

# City of Springdale Council

October 17, 2018

President of Council Vanover called Council to order on October 17, 2018.

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

Mrs. McNear provided the Invocation.

Mrs. McNear took roll call. Council members Anderson, Emerson, Ghantous, Hawkins, Shroyer, Sullivan-Wisecup, and Vanover were present.

The minutes of the October 3, 2018 meeting were considered. Mr. Anderson made a motion to accept the minutes; Mr. Hawkins seconded. The minutes were approved seven affirmative votes.

## Committee and Official Reports

### Civil Service Commission

Mrs. Zimmerlin: Civil Service did not hold their regular meeting in October. However, they did conduct the physical agility test for the firefighters at the City of Fairfield Firefighter training facility. We invited 40 people to attend who passed the test. Thirty-eight showed up and 28 passed. We definitely want to give a "thank you" to Fairfield for allowing us to use their facility for this test. That ends the Civil Service report.

Rules and Laws	Mrs. Emerson	-	No report
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Finance Committee	Mr. Hawkins	-	No report
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### Planning Commission

Mrs. Sullivan-Wisecup: Planning Commission met on October 9<sup>th</sup> at 7:00 p.m. We had Thornton's from 12185 Princeton Pike come for a revision to a development plan. They had come a few months ago and we had asked them to go back and change some things and then we did two separate times that we had continued so that they could get new information in. When they came back, they hadn't changed a lot of the main things which is safety of the flow of traffic in and out of that Thornton's. For that reason, we had voted unanimously, all seven of us, not to pass that. Under New Business, we had Golden Signs and Lighting for Kerry Ford signage at 155 West Kemper Road. It was a revised development plan. It was just basically to approve the Ford signs to go up and their renovations that they are doing now. It was voted 7-0 in the affirmative. Klusty Sign Associated Inc. came for Take Five Oil Change; 1190 East Kemper Road. That is the old Quick Oil Change next to Mike's Car Wash. We have continued that until next month so they can give us more information on some things that are forthcoming. We had a concept plan from Tree Ridge Capital LLC at 230 Pictoria Drive. Tree Ridge Capital came to discuss a new building going up in front of the old Pictoria. It's a smaller building. It would be Pictoria II. They just came with a concept plan and they will be coming later once they have more concrete information for a vote. That's all that I have unless Mr. Hawkins has anything to add.

### Board of Zoning Appeals

Mrs. Ghantous: Board of Zoning Appeals met yesterday evening. We had three applications. The owners of 96 Silverwood Circle came seeking a variance to allow a shed to be 49 square feet over the allowable size. Based on the house placement on the lot and the irregular shape of the lot; that was granted with a 5-2 vote. The next application came from the owners of 11843 Neuss Avenue. They were applying for a variance that would allow them a second accessory building structure. That was actually a pergola which fits under that category. It required quite a bit of discussion because to grant them the ability to keep their pergola would have required three separate variances. We just discussed them one by one and, of course, voted individually. The first item was to allow that second accessory structure. That was denied by a vote of 1-6. The second item was exceeding the maximum allowable square footage for an accessory structure. All seven commission members voted against that with a 0-7 vote. The last item that those folks had was requesting that the structure be fewer than the minimum square foot distance from the lot line. That was also denied with a 0-7 vote. The last one was the owner of 533 Dimmick Avenue. They were seeking a variance to allow construction of a front porch outside of the

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Mrs. Ghantous (continued): setback requirements. The placement of the house on the lot is more forward than we see in the neighborhoods where the homes were built more recently. There were many homes on that street where the placement was out close to the street. Based on those things, we did grant the variance to allow them to have less than the required setback of the current code. That was a 7-0 vote on that one. Mr. Anderson did I forget anything?

Mr. Anderson: No, only maybe a reminder the second one with the pergola; maybe just a reminder to folks to always check in with the Building Department before they start construction of even accessory structures. In that case, there was extra discussion because we were trying to find ways to make it work. The homeowner had actually already built the pergola and it was right next to the neighbor's lot line. There was a lot of work that is going to have to be re-done. So we gave them some options and ideas that they hadn't considered. If they had checked with the Building Department before they started, they could have avoided that. Just a reminder to do that.

Mrs. Ghantous: Also, they had no way of knowing or thinking about the fact that a pergola would be considered a structure. I don't think many people would have considered that. So, that was another thing that those people were not aware of. So, anytime you're building anything like that, probably call the Building Department.

Mr. Anderson: A quick call could have saved that. I had to actually ask the question too when it came there. Did it count as an accessory structure? Then I got an education on what that means.

Mr. Hawkins: With regard to the first one with the shed, you said it was a variance for an additional 49 square?

Mrs. Ghantous: Yes.

Mr. Hawkins: And was that shed already on the lot or was that something they still . . .

Mrs. Ghantous: No, they had a shed and it was properly located and it was the correct size. They came to us last month; two months ago, and wanted to put up two sheds. After some discussion that that wasn't anything that we were going to be able to do for them, they tabled it and went away and discussed it. So, they came back last night with the idea to remove the first shed, and to have a bigger shed, so she has only one structure now, well, she will have, once she removes the other one and builds a new one. But it will be slightly larger than is allowable.

### Board of Health

Mrs. Emerson: The Board of Health met on October 11<sup>th</sup>. There were three regulations that were read and it was their second reading. It was R1-2018; that dealt with food license fees. R2-2018 dealt with swimming pools and spa license fees. R3-2018 was hotel and motel license fees. Those were the second readings in all of those. For the Nurse's Report; good news for our community nurse, sad news for us. Jeanie Hicks announced that she is retiring. She is our Community Nurse. She's been here for 13 years. I believe she's staying through January to train another nurse coming in when we hire them. As far as Communicable Diseases, at the Communicable Disease Surveillance Meeting in southwest Ohio that occurred on October 2<sup>nd</sup>, there has been, through other Health Departments, reported cases of Hand, Foot, and Mouth Disease, Shigella, and Hepatitis A. Most of the Hepatitis A cases had been primarily amongst the homeless population. On October 3<sup>rd</sup> there was a Public Health Alert that went out due to the increase in overdoses and ER visits during the last week of September. Usually, it's because of the composition of the illicit street drugs, which usually, are mixed with opioids, fentanyl, or carfentanyl. Springdale's Narcan report for September was only four doses. The Springdale Annual Health Fair was on October 9<sup>th</sup>. It went well. We gave out a total of 67 flu shots. Thirty-three of those came from Walgreens and 34 of them came from the Springdale Health Department. Become a Scout volunteer at Heritage Hill Elementary School. They are looking for volunteers to join the Springdale Health Department, Princeton City Schools, and the Dan Beard Council to provide boys at the Heritage Hill Elementary School with the opportunity to participate in scouting. Cub Scout meetings will be held on Tuesday from 4:00 to 5:30 p.m. at the school. The Cub Scout program will be offered

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Mrs. Emerson (continued): one grade at a time with weekly meetings for 12 weeks. The Cub Scout Youth Leadership Training is required. If you are interested, you can email [health@springdale.org](mailto:health@springdale.org) for more information. That concludes my report unless there are any questions.

Capital Improvements

Mrs. Emerson

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No report

O-K-I

Mr. Shroyer: OKI met on October 11<sup>th</sup>. One of the items on their agenda was to approve the surface transportation block grants for their fiscal year 2022. You'll recall that the Administration had asked Council for the ability to apply for those grants in reference to the East Crescentville Road project that is, hopefully, on the books. They had 15 grant applications for the funds that they had available. They were able to award funds to six of those. One of those six was us and our East Crescentville Road Project. In fact, under their scoring system, and, I'm not sure how their scoring system works, but, our project scored the highest of the 15 projects that had applied. So, again, they're 2022 funds, but, we were awarded \$3,793,230.00 with a local match of \$948,308.00. Congratulations to the Administration on a successful grant application process. Another award of note, we have had some conversation about the public transportation system and the bus system and their money woes. SORTA, who was under the same program, was granted for bus replacement, \$5,347,765.00. That should also go at least some distance to help with the public transportation. That's the end of my report. Thank you.

Mayor's Report

Mayor Webster: You guys are probably tired of hearing me talk about our Euchre Tournament, but I won't be talking about it anymore. It happened. We had a very successful tournament this past weekend. We only had 28 players, but we still raised of \$1,500 for S.O.S. I'd like to thank a couple of elected officials; Mrs. Ghantous, Mrs. Sullivan-Wisecup for attending and helping us and, as always, Mrs. McNear for her ongoing financial support. I think she claims us on her income tax (laughter). Thank you very much for that. We were very happy with the outcome of the tournament. I think everybody enjoyed themselves. Had a ton of food left and, needless to say, a lot of drink also. I think everyone enjoyed it and we're looking forward to next year. While I'm on the topic of S.O.S., we had a meeting today. We're in the middle of the process of trying to make sure no child in our local school districts go without coats in the wintertime. Today, we've had 35 requests for coats and when I say coats, that also includes hats, gloves and I think Carolyn has filled 77 requests.

Mrs. Ghantous: Yes, we've filled 77 requests and we have 47 more to fill.

Mayor Webster: There's probably going to be more coming now that the weather is turning bad. We do get a substantial amount of help from the Princeton Closet. Mrs. Wyder is very generous in helping us with that. We are also starting our Christmas Drive. We have 52 families that have already applied for assistance at Christmastime. Last year, we took care of somewhere around 75-80 or 90 families and that was 160 children involved. We suspect that we will top that number this year. We're always looking for donor families, contributions. Our food barrels will go out the first week in November. We have 15 or 20 of those all over the City. We are always looking for food to help the poor families. Also, a bit of good news, one of our local businesses here, Preferred Jewelers over at 481 East Kemper Road, owned and operated by a fellow named Dave Dennis. He's been wanting to do a fundraiser for S.O.S. He has chosen December 8<sup>th</sup> from Noon until 8:00 p.m. and 5% of all of his sales during that timeframe will be donated to S.O.S. If any of you guys want to go out and spend a lot of money for your wife on Christmas, go to Preferred Jewelers on December 8<sup>th</sup> and do that and we'll get 5% of that. Maybe husbands of these women up here will want to spend a lot of money. Anyway, that's very generous of Mr. Dennis. We appreciate that. The only other thing that I've got is, on the agenda we've got Ordinance 49-2018, Ordinance 50-2018, and Ordinance 51-2018. Those are for our legal staff for Mayor's Court. All three of those are on there with emergency clauses. If you'd rather read them twice, that's fine, but, I do need to leave that emergency clause on there so that they can go in effect right away. If you want to act on them tonight, fine, if not, that's fine also. That concludes my report. Thank you.

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Mrs. McNear: Mrs. Ghantous, when we were wrapping Christmas gifts, there were coats downstairs. Did you get those?

Mrs. Ghantous: We talked about that.

Mrs. McNear: I think there were at least two, maybe three coats still down there.

Mrs. Ghantous: Two or three that you bought, and then there were, I think, three that were left over from last year. So, I'm going to meet with Matt tomorrow and get them out of the closet and add them to this new list that I just got yesterday.

Mrs. McNear: Okay, great. Second, for anyone who's interested in Preferred Jewelers, if you'd like to see a sample of their wares, here you go (showed her hand) (laughter). We've got a few people in the audience. Thank you.

President Vanover: We're waving rings.

Mrs. Emerson: Mrs. Ghantous, are those coats gently used or all new? What are you looking for?

Mrs. Ghantous: We really want new coats. There's a lot of reasons for that. We have so many requests for coats. This year, we'll probably be in the 130's. Many families have several children and we would never want to give two children in the family new coats and give one child a used coat. Marsha, our DARE Officer and I have been very cautious to try to do as many new coats as we can. For a few years, the Princeton Closet had some gently-used coats that were like next to new that we filled in with. I don't think we have that supply of gently used coats available to us this year. It's likely that most of them, for the school-age children, will be brand new coats.

Mrs. Emerson: Thank you.

Clerk of Council/Finance Director

Mrs. McNear: The General Fund Year to Date through September 30<sup>th</sup> update for receipts based on the Net Receipts Budget of \$18.907 million dollars. Through September 30<sup>th</sup>, we have collected \$14.410 million dollars, which is 76% of the budget. That number is made up of the five General Fund receipt sources which are Earnings Tax, Real Estate Taxes, Paramedic Services, Mayor's Court, and Local Government Funds. The total is \$13,256 million dollars of the \$14.410 that has been collected which is 92%. For the Expenditures through September 30<sup>th</sup>, based on the Net Expenditure Budget of \$18.834 million dollars, we have spent \$13.287 million dollars, which is 68% of the anticipated spent for the year. Our Ending Balance is \$3.284 million dollars. That concludes my report. Thank you.

Administrator's Report

Mr. Jones: Very briefly, just wanted to report, if you did not notice on the way in, that the Fire Department Training Tower has now been removed. That's all I had this evening. Thank you.

Law Director's Report

Mr. Frank -

No report

Engineer's Report

Mr. Shvegza: As far as all of our construction projects for this year, they are all complete. That includes the Beacon Hills/Kenn Road Project, the Jake Sweeney Place Reconstruction Project, Glensprings Drive Repair/Resurfacing Project, the Cloverdale Area Resurfacing Project, and the West Kemper Road Resurfacing project. As far as projects that are currently under design, we have the Olde Gate Drive Reconstruction Project which is basically the section of Olde Gate that is from Northland Boulevard to approximately 690 feet to the north. That is all the roadway that is in the public right-of-way. It will include total removal and replacement of the existing pavement which would include new curb and gutter. At this point, we are looking at finalizing the plans late in November. Open bids will be December 20<sup>th</sup> and have it before Council at the January 16<sup>th</sup> meeting so we can have a spring 2019 construction. Landan Lane Reconstruction Project which is the entire length of Landan Lane back to the cul-de-sac. Again, its total removal and replacement with new curb and

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Mr. Shvegza (continued): gutters. At this point, we've got that project in for potential SCIP funding. Assuming we have a successful SCIP application, we would have that done by late November. However, we advertise it October 22, 2019 because we wouldn't have the project agreement available until late next year and then we don't want to bid it out during the middle of the construction season because we tend not to get very good prices at that point. If we're unsuccessful with the SCIP funding, the schedule will be the same as Olde Gate Lane. One other update on the Chesterdale roadwork that is taking place with the City of Sharonville. Currently the scheduling for grinding and repaving of that section of the roadway is for the week of November 5<sup>th</sup>. That concludes my report.

Mr. Anderson: One question on the Beacon Hills subdivision. You mentioned that the work is complete. Does that include punch list items? There was questions from residents about, specifically, the turf repairs that were done as part of that and, I believe the last I heard from Mr. Agricola, was that that was still an open item.

Mr. Shvegza: Yes.

Mr. Anderson: Is that still an open item?

Mr. Shvegza: That is correct. Many of those projects there are still some punch list items to be corrected yet.

Mr. Anderson: Thank you.

Mayor Webster: Speaking of Beacon Hills, we've got a letter here from a resident. As soon as Mrs. McNear reads that, we'd like to address some of the points in there and I think it'll clear up some of the confusion there.

### Communications

Mrs. McNear: I have a letter from 839 Summerfield Lane, 45240, dated October 11, 2018, addressed to Springdale Mayor and City Council,

"Walter and I have lived in Beacon Hills since August 1970 and have always loved our neighborhood. However, the roadwork these past months has been abysmal to say the least. The previous workers were consistently rude and inconsiderate, stopping in the middle of the street to have conversations, causing motorists to wait. They park their equipment with no concern for traffic and one of their trucks hit our street sign which now sits atop the stop sign; not even returning it to its proper pole. I'm also including a copy of the letter from Strausser about the slurry. You will note that it says, 'it will be applied from 8-6 on one side of the street at a time'. It started well after 6 on September 26<sup>th</sup> on both sides of the street. I had to park in Jean Stewart's driveway on Elkridge. When I called to ask if that would be okay she told me that she had to walk a distance with groceries. Furthermore, the slurry is like high-grade gravel as opposed to blacktop. Are we the stepchildren of Springdale? Very disappointing to say the least. Sincerely, Susan Wyder".

Mayor Webster: We've gotten several complaints, questions, and concerns from residents up there in Beacon Hills. I don't blame them. If I lived up there, I would be asking questions also. I took the opportunity, before I even got this letter, to drive the entire subdivision Monday and then when I finished driving it, I came up here and I had Mrs. Wyder's letter. I guess there's a couple of things and there's been a couple of references that I want to address, "stepchildren of Springdale" and "second-rate citizens" and "why aren't we treated like everybody else". So, I guess I'd like to address that first because that really sort of hurts. I guess I'd like to start off by asking Mrs. Ghantous, who is a 15 year real estate agent, "What is the most expensive subdivision/homes in this city?"

Mrs. Ghantous: The homes that are highest in value are over on Glenview by the golf course.

Mayor Webster: Glenview Subdivision.

Mrs. Ghantous: Yes.

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Mayor Webster: Glenview Subdivision, last year, we used the same identical product on the streets in the highest priced subdivision in the City. So, I'm not going to hang my head on the fact that we used it on Beacon Hills. We had \$8.2 million dollars to cover every residential street in this City. If I do say so myself, I think we've done pretty damn good job of it. I don't think any resident in this City needs to be ashamed or hang their head on where they live and nobody is being treated like a second-class citizen. We've used this same product on Lawnview Avenue and that's what I'm telling the people that I've talked to that, "Hey, just get in your car and drive down Lawnview Avenue; that's what your street is going to look like". Is there too much gravel up there now? Yes there is. The contractor has not done a good job of getting that gravel up. Our street sweeper broke yesterday. So, we're waiting on a part, hopefully that will be in in the morning. So, our crew will be up there cleaning up a lot of that loose gravel. Like I said, I drove the entire subdivision Monday. John and I drove it again today. In 48 hours, I noticed a marked improvement in the situation. Still too much loose gravel up there, but just the surface itself; it was a marked improvement in 48 hours. That's what we've been saying all along. This product takes some time to "wear-in", but, anyway it will be okay. Just, please, please, please be patient. You haven't been treated like a second-class citizen and you've been treated on-par with the highest priced homes in this City. I've asked Jeff Agricola to be here to address some of these issues. I think, well, Jeff, you heard the reading of the letter; do you need a copy of it?

Mr. Agricola: I have a copy of it. Thank you.

Mayor Webster: Could you please address some of Mrs. Wyder's comments?

Mr. Agricola: She speaks to some of the rudeness of the construction personnel. This is unfortunate. We certainly would wish that this wouldn't happen. But, I also wish that I could have known about it while the project was still ongoing. Because, then, I could have addressed the concern. I would request that if any of our residents or travelling public would interact with one of our contractors and they would feel unhappy with the interaction, to please reach out to us as soon as possible so that we can address it and move past it. We did hear of a similar situation on this project from another resident. We did address it. We addressed it very quickly and the problem went away. I think we would have done, obviously, the same in this particular case as well. She also speaks to the street sign that was damaged during construction and that is correct, it was struck by one of the trucks. During construction, we wanted to get it back up as quickly as possible, so we did put the street name sign on top of the stop sign, which is our practice now. We are doing that when we upgrade signage within subdivisions. It eliminates a post in someone's front yard. It is legal, it is proper. We had not, until today, removed the old pole, but, as of this afternoon, that old pole is now gone. With regards to the notification letter she received. Unfortunately, when I saw the letter yesterday, I was puzzled. I went to our Project Inspector, Mr. Miller. I asked him to provide me with the copies of the approved letters that were supposed to be given to our residents as notification and clearly, she received a letter that was not approved by the City. My feeling is that the majority of residents in the subdivision on this project received the accurate approved letters. I cannot explain why she received that one. It was an unfortunate mistake. It did have some information on it that was inaccurate. Some of that subdivision, basically the cul-de-sacs were done both lanes at a time. The cul-de-sac was closed to traffic during the initial cure, about 30 minutes. The thru-streets, kind of the heavier travelled streets, were done one half at a time; basically, to the center line. While that was curing, traffic was on the other side of the street. Once it was cured, traffic moved over to the new surface, and then the other side was performed. So, we actually had two different letters in that subdivision. The one that she received, unfortunately, was not one that was approved.

Mayor Webster: Neither one?

Mr. Agricola: She didn't receive either one of the approved letters; correct. Yes. With regards to the sweeping of the streets, we did get out there on Tuesday morning to begin that process. Unfortunately, as you indicated, we had some mechanical issues with our sweeper. Overnighting parts doesn't always come through, obviously, because we expected the part today, and it didn't arrive. The normal process with sweeping; what we did last year was the contractor actually waited three weeks to sweep the streets. That allows that loose surface material to wear off and get kicked to the curbs with traffic and then they were able to collect the material with a single sweep and everything was fine. Because of the complaints and

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Mr. Agricola (continued): concerns we have been hearing from the Beacon Hills subdivision, we sped that process up knowing that the process had not completed itself. We had the contractor out there last Tuesday, basically one week after the application. We knew it was too early, but we were trying to kind of settle the concerns. We knew that we were going to follow up with a secondary sweep which we will be performing as soon as we get the sweeper online. However, that is still a little early. We may actually have to follow it up with a second sweep after the rest of the material works itself off. You were up there this afternoon Mr. Mayor. The heavier travelled sections, all that wearing in is taking place and the material has worn off and moved itself to the side. The cul-de-sacs, the lower-volume streets; it's going to take a little bit more time for that process to occur. Because it is actually the traffic that does that.

Mayor Webster: I guess that's why Lawnview looks as good as it does.

Mr. Agricola: Correct. It's had essentially twelve months.

Mr. Anderson: You addressed a lot of the concerns. I had heard several of the concerns too. I talked to the Administration about several of them and addressed them. In addition, it does look better today than it did two days ago, than it did a week ago. I keep travelling. It does get better, especially in the heavily travelled areas. I just want to make sure we're still going to follow through on the turf reconstruction as well that I mentioned. That was the other concern. You spoke to the streets. They're still an open item that the turf repair wasn't up to the standards we had hoped for, or the communication wasn't done correctly to the residents on how to maintain it. So, we're going to correct that communication too and re-apply?

Mr. Agricola: That is correct. Yes. We certainly have that as a major punch list item for the contractor. However, with the lateness of the season and the fact that we're getting a little bit earlier of a fall, with the colder temperatures, I'm a little concerned with doing that second restoration this fall. We're considering and we've been talking about pushing that to spring so that we would have a better opportunity for grass to establish itself. The contractor will still be performing it under his contract. It would be no additional cost to us and then at that point, we can perform the appropriate education; care instructions essentially to the residents.

Mr. Anderson: I would encourage that. I know at least several of the neighbors that I spoke to with it being 20 degrees tonight, and, we've already had several frosts, I know several of the residents have already removed the hoses from their aprons, so I know that part of the care requires watering and cutting. They're winterizing their mowers at this point and they're putting away their hoses. So, I would encourage, I'm, not a professional lawn care expert, but I think it would be tough to expect people to go out on 20 degree mornings to care for their yard. If we could push that off. If we do decide to push that off until the spring, I would hope we could still notify the residents that it is coming to kind of alleviate that concern that yes, we don't think it was done to where we want it to be, but we'll come back in the spring and you'll get a note letting you know when and how. I think that communication would go a long way to just help let people know that it is going to happen. Thank you.

Mr. Agricola: We can certainly do that. Yes.

Mr. Hawkins: I just wanted to piggy-back on what the Mayor had referenced Glenview getting the same road treatment and there were some residents that had concerns or how this was going to turn out and it's turned out great. There were some concerns, but, over time and over folks travelling the roadway, there haven't been any issues. I knew the Mayor, maybe Mr. Vanover as well, and I got an email from, I believe, a Mr. Johnson who was concerned about the sealant. I was checking to see, I don't know if anybody from Administration had reached out to him or had addressed any concerns that residents had with regard to the seal, I guess, abutting the concrete and the curb. Or if you had received any other complaints regarding anything like that.

Mayor Webster: It was an email wasn't it?

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Mr. Hawkins: It was an email. I emailed and responded. I didn't know if Administration had talked with him.

Mayor Webster: I remember Johnson and the name, but I don't remember the details of the letter.

Mr. Hawkins: I think he had a concern with regards to the appearance of, what it sounded like, was the seal. I'm assuming he was talking about the, for lack of a better terminology, the tar abutting the concrete and the curb. I didn't know if anyone from Administration had reached out to him specifically regarding this.

Mr. Agricola: Do you remember the address?

Mr. Hawkins: I can dig through my email and get it for you.

Mr. Agricola: Okay. There was one call that I had received during the application of the material from a resident on Yorkhaven; similar concerns, it very well could be Mr. Johnson. We addressed it that day. He phoned my office and he walked down the street and caught Mr. Miller, our Project Inspector. They looked at it and the contractor went up and addressed it at that point.

Mr. Hawkins: Okay.

Mayor Webster: Mr. Johnson lives on Brookston; the very north end of Brookston as it bends to go around the curb on Clearfield. I drove up there and I couldn't see, other than the conditions around there looked the same; bad with all the gravel and that. That was right after, just days after they had finished putting that coat down. I don't think we took any special steps there. I think the one you might be referring to is Mrs. Case or Chase.

Mr. Agricola: No, this was a gentleman I spoke to. I have his name in my logbook; my phone log. The individual I'm referring to may not have emailed it; it could have just been a phone call.

Mr. Hawkins: The only other thing I echo to the residents, as was indicated, if there are instances where construction workers are doing something that is dangerous or a problem, to let the Administration know. Again, going back to last year, right on Sharon, right in front of the Glenview entrance, I let Mr. Parham know that at that point, it was at night; they had a lane blocked. They only had one flagger out there and it was a very dangerous situation in terms of people being able to see and move without collisions in oncoming traffic. When those things happen, it is important to let the Administration know so we can address it so that no one is getting hurt.

Mr. Agricola: I would even go as far as to say is if it is a safety concern; notify our Police Department non-emergency number. They can then contact us on a quicker basis. We can respond. Typically, our Project Inspector is on-site. He may just be at the other end of the project. If it is a true safety concern, I would prefer to know it sooner than later.

Mrs. Ghantous: So, at a Capital Improvement meeting that we had, maybe the last one or the one before that, you described how the streets were rated and how the decisions were made about what process was going to be done and why. I think that would be helpful for people to understand how that was planned out for the best overall use of the money that we had to spend.

Mr. Agricola: Our entire road network, we use a pavement management system. It is a computerized system. As part of the input for that system, there is a pavement rating that is performed. We're performing that on a three year cycle. So, every three years, we're looking at our paving and grading that pavement. Over a period of time, as you build up multiple ratings, you can start to develop a pattern and it will show how your pavement is deteriorating over time. Obviously, we have sections of pavement; 747 for instance, that's going to receive a tremendous amount of traffic, therefore, more deterioration over a period of time than a cul-de-sac street. With regards to that pavement rating, in order to keep a non-biased opinion on that rating, we use an independent, licensed engineer. He's not even in the

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Mr. Agricola (continued): state of Ohio. He's registered in the state of Ohio. He's not even practicing in the state of Ohio. He has absolutely no bias when it comes to the rating of our streets. We do that purposefully so that I'm not interjecting my opinion, or our City Engineer isn't interjecting his opinion. That's really how we develop our system. We can develop reports out of that pavement management system. It uses a 0-100 point scale essentially. That is typical for pavement. It's called a pavement condition index number and that is standard throughout the industry and basically it rates a very good all the way down to a failed street. Then, based on where it falls, there are maintenance and/or rehabilitation strategies that can be proposed. Then, obviously, when we approach the comprehensive Capital Improvement Program, back in late 2016, we had the desire to move into residential neighborhoods and we knew that we had maintenance needs throughout the City, so we were looking at a very comprehensive project and we had to look at all of our options so that we could effectively manage the pavement needs and do so as economically as possible. That's why we brought a lot of maintenance strategies into play.

Mayor Webster: Just to bring everybody up so we're all on the same level here. Forever, and ever, and ever, until about 2007, we religiously put at least \$700,000 a year into our Summer Street Program. Most of that went to residential streets, some of it went to commercial streets, but, anyway, there was \$700,000 that was spent. Well, when the financial bottom fell out, we were looking for places to cut money. You don't spend the \$700,000 this year, you really don't recognize it; you don't feel it. Second year, you probably don't; you might feel a little bit, but not a whole lot. But, it's one of those things that gradually builds up and that's exactly what has happened to us. Our revenues have not bounced back as I think I shared with you guys at the last meeting. We're still running the City \$2,000,000 less than what we had in 2007. So, priorities have had to change, our expenditures have changed, our staffing has had to change. We have not taken care of our residential streets and we recognize that. Back in 2015, I asked Derrick and Jeff to put together a comprehensive residential street program. That's exactly what we did. We priced that out. Came out to \$8.2 million dollars. That's what we sold a bond issue for. Had we decided to go against his methodology there and let's put asphalt streets in Beacon Hills subdivision so it looks the same as all the surrounding ones. How much would that have cost us Jeff?

Mr. Agricola: I don't have the figure right on me, but it would have been considerably more expensive.

Mayor Webster: It's about \$5 million dollars, right?

Mr. Agricola: In that neighborhood, yes.

Mayor Webster: I have the number on me. It's about \$5 million dollars. So, instead of selling a bond issue for \$8.2 million dollars, we would have been in the market for \$13.2. Even though I think we've got a good alternative here and I'm not ashamed of what we did. I think the people are going to be satisfied with the street. It's not going to be nice, bright, shiny street like Oxford Hills maybe has or Kenn Road, but, it's going to be a very serviceable street that the people do not need to be ashamed of. That's how we got here. Jeff, thank you very much.

Mr. Agricola: Thank you.

Mrs. Ghantous: Thank you.

President Vanover: Yes, thank you Mr. Agricola

Communications from the Audience

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None

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Ordinances and Resolutions

Ordinance No. 46-2018

AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF SPRINGDALE, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 13.316 ACRES LOCATED ADJACENT TO THE NORTHEAST CORNER OF WEST KEMPER ROAD AND ROSE LANE FROM RESIDENTIAL SINGLE HOUSEHOLD – LOW DENSITY (RSH-L) TO PLANNED UNIT DEVELOPMENT (PUD) (SPRINGROSE SUBDIVISION)

President Vanover: This is a first reading.

Mayor Webster: I make the same offer this evening as I have made previously that I do have a conflict. I will not be signing this ordinance. I will not be participating in it. Myself and my family will leave Council Chambers if anybody desires. (No response)

President Vanover: Any discussion at this point? Again, this is the first reading. We have a second reading and a Public Hearing set for our first meeting in November. (No response)

Ordinance No. 47-2018

APPROVING THE PRELIMINARY DEVELOPMENT PLAN OF APPROXIMATELY 13.316 ACRES LOCATED ADJACENT TO THE NORTHEAST CORNER OF WEST KEMPER ROAD AND ROSE LANE (SPRINGROSE SUBDIVISION)

President Vanover: Any discussion? (No discussion) Again, this will be included in the Public Hearing and second reading at our first meeting in November.

Ordinance No. 48-2018

AMENDING ORDINANCE NO. 50-2017 TO AMEND THE PAYGRADE OF THE ASSISTANT TO THE CITY ADMINISTRATOR AND THE PUBLIC HEALTH COMMISSIONER, AND DECLARING AN EMERGENCY

Mrs. Emerson made a motion to adopt Ordinance No. 48-2018; Mrs. Ghantous seconded.

Mayor Webster: Does anyone need an explanation for this? I think Amanda has filled you in along the way. Everybody okay? (No response)

Ordinance No. 48-2018 passes with seven affirmative votes.

Mayor Webster: Thank you very much Council.

Ordinance No. 49-2018

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH JUSTIN BARTLETT TO SERVE AS MAYOR'S COURT MAGISTRATE FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

President Vanover: I guess call the question, "Do you want to two readings on this or just invoke and go with the emergency clause as it stands?"

Mr. Anderson: Just for the record, I think it makes sense to keep it on. I think it's important for the public to know that the Mayor's Court will be fully staffed before the last minute. I think that's important.

Mr. Hawkins: I agree. I think it's important to keep the emergency clause and be able to assist in that transition and make it as seamless as possible.

Mayor Webster: If you're going to consider it tonight, I'll make a few comments about Mr. Bartlett.

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President Vanover: Sure, go right ahead.

Mayor Webster: Mr. Bartlett has been our Public Defender for the last two years. He has done a great job. The Police Department speaks very, very highly of him. Conducts himself in a very professional manner. Does a great job for the indigent people. If they're innocent, they get their day in court, properly represented. If they're guilty, the defender doesn't come in yelling, "Police Brutality", or "Entrapment" and all that kind of stuff. He explains to the defendant what they're in for and guides them as far as their pleas and all that kind of stuff. Anyway, he comes very highly recommended to us and we think he's going to make a great magistrate. Thank you very much.

Mr. Hawkins made a motion to adopt Ordinance No. 49-2018; Mrs. Emerson seconded.

Mr. Anderson: Just one question. I don't have my budget in front of me. The compensation amount; is that what we had allotted for the next year? Is the amount that we budget for the Magistrate, is that what we budgeted for next year?

Mr. Hawkins: I just wanted to add that I've known Justin (Bartlett) for a number of years. He has a great temperament, well-versed in the law. He'll be an asset to our Mayor's Court.

Mayor Webster: We've not increased that for some time. We've been paying that for several years.

Ordinance No. 49-2018 passes with seven affirmative votes.

President Vanover: I guess we'll ask the question for the next two before we start in. Do we want to consider them the same way? Just vote with the emergency clause tonight?

Mr. Anderson: Same way.

President Vanover: Alright.

Ordinance No. 50-2018

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH SETH S. TIEGER FOR PROSECUTING SERVICES FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

Mrs. Emerson made a motion to adopt Ordinance No. 40-2018; Mrs. Sullivan-Wisecup seconded.

Mayor Webster: Mr. Tieger has been our Prosecutor for the last four or five years. He is also the Assistant Prosecuting Attorney down at Joe Deters' office, Hamilton County Prosecutor. He comes well qualified and does a great job in our court. The pay is the same.

Mr. Anderson: Just one question on the contract language. This contract requires that he carry personal insurance or professional liability insurance. The magistrate contract did not. Is there a reason for the difference?

Mayor Webster: I can't answer that one.

Mr. Anderson: Is the Magistrate covered under Miverna or did we miss that?

Mr. Frank: I honestly don't know. I'd have to get back to you. It's never come up before.

Mayor Webster: I don't know either.

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Mr. Hawkins: I don't know if judges and magistrates would tend to carry their liability insurance with regard to those actions. A lot of times they have qualified immunity for those things. What I would say is Mr. Bartlett has his own private practice, so I would be shocked if he didn't have insurance to cover him. Now, whether or that covers his actions as Magistrate, I don't know, but I think a lot of times qualified immunity may protect them. It's a good question for our Law Director to check out.

Mr. Frank: Prosecutors have immunity too in a lot of situations. I've never heard of a magistrate or judge of any type having any kind of insurance, but I haven't thought about it, so, I'll look into it to make sure.

President Vanover: Well, there's always the backup that there is an appeals process to the next level. That may be where it comes in. Good question.

Mr. Anderson: Just trying to understand why the differences. If we're not concerned about it, I'm okay. I just wanted to understand why there was a difference. That helps. Thank you.

Mr. Hawkins: No, it's a good question because if they're not responsible, people would get sued as a City.

Ordinance No. 50-2018 passes with seven affirmative votes.

### Ordinance 51-2018

AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH DARYLE C. TIBBS FOR PUBLIC DEFENDER SERVICES FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 51-2018; Mrs. Emerson seconded.

Mayor Webster: Daryle C. Tibbs is a lady. Just so you understand that. She will be taking the place of Mr. Bartlett who will now become our Magistrate. She has a local law practice here. She has been a prosecutor in some other smaller Mayor's Courts. I'm not sure in the area here locally, but somewhere in the state of Ohio. She just wants to get involved. She's been in several of our Council meetings and she's attended several of our Mayor's Court sessions, so, she's chomping at the bit and very anxious to get started and I think she'll do a great job. Her expertise is Family Law I understand.

Mr. Anderson: Just one question on that. So, I was looking into the background of Mrs. Tibbs and I notice that her current practice is Family Law primarily and her resume had about a year or less of experience defending anything that would be likely to come through a Mayor's Court. I'm all for people being excited and learning to do new things. Is there a reason that we don't have somebody with more experience come in as the defender? I have some concern that the people she might defend might not get the full defense. She's going up against an experienced prosecutor every time. What's the thinking for having a less experienced defender?

Mayor Webster: If you had ever met Mrs. Tibbs, you would not be concerned. I would not want to go up against her in any kind of competitive situation. Court of law, or anything else. I don't think we have to worry about the indigent people that we're providing law services for being short-changed with Mrs. Tibbs.

Mr. Anderson: About how many would she be covering on average? What is the typical caseload? Is it small?

Mayor Webster: This is not a heavy-duty thing. Do you guys remember the budget number by any chance?

Mrs. Zimmerlin: 7,000?

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Mayor Webster: 7,000, so I'm surprised that it's that high.

Mr. Anderson: I'm sorry, 7,000 cases?

Mayor Webster: No, no, no, no, dollars.

Mr. Anderson: I was asking for the number of cases that she'd be defending as a Public Defender.

Mrs. Zimmerlin: Well, I don't know the number of cases, but just to quantify the 7,000 and how that happens. So, if someone goes into Mayor's Court and they don't show up, we still pay the Public Defender and then we have to re-cite the person and re-assess whether or not they're eligible for a Public Defender and, if they are, she gets paid another \$150 dollars for that case again. I'm not exactly sure how many cases come through. I can check with our Clerk tomorrow and I can let you know.

Mr. Anderson: I was just curious of the ballpark; what the caseload is if she's doing full-time Family Practice and switching gears to be a Public Defender. I just wanted to make sure that it is not a lot. I don't know the number is, that's why I was asking.

Mayor Webster: It's not a big number.

President Vanover: \$7,000 divided by \$150 is 56, thanks to the barrister here. (Laughter). I couldn't get my shoes off quick enough. Any further discussion?

Mayor Webster: Want to hold on a second and we'll try to quantify that number for you. I think it should be smaller than \$7,000.

Mr. Anderson: If it's \$7,000, we can do the math. It's in that ballpark.

Mr. Jones: In the City of Trenton, it was not unusual we would have a month worth of cases. They met twice a month, was not unusual that it would be zero to one case a month. Highly unusual if we got two or three a month that was asking for the court. I think that you'll find it's somewhere between zero and four a month would be my guess if it's consistent with another city of approximate size.

Mr. Anderson: Thank you.

Mr. Jones: You're welcome.

President Vanover: Any further discussion? (None)

Ordinance No. 51-2018 was passed with six affirmative votes and one opposing vote (Anderson).

Old Business - None

New Business

Mrs. Emerson: On the dais, I had Mrs. Zimmerlin place a photo and a copy of Ordinance 73.041 which deals with commercial vehicle parking. This was passed on October 26, 2005. It was brought to my attention by several residents this week that they were given tickets by the Police Department for parking their work van on the street. In reviewing this ordinance, it was my gut feeling that Council, at that time, was not opposed to vans as this one in the picture. It is within the correct length and width to be on the street, but because of the commercial signage on the van and the ladder rack, it does fit under this current ordinance as a commercial vehicle which is not allowed to be parked in the street. I wanted to ask Council tonight if I could have Administration review what other communities are doing with this size vehicle and how they are handling it. The Building Code does allow for one of these vehicles to be parked in the driveway, but, with that said, it too, has its limitations in that people can't see around them when they're pulling in and out of the driveway and in one-car driveways, and it makes it very difficult to maneuver around. The Police Department has been gracious in voiding these tickets. I believe there were four

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Mrs. Emerson (continued): or five of them to these residents to allow Council to discuss and review this. Does any Council have any objections to looking into this?

Mrs. Sullivan-Wisecup: I don't have any objections in looking into it, but, I just wanted to make sure that there's a limit. Because, if you open it up to "you can park this on the street", pretty soon we have people who own businesses that will have four of these vans parked on the street, and then that makes it harder for the residents who need that for parking. We have quite a few streets in my neighborhood that are more narrow and if you have these parked there, there's no place for the residents to park and they have single driveways up and down those streets. So, I don't mind looking into it, I just want everybody to consider the whole picture City-wide. Thank you.

President Vanover: Any other discussion? Any problem forwarding this? (None)

Mrs. Emerson: I'd like Administration to look at the other communities around and get back with on as to how they are handling this.

Mrs. Ghantous: There was a ton of discussion around this when the new Code was being re-written. I think Mrs. McBride could shed light on this because she was one of the main players.

Mrs. Emerson: This was in 2005.

Mrs. Ghantous: Well, we re-looked at all this when was that?

Mrs. Sullivan-Wisecup: Two years ago?

Mrs. Ghantous: Not that long ago. Three, no more than four . .

Mayor Webster: Three to five years ago.

Mrs. Ghantous: I was on that Committee. Mrs. McBride and her folks were there guiding us through process and giving their opinions of what other municipalities do. I just think that her input could be valuable on this.

Mrs. Emerson: I agree. I just, when you look at this picture, this is a standard van. The only thing that makes it commercial is the signage on it and then it has a ladder rack which the ladder is almost the same length as the van. So, I don't know if we could just "tweak" the ordinance, but, if we could just put out there what other communities are doing and how they are handling it, I think the residents would appreciate that.

Mayor Webster: Why don't you let us go back to 2005 when we passed the present ordinance and let's review the minutes and see if we can get our hands around the rationale of what got us to where we are now. Because, my recollection says that we changed it from streets to driveways. Now, we're thinking about changing it from driveways back to streets.

Mrs. Emerson: The problem in parking it in the driveway though is if it's a one-car driveway, you can't get the other car in and out. I have a two-car driveway. So, we've got four drivers in our house, so it's easy to manipulate. But, the one-car driveway, it's not that easy. Somebody's got to get out and switch. It would be a good idea to look at those minutes.

Mayor Webster: Well, let us go back and research the argument there "for" and "against" and also we'll touch base with Mrs. McBride and get her input in the thing.

Mrs. Emerson: Awesome. Thank you.

President Vanover: Well, kind of piggy-backing on what Mrs. Emerson said, I've got one. My driveway, it takes my wife to basically put her nose right up against the garage door and me be right on her bumper and I'm still over-hanging the sidewalk by a few inches. Heritage Hill, the Terrace, all those homes don't have long driveways or two car; double wide. So, I think that it is a good thing if we go back and go to the beginning of the source and what the thought process was.

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Mrs. Emerson: Thank you.

President Vanover: No problem. Thank you Mrs. Emerson.

### Meetings and Announcements

Mrs. Sullivan-Wisecup: On, Tuesday, November 13<sup>th</sup> at 7:00 p.m., Planning Commission will meet in these chambers.

Mrs. Emerson: The Committee of Rules and Laws will meet on Monday, October 22<sup>nd</sup> at 6:30 p.m. in the Administrative Conference Room to review the statements of qualifications and select the top four to five firms to interview for legal services for the City. With that said, the deadline for submitting those requests is this Friday, October 19<sup>th</sup> at Noon. I have asked Mr. Jones and Mrs. Zimmerlin to put together those requests and place them in our mailboxes. They'll be available to be picked up on Friday, after 1:00 p.m. It's the expectation that we will review these requests and come prepared to discuss them on Monday. This will allow for more insightful discussion and save time overall. The Board of Health will meet on Thursday, November 8<sup>th</sup> at 7:00 p.m. in the conference room adjacent to here.

Mrs. Zimmerlin: Civil Service will meet on November 1<sup>st</sup> at 6:00 p.m. in the Administrative Conference Room. I'm going to have a number of announcements from Parks and Recreation. The Father/Daughter Dance will be hosted by the Springdale Youth Boosters on Saturday, October 20<sup>th</sup>, from 6:00 p.m. until 9:00 p.m. at the Community Center. The cost is \$20 per couple and \$5 for each additional girl. Tickets are available at the Community Center. Dads and daughters will enjoy dancing, pizza, ice cream floats, and a photo booth. Monster Mania Halloween Carnival will be held on Saturday, October 27<sup>th</sup> 2:00 p.m. until 4:00 p.m. at the Community Center for children ages second through fourth grade. There will be Halloween-themed games and activities. Club Rec will host a haunted room available for tours during the event. Monster Mania is free of charge. Winter Sports registration is underway. You can register for youth basketball, volleyball, and cheerleading. Basketball skills and drills clinic will take place on Saturday, November 10<sup>th</sup>, and you must be registered by November 7<sup>th</sup>. It is offered for boys and girls seven through twelve years of age. It's from 10:00 a.m. until Noon. You can contact the Community Center for all of those events at 346-3910.

Communications from the Audience

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None

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item I was addressed with Ordinance No. 46-2018; where there was a first reading. It was an Ordinance Amending the Zoning Code and Zoning Map of the City of Springdale, Ohio, to Provide for the Rezoning of Approximately 13.316 Acres Located Adjacent to the Northeast Corner of West Kemper Road and Rose Lane from Residential Single Household – Low Density (RSH-L) to Planned Unit Development (PUD) (Springrose Subdivision). Item Number II was addressed with Ordinance No. 47-2018; where there was also a first reading. It was an Ordinance Approving the Preliminary Development Plan of Approximately 13.316 Acres Located Adjacent to the Northeast Corner of West Kemper Road and Rose Lane (Springrose Subdivision). Item Number III was addressed with three separate ordinances authorizing annual contracts with the Mayor's Court Magistrate, Prosecutor, and Public Defender with an Emergency Clause. Ordinance No. 49-2018 was addressing appointment of Magistrate Justin Bartlett; which passed with a 7-0 vote. Ordinance No. 50-2018 was addressing appointment of Prosecutor Seth Tieger; which passed with a 7-0 vote. Ordinance No. 51-2018 was addressing appointment of Public Defender Daryle Tibbs which passed with a 6-1 vote. Item Number IV was addressed with Ordinance No. 48-2018; an Ordinance to Amend Ordinance No. 50-2017 to Amend the Paygrades of the Assistant to the City Administrator Position and the Public Health Commissioner and Declaring an Emergency; that passed with a 7-0 vote. All other matters are forthcoming.

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Recap of legislative items requested for next Council meeting

Mr. Hawkins: An Ordinance Amending the Zoning Code and Zoning Map of the City of Springdale, Ohio, to Provide for the Rezoning of Approximately 13.316 Acres Located Adjacent to the Northeast Corner of West Kemper Road and Rose Lane from Residential Single Household – Low Density (RSH-L) to Planned Unit Development (PUD) (Springrose Subdivision) for a Second Reading and a Public Hearing. Also, An Ordinance Approving the Preliminary Development Plan of Approximately 13.316 Acres Located Adjacent to the Northeast Corner of West Kemper Road and Rose Lane (Springrose Subdivision) for a Second Reading and a Public Hearing. And last, An Ordinance Providing for the Issuance of not to Exceed \$1,320,000 Real Estate Acquisition Bond Anticipation Notes by the City of Springdale, Ohio in Anticipation of the Issuance of Bonds, Providing for the Pledge of Revenues for the Payment of Such Notes and Declaring an Emergency.

Adjournment

Mrs. Sullivan-Wisecup made a motion to adjourn; Mrs. Emerson seconded the motion and council Adjourned at 8:17 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

\_\_\_\_\_, 2018