

INTERNAL MEMORANDUM

Office of the City Administrator

Springdale, Ohio

September 15, 2017

To: Mr. Thomas Vanover
President
Springdale City Council

From: Derrick Parham
City Administrator

Re: Report on Pending and Future Legislation

Item I

An Ordinance Amending the Codified Ordinances of the City of Springdale, Ohio, to Amend Section 153.254 of the Springdale Zoning Code Related to Medical Marijuana

In 2016, the legalization of medical marijuana was passed by the Ohio State Legislature and signed by the Governor with an effective date of September 8, 2016. The implementation process was assigned to the State Board of Pharmacy and the Department of Commerce. They were charged with the development of the rules and regulations for the process. Within one year, the law stated, they were to have some of the process ready for implementation, and within two years, the entire program was to be operational.

Under the law, there are three types of medical marijuana facilities that can be regulated by a municipality: cultivation facilities, processing facilities, and retail dispensaries. Cultivation facilities are operations that essentially grow the product. Processing facilities are operations where the packaging and preparation to sell the product takes place. Finally, retail dispensaries are locations where persons can go to purchase the product. 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. To give the State adequate time to develop the rules, on two occasions, the City imposed a 180-day moratorium on granting permits for any of the three types of medical marijuana facilities.

Following a request from Council to provide a recommendation on how the City should participate in the regulation of medical marijuana facilities, the Springdale Planning Commission met to address the issue. At its August 8, 2017 meeting, the Springdale Planning Commission voted by a count of seven in favor and zero in opposition to recommend to Council a Zoning Code text amendment that would prohibit the cultivation, processing, and retail distribution of medical marijuana in any zoning district within the City of Springdale.

An ordinance amending Section 153.254 of the Springdale Zoning Code prohibiting the cultivation, processing, and retail distribution of medical marijuana in any zoning district in the City had a first reading before Council at its **09/06/2017** meeting. The ordinance will have its second reading and a Public Hearing before Council at the **09/20/2017** meeting.

Item II

An Ordinance Amending Various Sections of the Codified Ordinances of the City of Springdale Zoning Code

At its August 8, 2017 meeting, the Springdale Planning Commission voted by a count of seven in favor and zero in opposition to recommend to Council a variety of text amendments to the Springdale Zoning Code. The following are some of the amendments being proposed and recommended for Council's consideration: (1) adding "Educational Institutions" to the City's Public Facilities Zoning Districts; (2) creating and permitting with standards a use of "Multi-Household Dwellings with Age Restrictions" and locating it in the Public Facilities Zoning Districts; (3) clarifying the difference between Automotive Sales - New, Automotive Sales - Used, and Automotive Rentals; and (4) providing an expiration date for final development plans for a Planned Unit Development (PUD) of 18 months.

An ordinance amending various sections of the Springdale Zoning Code had a first reading before Council at the **09/06/2017** meeting. The ordinance is also anticipated to have its second reading along with a Public Hearing at Council's **09/20/2017** meeting.

Item III

An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into a Contract with Mid-Miami Roofing to Replace the Roof at the Springdale Police Department for \$75,000 and Declaring an Emergency

Earlier this year at the June 21, 2017 meeting, I shared information with Council concerning several leaks in the roof at the Springdale Police Department Building. During a significant rainstorm in April, the building had several locations where water was entering and ponding on the floor. Informal quotes for replacing the roof all exceeded \$50,000, which is the maximum dollar amount the City can contract without seeking public bids. The informal quotes ranged from \$68,000 to \$122,000.

At the June meeting, the decision was made to solicit public bids for the replacement of the roof at the station in an effort to have the work completed as soon as possible. Because the City had not anticipated replacing the roof this year (2017), there were no funds appropriated for this work in the 2017 Budget.

On Tuesday, September 5, 2017, a total of six bids were received for replacing the roof. The bids also included an alternate bid for replacing the roof over the garage at the Police Department. The best and lowest bid as determined by the process was received from Mid-Miami Roofing with a general construction bid of \$67,400 and an alternate bid of \$7,600 for a total bid of \$75,000. After checking references and past project performance for Mid-Miami, the City Engineer's Office is recommending the City award the contract to Mid-Miami Roofing.

An ordinance, with an emergency clause, authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Mid-Miami Roofing to replace the roof at the Springdale Police Department for \$75,000 is scheduled to be before Council at the **09/20/2017** meeting.

Item IV

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

Throughout the year of 2016, the City received applications from cell phone companies requesting to install small cell communication facilities in a number of locations in the City, including both commercial areas and residential neighborhoods. During that time, as best as possible, the City Administration attempted to regulate the size, location, and appearance of the requested facilities. Recognizing that the Administration solely setting the standards for the community was not the most efficient method of regulating these facilities, the City began exploring the possibility of creating language in the City's Zoning Code. The new language would provide for the consistent regulation of the installation of small cell wireless communication facilities.

Before the City could finalize new language for its Zoning Code, the Ohio State Legislature adopted legislation (SB331) that essentially allowed small cell towers to be installed in any public right-of-way throughout the 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, a Franklin County Court ruled SB331 was in violation of the "one-subject challenge" and thereby was deemed invalid. It is anticipated that the State of Ohio will appeal this ruling. In the meantime, Springdale reengaged its process to create legislation to regulate the installation of small cell wireless communication facilities in town.

At a special August 24, 2017 meeting, the Springdale Planning Commission voted by a count of six in favor and zero in opposition to recommend to Council text amendments to the Springdale Zoning Code regulating the installation of small cell wireless communication facilities.

An ordinance amending the codified ordinances of the City of Springdale to amend Sections 153.253, 153.254, and 153.600 of the Springdale Zoning Code regulating small cell wireless communication facilities is scheduled for a first reading before Council at its **09/20/2017** meeting. The ordinance is also anticipated to have its second reading along with a Public Hearing at Council's **10/04/2017** meeting.

Item V

A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies for 2018

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 2018 will be presented to City Council for consideration at the **10/04/2017** meeting.

Item VI

Other Items of Interest

1. Introduction of New Employee: Debra L. Huber, Account Clerk I, Finance Department – **09/20/2017**;
2. Presentation – Council on Aging (COA) Senior Services Programs – **10/04/2017**;
3. Public Hearings – Community Development Block Grant (CDBG) Program Years 2018 – 2020.
Proposed projects due to Hamilton County: November 22, 2017;
Proposed Public Hearing meeting dates: October 18, 2017 and November 1, 2017.

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