

City of Springdale Council

January 6, 2021

President of Council Vanover called Council to order on January 6, 2021.

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

President Vanover: It is with a heavy heart that we announce Firefighter Michael Thompson passed away in the early morning hours of January 5th this year. He was a respected and valued member of our Fire Department since October 21, 2000. I would ask that you keep his wife Keisha and their children in your thoughts and prayers, and also join me in a moment of silence in his honor. Please be seated.

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

President Vanover: Mrs. Ghantous texted me before the meeting that she is under the weather and was going to "sit it out".

The minutes of the December 16, 23020 meeting were considered. Mr. Hawkins made a motion to accept the minutes; Mrs. Emerson seconded. The minutes of the December 16, 2020 meeting were approved with six affirmative votes.

Communications	-	None
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Communications from the Audience	-	None
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Ordinances and Resolutions

Ordinance No. 48-2020

AN ORDINANCE AMENDING SECTION 73.041 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO

Mrs. Emerson made a motion to adopt.

Mr. Braun: Just as a procedural matter, I wanted to remind Council you had tabled this item to tonight's meeting. So, you would need to remove it from the table and then move to amend it to reflect the revisions that are in the version that was just read and then move to adopt.

President Vanover: Well then, a motion to remove the table.

Mrs. Emerson: I had a question on that. We had stated to table it until tonight. You still have to remove it and then...

Mr. Braun: You're correct. That's right, we did table it specifically to tonight, but we will still need to move to amend the ordinance from the last time to reflect the version that was read. So, that's a good point. I stand corrected on that.

President Vanover: So, then I need a motion to amend (Ordinance No.) 48-2020 to its current form.

Mrs. Sullivan-Wisecup: I'd like to make a motion to amend Ordinance No. 48-2020 to the current language.

Mrs. Emerson: Second.

Mrs. Emerson: I think last meeting, if my memory recalls me correctly, Mr. Vanover, you had mentioned about the dualies.

President Vanover: Right.

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Mrs. Emerson: And, the trucks, there are dualies out there that are not commercial, that people are driving. So, with that said, does this need to take that into consideration on this ordinance?

Mr. Anderson: In my view, from our discussion last time, the language that's here addresses the concern because it speaks to commercial vehicles with dual axel, which would mean that if somebody was inappropriately cited, they would simply have to state or come in and say it's not commercial. Which, I think, addresses the problem really well. So, I appreciate the language here. I think it covers it and makes things a lot simpler than what's in the language now. So, I think it's great and it does address the problem.

Mrs. Emerson: Okay.

Mr. Hawkins: I think this was said by Mr. Braun last time, but I'm not sure. The ordinance is not going to define in terms of commercial vehicle or commercial purpose. It's defined as a commercial vehicle. But, we're not going to define the word, "commercial" is that accurate?

Mr. Braun: That's correct. I had one other question with regard to the amended language. Is there going to be a means in which warrants are going to be tracked from the standpoint. I don't know if that shows up in a printout or if it's more of something that we would see internally through the Police Department or through our Mayor's Court. I didn't know if it was something we were actively able to track, or if we were going to track it or not?

Mr. Braun: I appreciate that, because I did include that language in Section D that there would be a first offense. I did not have an opportunity to talk with Chief Wells about that specific question. I will, though, commit to bringing it to his attention. I can tell you that there are other things, ordinances here in the City that we do a first warning for and I know they're tracked internally. But, I will point out to Chief Wells upon passage if that language remains in, that he'll need to do the same thing for this ordinance.

Mayor Webster: I'd like to ask our chief Building Official to step forward and I just have one simple question for him.

Mr. Lamping: Yes sir.

Mayor Webster: Can you enforce this ordinance?

Mr. Lamping: This ordinance, particularly, is for the Police Department to enforce because it's on the street. The second ordinance we're going to do is the one that the Building Department will be enforcing. Correct? (Addressing Mr. Braun)

Mayor Webster: So, I don't have to call you up again about the second one. Can you enforce this one? I hate to wake you up (laughter). Can you enforce the second one?

Mr. Lamping: Yes sir. The issue is going to be whether or not it's commercial, and, we've talked about in house a little bit, and what we're going to be doing is ask for the documentation in that how it is commercial from the person. It will be in the driveways when we enforce it. Not on the public streets. So, we'll have the opportunity to talk to the homeowner, or the legal tenant, and ask them how it's commercial to meet this ordinance. And, based on common sense, we're going to apply what is a commercial vehicle versus a private non-commercial vehicle. There is no clear definition. I think, personally, that that's a good thing so that we can use common sense on how we apply the ordinances.

Mayor Webster: So, the determination on whether it's personal or commercial is going to be solely on the homeowner to say?

Mr. Lamping: The determination will be mine under the current ordinance. But, we're going to be able to apply the ordinance in a reasonable fashion to understand how it's commercial or not commercial. The issue is going to be how it's utilized. If it's got

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Mr. Lamping (continued): commercial advertisements. But, the biggest indicator to me will be the advertisements on the side of the truck or vehicle.

Mayor Webster: Thank you.

Mr. Hawkins: I do want to say, personally, I have some concerns. I know last meeting when it was referenced that we're not going to define commercial, I do have some concerns with regard to that situation in terms of where you get into its enforcement and ambiguity. It's probably not the end of the world. It's a minor misdemeanor, but, if I had a perfect world, I'd like it to have been defined, so then it's sort of a concrete structure to work from. But, I understand where we are.

Mr. Anderson: I do note that this is an improvement from the existing. It may not be perfect. In allowing the Building Department and Police to apply their professional judgement I think is a good thing. I would rather somebody be able to park a vehicle more easily at the risk of getting one by if they did as opposed to somebody's business or personal life being really affected, which, right now, the parking ordinance is causing a real problem for some of our residents. So, I appreciate the changes and think it is an improvement, which is why I support it. We could always come back if it's a problem. If we need to get some more language in commercial, I'd appreciate you just letting us know and we can certainly do that. I wouldn't want to hold up this change any longer. It's a long time coming and it does simplify things quite a bit in my view. Thank you.

Mrs. Emerson: As Mr. Anderson said, the current ordinance did try to give us a definition of what a commercial vehicle was and that was very difficult. Just a plain van that had "Gilkey Windows" on it and, so, by doing this like Mr. Anderson said, this gives the leeway to the Police Department or to the Building Department to make that decision, so I think it's a good move.

President Vanover: I would agree. We can get very detailed and put a lot of burden on either the Building Department or the Police Department with GBW's and all that, but this is kind of a cleaner, simpler approach. I agree it may not be perfect, but I think this, at least this point in time, is a good step in the right direction.

President Vanover: Okay, we still have the motion to amend.

Motion to amend Ordinance No. 48-2020 passes with six affirmative votes.

Mrs. Emerson made a motion to adopt Ordinance No. 48-2020; Mrs. Sullivan-Wisecup seconded the motion.

Ordinance No. 48-2020 passes with five affirmative votes and one opposing vote (Hawkins).

Mayor Webster: I was of the understanding that we had to have a public hearing.

Mr. Braun: On the one that we just passed, there's not a requirement that we have a public hearing. That's a criminal statute, and the second one (Ordinance No. 49-2020) is a zoning and I'm going to refer to Mr. Lamping. Did we reach a determination on that? I know we had a discussion about it; I just can't remember.

Mr. Lamping: All the other ordinances that we do, we typically have to have public hearings. Yes. That's my understanding. But, I defer to Mr. Braun.

Mr. Braun: I just wasn't prepared for the questions. I apologize. But, I will tell you, typically, in a zoning context, yes. If we're amending the zoning.

President Vanover: Alright then. I guess our move is to table since we're going to have to advertise for public hearing.

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Mr. Braun: Well, we have a couple of options available to us. One is we can have a third reading. We don't have to vote on it on the second reading if we want to agree to that and indicate that we will set a public hearing on whatever date and have a third reading, but, I would suggest that you move to amend it first so that we advertise the proper version of it for that public hearing.

Mrs. Sullivan-Wisecup: I'd like to make a motion to amend Ordinance No. 49-2020 to the current language.

Mrs. Emerson: Second.

Motion to amend Ordinance No. 49-2020 to the current language passes with six affirmative votes.

President Vanover: Mrs. McNear, let's just go ahead and do the reading in the current form, and then we will schedule a public hearing forthwith and take a vote on it the next time.

Ordinance No. 49-2020

AN ORDINANCE AMENDING SECTION 153.252(F)(8) OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO

President Vanover: Alright, Administration, then you're going to schedule a public hearing and get us squared on that.

Ordinance No. 1-2021

AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS/ESTIMATED RECEIPTS FOR FISCAL YEAR ENDING DECEMBER 31, 2021

Mrs. Emerson made a motion to adopt Ordinance No. 1-2021; Mr. Hawkins seconded.

Ordinance No. 1-2021 passes with six affirmative votes.

Resolution No. R1-2021

A RESOLUTION AUTHORIZING THE INVESTMENT OF MUNICIPAL FUNDS

Mrs. Sullivan-Wisecup made a motion to adopt Resolution No. R1-2021; Emerson seconded.

Resolution No. R1-2021 passes with six affirmative votes.

Resolution No. R2-2021

A RESOLUTION REQUESTING THE ADVANCE PAYMENT OF TAXES FROM THE HAMILTON COUNTY AUDITOR

Mrs. Emerson made a motion to adopt Resolution No. R2-2021; Mrs. Sullivan-Wisecup seconded.

Resolution No. R2-2021 passes with six affirmative votes.

Old Business

President Vanover: Council, we have a couple of housekeeping items that we need to do. We need to either reappoint or appoint new members to the Volunteer Firefighters. Currently Mr. Ramirez is a member and Mr. Anderson. If you're interested in continuing, Mr. Ramirez.

Then, by acclamation, Mr. Ramirez will remain a member of the Volunteer Firefighters Dependents Commission and Mr. Anderson likewise. Thank you gentlemen.

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Mr. Anderson: I was a bit slow on the draw in "Ordinances". Would it be alright if I asked a question on Ordinance No. 49-2020, or would you rather I wait until the next meeting?

President Vanover: Go ahead.

Mr. Anderson: Thank you. I noticed in Section H we updated the impervious surface ratio required for the front yard. We restated that. It was in the Building Code currently. The difference is in this Ordinance, we're now adding a requirement for an improved side yard surface. I'm wondering if the intent of the update to "H" should also include a mention of how much impervious surface can be done on a side yard since we're now requiring people to park on an impervious surface there. Was that an oversight or unintended?

Mr. Braun: I can defer to Mr. Lamping, but I will indicate that was not something that we discussed, but it's something we could certainly consider in advance of the next meeting and the Public Hearing in light of the fact that we're allowing people to park those on the side yard as well as the front.

Mr. Anderson: I'm not aware of any statement for side yards. I didn't know if because we're doing it on the side yards we need to add that, or just deal with it later.

Mr. Lamping: The meeting I attended, that wasn't discussed as Mr. Braun had stated, but, I believe, from memory, that the current zoning code does not limit pavement in the side yards. If it's the desire of Council to have that, now would be an appropriate time to add that section that Mr. Anderson's talking about. There's not a limit now in the Code. From memory, there's not a limit in the Code.

Mr. Anderson: There's not. It's just the difference is now we're requiring people to do some improvement on the side.

Mr. Lamping: There is a requirement in the Code and it's in a different section that talks about total lot coverage, so, that would apply to the side yard, and rear yards as well as the front. Those are in there. There are limits in there. And, the same limits would apply with any new pavement.

Mr. Anderson: Okay. Good. Thank you.

Mr. Ramirez: Going back one, on the Boards and Commissions, I notice that Gregg Taylor is listed under the Board and Commissions of the Housing Council. The last page.

President Vanover: He sure is. My memory is that would roll to Mr. Lamping by virtue of his position.

Mr. Ramirez: It says that it's an appointment by the Mayor.

President Vanover: Yes, it's a Mayoral Appointment.

Mr. Anderson: I believe Mr. Kuchta was at our last Springdale CRA Housing Council meeting, so I don't know if the sheet is just out of date, or if not, but, I believe he was there, by virtue of his position. I didn't know if we took formal action though. Although, it would be Mayoral action.

President Vanover: It's Gregg Taylor.

Mr. Anderson: And Andy (Kuchta) was there in place of Gregg at our last meeting.

President Vanover: Okay.

Mr. Anderson: But, I'm not sure if that was ever formally updated in these chambers, but, he was at our last meeting.

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President Vanover: Okay, you're right.

Mayor Webster: I was sitting out this conversation. I wasn't sure it concerned me, but what is the question Mr. Ramirez?

Mr. Ramirez: The question was why Gregg Taylor is still listed under Board and Commission on the last page under the Housing Council.

President Vanover: The CRA Housing Council.

Mayor Webster: And you're saying that is a Mayoral appointment?

President Vanover: Yes.

Mayor Webster: Okay. We should have that by virtue of their position, but, I will make that appointment for the next Council meeting.

Mr. Hawkins: Along the lines of Ordinance No. 49-2020 question about the impervious surface area on the side yard, is there any buffer requirement. Is there still the five foot buffer requirement, or could somebody have asphalt or pavement right up to the...?

Mr. Lamping: To my knowledge, without researching it, they can have it right up to their property line.

Mr. Hawkins: Okay. Thank you.

President Vanover: Well, the trailer can't be within five feet, but the pavement itself.

Mr. Lamping: It says the pavement can be up to the property line.

President Vanover: It can run up to the property line.

Mr. Lamping: To my knowledge, without researching it.

Mr. Hawkins: Thank you.

New Business

Mrs. McNear: Council, we do have a liquor license request for ORA Springdale LLC, doing business as Home2Suites Cincinnati at 325 Pictoria Drive 45246. This is a new hotel that just recently opened. The permit class is a D5A, which is for hotels or motels with 50 or more rooms for transient guests. That's kind of a crazy explanation, but, let me see if I can find a D5A on here. "Spirituous liquor for on premises consumption only, beer, wine, and mixed beverages for on or off premises in original sealed containers until 2:30 a.m." Mr. Jones has also spoken with the Police Chief about this and he has no issues or concerns with this permit at all. Are there any concerns with anyone on the dais? (None). Okay, we'll take care of getting that paperwork filed. Thank you.

Meetings and Announcements

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

Mrs. Emerson: The Board of Health will meet in these chambers at 7:00 on January 14th.

Mr. Anderson: Sorry about that. Carolyn (Ghantous) usually announces about the BZA meeting, which is typically in these chambers at 7:00 p.m. on the last Tuesday of the month, but, I believe there's no meeting scheduled for this month. Sorry about that.

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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. 48-2020; which passed with a 5-1 vote as amended, An Ordinance Amending Section 73.041 of the Codified Ordinances of the City of Springdale, Ohio. Item Number II was addressed with Ordinance No. 49-2020; An Ordinance Amending Section 153.252(F)(8) of the Codified Ordinances of the City of Springdale, Ohio. That was a second reading. Item Number III was addressed with Ordinance No. 1-2021; An Ordinance Adopting the Annual Appropriations/Estimated Receipts for Fiscal Year Ending December 31, 2021. That passed with a 6-0 vote. Item Number IV was addressed with Resolution No. R1-2021; A Resolution Authorizing the Investment of Municipal Funds. That passed with a 6-0 vote. Item Number V was addressed with Resolution No. R2-2021; A Resolution Requesting Advance Payment from the County Auditor. That passed with a 6-0 vote. All other items were forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's a request for Ordinance No. 49-2020; An Ordinance Amending Section 153.252(F)(8) of the Codified Ordinances of the City of Springdale, Ohio for a third reading. There's a request for An Ordinance Accepting a Bid and Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Contract with Rumpke of Ohio, Inc. for Waste Collection and Recycling Services and Declaring an Emergency. There's also a request for An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Cooperative Agreement with Hamilton County for the East Kemper Road/CSX Bridge Repair and Declaring an Emergency. That's it unless there's anything else from Council or the Administration.

President Vanover: We have a Public Hearing for Ordinance No. 49-2020.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 7:37 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2021