

City of Springdale Council

March 6, 2019

President of Council Vanover called Council to order on March 6, 2019.

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

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

The minutes of the February 20, 2019 meeting were considered.

Mrs. Ghantous made a motion to accept the minutes; Mr. Hawkins seconded. The minutes were approved with six affirmative votes and one abstention (Mr. Shroyer).

Communications

Mrs. McNear: We do have one item. I'd like to ask Mrs. Christine Russell to come to the podium to discuss Economic Development for a transfer liquor license.

Mrs. Russell: Good evening. As you well know, because I come here and speak to you about this, we have quite a lack of liquor licenses here in Springdale. I'm here tonight to present another restaurant that is asking to transfer a license into our City. Jonathan Madrigal, who is with me, he is the owner of Taqueria El Monarca. That is a restaurant opened last June. They are located in the same center as Jimmy Johns and Jersey Mikes over there. He's invested almost \$100,000 into his restaurant. It's very good, if you've not eaten there yet, definitely go try it. He'd like to transfer a D-5 license and that will allow him to serve beer, wine, and liquor. I'm going to ask Jonathan just to say a few words.

Mr. Madrigal: Good evening. My name is Jonathan Madrigal, I own Taqueria El Monarca. It's on Princeton Pike. We sell a variety of authentic Mexican plates that you're all invited to try.

Mrs. Russell: He shared with me, as many restaurants that have a liquor license would really help him, especially in the evening. We have talked previously about how the Liquor Control is really backed up right now with permits. If you are all okay and give your support of the TREX application, I'd ask for your authorization, not only for the Mayor to sign that TREX application, but also, once we get the legislative notice, just to go ahead and sign that and send that back quickly so we can keep this moving for Jonathan. Any questions? (none) Thank you.

Mr. Madrigal: Appreciate it.

Communications from the Audience - None

Ordinances and Resolutions

Ordinance No. 7-2019

ADOPTING A SUPPLEMENTAL APPROPRIATION/ESTIMATED RECEIPTS ORDINANCE TO ADJUST APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES AND ADJUST ESTIMATED RECEIPTS FOR THE CITY OF SPRINGDALE, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019

Mrs. Emerson made a motion to adopt Ordinance No. 7-2019; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 7-2019 passes with seven affirmative votes.

Mrs. Zimmerlin: I wanted to make Council aware that the next two ordinances are related to the Red Dog Inn development that they want to put on Princeton Pike. Part of the Planning Commission's approval of their preliminary plan was that they were to work with staff to come up with an agreement on the sign that's going to be along the highway including the size of the sign. We've come to an impasse on that and the sign is going back to the Planning Commission at the April meeting. If we were to not move forward tonight, they wouldn't be able to come to Council again until sometime in May. We have the option of doing the first reading this evening and then also doing the second reading and opening the public hearing at the March 20th meeting and then "continuing in progress". That way, we're not delaying their

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Mrs. Zimmerlin (continued): development any longer. I just wanted to make you aware of that and wanted to see if Council wanted to remove it or if Council wanted to move forward tonight. Our recommendation would be move forward this evening. (Council did not object)

Mr. Braun: I just need to advise Council. I know you're not voting on it tonight, but the Principal of the entity that's seeking the zone change related to the Red Dog and the Circle Storage is a prior client of mine. I'm not currently representing him on any matters, but I'm obligated to disclose that to you. If anyone on Council has any objection, and wants to seek outside legal advice, you can. I'm not currently representing him and not giving him advice on this project. He has separate counsel.

Ordinance No. 8-2019

AN ORDINANCE APPROVING A ZONE CHANGE FOR THE REAL PROPERTY LOCATED AT 12000 AND 12050 PRINCETON PIKE IN THE CITY OF SPRINGDALE

President Vanover: Council, you've heard the reading of Ordinance No. 8-2019. This is a first reading. Is there any discussion this evening?

Mr. Hawkins: I just wanted to confirm. You said we'd do a second reading when?

Mrs. Zimmerlin: On the 20th of March.

Mr. Hawkins: We're still going to have our March 20th reading?

Mrs. Zimmerlin: Yes, a second reading and open the public hearing and then just continue it in progress.

Mr. Hawkins: Was there still discussion about a pole sign?

Mrs. Zimmerlin: That's what's coming back to Planning Commission. They're requesting 498 square feet of electronic signage.

Mr. Hawkins: Thank you.

Ordinance No. 9-2019

AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE REAL PROPERTY LOCATED AT 12000 AND 12050 PRINCETON PIKE IN THE CITY OF SPRINGDALE

President Vanover: Council, this is a first reading. Is there any discussion this evening? (no discussion). Seeing none, we'll move on.

Executive Session – Economic Development

Mrs. Emerson made a motion to go into Executive Session with City Legal Counsel pursuant to Ohio Revised Code Section 121.22(G)(8) to consider confidential information related to the specific business strategy of an applicant for economic development assistance which is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project that is related to a request for economic development assistance and Ohio Revised Code Section 121.22(G)(1) to discuss the terms and conditions of employment, discipline, or discharge of a public employee. Mr. Hawkins seconded the motion. The motion passed with a 7-0 vote to go into Executive Session. Council departed chambers at 7:13 p.m. Council returned to chambers at 7:48 p.m.

Old Business

Mrs. Emerson: I brought up to Council, I think this was back in October, there were several residents that had received tickets for parking, per the ordinance, commercial vans on the street. I had asked Administration to look and see what the other communities were doing. How their ordinances read. On the dais, you all have some of that information and I was looking to see if you all were in favor of tweaking our current ordinance a little bit. This picture of the van is what I showed you back in October or November when I brought that up. It's a standard van. It fits all the dimensions that our ordinance requires. The only thing on it

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Mrs. Emerson (continued): that makes it commercial is the name and the ladder racks. Even though, with those, it's still within the measurements. I was looking for some opinions on how you all felt about changing the current ordinance. Administration also included a sheet on the new measurements of some of the current vehicles that are out now, which are much, much larger. I know when this ordinance was written, I think it was 2005. Is that correct Mr. Vanover? I'm not sure that this is what we were trying to keep off of the streets. Mrs. Zimmerlin did go back to those minutes, but didn't really find anything specific in them. Does anybody have any opinions?

Mr. Anderson: What changes did you think needed to be adjusted? Is it the height/width or just the fact that all commercials are banned the same way?

Mrs. Emerson: The commercial vehicles just because it has the name on it. If you look at the new dimensions, the vans that are coming out now that are just passenger vans are much, much larger. I'm wondering if we don't need to tweak that also.

Mr. Anderson: I know, from my part, I think the height that's listed in the current ordinance; it feels arbitrary. I'm not sure what eight feet, what the magic of that is. Especially when we're including driveways.

Mrs. Emerson: I think seeing around is what they were looking at.

Mr. Anderson: If we're including driveways though with the same height requirement, I'm not sure what eight feet would have to do with that? I'd be supporting changing to open it up a bit more to allow for some of these larger vehicles. Especially, when you talk about passenger vans. The nature of them right now they're raising them. It's not just the height of the chassis, but they're raising the suspensions up, so, a van, ten years ago may have fit that eight feet, they're raising them up a foot just for ground clearance. So, it's the same space and you can't buy lowered vans anymore. Some of those larger passenger vans like Sprinters and ProMasters that can be used for larger families; even the Ford Econoline like that normal 15 passenger van, it's right there.

Mrs. Emerson: Also, with that on our ordinance, it's eighty inches in width. If you'll look at the measurements of the ones that Administration gave us, most of them are exceeding that.

Mrs. McNear: I've actually been out looking at passenger vans myself and one I looked at the other day is eighty inches wide. It's not commercial, it is a passenger and it's eighty inches wide. I don't know what the height is.

Mrs. Ghantous: So, is it the size that you're thinking needs tweaked or are you having an issue with the commercial branding on the outside? What's the root of this?

Mrs. Emerson: I think both of those. The picture that you have there; it has the commercial signage, so on "F" on our ordinance, it says, "has signage of commercial nature". Bumper stickers and decorative license plates are not considered commercial signage. But, if they have like "Viox Services" or "Gilkey Windows" on it, it's considered commercial, even if it's standard and fits within our sizing to park on the street. I think that needs to be tweaked. I'm also, now that we look at the new dimensions of the new passenger vehicles that are out, I'm thinking we need to extend the width of it also.

Mrs. Ghantous: Well, how do you feel about the whole branding thing? Is that bothersome to you?

Mrs. Emerson: I don't have a problem with that. I don't think, in 2005 that's what we were looking at. I'm thinking they're looking at more of like the snap on tool big panel vans. I think that's what they were looking at. I don't think you're looking at a standard van that says, "Viox Services" as keeping that off the street. I could be wrong, but that's what I'm thinking.

Mrs. Ghantous: I'm still confused. So, you want us to allow bigger vehicles and whether or not they have any branding on it is not an issue.

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Mrs. Emerson: For me, it should not be relevant.

Mrs. Ghantous: Me too, I agree.

Mrs. Emerson: The sizing, I only bring that forth because the new passenger vans now are wider and taller. Which, that would be out of our size limits to park on the street. I'm looking if we don't need to make those larger.

President Vanover: Well, not only the vans, but pickup trucks with quad cabs and an eight foot bed, well, I challenge you to go over to Lowe's during the day and look at the number of those that are extending beyond the parking lot lines. I've got one myself that it takes a shoe horn for me to stay within the lines. I've got a couple others in my neighborhood that are in the same situation. I think that maybe our original intent got covered up in the process.

Mayor Webster: This is probably unfair for me to say because I don't have a vehicle that would fit into this category, but I think the simpler the ordinance is, the easier it is to enforce. I just wonder how in the devil Fairfield gets away with what they've got here. It would be great if we could refine our ordinance to four or five lines. It's pretty straight-forward. There's not a whole lot left to interpretation there. Not that I advocate that, but it sure would be easier to enforce.

Mr. Shroyer: In addition to the issue of the ordinance, our Zoning Code spells out commercial vehicles and what can be parked in what locations in different zoning districts. I understand that Council can basically take whatever action that we choose to take, but, I think historically, decisions and changes to the Zoning Code have been, or maybe not, but I believe they have been referred to the Planning Commission for review and recommendation and then a zoning change recommendation comes to Council. I don't know that this issue is any different. In the end, our ordinance uses the term commercial vehicle and we define commercial vehicles in the Zoning Code. My thought would be that if we want to make a change, it probably should be consistent with what we've done in the past. If that is to ask Planning Commission to review the sections of the Zoning Code that address this issue and make a recommendation, that would be my thought. Thank you.

Mrs. Zimmerlin: Mr. Shroyer, you are correct. For the Zoning Code, it would go to Planning Commission, but these same regulations are housed in Chapter 73 of our Code, which is part of our Traffic Code. That part would come to Council and would start here for changes. We could run them in tandem. I'm assuming they're going to mirror each other, whatever you guys want to do, they're going to mirror.

Mr. Shroyer: I would think that we would not want an ordinance that's inconsistent with the language of the Zoning Code.

Mrs. Zimmerlin: Yes, I agree completely.

Mr. Shroyer: Thank you.

Mr. Hawkins: So, Mrs. Emerson, so I'm clear, what you are proposing is that vehicles be allowed to be parked on the street and the vehicles be allowed to be larger and be allowed to have whatever kind of insignia or commercial signage on them?

Mrs. Emerson: Correct. Kind of like we did on the RV's when we had to update those, because the RV's kept getting so much bigger that our ordinances basically did not even address the new sizes to the RV's. So, what I'm asking is that when Council comes back, we look at this and we increase the size and then take off the insignia of Viox or Gilkey or whatever and consider that as a commercial vehicle. Because this is standard van that just has the name of the company on it, other than it does have the ladders on it.

Mr. Hawkins: You want to be able to park on the street as opposed to being in the driveway?

Mrs. Emerson: Correct, correct. Several of these residents have one-car driveways. So, it makes it hard for them to manipulate getting out of the driveway if there's more than one

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Mrs. Emerson (continued): driver. So, they like to park them on the street. That affects, most, well, a lot of our residents in Springdale. A lot of them have only a one-lane driveway.

Mr. Hawkins: Is there a concern with regard if we have bigger commercial vehicles on the street what that's going to do for congestion and cars getting around those?

Mrs. Emerson: I'm not talking bigger commercial, I'm talking like, we have eighty inches and look at the standard passenger van. You're affecting people's driving cars that they drive now. So, you're saying they can't park them on the street, so, I think we need to update this.

Mr. Hawkins: But, we're also saying right now, "no commercial vehicles are going to be parked on the street", right?

Mrs. Emerson: Well, what's the definition of a commercial vehicle is what I'm saying. I'm saying we need to tweak that, take off that if they have the name of the company, that's not considered a commercial vehicle. If it's a standard van, and it has a commercial company name on it, that is not considered a commercial vehicle, okay? And then I'm asking that we make the width of it and the height of it a little bit different, we could tweak that. Because the standard passenger vans that are coming out, you should have that there, the height is nine feet. Some of the widths are 8.1 feet.

Mr. Hawkins: Not being on Council in 2005, and not knowing where that discussion was.

Mrs. Emerson: Me neither.

Mr. Hawkins: I know that Administration looked at the minutes and I guess they weren't real descriptive.

Mrs. Zimmerlin: They weren't.

Mr. Hawkins: Maybe Mr. Vanover can shed more light on it. (laughter) I'm guessing that Council probably had two issues; one, probably was the size of vehicles that are on the street and try not to encumber traffic. I'm guessing the second problem was trying to not have commercial vehicles on the street where you've got folks that are akin to advertising or creating some environment that may detract from the residential feel. Again, I'm just guessing. I think, as the motor vehicle industry changes and vehicles change, I think that's one thing I think that's something that is worthy of consideration. The second part of that, in terms of the impact on the residential district is something that is a concern, potentially in terms of how that comes off. I have to imagine that's part of what Council was doing in 2005. I don't know.

Mrs. Emerson: How does that concern you? To have Viox Services or Anderson Windows written on the side of your van that's a standard van. So, they can't park that in the street, but they can park it in their driveway.

Mr. Hawkins: If all the sudden, we've got a bunch of vehicles that are commercial in nature and they're lining the streets, it's changing the residential environment.

Mrs. Emerson: A lot of the residents in Springdale are blue collar workers and this is the vehicle they drive. I hate to tell them they can't park how they make their living on the street. That's my concern. This isn't just affecting one; there were four tickets written in Springdale in my area for this exact thing.

Mr. Hawkins: I appreciate that and I'll use the words that you used. This isn't necessarily about the people that are driving the commercial vehicles; it's about the people that don't drive the commercial vehicles that live by the people that drive the commercial vehicles. I understand if you have a commercial vehicle or when we talked about boats and RV's and whatever else, these ordinances are with regard to managing individuals that have those things, but the part that we have to keep in mind and consider is the people that don't and what's the impact on them. That's what I'm saying in terms of those other individuals.

Mrs. Emerson: So they're either going to park it in their driveway where you can see it, or they're going to park it on the street and then you've got people who've got the bigger passenger vans and you're telling them; that's what they drive, that they can't park that in the

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Mrs. Emerson (continued): street either because it doesn't meet the height and the width. They have to park it in their driveway.

Mr. Anderson: It's not allowed in the driveway either, according to the ordinance, residential driveways. We're telling people they can't park their passenger van in their own driveway behind the setback that already provides for safety of travel. In your own driveway? I have a real problem with that. This isn't even commercial ones. This is passenger vans that you move your family around in, in your own driveway, is prohibited still under this. Don't lose the sight of that change while we talk about commercial. On the commercial side, it's not just these big panel vans. Panel vans are different. You're talking about even people that drive Uber or Lyft, this ride-sharing stuff. The light that they put on the front of their car would violate the current ordinance as it is written, because it's commercial signage. This is a normal car, they could be driving a Ford Sable, and park it on the street with a Lyft sign in front of it, and they're violating this. That doesn't seem right.

Mrs. Sullivan-Wisecup: I was actually thinking of some of the stuff that Lawrence had said was that I think it needs to be handled two separate ways; with the commercial side and the residential side. Because, on the residential side, I agree with Mr. Anderson; if you can't even park your own van in your own driveway, that's a problem we need to look at something that is an issue. The commercial vehicles, we do have a lot of commercial vehicles because I see them in my neighborhood all the time, parked on the street, all of the time. Several streets it's hard to get around. There was someone who used to live on my parent's street who actually parked their commercial vehicle on the street and it took up three spaces; that's a commodity there because they have single driveways. If you're taking up the entire street, there's nowhere if you have more than two drivers, or whatever for them to park; it's very, very hard. I see both sides of this a lot, because if I want to go visit my parents, I have to park pretty much around the corner from them because there's nowhere to park on their street if the commercial vans were in the street. It does need to be looked at to a certain extent, but it's hard to say as far as the commercial side. I understand that some people say they need to park it because they have two drivers, well the car could be on the street, and the work van could be in the driveway if that is allowable by code. I do think the residential one needs to be looked at to figure out how we can get people to be able to park in their own driveways and if it's a regular-sized, normal family van, it should be able to be parked on the street, but there's no way to limit how many commercial vans you can have, so, if somebody owns a business and they say, "Okay, well, all the vans have to come back to my house at the end of the day" and they're running it out of their home, they've got three or four work trucks/vans, and whatever; you've got an entire street gone with one business in a residential area. That makes it harder to navigate around. That's all I have to say.

Mrs. Zimmerlin: If this is something that Council would like to pursue, Administration would be happy to take your concerns and then work with Legal Counsel and the Police Department and our City Planner to try to draft something to bring back to you. We will also, work through Planning Commission to get something to amend the Zoning Code.

President Vanover: I think the idea is there.

New Business

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None

Meetings and Announcements

Mrs. McNear: Just to all elected officials, just a reminder to file your financial disclosure statements. If you do it on-line, it takes about ten minutes and takes \$35 out of your pocket. Do not be late. It is due May 15th. Thank you.

Mrs. Sullivan-Wisecup: Planning Commission will meet on Tuesday, March 12th in these chambers at 7:00 p.m.

Mrs. Zimmerlin: Civil Service will meet tomorrow evening at 5:30 p.m. in the Administrative Conference Room. I also have a few announcements from the Park and Rec Department. Adult co-ed softball league registration is underway. The games are played on Tuesday evenings at the Community Center mid-April through June. You can contact the Community Center for more details and to register. Technology 101 will again be offered

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Mrs. Zimmerlin (continued): Saturday mornings through March. Participants can take advantage of this opportunity for private instruction on the use of iPads, smartphones, notebooks, navigation, or other mobile devices. Appointments are 45 minutes each and may be arranged by contacting the Community Center and there is a \$3 charge for that.

Mrs. Emerson: The Board of Health will meet on March 14th at 7:00 in the conference room adjacent to here.

Communications from the Audience - None

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number One was addressed with Ordinance No. 7-2019; Adopting a Supplemental Appropriation/Estimated Receipts Ordinance to Adjust Appropriations for Current Expenses and Other Expenditures and Adjust Estimated Receipts for the City of Springdale, Ohio During the Fiscal year Ending December 31, 2019. That passed with a 7-0 vote. Item Number Two was addressed with Ordinance No. 8-2019; An Ordinance Approving a Zone Change for the Real Property Located at 12000 and 12050 Princeton Pike in the City of Springdale; that was a first reading. Item Number Three was addressed with Ordinance No. 9-2019; An Ordinance Approving the Preliminary Development Plan for the Real Property Located at 12000 and 12050 Princeton Pike in the City of Springdale; that was a first reading.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There will be a second reading of Ordinance No. 8-2019; An Ordinance Approving a Zone Change for the Real Property Located at 12000 and 12050 Princeton Pike in the City of Springdale. Also, there will be a second reading of Ordinance No. 9-2019; An Ordinance Approving the Preliminary Development Plan for the Real Property Located at 12000 and 12050 Princeton Pike in the City of Springdale. We will also be looking at Resolutions Appointing Two Members to the Springdale CRA Housing Council.

Adjournment

Mr. Hawkins made a motion to adjourn; Mr. Anderson seconded the motion and Council adjourned at 8:10 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

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