

INTERNAL MEMORANDUM

Office of the City Administrator

Springdale, Ohio

September 14, 2018

To: Mr. Thomas Vanover
President
Springdale City Council

From: John J. Jones
City Administrator

Re: Report on Pending and Future Legislation

Item I

An Ordinance Authorizing a Contract with the Vendor Submitting the Best Bid for the Purchase of Rock Salt and Declaring an Emergency

Due to a number of rather mild winter seasons and a sufficient amount of salt in storage, the City has not had to solicit bids for the purchase of rock salt since 2015. The last time the City actually purchased salt was August of 2016. That year, the City spent \$113,134 to restock the salt dome in preparation for any potential snowstorms. To date, the City has used more than half of the total amount of salt on hand at the beginning of this year. As a result, the City plans to solicit bids for the purchase of rock salt for the 2018 – 2019 winter snow-removal season. During prior years of purchasing salt, the City has collaborated with other jurisdictions for a joint purchase. Unfortunately, this year, no other jurisdictions are interested in making a purchase of rock salt at this time.

As a note, the rock salt bid will not be opened until Monday, September 17, 2018. As such, an ordinance with blank spaces for the vendor name and amount will be in your packet. Once the bids are opened and staff has completed their review, the ordinance will be amended to indicate the lowest and best bidder for the rock salt bid.

An ordinance, with an emergency clause, authorizing a contract for the purchase of rock salt will be before Council for consideration at the **09/19/2018** meeting.

Item II

An Ordinance Enacting and Adopting the 2018 S-20 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 revisions to Section 72.58 Display of License Plates; Registration and the addition of Section 71.31 Operation of Personal Delivery Device on Sidewalks and Crosswalks.

An ordinance, with an emergency clause, enacting and adopting the 2018 S-20 supplements will be before Council at the **09/19/2018** meeting. Due to the high number of pages expected to be associated with this ordinance, a copy of the supplements will not be attached to the legislation, however will be made available for inspection in the office of the Clerk of Council/Finance Director.

Item III

An Ordinance Implementing Sections 3735.65 Through 3735.70 of the Ohio Revised Code, Establishing and Describing the Boundaries of the Community Reinvestment Area (CRA) in the City of Springdale, Ohio, Designating a Housing Officer to Administer the Program, and Creating a Community Reinvestment Area Housing Council and a Tax Incentive Review Council and Declaring an Emergency

The City has engaged HCDC, the economic development organization for Hamilton County, to assist in preparing a petition to create a Community Reinvestment Area (CRA) in Springdale. Establishment of the CRA will permit property owners within the defined area to receive property tax abatements on new residential construction, new commercial construction, and significant remodeling of existing commercial properties. Springdale's CRA will generally include the Route 4 Corridor between I-275 to the north and Northland Boulevard to the south. The Administration believes this CRA will encourage not only development of vacant land within the Corridor but also renovation and redevelopment of properties that are in need of improvements.

An ordinance, with an emergency clause, authorizing the City to submit the CRA petition to the State of Ohio, designating a housing officer, and creating various councils to administer the CRA program is scheduled before City Council at the **09/19/2018** meeting.

Item IV

A Resolution Expressing Opposition to the Federal Communications Commission's Proposed Declaratory Ruling and Third Report and Order Regarding State and Local Governance of Small Cell Wireless Infrastructure Deployment

In late 2016, the Ohio State Legislature adopted legislation (SB331) that essentially allowed small cell towers to be installed in any public right-of-way throughout a municipality, including in residential areas. In addition, the language eliminated the City's ability to deny the installation of these small cell facilities. One of the most unfortunate facts concerning this situation is that this language was only applicable to municipalities and did not apply to townships. Around March 21, 2017, the bill's effective date, over seventy municipalities filed a lawsuit against the State of Ohio for violating the Ohio Constitution. In June 2017, a Franklin County Court ruled SB331 was in violation of the "one-subject challenge" and thereby was deemed invalid. Springdale reengaged its process to create legislation to regulate the installation of small cell wireless communication facilities within Springdale. At a special August 24, 2017 meeting, the Springdale Planning Commission voted by a count of six in favor and zero in opposition (one member was absent) to recommend to Council text amendments to the Springdale Zoning Code regulating the installation of small cell wireless communication facilities. City Council held a first reading September 20, 2017 and a second reading and Public Hearing on October 4, 2017 of Ordinance No. 39-2017 An Ordinance Amending the Codified Ordinances of the City of Springdale, Ohio, to Amend Sections 153.253, 153.254, and 153.600 of the Springdale Zoning Code Related to Small Cell Wireless Communication Facilities. The legislation was approved and the City of Springdale Zoning Code was amended.

Last week, the Federal Communications Commission (FCC) released a document that would create substantial preemptions on local small cell infrastructure improvement. The document outlines a loss of municipal control regarding small cell deployment in the municipal right-of-way, including issues like undergrounding, negotiations for public benefits, and the ability to fully control the appearance of city streets by limiting aesthetic requirements. Further, the proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for an expedited 60-day review period. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.

The FCC's proposed definition of "effective prohibition" is overly broad. The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights-of-way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of "effective prohibition" opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding. Additionally, the proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation. The FCC's interpretation of "fair and reasonable compensation" means approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. These regulations narrowly dictate the rates charged by municipalities.

The FCC will be holding an open meeting on Wednesday, September 26, 2018. The proposal will go into effect if a majority of commissioners approve it. A resolution expressing the City of Springdale's opposition to the Federal Communications Commission's proposed declaratory ruling and third report and order regarding state and local governance of small cell wireless infrastructure deployment is scheduled to be before Council at the **09/19/2018** meeting. If passed, a copy of this resolution will be forwarded to the FCC.

Item V

A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies for 2019

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 mils (inside mils) 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 2019 will be presented to City Council for consideration at the **10/03/2018** meeting.

Item VI

An Ordinance Amending the Zoning Code and Zoning Map of the City of Springdale, Ohio, to Provide for the Rezoning of Approximately 13.316 Acres Located Adjacent to the Northeast Corner of West Kemper Road and Rose Lane from Residential Single Household – Low Density (RSH-L) to Planned Unit Development (PUD) (Springrose Subdivision)

At its September 11, 2018 meeting, by a vote of seven in favor and zero opposed, the Springdale Planning Commission recommended to Council the approval of a Zoning Code and Zoning Map amendment for approximately 13.316 acres located adjacent to the northeast corner of West Kemper Road and Rose Lane (Springrose Subdivision). The zoning amendment would change the 13.316 acre parcel from Residential Single Household – Low Density (RSH-L) to Planned Unit Development (PUD).

This Zoning Code and Zoning Map amendment is associated with the proposed Springrose Subdivision development, detailed in Item VII below.

An ordinance amending the Zoning Code and Zoning Map for the for the 13.316 acres located adjacent to the Northeast Corner of West Kemper Road and Rose Lane changing the zoning district from RSH-L to PUD is scheduled to be before Council for a first reading at the **10/03/2018** meeting. A second reading and Public Hearing for the ordinance will be before Council at its **10/17/2018** meeting. Due to the high number of pages expected to be associated with this ordinance, a copy of the exhibit(s) will not be attached to the legislation, however will be made available for inspection in the office of the Clerk of Council/Finance Director.

Item VII

An Ordinance Approving the Preliminary Development Plan of Approximately 13.316 Acres Located Adjacent to the Northeast Corner of West Kemper Road and Rose Lane (Springrose Subdivision)

The Springrose Subdivision came before Planning Commission at their August 14, 2018 and September 11, 2018 Commission meetings. As described in the previous item, the proposed plan would rezone approximately 13.316 acres located adjacent to the northeast corner of West Kemper Road and Rose Lane from Residential Single Household-Low Density (RSH-L) to Planned Unit Development.

The original Preliminary Development Plan brought to Administration in late 2017 showed a total of 62 homes on the site with a bridge crossing the stream that bisects the property. Through meetings, the development was altered to allow for more open space with a total of 52 homes. The proposal brought before Planning Commission at its September 11, 2018 meeting consisted of nineteen (19) forty (40) foot wide lots to the north of Kemper Road, with twelve (12) being to the west of the development's green space and seven (7) to the east. The development proposes to place nine (9) lots on the south side of Smiley Avenue and convert the existing T-shaped turnaround into a more desirable bulb cul-de-sac. Twenty-four (24) lots in the interior of the development range between fifty (50) and sixty-five (65) feet wide. The developer is proposing to construct two new streets to City standards, which, once completed, would be dedicated to the City. One street (Maxey Lane) exits onto Kemper Road; the other (Dorothy Lane) exits onto Rose Lane. The development also proposes two alleyways. The alleys are proposed to be built to the City's depth requirements for public streets. Roughly 522 feet of the proposed Valke Alley will be dedicated to the City. This portion will allow for the rear-loaded garages of the homes along Kemper Road to be accessible. This portion of the alley will create a loop from Rose Lane to the proposed Dorothy Lane. The remaining portion of Valke Alley and the alley that intersects the proposed Maxey Lane will not be dedicated to the City. Instead, they will be maintained by the

development's homeowners' association. The proposed development also provides for sidewalks throughout the development and along the north side of Kemper Road, east side of Rose Lane, and south side of Smiley Avenue. Planning Commission has recommended the development to City Council with the modification that the developer remove two (2) of the forty (40) foot lots west of the development's green space along the north of Kemper Road and make the remaining ten (10) lots approximately forty-eight (48) feet wide.

An ordinance approving the Preliminary Development Plan for the 13.316 acres located adjacent to the Northeast Corner of West Kemper Road and Rose Lane (Springrose Subdivision) is scheduled to be before Council for the first reading at the **10/03/2018** meeting. A second reading and Public Hearing will be before Council at the **10/17/2018** meeting. Due to the high number of pages expected to be associated with this ordinance, a copy of the exhibit(s) will not be attached to the legislation, however will be made available for inspection in the office of the Clerk of Council/Finance Director.

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