

City of Springdale Council

October 7, 2020

President of Council Vanover called Council to order on October 7, 2020

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 September 16, 2020 meeting were considered. Mrs. Emerson made a motion to accept the minutes; Mrs. Ghantous seconded. The minutes were approved with seven affirmative votes.

Presentation – Aftab Pureval, Hamilton County Clerk of Courts

President Vanover: We've got a presentation and, we've done a little change. Mayor Webster, we're going to turn it over to you.

Mayor Webster: It gives me great pleasure to issue this proclamation to the Council on Aging. We are very pleased this evening to have Ms. Jacqueline Hutsell who is the Vice President of Human Resources of Training and Organizational Development with us this evening. If you would step forward, I'd like to read this proclamation into the record and present this to you.

*"WHEREAS, Active Aging Week was initiated in 2003 by the International Council on Activing Aging and is an annual weeklong health promotion event in October to call attention to and wholeheartedly celebrate the positivity of aging; and*

*WHEREAS, celebrating aging and the benefits of active living at any age, Active Aging Week showcases the capabilities of older adults as fully participating members of society; and*

*WHEREAS, active aging is not only about physical engagement but also social, cognitive, spiritual, professional, and civic engagement; and*

*WHEREAS, as part of Active Aging Week, older adults, their families and friends have the opportunity to experience a variety of free activities, such as classes, educational seminars, health fairs, and community walks in a safe, friendly and fun atmosphere; and*

*WHEREAS, through their participation in Active Aging Week, older adults are discovering how to stay productive and engaged throughout their life, which enables them to be leaders in their communities and in their families; and*

*WHEREAS, the City of Springdale recognizes the most successful communities leverage the strengths and skills of all their residents and that every generation has an important contribution to make in vibrant, strong societies; and*

*WHEREAS, the City of Springdale wishes to congratulate all of our community members for participating in the various activities held as part of Active Aging Week and for being leaders in our community.*

*NOW THEREFORE, I DOYLE H. WEBSTER, Mayor of the City of Springdale, do hereby proclaim the week of October 5<sup>th</sup> through 11<sup>th</sup> 2020 as*

**'ACTIVE AGING WEEK'**

*In the City of Springdale and I call this observance to the attention of all our citizens."*

Mayor Webster: Thank you very much.

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Ms. Hutsell: Thank you.

Mayor Webster: If you'd like to say a few words.

Ms. Hutsell: Thank you. I would just like to say thank you on behalf of Council on Aging. We are very excited and very engaged with our mission. Our mission is simply to enhance the lives of people, especially seniors and disabled individuals to remain at home and independent and their choice of living. We try to enhance those services around them so that they can remain independent at home. This proclamation really aligns with our mission and what we're trying to do, thank you very much on behalf of Council on Aging, and have a great evening.

President Vanover: You too. Thank you.

Mayor Webster: Thank you very much.

President Vanover: Mr. Pureval had to cancel this evening and wants to reschedule at a future date. We'll figure that out.

Communications - None

Communications from the Audience - None

Ordinances and Resolutions

Ordinance No. 32-2020

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SPRINGDALE AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS FOR THE HAMILTON COUNTY, OHIO CARES ACT LOCAL JURISDICTION ASSISTANCE PROGRAM AND DECLARING AN EMERGENCY

Mrs. Ghantous made a motion to adopt Ordinance No. 32-2020; Mrs. Emerson seconded the motion.

Ordinance No. 32-2020 passes with seven affirmative votes.

Ordinance No. 33-2020

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, 2020

Mrs. Ghantous made a motion to adopt Ordinance No. 33-2020; Mrs. Emerson seconded the motion.

Mr. Anderson: I understand this change that counts for both of the CARES Act supplemental funding and so this is what encompasses the total. With this second round, we do believe that we're going to use the total amount in the second round so there is a need to re-appropriate the full amount?

Mr. Uhl: Correct.

Mr. Anderson: Thank you.

Ordinance No. 33-2020 passes with seven affirmative votes.

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Ordinance No. 34-2020

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT TO REZONE THE PROPERTY LOCATED AT 540 RAY NORRISH DRIVE FROM RESIDENTIAL SINGLE HOUSEHOLD-ESTATE DENSITY TO PLANNED UNIT DEVELOPMENT

President Vanover: Council, you've heard the first reading of Ordinance No. 34-2020. Is there any discussion this evening?

Mr. Anderson: I know this is just the first reading, but I did want to say I think this is wonderful. I think that we need to find more ways to add and make it easier for people in our community to do alternative energy solutions and maybe find ways so it's faster and more efficient. The fact that they want to do this and they had to go through a several month process to go through Planning Commission, a PUD change, City Council, and then back, just to do something this important, I think we need to find ways to make that happen faster. I think this is great. Thank you.

Ordinance No. 35-2020

AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 540 RAY NORRISH DRIVE

President Vanover: Council, you've heard the reading of Ordinance No. 35-2020. This is a first reading. Is there any discussion this evening? (None)

Resolution No. R20-2020

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Mrs. Ghantous made a motion to adopt Resolution No. R20-2020; Mrs. Emerson seconded.

Mayor Webster: Quick question. Mr. Braun, we do not need a public hearing on this, right? I'm looking through the resolution. I don't see it referenced anywhere, but, something tells me, years ago, we passed this thing without a public hearing and we had to go back and re-do it.

Mr. Braun: This came from, John (Jones) do you know where this originated from? This would have come from the Tax Department, and I don't know where it originated, but I can certainly check our Code to make sure we don't have a special requirement for it. Do you want to wait on this item before you vote on it and I'll check and give you a definitive answer so you can continue on the agenda? Why don't you do that.

President Vanover: Okay.

Mr. Braun: Are you comfortable with that?

President Vanover: We'll hold it for a few moments and try to pull it back in.

Old Business

Mr. Hawkins: I just wanted to check. Our rental program ordinance. Has that been modified or is it still the same as it's been?

Mr. Braun: It's my understanding that Mr. Lamping is currently reviewing that. I had made some initial revisions to it and some suggestions, but nothing has been presented to Council in the recent future.

Mr. Hawkins: So, it stands the same way as it was maybe four years ago?

Mr. Braun: Correct. At the moment.

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Mr. Hawkins: I think it's important that we get some legislation with regard to that at the next meeting. If it's still something that's being reviewed or changed, then I would want to have a resolution that would terminate the program until we can get it fixed. Because, right now I've got concerns in terms from previously, its constitutionality and how legal it is to go through as it is. In the interim, I hope that we're not having folks go through the program if it's in a situation that's not legal, or is questionably unconstitutional based on case law.

Mr. Braun: I just consulted with the City Manager to make sure. It is currently a voluntary program. However, I will tell you that we are currently reviewing it to ensure that all the provisions contained and satisfy recent case law and decisions. Yes, I think we would be in a position. I can work with Mr. Lamping to make that recommendation to Council at its next meeting. I can tell you that we do have suggested revisions to it. With Mr. Lamping just coming into the position, he reviewed it, and we have been discussing it as a Staff.

### New Business

Mayor Webster: I have a couple of items. We were talking a couple of weeks ago about the Sheraton property and so forth. We've had several inquiries over the last 30 days. In talking through some of those, it dawned on me that there's a deed restriction on that property. My recollection was that it had something to do with a hotel having to be built on there. So, we asked Mr. Braun to look into it, and, sure enough, there is a deed restriction on there that says that property can only be redeveloped as a single hotel/motel. So, I'd like to yield the floor to Mr. Braun to tell us what we need to do to rectify that because who knows how many prospects that may have looked at the deed, because it is public record, and have said, "We don't qualify, because we're not a hotel/motel", and maybe just walked away. So, I think it would be advantageous for the City to get that deed restriction off of there.

Mr. Braun: Just to educate everyone, I'll stop looking at that other thing for a second. Just to educate everyone, when Mr. (Andy) Kuchta came in, we were examining that property. As you know, the City has been marketing it, and we've had some potential interest in that property. Nothing that's come before or anyone yet, but what I would indicate to you is it was discovered, now, we did not represent you at the time you purchased the property, but it was discovered that at the time the property was originally transferred to the previous owners, that the City, it appears, put a deed restriction in there that says that the property could only be used for the purpose of the operation of a single hotel or motel. Now, someone with more experience here in the City could probably indicate why that took place, but, and it may have to do with the fact that there was some hotel tax involved in that property for some period of time. That being said, the one thing we know is that the hotel that was previously located there, no longer exists. It's been demolished and removed. So, in order to make the property more marketable to potential users who are not interested in having it be a hotel or motel, and Mr. Kuchta can sort of speak to that if you want to ask him to the benefits of that, but, I think that they're fairly clear. It would allow for a broader range of purchasers to have an interest in that property. It doesn't mean it can't be used for a hotel or motel in the future, but the current deed restriction out there limits it to being used for that. Now something I should point out for you; when my office did the title search and examined it, the only people that can enforce that deed restriction, the only entity is the City of Springdale. It would be my strong belief that if a buyer came in and wanted to develop that property with something that the City liked, we would not let that deed restriction stand in the way of that development. I don't think we're married, per se, to a hotel or motel. If we are, please let me know. Assuming that we're not, it would be my recommendation that we go ahead and lift or remove that deed restriction. There's only one complication which is the entity that previously put that on there no longer exists. So, the City is really the only one left, if you will, that was part of the group that put that deed restriction on there. So, the easiest, cleanest, clearest way for us to lift that deed restriction and make it clear to the world that the City is not interested; one, we could have you pass something saying, "Hey, we're not going to enforce it". The problem is that you taking that action is not binding on a future Council. Number two, we could pass legislation before this Council that say, "You know, we're passing an ordinance that says we won't, nor will we ever enforce that deed restriction, and we'll work with whoever buys it to not enforce that deed restriction". That might be nice, but, I can't predict what a bank might say when they do the title search for someone to get funding to develop that property, and you may be spinning your

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Mr. Braun (continued): wheels. The easiest, cleanest way, and what my recommendation is, is that you do a motion tonight authorizing me, as your Law Director, to file an action; a declaratory judgement and an injunctive action to quiet title. As part of that, we would declare, as part of that decision, that the restriction should be burned off and, that in addition to that, we would express the City's intent to not enforce that deed restriction and it would be forced by judicial order. While I can't tell you that you still might not need to take some future action, it would definitely help a future purchaser to know that it can be used for something other than a hotel or motel. So, not having been here when you placed the deed restriction, but being able to historically look back at the documents and see what took place, I would be seeking a motion from Council authorizing me, as your Law Director, to pursue a quiet title action and declare the City's intent not to enforce that restriction.

Mayor Webster: I would respectfully ask Council to make a motion to direct the Law Director to do that.

Mrs. Sullivan-Wisecup: I'd like to make a motion to enable our Law Director to do the quiet title.

President Vanover: Do I have a second?

Mrs. Emerson: Second.

Motion to empower the Law Director to do a quiet title action passes with seven affirmative votes.

Mayor Webster: I'd like to ask Andy (Kuchta) to step forward. We've got another item that we need Council's consideration on this evening.

Mr. Kuchta: Thank you Mr. Mayor. Mr. President, we were contacted two weeks ago by the new owners of the Willows Apartments, or now the Park at Springdale. They'd like to issue \$45 million dollars in tax exempt bonds through the Port Authority of Cincinnati for renovations to the apartments. The sale date that they would like to have on these bonds is before the end of this month, so, speed is of the essence. They do need the City to sign a document, required under Federal regulations related to the tax exempt bonds that, basically, "blesses" these bonds. I'm going to, once again, distract Joe from his research on the other item earlier, and he has prepared a motion that would authorize the Mayor to sign off on this certificate and he can provide a little bit more detail. We also have representatives of the Park at Springdale, as well as the Port Authority of Cincinnati here that can answer any detailed questions that you might have related to these bonds. Thank you.

Mr. Braun: For Council, I would indicate to you that I would compare this to the PACE financing approval that you previously had to get. It's not the same, I'm sure they will say that, but, what I will tell you is you may recall that it was seeking your approval of the mechanism that allowed for that financing to take place. Just as the PACE financing ordinance that you passed, or in that case, it was a motion, it indicated that there's no debt, there's no liability, there's no legal obligation. It's not pledging the credit and the good name of the City for purposes of repayment, but we are authorized, or we are required to essentially give our blessing to allow for this to take place. As Mr. Kuchta indicated, this relates to the Willows of Springdale project. It's a renovation project. I know the attorneys are here for those entities. If you have any questions for them, perhaps, about how they're going to repay that, or maybe even just to get some information on what the funding is going to be used for. But, I would be seeking a motion authorizing the Mayor to execute a Certificate of Approval for the issuance of those bonds to the Port Authority related to the Willows of Springdale. I'm happy to repeat that at the time, whenever you want that motion.

Mr. Anderson: Could I get a little bit more information on why these would be going through the Port Authority if they're renovating a private apartment, and then be tax exempt. Then, if you could give us some idea on why we would be a party that would need to bless that. Is it simply because of the tax consequence?

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President Vanover: Can we get you over here? (Motions to the podium). If you would, identify yourself please.

Mr. Wahlers: My name is Kip Wahlers, and I'm with Ice Miller in Columbus, Ohio. We are bond counsel on this project for the developer, TWG. These bonds are being issued by the Port Authority to fund costs of both the acquisition and renovation by TWG of these apartments. These are allowed to be, the bonds are tax exempt for Federal tax purposes because of the income restrictions that are inherent with respect to the bonds. Under the Federal income tax code, in order to have those bonds be tax exempt, not only are those types of requirements in effect, but, Congress has also said that the jurisdiction where the facility is located, if you're going to issue these types of tax bonds for the benefit essentially of a private party, the governing jurisdiction needs to say, "This is alright". There's no liability to the City. The bonds are going to be fully paid back by the rental revenues from the project. But, this is kind of safeguard that Congress has put into place to make sure that the local communities have a say in what types of projects are going on in their community.

Mr. Anderson: So, in short, it's because it's an investment into an apartment complex that services lower-income residents. And, that's what allows it to fall into the Port Authority, and it allows the special tax treatment.

Mr. Wahlers: Correct. The Port Authority has authority to finance housing under Article 8, Section 16 of the Ohio Constitution, among other many powers.

Mr. Anderson: Thank you.

Mayor Webster: I have some questions for the gentleman.

President Vanover: Sure.

Mayor Webster: By virtue of you being the beneficiary of these tax exempt bonds, does that obligate you to rent the units to low income?

Mr. Wahlers: Yes. There is a covenant in the bond documents where the owner promises that the people that these apartments will be rented to will have incomes no greater than 60% of the adjusted median income for this area at the time that those apartments are rented. There is an absolute income restriction for those. There's some play within that for tax purposes, let's say of folks incomes improve and things like that, but that's the general philosophy, yes, is that the public benefit is providing decent, safe, sanitary, and affordable housing for residents.

Mayor Webster: Didn't you get subsidized payments from Section 8?

Mr. Wahlers: I think they can, there can be some of that. I think there is a mix. There's going to be some residents that pay, I'm not sure what the mix is. My understanding is that they intend to keep the residents mix to the extent that they can right now as stable as possible. So, there would be no restriction on Section 8 payments, but, it's really the income of the residents that justified that. Does that make sense?

Mayor Webster: Well, I'm just trying to reconcile where we are today, versus where we're going to be with the new ownership. Maybe, if the new ownership was here, they could share with us.

Mr. Wahlers: Well, the new ownership, and I don't think they're here. They've sort of asked me to come here. Part of it, I think, is basically, there will be new management, and I think just a general facilities improvement to make sure that it's a first-rate facility.

Mayor Webster: I'm sure there's some subsidized housing in the facility today.

Mr. Wahlers: I would guess there probably is, but my understanding is that it's in serious need of renovation.

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Mayor Webster: Do you think this is going to increase the number of subsidized units?

Mr. Wahlers: I think that all of the units that are in there, and I think it's something like 238 units. All of those would be units that would be affordable housing. It's not a mixed income development.

Mayor Webster: There's more than 238 units.

Mr. Kuchta: It's 383 units.

Mayor Webster: Okay, so, no one can tell me how many they've got today, versus how many have.

Mr. Wahlers: I don't believe that they're adding any units. I believe that the units are going to be stable and, basically, what they're doing is they're renovating the existing buildings. So, there's not real new construction here.

Mayor Webster: I appreciate the enhanced value of them, and so forth, and so on. They certainly do need renovation. I just don't want it to become a magnet for Section 8 housing. I think we have more than our share of housing.

Mr. Wahlers: It is not an expansion of the existing allotment. It is kind of where it is at this point.

Mayor Webster: Thank you.

Mr. Hawkins: So, piggy-backing on what Mayor Webster was asking. I guess I want to make sure I understand this and is as pointed a question as I can make it. You're indicating that this would limit it to residents being in there would have to have no more than 60% of the median income. I guess what I want to make sure, in a very pointed way, you're indicating that there is no minimum percentage of number of units; that this would apply to all of the units there. All 383 units or 100% of folks that would live there would have to fall within those guidelines of the percentage of median income.

Mr. Wahlers: That is my understanding. Yes, is that that's what the tax covenants would be.

Mr. Hawkins: So it would be the entire apartment complex.

Mr. Wahlers: It would be the entire complex that those income restrictions would apply to.

Mr. Hawkins: Okay. And then, I don't know how much you can speak to this, but, or Andy (Kuchta) may know. The renovations that they're making. Are these all interior, or exterior, or both?

Mr. Wahlers: I can't tell you. Maybe you have a better idea (addressing Mr. Kuchta).

Mr. Kuchta: Well, based on the discussion that we had with the developers back in April of this year when they initially approached the City Administration about the project and they were asking for a tax incentive at the time. They talked about complete interior gutting basically. So, new carpeting, new appliances, new sinks, new vanities, new countertops, new lighting fixtures; everything was going to be new on the inside of all the units. There was going to be some exterior renovation. Part of the reason they were asking for a tax incentive was to be able to afford more significant exterior renovations, but they indicated that there would be at least some minimal amount of "freshening up" of the exterior so they looked a little more contemporary and looked a little bit nicer and cleaner. Another component of this is actually the overall number of units is going to slightly decrease because of the types of funds that they are using. They're going to have to provide a certain percentage of the overall apartment units are going to have to be ADA (Americans with

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Mr. Kuchta (continued): Disabilities Act) accessible and none of them are now. So, they're actually going to be taking in some of the buildings two apartments and demising the walls in between them and turning those two into one apartment. That might have to occur in every building, or just a certain percentage of the buildings, but, they're also going to have to do that. So, the overall number of units is going to decrease slightly from what it is today. But, yes, they did describe it's going to be very significant renovations. I think the purchase price was around \$13 million dollars if I recall correctly. So, you have to include some cost of financing as well, but, they're going to be spending a fair amount of money on these improvements.

Mr. Hawkins: Then, also piggybacking on the concerns of the Mayor. Can you speak to what percentage of the apartments currently would fit into the guidelines that they're going to be mandated? Do you have an idea? Is it more than fifty percent right now?

Mr. Kuchta: We did not have that particular discussion with them when they talked to us back earlier this year. Literally, from May 15<sup>th</sup>, the last email communication where I informed them that we're not going to move forward with proposing a tax incentive, the first contact we had was two weeks ago when they emailed this certificate and asked us to sign off on it. So, we haven't had any communication with them since then and this has been a very quick process from our standpoint because they wanted to be able to sell these bonds this month. So, we don't have that information. I would expect there's probably a significant percentage of the resident that are paying with vouchers, but, I don't have any specific number.

Mr. Hawkins: Thank you.

Mrs. Sullivan-Wisecup: I am actually happy about the renovations. In the three years that I have been an elected official, I have received several phone calls. I've dealt with both City Administrators that have been here since I have been here with videos from residents of mold, of ceilings caving in with water damage from the pipes leaking from above down below. I hope that their renovations will remediate some of the mold issues that they have had. I hope that they deal with the old plumbing and making things safe for these families. One of the women who actually reached out to me was a pregnant woman and she had mold and she actually had a sewage pipe dripping on her bed. I'm hoping that when if you guys go in there and do this, that these are the things that are looked at because I think that that needs to be safe for everybody to live in. Hopefully is that something that you guys are going to be doing is making it actually safe to live in now?

Mr. Wahlers: I think the answer to that would be yes. This is TWG, which is the group which is the parent company. They develop both market rate and affordable housing around the country, and my recollection is that they've got \$3 billion to \$4 billion in their portfolio and so they are, as I understand it, a pretty reputable developer. Our firm represents them on a number of various projects. So, the bonds, with the acquisition price is \$13 million, the total bond issue is going to be somewhere around \$42 million to \$45 million. There's going to be significant dollars that are going into the renovation of the project. In addition to the bond proceeds, because of the way these are being issued, there's also tax credit equity that is coming in. That tax credit equity also comes with various restrictions, so, total investment is somewhere around \$55 to \$57 million dollars. So, this is a very significant project.

Mrs. Sullivan-Wisecup: Perfect. Thank you so much.

Mrs. Emerson: Maybe Mayor Webster could answer this. Currently under the ownership that we have now, without the bonds, do we have control over the Section 8 housing that moves in their currently now? Or, is it just a lower income, just like it's going to be with the bonds?

Mayor Webster: No, we have no control over that.

Mrs. Emerson: Okay. So, that's not going to change at all whether we pass this or not?

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Mayor Webster: Right.

Mrs. Emerson: Okay. Thank you.

Mr. Anderson: One quick question and then I have a motion ready. I just want to make sure during these significant renovations the families that live there now are being accommodated in some way.

Mr. Recht: Yes, and my name is Chris Recht, Vice President, and General Counsel of the Port Authority, so we're the local government entity issuing the bonds. Yes. Absolutely from all of our conversations with the developer. There were concerns raised initially with some of the residents that they would be impacted by this negatively. We've worked very closely with the developer to ensure that that will not happen and that they will do everything to keep residents there. Now, they have certain auditing requirements that they have to do to make sure that they are compliant with the funding sources and, of course, if some of the residents have been, I guess, misrepresenting their situation, then that could create problems. But, other than that, there's no way that, I don't think that there's any way that any current residents would be negatively impacted by these renovations. The reason that we're getting involved in this project is because we see it as an improvement to the current housing situation. The goal here is to use our tools to create, to reduce blight on this property, and create more quality, affordable housing for these individuals, and bring up surrounding property values. That's why we're involved and that's why we've "blessed" this. Especially based on, as Mr. Wahlers has referenced the experience of this developer on other projects. So, we're going to be ensuring that they're compliant with everything that they need to be compliant with and monitoring the project closely.

Mr. Anderson: Thank you.

Mr. Ramirez: Do we currently know the occupancy rate that that facility has?

Mr. Wahlers: I do not know that. No.

Mr. Ramirez: So, if it is close to 100%, and we're going to remove some of the units because to meet the ADA (requirements), some people will be displaced.

Mr. Wahlers: I'm not aware that there will be any displacement. So, I don't believe that that is the case. I don't know if it is 100% fully occupied right now. But, my understanding is that they are working to make sure that the resident are not affected.

Mr. Kuchta: I can address that somewhat. Again, back in our discussions earlier this year, this topic came up and it relates to a couple of things. Number one, for renovations, there's always at least one or two vacant units at any given time. So, their plan is to relocate families temporarily into vacant units while their existing unit is being rehabbed. It's a very quick turnaround process. It's literally a matter of less than two weeks to get one of these units completely renovated the way they do it. They go building by building, floor by floor. They have a team that comes in and guts, they have a team that comes in and does painting, and then installation of new fixtures and appliances, and then another team that does carpeting and any finish work. So, it's like a production line. So, people will be temporarily moved into vacant units and then moved back into their new units. That's the plan. There is going to be some rent increase; they did tell us, over time. Obviously, because of the income restrictions, they can't increase the rent that much. We didn't receive specific numbers, but they would expect that, over time, as some leases came up, there would be some folks that would choose to go elsewhere for less expensive living options and that may be another way that as leases come up for renewal, if a family is above the income restrictions that they might have, they might have that family not be able to renew. But, hopefully, those discussions will happen with plenty of time for the family to look for other options as well. But, we didn't get into very detailed discussions on all of that at the time because it was very early, initial stages where they were asking about a tax incentive and just introducing the project to us. We didn't have time to start really diving into those details. That's the extent of the information that we have.

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Mayor Webster: Well, Andy (Kuchta), I think you hit on the point I was going to ask. If a family presently resides in there, and their income is above that 60% threshold, what happens to that family?

Mr. Wahlers: I believe they're allowed to stay. Because the Federal regulations permit that basically, when you are renting that to them initially, they have to meet those guidelines. But, if they go up, that can be alright, so long as there is a certain percentage maintained within the development that are eligible.

Mayor Webster: Are they okay as long as they want to stay, or just through the duration of their lease?

Mr. Wahlers: No, I think they're there as long as they want to stay, I believe. I'm not sure of that, but, I'm pretty sure that if they're renewing their lease, I believe the Federal regulations allow them to stay, because all of this is governed by the Federal law.

Mr. Kuchta: Kip (Wahlers), I don't know if you know the answer to this, but my guess would be that the 60% of the median household income in the area requirement is overall blended for the entire complex. Not every single family has to be at that level. So, there could be some.

Mr. Wahlers: They can adopt some income averaging and be compliant.

Mr. Anderson: Are you ready for the motion?

President Vanover: Sure.

Mr. Anderson: I'd like to make a motion authorizing the Mayor to execute a Certificate of Approval for the issuance of bonds by the Port Authority of Greater Cincinnati Development Authority for what is known as the Willows of Springdale.

Mrs. Sullivan-Wisecup: Second.

President Vanover: Any further discussion? (None)

Motion to authorize the Mayor to execute a Certificate of Approval for the issuance of bonds by the Port Authority of Greater Cincinnati Development Authority for what is known as the Willows of Springdale passes with seven affirmative votes.

President Vanover: Mr. Braun, do we have an answer?

Mr. Braun: It would appear to me that the Certification of Levy Funds is under 5705.34 of the Ohio Revised Code. Our charter under Article 7 (D), requires the tax budget to have a Public Hearing before being passed, but this does not appear to be a tax budget. So, because it's not the tax budget, then we would not need to do so. In furtherance of that, if you look at the motion, it actually references that previously, in the first "Whereas" clause, previously, a tax budget was adopted. So, this is just certification of levy amounts and it does not appear that, definitely the ORC doesn't, but our charter does not have an additional requirement. So, you can go forward on it.

President Vanover: Alright. Well, let's jump back on this. We heard the reading of Resolution R20-2020, Council what is . .

Mrs. McNear: We do have a motion and a second.

President Vanover: We have a motion and a second. Okay. Then is there any further discussion? (None) Mrs. McNear poll Council.

Resolution No. R20-2020 passes with seven affirmative votes.

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### Meetings and Announcements

Mr. Hawkins: The Finance Committee will be meeting on October 14<sup>th</sup> at 5:30 p.m. in the Administrative Conference Room.

Mrs. McNear: My item is New Business.

President Vanover: Okay.

Mrs. Emerson: The Board of Health will meet tomorrow at 7:00 p.m. here in these chambers.

Mrs. Sullivan-Wisecup: Planning Commission will meet in these chambers next Tuesday, October 13<sup>th</sup>.

Mrs. Ghantous: The Board of Zoning Appeals will meet on Tuesday, October 27<sup>th</sup> in the Council chambers here at 7:00.

Mrs. McNear: I have two liquor licenses to discuss this evening. The first one is Las Islas Marias of Cincinnati, Inc. at 370 Glensprings Drive. This is a transfer from Delecio Coal Fired LLC on Montgomery Road. This has several requests here. We have a D2 which is, "wine and mixed beverages for on-premises consumption or in original sealed containers for carry out only until 1:00 a.m.". A D2X, it is a grandfathered permit, "beer only for on-premises consumption or in original sealed containers for carry out only until 1:00 a.m." A D3 "spirituous liquor for on-premises consumption only until 1:00 a.m." And, a D6, which is a "sale of intoxicating liquor on Sunday between the hours of 10:00 am or 11:00 a.m. and midnight". Is there any issue with this filing and agreement with this particular request? (None) Okay, alright. The next one, Council, you don't have a copy of this. I didn't distribute it. The reason for that is that this is for Crafty Crab Springdale Inc. This is a new request. This is for the restaurant that is in the former Outback restaurant. The reason I have not copied you is because the address came in as 11790 Springdale Pike, which, of course is inaccurate. I did send this to Andy a couple of days ago to ask if we could kick this one back. He did take it to the business and they have filed a new request. But, in the meantime, I thought it best just to bring this up and see if there were any issues. If we get this in the next week or so, I wanted to see if everyone would be in agreement on going ahead and authorizing this request. This is for a D2, which is a "wine and mixed beverages for on-premises consumption or in original sealed containers for carry out only until 1:00 a.m." and a D3, "spirituous liquor for on-premises consumption only until 1:00 a.m." Any concern with signing off on this once we get the corrected address request?

Mr. Braun: Just for the record, I need to indicate that the entity that filed that second request is represented by one of my partners, so, I just have to disclose that to you.

Mrs. McNear: Alright, we'll go ahead and make sure everything gets filed appropriately.

President Vanover: Does that change anybody's opinion? (No comments). Thank you.

Mayor Webster: I have a couple of items under announcements. First off, I'd like to announce that we are going to observe Halloween in the City of Springdale, on October 31<sup>st</sup> from 6:00 p.m. to 8:00 p.m. I would just caution all parents out there to be extremely careful this year. There are guidelines posted on the City's Facebook page, and also on its website. These are guidelines that have been issued by the State of Ohio, and so we're not the only community observing Halloween, but not every community is. Just be extremely careful and accompany your kids on their journey throughout the City. Just everybody be careful. Second thing I'd like to announce is that we are going to have a flu clinic next Monday, October 12<sup>th</sup> from 2:00 until 4:00 p.m. down at the Community Center in the Auxiliary Gym. We're doing this in concert with Walgreen pharmacy. You need to call for an appointment and call our local Health Department at 346-5725. The schedule is filling up fast, but we

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Mayor Webster (continued): have every intention of having another clinic assuming this one does fill up and we have to turn people away. But, so if you are interested in getting a flu shot, which we highly recommend. That will take place on the 12<sup>th</sup> down at the Community Center. That's all I have. Thank you.

Mr. Anderson: Just one question on the flu clinic. Is high dose going to be available too, or just the single regular? There are some seniors that have been asking, having trouble finding the high dose. Do we know if that is going to be available?

Mayor Webster: Do we have the high dose? (addressing Mrs. Boggs)

Mrs. Boggs: Yes.

Mayor Webster: She says, "yes".

Mr. Anderson: Yes. Thank you.

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 Resolution No. R20-2020; A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies for 2021. That passed with a 7-0 vote. Item Number II as addressed with Ordinance No. 32-2020; An Ordinance Authorizing an Agreement Between the City of Springdale and the Board of Hamilton County Commissioners for the Hamilton County, Ohio CARES Act Local Jurisdiction Assistance Program and Declaring an Emergency. That passed with a 7-0 vote. Item Number III was addressed with Ordinance No. 33-2020; An Ordinance Adopting Supplemental Appropriation/Estimated Receipts 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, 2020. That passed with a 7-0 vote. Item IV was not addressed, but this was rejecting bids for the purchase of 19,500 GVW Single Axle Truck Cab & Chassis. There actually ended up being two bids; one from FYDA Freightliner for \$61,631 for the bid, cab, and chassis. The other bid came from Henderson Products Inc. for \$53,573. That was for the bid, upfit, cab, and chassis. The Administration was looking for bids on both items. Neither one of those bid on both items, and, as a result, were both rejected. Item Number V was addressed with Ordinance No. 34-2020; An Ordinance Approving a Zoning Map Amendment to Rezone the Property Located at 540 Ray Norrish Drive from Residential Single Household-Estate Density (RSH-E) to Planned Unit Development (PUD) (Glenmary Home Missioners). This was a first reading. We also had Item Number VI. That was addressed with Ordinance No. 35-2020; An Ordinance Approving the Preliminary Development Plan (PUD) for the Property Located at 540 Ray Norrish Drive to Permit Solar Panels (Glenmary Home Missioners). That also was a first reading.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There is a request for a second reading for Ordinance No. 34-2020, An Ordinance Approving a Zoning Map Amendment to Rezone the Property Located at 540 Ray Norrish Drive from Residential Single Household-Estate Density (RSH-E) to Planned Unit Development (PUD) (Glenmary Home Missioners). As well as a second reading for Ordinance No. 35-2020; An Ordinance Approving the Preliminary Development Plan (PUD) for the Property Located at 540 Ray Norrish Drive to Permit Solar Panels (Glenmary Home Missioners). That would be it unless there's anything else from Administration or Council.

President Vanover: Now those will both include Public Hearings on those two items. There will be a Public Hearing on each one.

Mr. Anderson: I was going to mention Public Hearing, but also we're expecting an update or legislation on the rental inspection program for our next meeting.

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Mr. Hawkins: Yes.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 8:00 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

\_\_\_\_\_, 2020