not enclosed, just picnic tables under it. I think our parks would get more use if the people knew they could plan an activity and have a place to go in case of inclement weather.

Mr. Parham: I think there is a number of communities that have those in place. They've been successful for the most part. They provide opportunities for residents. The only thing that, as part of our insurance group for many years, and some of those communities have had shelters they've had to move away from renting them out, leasing them out, taking deposits, hold them because once you do that, you lose what's called Recreational Immunity, and so if you have them, as long as it's open first-come-first-serve, you can use them, but if we begin to even accept a deposit that you plan to give back, that takes away your protection that you currently enjoy.

Mrs. Harlow: No, I wasn't looking to add any burden to the Community Center or the Rec Center paper-wise, work-wise, or anything. I just think it would be nice to have a shelter there so that people could go and enjoy it with their families.

Mr. Parham: I'm not suggesting that was what you were intending, I'm just sharing the information.

Mrs. Harlow: Understood.

Mr. Parham: It is what we think about when we get to that point.

President Vanover: Alright, anything... Mr. Shroyer.

Mr. Shroyer: I would wholeheartedly support that suggestion and possibly ask that they possible think about taking it one step further, and wonder if the Administration or the Parks Department could look at some type of a longer-term plan for our community parks. Obviously the shelters would be a good first step, but is there a next step and a step after that? And Ultimately, I've had some conversation with Mr. Parham that the, in some of the other communities what's becoming popular is, they go by a number of terms, but basically splash pads. Concrete, basically a concrete pad with some number of sprinkler-type devices that are self-administered, self-controlled. I know that the City of Hamilton just installed five of them in five of their parks, and I rode around and looked at all of their installations, and all of them obviously were being used by a number of people. The downside is cost, and they are in the neighborhood of \$200,000 for the installation. There are two types. One is connected to the water system and connected to the sewer system, and it's a non-recycling type of a facility.

City of Springdale Council

September 7, 2016

The water goes down the drain. Then the other type is, requires an underground holding or storage tank and some type of a small utility building to house a filtering system, and they are filtered just like a swimming pool. The upside of that is they don't require an attachment to the public water. They don't require sewer access, so they're, location-wise they're probably a little more flexible as to where you may be able to put them, but then they do require the swimming pool type of maintenance, in that somebody needs to test the water quality once a day. In any case, most of them are operated by some type of with a timer switch or an electric eye type of switch where somebody walks into the pond area and the water comes on. If there's no activity in front of the switch for some period of time, the water goes off. So they're basically self-maintaining, but again they're at the very upper end of the spectrum. But I would like to see us start to look long-term as to what the possibilities of our community parks may be. As they are now, they're basically grassy areas where we cut the grass, with some recreational equipment for young kids. Especially in the outlying areas, Heritage Hill or even Beacon Oxford Hills. A young mother with two or three young kids, to load the kids up, go to the Rec Center for an hour or an hour and a half in the kiddie pool, then load the kids back up and come back home, is probably not practical. But if there were some type of activity where they could walk to the park two blocks down the road, spend some time, and walk back, I think we might see more use of our community parks if we were able to look at some type of longer term plan of enhancing those parks.

Mr. Hawkins: I like the idea of the shelter house. We use the shelter house in Evendale with our martial arts school every year. Splash pads are a great idea. I've seen at least one of them in Hamilton. The kids use them at Winton Woods all the time. My only, you know, concern would be what's the cost going to be? So I'm interested in hearing information, but that would be my only concern at this point is how much is this going to cost?

President Vanover: Anybody else? Okay, we're still in New Business. Mrs. Harlow.

Mrs. Harlow: Thank you. I'm going to pass out some photos. If you would take a packet and pass some on down, please. There's four photos. I have communication from Mr. and Mrs. Rielage. They live at 11756 Neuss Avenue, and they, I'm going to just give you a timeline on the communication that I have because it's four pages. Starting back in March, March 7th, they mailed the Building Department an email in regards to 11671 Neuss Avenue. Now this is the house that sits at the corner of Harter and Neuss, and it burned on January 24th, and they were asking about, "it's been two months since my last email about the house. Any word on the reconstruction? And what can be done about the overgrown grass?" And Mr. Taylor responded that they sent the owner a Notice of Violation for both the delay in the reconstruction and the general condition of the property, the grass and weeds, and failure to comply with the notice would result in a summons to a Mayor's Court. He noted that on a brighter note, the owner's contractor has applied for a dumpster permit. That was on May the 20th. So Mrs. Rielage has an email on July 29th where she advises Mr. Taylor that the dumpster arrived. It had been emptied once or twice and is still standing in the driveway with the door open, but now the house is boarded up again. And she did note that the boarding up of the house cut down on the stench coming from the house, and she was very concerned that the fire was over six months ago, and what was the current situation of the house. So this goes on, and it goes on. The owner was cited to Mayor's Court, but unfortunately, the owner passed away a day, I believe it was a day before Mayor's Court. So Mrs. Rielage has sent us an email, sent it to myself and Mr. Shroyer and Mrs. Ghantous as Council representatives at large who live in the neighborhood, and she wants to know what can be done about this. And as you look at the pictures, the house is in terrible disarray. The roof has had some boarding up done. There's still some tarp on the roof. There's open access on the side of the house. The windows are broken. The stench coming from the dumpster on a ninety-two degree day was unbelievable, and I am amazed that we haven't had a major revolt down there at that corner. I don't think that our residents should have to go through this anymore. I know that the man's passing has made it a problem for the Law Director to figure out who we need to be in contact with. The home was in a corporation type of set up, so he is working diligently to find out who's going to be responsible for this man's property now that he's no longer here. But I think the first thing I'd like to ask the City to do is, can we do something about getting that dumpster out of there to hopefully relieve the neighbors of the odor that's coming from it. I'm wanting to hear everybody's suggestions.

Mr. Parham: Mrs. Harlow, this property has been the subject of a number of our Department Director meetings, a number of discussions about how we move this along relative to getting

City of Springdale Council

September 7, 2016

this eyesore taken care of. Relative to, I'll just deal with your first question first and foremost. Relative to the dumpster, the individual has a permit that allows them thirty days. They do have the ability to have it extended. We've had issues with dumpsters left on properties before. The challenge with the passing of the individual is he, for the most part as we understand it, was the sole person listed under this business. There is no one else that we have at this point we can identify who to cite to instruct them to clean the property, cut the grass, remove the dumpster. As you indicated, the Law Director is working on it, He did have a conversation earlier today with the attorney that we were able to identify that has represented this property owner at some point in time. There are a number of challenges with this. One of the things that we discussed as part of our staff meeting, many, many years ago, I think the house was located on Glensprings, there was a fire that occurred and all of a sudden, the City received a check in the mail. We did not know why we received the check, but the check was from an insurance company. After conducting research, we found that there is a statute on the books that requires if a community indicates that they are registered to receive portions of the settlement from a fire-damaged property and the property is determined to be a loss of 60% (Mr. Forbes indicates that this is correct) of the estimated value of the property, the insurance company is then required to deposit a percentage of those dollars with the local jurisdiction in case the property owner does not go back and make the repairs. Those dollars then can be used to repair the property. We were not aware of it, but we luckily received the funds. Council then adopted the legislation, so we are now prepared. We have that in place. The problem with this property, as we finally were able to make contact with the insurance company, is that this was not determined to be a 60% loss. I think the loss was like 55% or 50%, and so there was no obligation on the part of the insurance company to deposit any dollars with the City. At the same time, we know that according to the insurance company, that the gentleman had been paid, and yet the gentleman still did not make the improvements. I too had Mr. Taylor put together a timeline to address some of the issues. On May 14, 2015, the first initial notice was not relative to this, but was relative to the rental issue. This was an individual that owns multiple properties in the City. He owned this property, a house on Ledro, as well as the commercial property on State Route 4 and Peach. There were many occasions where the department would identify violations, we'd send him a notice, he would most of the times ignore the notice until such time that we cited him to Mayor's Court. Once we cited him to Mayor's Court, he may then go and make the repairs. So by the time he got to Mayor's Court when the judge hears it, because the purpose is not to penalize the property owner, but to get the violation to go away. Well he would repair it and then of course the case is dismissed. So you had this song and dance game with him many times. The other thing is that the State Rote 4 property over the years, had several different tenants. Our understanding is when there were violations, maybe with the grease trap down there or some other things, and with the dumpster was one as I recall, instead of him making repairs, if you opened a business in his facility, he'd insist you make the repair. So he would shift the cost onto others. So we've had a number of experiences with him over time. So on May 14th, 2015, we were dealing with this particular property on a rental issue. We sent him a citation, or notice that first time. I think that at some point in time, he must have complied, but then we had another citation to Mayor's Court for failure to comply on the rental program, because he has, again he has multiple properties. The fire occurred; we have it as January 22nd of this year. On February 1st, we received an initial contact from his insurance provider. I think we were contacted to find out whether or not there was an investigation to indicate whether or not this was a legitimate fire or not. During the first week of March, we were contacted by the owner and he stopped into the Building Department. We were advised by the owner that construction would commence by the end of the month. On March 2nd there was summons to appear in Mayor's Court, but that was based on the rental property issue. March 7th, a notice was sent to the owner dealing with the fire issue, and then on March 7th when we sent the notice out, we also had contact from the Rielage family at that time according to this timeline. Around mid-April of 2016, once again we made contact with the owner because of the lack of progress on making repairs. The owner advised that the construction once again would begin at once. On May 17th, we sent a Notice of Violation to the owner, because he had not made any repairs. On the same day, he happened to stop into the Building Department to pick up the first permit for the dumpster. June 17th, again the owner indicated that work was about to begin. I think you indicated the Rielages stated some work had been done. The Building Official indicated the same. Some work had been done, but not enough and not the corrections that we needed to occur, so on June 17th he advised once again that he would begin shortly. He was asked and told that we would need a timeline from him, a firm timeline to tell us when you're going to be taking care of fixing this property.

City of Springdale Council

September 7, 2016

On June 22nd, we again made contact with him via an email indicating that [we needed] that timeline from him. Apparently we did not receive it. Then on June 29th, seven days later, he was cited to Mayor's Court. Unfortunately on June 20th, he decided to pay a visit to the Mayor's Court Clerk and requested an extension. Now people go to the Mayor's Court and request extensions often, and we grant those for a period of time, but usually I don't think for this length of time. The Clerk then provided an extension up until, and remember this was on July 20th. The extension was provided until August 24th, roughly about a month. We've made changes relative to that process with the Mayor's Court so that the Clerk does not have that ability to provide such an extension again. On August 15th, a second dumpster permit was issued. On August 23rd, unfortunately he perished, and on August 24th the case was dismissed by the court because there was no defendant at the court. I think the emails that you read off earlier demonstrate that Mr. Taylor has been in conversation with the Rielages. This demonstrates that we have been trying to get the gentleman to make improvements to the property. None of us can tell you why he had not done that since he had received the proceeds from this loss. Right now, we find ourselves trying to determine who would be the responsible party, and does this have to wait until it goes through a probate process before we can find someone who is going to be determined to be the responsible party. My understanding in talking to Mr. Forbes earlier is that perhaps someone stopped into the Building Department, which I'm going to have to check first thing in the morning, that may have been a representative of his family that may have indicated that they want to get information as to what it is that they need to do with this property. Hopefully if that's the case, that may give us a person to contact. Whether or not that would be the person we legally can hold responsible for making the changes and improvements, we don't know at this point in time.

Mr. Hawkins: So the last dumpster approval was you said August 24th?

Mr. Parham: No, that was on August 15th.

Mr. Hawkins: August 15th. So that will run until approximately mid-September. And then in the code, is there something that indicates that if they don't remove a dumpster that the City can remove a dumpster and charge the cost back to them? Is that accurate? Is there something that could...

Mr. Parham: I don't recall that being the language. I know, it seems to me in the last couple of years, we've made some adjustments because we had this type of situation before. I don't know if it's language that suggests that we have the ability to remove it.

Mr. Forbes: I glanced at that section this afternoon, and if my memory is correct, once the permit runs, we would treat it like any other violation where we would send a Notice of Violation. They would have an opportunity to remove it, and I believe the code ultimately says if they don't comply with that Notice of Violation, we may have the ability. I liken almost to the grass cutting things we do. If your grass is too high, we send you a notice and tell you you've got this much time to fix it. If you don't, we cut the grass and then assess the cost. I think there's a provision in here that would work a similar way with the dumpster removal. But you'd have to wait until the permit period has run, then issue a Notice of Violation that gives them some period of time to remove it. The issue we have is, we know what the process is. We don't know who to serve a Notice of Violation to right now. The property is owned by a corporate entity, and from what we can tell, the principal of that, there was only one person that was involved as the principal of that corporate entity and he's no longer with us.

Mr. Shroyer: This individual is obviously, or has obviously been playing us, and working the system, and now we're eight months down the road. Our property maintenance code, under Section 155 defines dangerous buildings: "All buildings or parts thereof which have any of the following defects shall be deemed dangerous and shall be condemned as unfit for occupancy...". Two of those sections are "those which have been damaged by fire, wind or other cause so as to no longer provide shelter from the elements and have become dangerous to life, safety, or health of the occupants or the residents of the City." I think at this point, that property is dangerous to the health and well-being of the residents of the City. The next paragraph, "those which have become dilapidated, decayed, unsafe, unsanitary, or there is a reasonable danger of infestation likely to cause sickness or disease or injury to the health, safety, or welfare of the occupants or the residents of the City." Again, the building is wide-open. It's open to infestation of our skunk population or whatever else may choose to fit there. I think that's at least two paragraphs within our code that makes the building a dangerous building, and our code says that it shall be deemed

City of Springdale Council

September 7, 2016

that and condemned as unfit. Then we go on to say the Declaration of Nuisance and Ordinances, "Any dangerous building or part thereof within the terms of Section 155 are declared to be public nuisances and shall be vacated and repaired as herein after provided." Paragraph B then goes on to say, "if the dangerous building is vacated and not repaired by the owner as ordered by the PMO, the PMO shall cause such repairs to be made in accordance with the provisions of Section 155, or shall condemn the dangerous building for demolition in accordance with Section 155." My question is, are we not at the point where we declare the building a dangerous building and we do what we feel we need to do to it? Obviously the code goes on to provide access for us to either create a lien against the property or civil suit against the property owner, but irregardless of who now has control of it, the building owner has been instructed to repair the building or make repairs, and the repairs were not made. I think that triggers paragraph B, that our PMO has the opportunity or the obligation to cause the repairs or cause demolition of the building and then move from there for recovery. Are we not in a position where we think about moving forward on our own and fix the problem for the folks who are living in front of it and around it, behind it, driving by it every day? We could be months from now by the time we know who the heir apparents are and restart the process. I don't want to see us wait that long.

Mrs. Harlow: I don't either.

Mayor Webster: I don't think any of us want to wait that long, and I hear everything you're saying and I agree with it, but I still think, I don't think we can just show up there tomorrow, get rid of that dumpster, bring a crew in, start working in there, you know, without going through the legal process. I don't think the City, even though the code says this that and the other, I still think we've gotta notify whoever is responsible for that property and yeah, you're right, it could be... If we know a month from now exactly who is in charge of that property and we've got them, we've got orders issued to those folks, then I think that's probably the best we could hope for. I mean if we can get that done in a month, that would be great, but I don't think there's a short-term solution. Hopefully we get rid of the stinky dumpster down there, but as far as going in there and start making repairs, I don't know. I'm not a lawyer, but we've got a couple lawyers here on the dais, but I just don't think we've got the legal authority to go in there and start making repairs tomorrow.

Mr. Shroyer: Well, I'm not advocating that we go in there tomorrow. My question is exactly that. If we've got a built-in timeframe, have we declared under our code that the building is a dangerous building? Have we issued nuisance orders? Have we...

Mayor Webster: Well, okay...

Mr. Shroyer: And if there's a time frame, then...

Mayor Webster: Who would we issue the orders to, Mr. Shroyer?

Mr. Shroyer: Well, my question at this point is that. Are we required to make some a formal declaration that the building has been declared as a dangerous building? If so, why can't we go ahead and do that? If we are required under the code to provide a timeframe, then what is the timeframe, and are we prepared to make that notification the day that we know who to give it to? Like I say, obviously he's played us for eight months. I don't have a whole lot of faith that whoever gets control of the building is not going to try to play us the same way if we don't start exercising our rights under the code. Again, I'm not one of the two lawyers at the table, so I would defer to what those options may be. I just, if we have this provision in the code and in the end, we're going to end up cleaning up the mess, then let's get started.

Mayor Webster: Mr. Forbes, do you know what we have to do to declare this thing?

Mr. Forbes: I'm looking right now.

Mayor Webster: Is that a nuisance?

Mr. Forbes: The designation as a dangerous building comes through the Property Maintenance official, which I believe in this case is our Building Official that acts in that

City of Springdale Council

September 7, 2016

capacity as well. So I'll have to, I'm trying to pull up that section right now just to see what the requirements are of that designation.

Mayor Webster: Mr. Parham, in your conversation with Mr. Taylor, do you think he concurs that this is a dangerous building?

Mr. Parham: We've not had that discussion and to answer Mr. Shroyer's question, I would say no one has declared it to be a dangerous building. We were moving in a path of trying to, just like we do with any other property owner, get the property owner to fix their property. If the property owner doesn't fix their property, then we take other steps to make sure the property gets repaired. Unfortunately we had a situation as we're moving down that process, the gentleman became deceased. Now we don't have anyone to point to. There are other parts in our code that we have the ability to go after and make repairs or take the property. If you determine the property is a blight, that's another one you can go through and eventually take control of the property. Determined as blight means you're going to take the property. Determined as a nuisance means that you're going to try to go in and make the repairs to the property. Unfortunately his passing on the 23rd, has us stuck because we don't know who owns the property. We're trying to figure that out. That's why we're making the contacts that we make. Whether we declare it as an unsafe property or not, I doubt that that still gives us a legal right, and again I'm not one of those two people but I do make those suggestions sometimes, I don't think that still gives us the right to enter onto the property without going through some process in order to either gain control through maybe a court process to make repairs to it, to fix it, to demo it, or to simply to take it. And none of us wants to see it continue in that manner. It is very disappointing that we have had to deal with it in this manner. For the gentleman to continue to delay, delay, delay, especially when he had received compensation for it, it's mindboggling. You don't understand why someone would do it, but he did it. And now he's not here to give us his reason for why he did it. And so, we find ourselves sort of stuck until we can identify who to send the notice to, to say, hey fix the problem.

Mrs. Harlow: Yes, for Mr. Forbes. Is there any way that we can go down to court and file something that asks for permission to remove the dumpster, given the set of circumstances that we're facing and get permission from the court to just go and remove the dumpster and get the smell out of the neighborhood?

Mr. Forbes: We can look into that, but right now, there's a valid permit that allows that dumpster to be there.

Mayor Webster: If I may, we may have more clout, Mrs. Harlow, through the Health Department, if there's a stench and health is concerned. Why don't, let us get the Health Commissioner involved on that aspect to see if he can't, because the Health Commissioner has a lot of political clout and maybe he can issue an order or three days remove it or we'll have it removed, or whatever. I don't know. Let us make sure he's on top of it also.

Mrs. Harlow: I understand that the whole issue surrounding the house is a work in progress, and I understand and appreciate the position that Mr. Parham and Mr. Forbes are in with the corporation and trying to find out who is responsible and finding out where they can send notification. My concern is for our residents that live there. I don't want them to have to put up with the stench that's coming off of that dumpster. And I think that if we could get the dumpster out of there and get the odor out, that's going to go a long way with our residents to say hey, we are trying to do something. Give us a little leeway to work it through the system, however legal system we've got to work it through, but let them know that we are trying.

Mr. Hawkins: It's a difficult situation and frustrating, and unfortunate, but not having to go through the probate, I think having to deal with a probate situation that can take months if not years on occasion, we still have to go through the process that we have set up with the City. We can't circumvent it. We can't shortcut it. We still have to go through that. I believe the Administration is working diligently to try to remedy the situation, and figure out who they can serve. I'm assuming it's going to be the executor or executrix who's going to maybe get stuck with this unless someone else is stepping up saying they're doing it, but whoever's going to be legally obligated to take on that role, and that's going to be someone who probably had nothing to do with the situation based on what the Administration's already determined that this was the sole person of this corporation, so they're going to walk into a situation that is a storm of sorts that they

City of Springdale Council

September 7, 2016

have to jump into and fix. So I don't think that's going to happen overnight either, but you know, I think some of this has to be put into the hands of the Administration. They're already working on it, and allow them to go through what everybody understands needs to happen as quickly as possible, but I don't know if there's a whole lot that can be shortcut through the process unfortunately.

Mrs. Harlow: Would, do the Council members think that it would be of any benefit to reach out to the extended family? I do know someone who I believe is a nephew, but I wouldn't want to step on Administration's toes or Legal's toes in doing so.

Mr. Hawkins: If there's somebody that has a, if there's a Council member that has a personal relationship with somebody, I think that's one thing where you may direct them to the Administration to help resolve the matter, and/or maybe give the information to the Administration to allow them to try to tackle that situation.

Mr. Parham: While we recognize the urgency and none of us take this lightly and think this is anything that any of the residents want to live around, unfortunately this family suffered another loss in a very short period of time. Right now, our connection with the family has been through this attorney in hopes that that attorney can make contact with the family and to try to encourage them if someone has the ability to step up and make this decision. If we've been contacted by them, then that gives us a person that we can call and talk to. If you know of someone who's a part of this family, I would ask that perhaps you make the contact because you've already established a relationship with them and you can express the concern in a very delicate manner. Unfortunately, we can't always, because we have to administer the rules and regulations of the organization, we can't always be delicate, but at the same time we try to be conscious of those things. They do own other properties in the community, and so we try to be sensitive as well because we don't want them to then simply become disenchanted with the organization, that they then begin to let the other properties go into disrepair. So we're trying to work whatever angle we can to make contact with them. Again right now we've, Mr. Forbes has made contact with an attorney who has a relationship with them. In fact, the attorney didn't even know that he was deceased. And if we've had an individual who says he represents the family that has stopped in, then that gives us another person to call and express a concern, and working with them to help us to eliminate some of the concerns that are there.

Mrs. Harlow: If you want to check with Mr. Taylor tomorrow to see if you have any contact from the Building Department from the gentleman that stopped in, and then if you have that contact, great. If you feel like you would want me to contact the person that I know after you've checked with Mr. Taylor, I would be happy to do so with the permission from the Council, from my fellow Council members.

Mr. Parham: We'll check, I'm going to check with him first thing in the morning.

Mrs. Harlow: Thank you.

President Vanover: Alright, we're still in new Business. Okay, Mrs. Harlow.

Mrs. Harlow: Just a reminder that because we are going to be doing the budget process that we've always asked our ancillary services to get any pay increased or fee increases in in October so that we don't have a January or February request. Thank you.

Meeting and Announcements

Mrs. Emerson: Board of Health will meet tomorrow, September 8th at 7pm in the room adjacent to City Council chambers.

Mrs. Harlow: OKI will meet tomorrow morning, September 8th at 10:30, and Planning will meet on September 13th at 7pm in these chambers.

City of Springdale Council

September 7, 2016

Mr. Thamann: Just a reminder. The ComeUnity Bash is this Saturday. It's from 3-9 at the Community Center. They again have three live bands expected to play, a big circus show, live animals, petting zoo, some exotic animals, and as Mr. Karle gave information at the last meeting, pony rides, and, if the weather is good, they will have the balloon glow at dusk. So bring your family out. Enjoy a great time. A lot of free and fun activities.

Communications from the Audience - None

Update on Legislation Still in Development

Mr. Hawkins: Thank you, Mr. President. As you review your internal memorandum, item number one, a resolution imposing a moratorium for a period of 180 days on granting any permit allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Springdale, Ohio was addressed with Resolution R14-2016 which passed with a 6-0 vote.

Item number two, an ordinance enacting an adopting 2016 S-17 supplement to the Springdale Code of Ordinances and declaring an emergency was addressed with Ordinance 28-2016 which passed with a 6-0 vote.

Item number three, a resolution authorizing the City Administrator to file an application with the Ohio Public Works Commission for local transportation improvement program funds and state capital improvement program funds, and authorizing the Mayor and Clerk of Council/Finance Director to execute all contracts and other documents. This one was referring to Jake Sweeney Place. It was addressed with Resolution R13-2016 which passed with a 6-0 vote.

Item number four also dealing with OPWC and LTIP and SCIP funds was addressing the Beacon Hills subdivision and Kenn Road was addressed with Resolution R11-2016, which passed with a 6-0 vote.

Item number five also similarly with OPWC and LTIP and SCIP funds, addressing Glensprings Drive, was addressed with Resolution R12-2016, which passed with a 6-0 vote.

Item number six, a resolution directing the Hamilton County Board of Elections to submit to the electors of the City of Springdale, Ohio at November 8th, 2016 general election a revision to VI(A)(1), VI(B)(1) of the Charter of the City of Springdale regarding term length for BZA and Planning Commission was addressed with resolution R16-2016 which failed to pass with four affirmative votes and two votes against it.

Item number seven, a resolution directing the Hamilton County Board of Elections to submit to the electors of the City of Springdale, Ohio at November 8th, 2016 general election a revision to II(C)(4 and 5), III(B)(3 and 5), III(G)(3), and IX(C)(8) of the Charter of the City of Springdale regarding the switching of the terms of municipal election and general election, passed and was addressed with Resolution R15-2016 which passed with a 6-0 vote.

We had item number eight which is forthcoming as well as item number nine and ten are forthcoming.

Recap of Legislative Items Requested for next Council Meeting

City of Springdale Council

September 7, 2016

Mr. Hawkins: Request an Ordinance authorizing the Mayor and Clerk of Council/ Finance Director to enter into a collective bargaining agreement with the Springdale Professional Firefighters IAFF Local 4027, and declaring an emergency. That's it, I believe.

Mr. Parham: That's it.

Adjournment

Mr. Hawkins made a motion to adjourn. Mrs. Emerson seconded the motion and Council adjourned at 10pm.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2016