

INTERNAL MEMORANDUM

Office of the City Administrator

Springdale, Ohio

September 2, 2016

To: Mr. Thomas Vanover
President
Springdale City Council

From: Derrick Parham
City Administrator

Re: Report on Pending and Future Legislation

Item I

A Resolution Imposing a Moratorium for a Period of 180 Days on the Granting of Any Permit Allowing Retail Dispensaries, Cultivators, or Processors of Medical Marijuana Within the City of Springdale, Ohio

The legalization of medical marijuana was passed by the Ohio State Legislature and signed by the Governor earlier this year. Although the law is scheduled to go into effect on September 8, 2016, it is anticipated that it will be quite some time before persons will be able to access medical marijuana legally throughout the State. The implementation responsibilities for the process have been assigned to two different State agencies (State Board of Pharmacy and Department of Commerce). These two bodies are charged with the development of the rules and regulations for the process. The law says that within a year they must have some of the process ready for implementation, and within two years, the entire program must be operational.

Under the law, there are three types of medical marijuana facilities that can be regulated by a municipality. They are retail dispensaries, cultivation facilities, and processing facilities. Retail dispensaries are locations where persons can go to actually purchase the product. Cultivation facilities are operations that essentially grow the product. Finally, the processing facilities are operations where the packaging and preparation to sell the product takes place. According to the law, municipalities have two options relative to the abovementioned operations. The City can prohibit the facilities from operating within their jurisdiction, or they can limit the number of facilities permitted within the jurisdiction.

Since the rules and regulations for operating any of these types of businesses are currently unknown, the City of Springdale has decided to impose a moratorium for a period of 180 days on granting any permits which would allow these three types of medical marijuana facilities to operate within City limits. If at the end of the 180-day moratorium period, the two State agencies have not fully developed the rules and regulations to the satisfaction of the City, Council may choose to continue the moratorium for an additional period of time.

A resolution imposing a moratorium for a period of 180 days on granting any permits which would allow retail dispensaries, cultivation facilities, or processing facilities for medical marijuana in the City will be before Council at the **09/07/2016** meeting for consideration.

Item II

An Ordinance Enacting and Adopting the 2016 S-17 Supplement to the Springdale Code of Ordinances and Declaring an Emergency

Each year, the State of Ohio adopts a number of amendments or supplements to the Ohio Revised Code (ORC). By law, cities (even Home Rule Charter cities) are required to adopt some of the supplements while others are at the option of the City whether they will be adopted. It is completely at the discretion of the organization. Historically, the City of Springdale has enacted or adopted the majority of these supplements.

Supplements to be considered by Council include a revision which eliminates in its entirety Section 71.16 Traffic Law Photo-Monitoring Devices from the City's Traffic Code and a revision to extend the statute of limitation on prosecuting rape and sexual battery cases from twenty years to twenty-five years. Under State law, the City is required to adopt the revision related to the photo-monitoring devices. The revision related to the statute of limitation for the prosecution of rape and sexual battery cases is not mandated by the State but is one the Administration recommends Council adopt. In an effort to align the City's Code of Ordinances with the State of Ohio, Council will need to enact the aforementioned supplement.

An ordinance, with an emergency clause, enacting and adopting the 2016 S-17 supplement will be before Council at the **09/07/2016** meeting. Due to the high number of pages associated with this ordinance, a copy of the supplement has not been attached to the legislation, however will be available for inspection in the office of the Clerk of Council/Finance Director.

Item III

A Resolution Authorizing the City Administrator to File an Application with the Ohio Public Works Commission (OPWC) for Local Transportation Improvement Program (LTIP) Funds and/or State Capital Improvement Program (SCIP) Funds, and Authorizing the Mayor and Clerk of Council/Finance Director to Execute all Contracts and Other Documents (Jake Sweeney Place)

This will be the fourth time the City has applied for OPWC funding for this project. At no point has the project scored well enough to secure the necessary funding. Whether the project was combined with the Boggs Lane Rehabilitation project or as a stand alone project, it simply has not finished high enough in the rankings to receive funding. In an effort to increase the chances of the Jake Sweeney project being funded, the City's application will request a smaller percentage of grant funding (50% compared to last year's 69%). In addition to this change, the City's application will also request a loan for the remaining 50% of the construction cost of the project. The OPWC loan is interest free and can be paid back over a twenty-year period. This will be the first time the City has ever requested a loan from the program. Prior to this and for many years, the City has been very successful in securing OPWC grants and thus there has not been a need to request a loan. Things have now changed. These days, the infrastructure of many other communities is continuing to deteriorate perhaps at a much faster pace than Springdale streets, and as a result, their projects are scoring better than Springdale. In addition, these communities have begun accepting loans from OPWC. Accepting one of OPWC's loans not only helps the community to meet their required matching share, but it also assists OPWC in fulfilling its requirement to distribute fifteen percent of their annual loan allocation. As a result, the City's success rate of securing OPWC grants has declined. If the City is successful with OPWC funds, the improvements to Jake Sweeney Place are anticipated to begin as a part of the 2018 construction season.

The Jake Sweeney Place Rehabilitation project will involve full curb and gutter replacements, elimination of the crown in the middle of the roadway, total removal of the pavement and replacement with new asphalt, new pavement markings, and catch basin and manhole replacements. In addition, the project will replace the rusted metal corrugated storm sewer pipe which collapsed in 2014 and necessitated a temporary repair of the storm sewer. The latest engineer's estimate for the project is \$939,676. The City intends to apply for 50% (\$469,838) SCIP grant and 50% (\$469,838) SCIP loan. The deadline to submit for the Round 31 SCIP funds is September 16, 2016.

A resolution authorizing the City Administrator to file an application for OPWC funds for 2017 (Round 31) will be before Council at the **09/07/2016** meeting.

Item IV

A Resolution Authorizing the City Administrator to File an Application with the Ohio Public Works Commission (OPWC) for Local Transportation Improvement Program (LTIP) Funds and/or State Capital Improvement Program (SCIP) Funds, and Authorizing the Mayor and Clerk of Council/Finance Director to Execute all Contracts and Other Documents (Beacon Hills Subdivision/Kenn Road)

At the July 20, 2016 meeting, Council passed Ordinance 16-2016 to accept the proposal from CT Consultants for the design and engineering services for the Beacon Hills Subdivision/Kenn Road Rehabilitation project. This project is a part of the City's Comprehensive Capital Improvement Program. Just like the Jake Sweeney Place project, the City plans to submit an OPWC application in an attempt to secure outside funding to assist with the construction of this project. Once again, the City's application will request 50% grant funding and 50% loan funding. The latest engineer's estimate for this work is \$2,449,618. If successful with OPWC funds, the funding breakdown would be \$1,224,809 (50%) grant and \$1,224,809 (50%) loan. The project is anticipated to begin as a part of the 2018 construction season.

The Beacon Hills Subdivision/Kenn Road project is intended to address the major infrastructure problems throughout the entire Beacon Hills Subdivision as well as the section of Kenn Road from the Interstate 275 overpass to the Fairfield corporation line. The improvements will involve full curb replacements, catch basin repairs and/or adjustments, manhole adjustments, sidewalk repairs, ADA curb ramp installations, pavement repairs, some minor storm sewer repair work on Brookston Drive and Kenn Road, some resurfacing on Kenn Road, cape seal application in the subdivision, and drive apron replacements where warranted. The drive apron replacements, if required, will be at the resident's expense. The deadline to submit for the Round 31 SCIP funds is September 16, 2016.

A resolution authorizing the City Administrator to file an application for OPWC funds for 2017 (Round 31) will be before Council at the **09/07/2016** meeting.

Item V

A Resolution Authorizing the City Administrator to File an Application with the Ohio Public Works Commission (OPWC) for Local Transportation Improvement Program (LTIP) Funds and/or State Capital Improvement Program (SCIP) Funds, and Authorizing the Mayor and Clerk of Council/Finance Director to Execute all Contracts and Other Documents (Glensprings Drive)

The Glensprings Drive Rehabilitation project is also a part of the City's Comprehensive Capital Improvement Program. This is the third project in which the City plans to submit an OPWC application to secure outside funding to help with the cost of rehabilitating the road. Once again, the City's application will request 50% grant funding and 50% loan funding. The latest engineer's estimate for this work is \$976,364. If successful with OPWC funds, the funding breakdown would be \$488,182 (50%) grant and \$488,182 (50%) loan. The project is anticipated to begin as a part of the 2018 construction season.

This work is scheduled to address the deficiencies associated with Glensprings Drive and the Glensprings Drive extension to the east of Springfield Pike. The improvements will involve full curb replacements, catch basin repairs and/or adjustments, manhole adjustments, sidewalk repairs, ADA curb ramp installations, pavement repairs, some resurfacing, and drive apron replacements where warranted. The drive apron replacements, if required, will be at the resident's expense. The deadline to submit for the Round 31 SCIP funds is September 16, 2016.

A resolution authorizing the City Administrator to file an application for OPWC funds for 2017 (Round 31) will be before Council at the **09/07/2016** meeting.

Item VI

A Resolution Directing the Hamilton County Board of Elections to Submit to the Electors of the City of Springdale, Ohio, at the November 8, 2016, General Election, a Revision to Article VI, Section A, Paragraph 1, and Article VI, Section B, Paragraph 1 of the Charter of the City of Springdale (Term Length)

At its May 18, 2016 Council meeting, City Council adopted Resolution R8-2016, which directed the Hamilton County Board of Elections (Board) to submit to the Electors of the City of Springdale proposed amendments to the Springdale City Charter. Upon delivering the resolution to the Hamilton County Board of Elections, the City was informed that the resolution had been adopted too early by the City and thus could not be accepted by the Board. According to the State of Ohio Constitution, amendments to a City's Charter must be adopted no less than sixty (60) days nor more than one hundred and twenty (120) days before the election. Since the 2016 Election Day is on November 8, the earliest the legislation could have been adopted and accepted by the Board is July 12, 2016 and the latest is September 9, 2016. This resolution was adopted by Council outside of that window. The deadline for submitting this issue to the Board is Friday, September 9. Based upon that deadline, there is still time remaining for Springdale to have our charter issue placed on the November ballot. At its 09/07/2016 meeting, Council can re-adopt the resolution and it can be delivered to the Board prior to the September 9 deadline.

As a reminder, if passed by the voters, Article VI, Section A, Paragraph 1 and Article VI, Section B, Paragraph 1 of the Charter would reduce the mandatory length of the term for each Council member appointed to the Planning Commission and Board of Zoning Appeals from four years to two years. Presently, each Council Member is appointed by City Council and serves for a four-year period.

A resolution submitting to the Electors proposed amendments to the Springdale City Charter will be before City Council at the **09/07/2016** meeting. Because this is a resolution, there will be no need for an emergency clause. If adopted by City Council, the proposed amendments will be certified to the Board of Elections for inclusion on the November ballot.

Item VII

A Resolution Directing the Hamilton County Board of Elections to Submit to the Electors of the City of Springdale, Ohio, at the November 8, 2016, General Election, a Revision to Article II, Section C, Paragraphs 4 and 5, Article III, Section B, Paragraphs 3 and 5, Article III, Section G, Paragraph 3, and Article IX, Section C, Paragraph 8 of the Charter of the City of Springdale (General Municipal Election)

Similar to Item VI above, this resolution also directed the Hamilton County Board of Elections to submit to the Electors of the City of Springdale possible revisions to the Springdale City Charter. This resolution was adopted by Council on June 1, 2016, which is also prior to the permitted July 12, 2016 date. Like the previous resolution, it too was not accepted by the Board and now must be adopted by Council for a second time in order to have it appear on the November 8, 2016 ballot. As stated above, the deadline for adopting and submitting this resolution to the Board is Friday, September 9; therefore, it would need to be adopted by Council at its **09/07/2016** meeting.

If passed, the new language would provide a definition for the term "General Municipal Election" by indicating that elections for municipal officers are only to be held during odd numbered years. Currently, there is no definition in the City Charter to clearly indicate when these elections are to occur. Furthermore, the proposed revision would use one consistent term (General Municipal Election) to refer to the election of municipal officers. This would replace the two terms "general election" and "municipal election" which are presently found throughout the Charter in a number of locations.

To remind everyone of the proposed Charter amendments, the following is presented:

1. Article II, Section C, Paragraphs 4 and 5: replace the terms “municipal election” or “general election” with the term “general municipal election.”
2. Article II, Section C, Paragraph 5: delete the words “at large.” This change would clarify that the successor elected for a District Council seat would only be required to be elected by the Electors of that particular district and not by the community at large.
3. Article II, Section C, Paragraph 5: add language to further clarify that the successor for a district seat is elected only by Electors of the particular district and a successor from an at large seat is elected by the community at large.
4. Article II, Section C, Paragraph 5: add language to further clarify that the successor will serve the unexpired term of the seat previously appointed.
5. Article III, Section B, Paragraphs 3 and 5: replace the term “general election” with the term “general municipal election.”
6. Article III, Section G, Paragraph 3: replace the term “general election” with the term “general municipal election.”
7. Article IX, Section C, Paragraph 8: include a definition for “general municipal election.” This addition will clarify when a general municipal election is to take place for the City of Springdale.

A resolution submitting to the Electors proposed amendments to the Springdale City Charter will be before City Council at the **09/07/2016** meeting. Because this is a resolution, there will be no need for an emergency clause. If adopted by City Council, the proposed amendments will be certified to the Board of Elections for inclusion on the November ballot.

Item VIII

An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Collective Bargaining Agreement with the Springdale Professional Fire Fighters (IAFF Local 4027) and Declaring an Emergency

The current collective bargaining agreement between the City and the Springdale Professional Fire Fighters (IAFF Local 4027) bargaining unit expired December 31, 2015. The two parties began meeting in the fall of 2015 and have been engaged in the bargaining process ever since. As a rule, when the parties are engaged in labor negotiations, the members of the bargaining unit do not receive an adjustment to their pay. If there are any pay adjustments to be made for the IAFF members, it is generally granted and made retroactive to align with the final date of the previous contract. Labor negotiations with the IAFF this year have gone through both the fact finding and conciliation processes, and each third party arbitrator has issued their opinion. While the fact finding process is purely a recommendation, the conciliation process is final and binding. On August 22, the City received the report of the conciliator. At this time, the parties are working to incorporate the conciliator’s decisions into the final document. The Administration’s team feels the final document could be ready for Council’s consideration at the **09/21/2016** meeting.

An ordinance, with an emergency clause, authorizing the Mayor and Clerk of Council/Finance Director to enter into a collective bargaining agreement with the Springdale Professional Fire Fighters (IAFF Local 4027) bargaining unit will be before Council at the **09/21/2016** meeting. In the past, a copy of the contract has not been attached to the ordinance, due to the size of the document. An original copy is always located in the Clerk of Council/Finance Director’s office for public review. Upon request, a copy of the document can also be provided.

Item IX

A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies for 2017

Each year, the City of Springdale and other municipalities must submit a tax budget to the County Budget Commission in June of the year prior to the tax year in question. The tax budget estimates the revenues and expenditures for the City in the upcoming year. As part of its review, the Budget Commission examines the estimated income from property taxes to determine if it is reasonable. In Springdale's case, we only have the 3.08 mills (inside mills) that support the General Fund. If we had any voted property taxes, they would also be subject to review by the Commission.

After the City's tax budget is approved by the Budget Commission, the City must then adopt a resolution accepting the rates approved by the Commission and authorizing the levying of the property tax for the following year.

A resolution accepting the rates and authorizing the City's property tax levy for 2017 will be presented to City Council for consideration at the **10/05/2016** meeting.

Item X

Other Items of Interest

1. Proclamation Declaring the Week of October 9 – 15, 2016 as Fire Prevention Week – **09/21/2016**;
2. Introduction of New Employees:
 - Recreation Programmer (Recreation Department) John J. Wagner – **10/05/2016**;
 - Account Clerk I (Tax Department) Angela Renee Elliott – **10/05/2016**.

Mayor
Clerk of Council/Finance Director
City Council
Assistant City Administrator
Law Director
City Engineer
Department Directors
Recording Secretary
Reading File