

City of Springdale Council

June 3, 2020

President of Council Vanover called Council to order on June 3, 2020

President Vanover: First off, I want offer condolences to Mr. Hawkins here who lost his father. We were just talking and commiserating the experience that it is. Just know that we're thinking about you. Also, there are masks and hand sanitizers down there by Mr. Shveg zda.

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

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

The minutes of the May 20, 2020 meeting were considered. Mrs. Ghantous made a motion to accept the minutes; Mr. Hawkins seconded. The minutes were approved with seven affirmative votes.

Communications - None

Communications from the Audience

Mr. Case: Hello, my name is Drew Case with the U-Haul Company. I live in Franklin, Ohio. I represent the U-Haul Company of Southwest Ohio. Tonight I'd like to, basically, suggest a modification of the recommendation of Planning and Development. If that's something I can explain.

President Vanover: We've got your issue on for a first reading. We have a public hearing in two weeks, the 17th. You can say what you want to say, but, I'm not looking for a drawn out presentation, because you'll have to repeat it again.

Mr. Case: No problem. Just basically, I wanted to let you know that I was seeking that and ultimately we did present just recently some new drawings, new design features, and a new landscaping plan that I think better accommodates our plan. Hopefully, we have that opportunity to re-present that and just ask that you consider that tonight that we can continue working with Springdale to hopefully relocate our 50 employees and our corporate headquarters to Springdale. That's all. Thank you.

President Vanover: Thank you.

Ordinances and Resolutions

Ordinance No. 16-2020

AN ORDINANCE AUTHORIZING THE SALE, DISPOSAL OR TRANSFER OF PERSONAL PROPERTY FROM THE CITY OF SPRINGDALE

Mr. Hawkins made a motion to adopt Ordinance No. 16-2020; Mrs. Ghantous seconded.

Ordinance No. 16-2020 passes with seven affirmative votes.

Ordinance No. 19-2020

AN ORDINANCE APPROVING A MAJOR MODIFICATION TO THE TRI-COUNTY COMMONS PLANNED UNIT DEVELOPMENT AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN AT 11750 COMMONS DRIVE FOR A U-HAUL FACILITY

President Vanover: Council, you have heard the reading of Ordinance No. 19-2020. It is a first reading. We have a public hearing scheduled. Is there any discussion this evening?

Mr. Anderson: I just want to make sure based on the comments that came earlier in the meeting and I want to make sure that the applicant has the fastest process to decision as possible. If there are changes that are submitted to the City that were mentioned, are we looking at the right documents for the public hearing or are we acting on the right thing, and do we have the right documents? Or, should this be pushed until Planning Commission reviews any changes? That might be a question better suited to Carl (Lamping) since he's here, or Administration.

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Mr. Jones: If Carl Lamping would come up. I think he could best handle that question.

Mr. Lamping: Good evening. In my opinion, the process that we're going to follow is that the Council is going to review and approve or deny Planning Commission's recommendation. It's as simple as that. The applicant was asked to delay the action of the Council to allow them to provide additional information and they chose not to, at Planning Commission. So, in my opinion, Council should react to what Planning Commission approved or deny it.

Mr. Anderson: So, to be clear, when we have the public hearing next month, it will be based off of the materials that we were supplied for this meeting packet and that were part of the first reading?

Mr. Lamping: That's correct. But, it's also my understanding that it's a public hearing, and things can be presented to this body and that's what he (Mr. Case) was asking about.

Mr. Anderson: Great. Thank you.

Mr. Braun: I just would clarify, remember that this body can accept, reject, or modify that plan. So, if the applicant were to come in and say, "I'm willing to change 'x', or I'm willing to change 'y'", you could modify that here at the dais through a formal amendment process. But, as far as the plans go, you're to consider what was presented from Planning Commission.

Mr. Anderson: So, just to finish that thought, are there additional documents that the Building Department feels we should have the opportunity to review ahead of time that would help us so we'll be better prepared, or should we take the material that we have today into the public hearing in two weeks? I'd just like to avoid doing things on the fly if we can. If there are things that are potential alternatives, if there's something that we could be provided ahead of time; that would help us evaluate that.

Mr. Braun: Mr. President I would just point out that it's a public document. If you want to see something that Mr. Lamping has, obviously, you can request it. But, again, what's before Council, is what was submitted as the recommendation of Planning Commission until you modify it, accept it, or reject it.

Mr. Anderson: Thank you.

Mr. Lamping: This additional information he's speaking of; I received this morning.

Mr. Anderson: I didn't mean to imply that there was anything untoward going on, or things were being suppressed. I truly just want to make sure that we're prepared for the meeting in two weeks when the public hearing is going on. The more that we have ahead of time, if we think it's possible, that's fine, and I can certainly make the request to get the documents. I just want to be prepared. Thank you for that.

Mr. Lamping: Yes sir.

Mr. Hawkins: My comment is along the same lines. I understand that we're making a decision based on what's been provided to us and based on what's taken place at Planning Commission, but, again, based on the idea that an individual may come forward and try to amend this as we've gone through with GEEAA Park before. If there's information that, and obviously they can show up that night, and say, "Hey, consider this." But, if there's information that we could have in advance to know, it may be helpful. Obviously, we understand we're making this decision based on the information we have. But, if there's any additional data and we have a "heads up" on, if we can have it, it's good to have. Thank you.

Mayor Webster: I'm a little confused. So, Planning Commission has approved a plan with all sorts of conditions. Okay, so, that's what's going to be presented here at the next Council meeting, as hopefully the plan that Planning Commission approved with conditions. Now, the applicant says he's got some additional information. So now, if Council accepts that, and approves the plan with those additional modifications, so Council has an approved plan, and Planning Commission has got an approved plan. So, what happens next?

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Mr. Lamping: Planning Commission does not have an approved plan. They have recommended a plan to Council. They have not approved anything. They have recommended it. This is the body that approves it (referring to Council). So, the final decision by this body would be the final approved major change that then the development plans prepared for Planning Commission to review.

Mayor Webster: Okay, but, if four members of this committee vote yes, then that means that these folks have the plans that Planning Commission approved with all those conditions, right? Which they've said they can't live with.

Mr. Lamping: Yes sir. That's correct.

Mayor Webster: So, I think we've got a unique situation here.

Mr. Lamping: Yes sir.

Mayor Webster: This is really abnormal. I think we've got to be careful each step we go along the way here. Make sure we want to vote "yes" or "no".

Mrs. Emerson: I'm a little confused like they Mayor is. If you already know you have changes, and I don't know who I'm directing this to, if we already know we have changes, why would we not talk about those in Planning Commission. Why would you avoid them and come to us first? Usually, it always goes through Planning Commission, and then comes to us on the recommendation. So, why are we kind of going around that when you already know you have changes, but not presenting it to Planning Commission?

Mr. Lamping: I'd recommend that we have the representative from U-Haul answer that question.

Mrs. Emerson: That's fine.

Mr. Lamping: Since that was their decision if that's alright with the President (of Council).

President Vanover: Sure.

Mr. Case: Could you restate the question specifically please. Sorry.

Mrs. Emerson: You presented a plan to Planning Commission. They agreed with that plan with a bunch of restrictions and recommendations. You came here tonight telling us you had changes, but you chose not to share that with Planning Commission. Why would you come here? Usually it always goes to Planning Commission and then we look at it after that. Why are we avoiding Planning Commission and skipping them and coming here and not discussing it with Planning Commission first?

Mr. Case: At the Planning Commission meeting, the conditions did not really allow for the operation or standard operation of our business. Although they were approved, they still did not make it operable for our location to move to Springdale and our corporate headquarters. So, those conditions are making it detrimental to our operation.

Mrs. Emerson: So, we're skipping Planning Commission because they won't agree with that plan and coming to us. Is that right? Or am I misunderstanding this?

Mr. Case: They did not approve a portion of our presentation. There's a particular aspect that they did not approve. We did make some modifications to our plan. In the meantime, which includes landscape renovations, which includes some parking renovations that were requested. Also, the moving of an overhead door. That was also moved. Carl Lamping is correct. That was presented just recently to him. Today, we were able to present that to him. Our department has been working extra hard to meet with our CEO to try to revise something that might accommodate some of the requests as best as possible. And, yes, I would like an opportunity, at some point, to present those again and so, I don't know what the process at that point would be, and who I could present that to, I know that the 17th is coming up. I'd be happy to present them there and provide anything I can prior to that meeting, if that would be suitable.

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Mrs. Sullivan-Wisecup: Unfortunately, I couldn't be at the last Planning Commission because I had a medical situation and I feel very bad about not being able to be there. I did see the original plans. I'm on Planning Commission; I saw the original plans and when I read the conditions that we had put forth; it made sense for our code on what they had asked to be changed. It was my understanding through reading and understanding what had happened at that meeting that U-Haul was not thrilled. That's putting it mildly. They were not thrilled with the modifications that Planning Commission and the restrictions and changes that they had put on it to better fit our city code. I, personally, am interested to see if your new ideas are any closer to fitting into the ordinance because what I had looked at was the modifications that the Planning Commission asked for were to put it more in line with the rest of the companies within City limits. So, I don't know what you can propose that would put that out of whack or change that in any way. I don't want you not to be able to function as a business. That's not at all the intention. I don't think anybody has that intention. We want you to be able to function as a business in Springdale. But, we also want most of our businesses to be in line. We have variances for a reason, but, if we give ten miles to one company, then somebody else is going to come and ask for 20 and it's never, ever, going to end and then what's the point of having the Zoning Code in the first place. I would be interested in seeing those plans if you can send those to all of us; that would be awesome whenever we get them available. I would love to see those because I agreed 100% with the restrictions and the modifications that were put on this at Planning and so unless it was to get closer to what the City was asking than what it originally was; I don't know what the big difference would be for me personally.

Mr. Case: All the accommodations we made were exactly to get closer to what the City was requesting. It did require CEO approval. So, it had to go through several channels, so I could not get it any earlier. I wanted to, so, as soon as I had it available, and I understand it's short notice, but, I do have a complete different site plan and everything.

Mrs. Sullivan-Wisecup: Thank you.

Mr. Hawkins: Along those lines, I know from the staff comments from Planning Commission, there was a big issue with regard to you, the applicant, being under the belief that U-Haul vehicles are not commercial vehicles and that those trucks do not display their business name or an advertisement per our code section, which would indicate that "a vehicle which displays any commercial activity in which use is primarily for commercial purposes", so, my question to you is do you still hold the belief that U-Haul vehicles are not commercial vehicles in how we define it in our Code or has that changed as well with the new information that you're providing to staff?

Mr. Case: As far as the vehicle definition, I don't have the specific stated definition. But, in understanding your Code during that meeting, if the City defines them in that manner; in that meeting, it didn't seem like that was a dispute that could go in my direction, so, we've made accommodations in the landscaping plan to try to better accommodate the situation that that, I guess, dispute, arose in that meeting. So, we're going our best. In fact, the changes I've made are with the CEO on this, are probably far greater than I've ever seen in the U-Haul company to try to accommodate a City to attain zoning. The person directly above me was surprised to see that we could do that and I think that we've limited some of the display opportunity while providing additional landscaping. We did move the garage door to reduce that so that visibility was taken away. So, again, as far as the definition of the vehicles, these are vehicles obviously used by local residents and whatever class that, whomever defines them a certain way, and I can accept even if that's the definition that the City is going with and another code based on whatever the definition is, I can accept that. But, we still need accommodations to try best fit into the Code and that is in the new documents that I have to try and best fit into that. We would like to be here ultimately. We've done, I think, the best we are able to do to accommodate and present any information, I think, would be better information to make a decision on.

Mr. Hawkins: Just one more question for me. Are you telling me that you guys are in compliance with Section 153.453 with regard to those box trucks not being visible from the public right of way?

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Mr. Case: Based on the plan, the landscaping plan, I think we've accommodated as much as possible to include additional trees, additional shrubbery, all was added. I think it's very limited. I hope that it would be considered in some way. It's more shielding than, again, I've ever seen in the U-Haul company and we are willing to work on that. And, in the plan that we submitted, there are photographs and there are additional drawings. And, although that meeting didn't include signage, we had additionally had some signage on there. I think it's on your plan that you are holding. We actually revised that also and toned that down dramatically, again, to try and fit in with Springdale's codes and requirements. Like I said, ultimately we want to abide by community standards. We do have some display standards, but, again, it's something I hope we could come to an agreement on. But, I think when you see the plan, you'll see the landscaping, I think, provides an outstanding representation that would be visible to you at that time.

Mr. Hawkins: Well, I'm interested to hear from staff if they feel it's compliant. Thank you.

Mr. Hawkins: And, I'm not saying it now, because you just got it this morning, but I'm saying if you get the chance to look at it, I'm interested to see it (addressing Mr. Carl Lamping).

Mr. Lamping: I looked at it this morning. The modifications that they're proposing are making an effort to screen the trucks from the right-of-way, which is what the intent of that section is. These trucks would still be in the parking lot, without fencing around it, but, landscape around it to answer your question. I would like everyone to consider that if, when this is heard in two weeks, that this can be approved as recommended by Planning Commission, and then, when the final development plan comes in to Planning Commission, these modifications that he's speaking of, could be then reviewed by Planning Commission as either minor modifications to the development plan, or major modifications and come back here. I think that's a clear avenue that could happen.

Mr. Ramirez: I am a member of the Planning Commission. A few things to help members is what shows up in the minutes isn't always all the conversation and all the thoughts that people had. So, Mr. Case came before us and he had the opportunity to pull back his presentation and make changes. We could have tabled it, we could have come back with these trees or whatever ideas that he had, but, and I realize that he had to go to corporate to get those approved before he could come back. So, we decided to go ahead and vote on it. All members believed that it was a good application for that space. We wanted him to come to Springdale and we thought this was a good move for his business and for Springdale in that location. But, we had concerns, and, probably the biggest one was what Mr. Hawkins brought up is whether or not it was commercial vehicles. Mr. Case, I don't think ever did agree that they were commercial vehicles, so we had a little stumbling right there and, in the end, the only way to get this done, approved, so he could move forward, was to put the stipulations on it, and so, that's why you see all these stipulations on here. He has his approval, now he's able to go back to his corporate and make changes, or ask for changes to meet our codes. Then, he can come back to us or go to staff and see if these changes are going to meet our code requirements. Any questions?

Mayor Webster: I have a lot of questions. I totally agree with Mrs. Emerson. I think that it's got the appearance that okay, you couldn't get these changes through Planning Commission; so you're coming here with it. Before I say this, just let me say this. I have a ton of respect and I have publically said this many times for our Planning Commission. You guys do some great work and I've gone out of my way to compliment you, but, in this particular case, I don't think we've done the applicant any favors by sending a flawed plan with stipulations, that's supposedly going to correct that, to Council. Just like I said, I mean okay, they come in here on the 17th and it's sliced bread. We haven't seen anything this great since sliced bread, so we say we approve it. Okay, so, we've got our plan, the Council plan that's approved, Planning Commission has got their plan, so what is the applicant going to do now? Go back to Planning Commission? It just doesn't make any sense. The cleanest thing would have been to deny the thing, I understand that you guys tried to get them to table it, and they refused that. That would have been the ideal situation for them to table it, make your changes, and get a plan that Planning Commission actually wants to see without a bunch of stipulations and recommend that to this body. Not a flawed plan that's got how many stipulations? Eight or ten? Twelve conditions on there. So, if the applicant isn't ready to stand there and say, "Okay, we're going to comply with these 12 stipulations, I don't think we ought to have a Public Hearing on it. I think it

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Mayor Webster (continued): ought to be sent back to Planning Commission for an up or down vote. Well, not an up or down, because they've already said "up".

Mr. Ramirez: Planning Commission, Mr. Okum brought a motion to vote on it; as is. We had a second on that. We were just ready to take a final vote on that and, I can tell you it was going to be 0-7, Mr. Galster thought it would be the better thing to do to go ahead and approve it with stipulations that would allow him to go back and make corrections or modifications. That's how we ended up where we are.

Mayor Webster: I think that was the wrong thing to do. I think it should have been, if they had twelve concerns of this magnitude, it should have been denied.

Mr. Ramirez: And they're all legitimate concerns. We didn't want to just throw one or two things in there pretty well knowing he wasn't going to agree to all twelve of these requests to meet the code anyhow. So, it was on him at that point.

Mr. Hawkins: Mr. Mayor, I agree with you 100%. I think everybody probably agrees with the idea that if there's an applicant that's bringing forth ideas that's gone through Planning (Commission), I think everybody would rather the idea that those ideas, in full, go through Planning Commission versus Council have to deal with them for the first time. But, I do think it's important, and with regard to the question I think Mrs. Emerson had initially, Mr. Braun can correct me if I'm wrong, but, if there's a major modification and we're coming through to Council, that applicant, whether Planning Commission denies them or not, they can still come to Council with whatever they want? They can still come to Council and modify whatever it is, and give us something that no one else has seen for the first time? So, legally, the applicants got the right to do that. I agree 100%. I'd rather have it go through Planning (Commission) before we see it. It makes it easier. We've got staff going through and evaluating it. But, at the same time, the process and the law allows him to do that, and so, going back to when we started with Mr. Anderson and my comments. If we know he's going to do that, we can see what it is beforehand just so we have some time to prepare, I'd love to be able to go through and do that. I understand why Planning Commission did what they did and I understand what the applicants trying to do and could almost anticipate it. If they turned it down, he could have shown up here anyway, going through the same thing.

Mayor Webster: Sure, if they deny it, they can still appeal to the Council. They didn't; they approved it.

Mr. Hawkins: I was not there for that meeting, and I'm not on Planning Commission anymore. I am assuming from what I've heard that the Planning Commission did that trying to articulate guidance to what they thought was important to Council. Mr. Ramirez; correct me if I'm wrong. But, I thought that's what they were trying to do.

Mr. Ramirez: No, that's correct. We were trying to, instead of rehashing the whole presentation, we narrowed it down to what we did agree on.

Mr. Anderson: Two things. One, I agree with Mayor Webster's comments. I feel like the challenge here that Council is in now is we're in a situation where we're in a position where we might be second guessing and overriding Planning's views without the benefit of having all the information. So, I know for myself, I requested the hearing recording so I could get the rest of the detail that happened to be better prepared. It feels like we're filling in in this case for Planning that usually does such a detailed job and carries it through; that's why this feels different, which is why I was asking for that additional detail ahead of time so we could be ready. Because, my goal was to make it possible for U-Haul to move forward if they can. I'd love to welcome U-Haul into Springdale, but not at the expense of our process or our Planning Commission. So, I wanted to make sure we have those details. As a process question, there is a public hearing scheduled for two weeks for this. We know that there's additional changes that were brought forward tonight that the applicant will be presenting next time. If anyone from the public requests documents, understanding what the Law Director shared, it's these exhibits right now that are the public hearing on. Would the public just have to know to request the additional documents or will the City be providing those proactively?

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Mayor Webster: Are those public documents at this point in time? They haven't been presented.

Mr. Anderson: At the point that Mr. Lamping received the documents from U-Haul, they're public documents. They're linked to a hearing that we're having in two weeks. So, if anyone from the public asks that; people got noticed that there is a public hearing. If they ask for the documents related to the hearing, is it the Administration's view that they will share the same packet that we received, or, will they also share the additional documents that the applicant is planning to provide in two weeks?

Mr. Braun: Mr. Anderson is correct that once they are filed with the City, they're a public record, so anyone can make that request, but, the packet is out, and the plan is here and it's the documents that were submitted to Council. If Mr. Lamping wants to independently make those available, that's a decision he can make, but, the only way the public can get those is to do a public records request, at the moment.

Mr. Anderson: I think that illustrates part of that challenge that Mayor Webster outlined by circumventing the process, by doing the approval, which allows them to move forward. Now, the public hearing, the public doesn't have the benefit of knowing that what they're reviewing isn't what we're expecting to see in two weeks. Whereas, if it went through the normal process, and it was tabled, or denied, then, when the public requests those documents, they have the ability to know what we know tonight. So, that's just, I think illustrates part of the challenge with doing this this way. And, I understand it was difficult. I have listened to some of the meeting. There was a lot of discussion that was valid and it was a difficult meeting to get through. I appreciate that we were trying to make it work, and, I think we're still going to try to make it work. But, I don't like being in a situation where we're going to be in a position to do Planning Commission's job "on the fly". There's a lot of skilled people there that have a lot of history that we don't have and I feel like we're doing a disservice to Springdale by doing an approval the way that we did at that time. Thank you

Mr. Hawkins: Mr. Anderson, I agree. I'd rather have the information before we have to go through and have a hearing. But, again, to be clear, Mr. Braun, correct me if I'm wrong, because you're the attorney here. They can show up and go over whatever they want. The good part is we have a "heads up" now that there's going to be something else additional. Everybody that was up here for the whole first GE Park situation where that applicant refused to listen to what Planning Commission told them to do, and did their own thing despite it, came before Council and got roasted. They were doing their own thing. We know that that's something we may have to deal with. It's unfortunate, and you hope an applicant is going to go through the process and give Planning Commission all the information the first time around so Council is not seeing it for the first time. But, sometimes, unfortunately, that doesn't happen. Thank you Mr. President.

Mrs. Sullivan-Wisecup: We do have Planning Commission next week and I will bring it up when I am talking about I do the report from Council, I will be bringing it up to them that it was brought to our attention that there is new items being brought before us on this so, that way, if they want to attend the public hearing, they're more than welcome to be here as well and they can weigh in on that. At this point in time, unfortunately, the best that I know to do as far as involving the rest of the Planning Commission so that if they do have additional things that they'd like to say, or input that they want to give, that would be the forum for them to do it. Thank you.

Mrs. Emerson: Mr. Braun, a question. So, at the public meeting, we're going to be voting on this packet, plus whatever they tell us that they've modified. So, that's what we're voting on. And then, let's say it doesn't pass. Then, what is their recourse? Can they come back to Planning Commission and then make the changes and that kind of thing and re-present working with the Planning Commission?

Mr. Braun: You asked two questions. First, what you're considering at the next meeting is the plan as recommended by Planning Commission. If you, as a body, choose to take any recommendations or amendments from anyone in the public, they could say they want to paint it pink. Whatever it is, you, as a body, get to consider whether to amend it and include that. But, what is before you at the next meeting, is what was recommended by Planning Commission.

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Mr. Braun (continued): The decision of Council is final. There is no appeal beyond that to go back around. Had it been dealt with back at the Planning Commission, the brakes could have been put on it and changes could have been made, and then it came to Council. But, that's not the course that this took.

Mrs. Emerson: So once they present this, if it doesn't pass, they can't re-apply with the changes and come back before Planning Commission? Is that what you're saying?

Mr. Braun: No. They can start all over again with new ideas and new plans, sure. But, this plan, as it is proposed, dies or is born before Council.

Mrs. Emerson: So we start the whole process again.

Mr. Braun: The whole process could start again. Again, as Mr. Hawkins correctly pointed out, the way this normally works, is it's dealt with in Planning Commission. Because, as the Mayor pointed out, they're equipped to handle that and address lengthy discussions and amendments and all the codes are there. It's a lot messier this way. But, that's your challenge.

Mrs. Emerson: Thank you.

President Vanover: Well, and I will say, in almost two decades of sitting on Planning Commission, I've never seen this happen. I understand and we try to help applicants and appease things, but sometimes the right decision and the best decision is to go back to the beginning and work forward. I don't have anything else to say at this point in time. We have a public hearing ahead of us in two weeks. We will go from there.

Resolution No. R14-2020

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO EXECUTE AN AGREEMENT FOR JAIL SERVICES WITH AMBERLEY VILLAGE

Mrs. Sullivan-Wisecup made a motion to adopt Resolution No. R14-2020; Mrs. Emerson seconded.

Mr. Hawkins: Now I know I've asked this question before and I'm just trying to see if the answer is any different. As I recall; we're not making money on this; this is just covering our costs. (Mayor Webster nods in agreement).

Mr. Hawkins: Thank you.

Mayor Webster: I'd like to, but we can't.

Resolution No. R14-2020 passes with seven affirmative votes.

Resolution No. R15-2020

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO EXECUTE AN AGREEMENT FOR JAIL SERVICES WITH THE VILLAGE OF EVENDALE

Mr. Hawkins made a motion to read Resolution No. R15-2020 by title only; Mr. Anderson seconded.

Motion to read Resolution No. R15-2020 by title only passes with seven affirmative votes.

Mr. Hawkins made a motion to adopt Resolution No. R15-2020; Mrs. Sullivan Wisecup seconded.

Mr. Anderson: I just wanted to make one comment. This applies to this resolution that passed and the next one. I did want to say, "Thank you" to the Law Director (Joe Braun) for

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Mr. Anderson (continued): updating the agreement. I did notice that we did add language to this one to account for things like the COVID that is going on. We saw substantial instances of that in our penal system throughout Ohio and the updated language proactively does help prevent our liability in that case and add additional clarity. So, I appreciate that.

Resolution No. R15-2020 passes with seven affirmative votes.

Resolution No. R16-2020

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO EXECUTE AN AGREEMENT FOR JAIL SERVICES WITH THE VILLAGE OF ST. BERNARD

Mr. Hawkins made a motion to read Resolution No. R16-2020 by title only; Mr. Anderson seconded.

Motion to read Resolution No. R16-2020 by title only passes with seven affirmative votes.

Mr. Hawkins made a motion to adopt Resolution No. R16-2020; Mrs. Sullivan-Wisecup seconded.

Resolution No. R16-2020 passes with seven affirmative votes.

Old Business

Mr. Anderson: I think we should have that ongoing discussion about the emergency powers. Do we plan to continue them? If the Mayor could help us understand if he feels it is still necessary and should be continued or if we should discontinue those. What are your thoughts Mr. Mayor?

Mayor Webster: As you know, I've taken no actions in the last two weeks invoking or using any of the authority and I was prepared to come here tonight to say, "Okay, let's take it away and let's go back to business as usual", until the events of the last five, six, seven days throughout this country and, in light of that, I would like to suggest that we leave that in place for at least another two weeks.

Mr. Anderson: I just wanted to be clear though and this might be a question for Mr. Braun. The emergency powers declaration that we provided allows you to take action for things related to the COVID crisis and does not extend to other situations that might come up. Is that correct?

Mr. Braun: I don't have my copy of it. Does someone have a copy of it?

Mayor Webster: I don't know that I even have a copy of it.

Mr. Anderson: I believe there's a section that specified related to COVID ongoing emergency and related activities.

Mayor Webster: If that is the case, I would say let's go ahead and revoke it. Because, the actions that I think I would/may be required to execute in the next week or two here, I could do without this.

Mr. Anderson: And that's why I brought it up. I wanted to make sure that it's what you expected. I didn't want to put you in a situation where you didn't have the authority.

Mr. Braun: I would point out for Council, just procedurally, the Ohio House of Representatives has not yet passed the CARES Act legislation; approved it. You've passed your resolution, but it (Ohio House of Representatives) has not approved it, so, if you do want to continue that declaration of the state of emergency and those powers, that may be the impetus to do so; waiting for the legislature to go ahead and approve the CARES Act legislation. It won't prevent you from getting reimbursement, but it might be symbolism over substance. The

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Mr. Braun (continued): second thing I wanted to chime in on is did you have a copy of the emergency declaration? (Addressing Mayor Webster).

Mayor Webster: I don't have that.

Mr. Braun: I don't recall what it said. It definitely was enacted with that spirit in mind. I just don't want us to . . . Do you have a copy Mrs. McNear? (Mrs. McNear shook her head "no"). So, I just want to be clear, I'm not representing it's limited to that. I believe it said, "...anything that protects the general health, welfare and safety of the City". But, without having it in front of me, I don't want to say. You don't have your copy? (Addressed Mr. Anderson).

Mr. Anderson: I do not have a copy of that ordinance tonight. I cleaned out my bag today.

Mr. Braun: Again, it's up to you whether you want to lift the state of emergency. I would point out that if you are going to lift the state of emergency, you might want to get some input from Mr. Clayton. That might be a suggestion, maybe at the next meeting, to have him come to your meeting and maybe give a report on whether he still thinks that that's an issue. I know that you're receiving the same notices I am that are indicating what the numbers are in the City of Springdale. But, that may be something to consider.

Mr. Anderson: I was actually going to add I would think it might make sense to keep it for two more weeks for the reason that we just started re-opening and if the situation changes, it could be just as fluid as when we passed the ordinance. So, for me, I believe keeping it for two more weeks for that purpose makes a lot of sense. Knowing that you'll continue to communicate with us and be judicious with this. I would just caution that if you feel you need to take action for any other emergencies; that you speak with Mr. Braun first and review it to make sure that we don't put ourselves in a situation where we're taking action on an emergency ordinance that might not cover us. Thank you.

Mayor Anderson: There's certain powers granted to me through the Charter, which, if necessary, I can act without that authorization, but we won't do anything that's illegal.

Mr. Hawkins: I would agree with the Mayor maintaining those powers through to the next meeting and either as suggested have Mr. Clayton give his thoughts on the matter or we'll have meeting reports and Mrs. Emerson has information from the Board of Health meeting with regard to that. If you guys have one. (Mrs. Emerson shook her head "no"). Okay. Well then, if Mr. Clayton can provide that information, that would be helpful. Thank you.

Mr. Ramirez: Just for the record, I am also in favor of the Mayor to continue those powers.

Mrs. Emerson: I am also, and I think you can relate this to the COVID with the riots and stuff and people being so close. We're afraid we're going to get an increase or an influx in cases. So, looking at that, and re-opening, I believe we can connect all this to COVID and I do agree with the Mayor, I think we should extend it.

President Vanover: Concurrence of Council (nodded yes). Alright, two more weeks.

New Business - None

Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission meets in these chambers on Tuesday, June 9th at 7:00 p.m.

Mrs. Ghantous: Board of Zoning Appeals will meet Tuesday, June 23rd, at 7:00 p.m. in these chambers here.

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Communications from the Audience - None

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number I was addressed with Ordinance No. 16-2020; An Ordinance Declaring Certain City Property as Surplus Property and Authorizing the City Administrator to Dispose of Said Surplus Property. That passed with a 7-0 vote. Item Number II addressed Three Separate Resolutions Authorizing the Mayor and Clerk of Council/Finance Director to Execute Agreements for Jail Services with Amberley Village, with regard to R14-2020; the Village of Evendale, with regard to R15-2020; and the Village of St. Bernard, with regard to R16-2020. All those passed seven affirmative votes. Item Number III was forthcoming. Item Number IV was An Ordinance Approving a Major Modification to the Tri-County Commons Planned Unit Development (PUD) and Approving the Preliminary Development Plan at 11750 Commons Drive (U-Haul Development); that was addressed with Ordinance No. 19-2020. That was a first reading. All other matters were forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's a request for An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into an Agreement with Leo Brielmaier for the Police Department Locker Room Renovations Project and Declaring an Emergency. There's also a second reading and Public Hearing requested for Ordinance No. 19-2020; An Ordinance Approving a Major Modification to the Tri-County Commons Planned Unit Development (PUD) and Approving the Preliminary Development Plan at 11750 Commons Drive (U-Haul Development). There's a request for An Ordinance Confirming the Designation of Depositories for the City of Springdale and Declaring an Emergency. There's a request for Authorizing a Preliminary Ordinance with the State of Ohio Department of Transportation for the Traffic Signal System Upgrade Project and Declaring an Emergency, as well as a request for a Resolution Adopting the 2021 Tax Budget of the City of Springdale for the year January 1, 2021 through December 31, 2021. That concludes my list of items unless there's anything else from Council, or the Administration.

Mr. Jones: Just that I know that we've had this on there for several meetings, but, due to the COVID-19, we've continued to put it off. But, I'd just like to confirm that July 15th, we will be introducing the Lieutenants from the Fire Department and I'm sure that representatives from that department and their family will be in attendance. I missed my opportunity to say that Greg Karle from the Community Rec Center has indicated there are other jobs available, like lifeguards and stuff. If you're interested in positions down there, we still have some openings. So, if you know somebody that's interested in lifeguarding, check the website and see what positions are available. Thank you.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Emerson seconded the motion and Council adjourned at 7:55 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2020