

# INTERNAL MEMORANDUM

Office of the Assistant City Administrator

Springdale, Ohio

September 29, 2017

To: Mr. Thomas Vanover  
President  
Springdale City Council

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From: Amanda Zimmerlin  
Assistant City Administrator

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Re: Report on Pending and Future Legislation

## Item I

### **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.

The first reading before Council of 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 took place at the **09/20/2017** meeting. The ordinance is scheduled to have its second reading along with a Public Hearing at Council's **10/04/2017** meeting.

**Item II**

**An Ordinance to Authorize the City to Join a Coalition of Municipalities Retaining Special Counsel for Purposes of Initiating Litigation to Challenge the Constitutionality of Amendments to Chapter 718 of the Ohio Revised Code Relating to Municipal Income Tax and Declaring an Emergency**

The City of Springdale was contacted by the law firm of Frost Brown Todd LLC with an inquiry to gauge the City's interest in joining a coalition of municipalities being formed to initiate litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in House Bill 49. The General Assembly of Ohio, through House Bill 5 in 2014 which comprehensively rewrote the municipal income tax law and most recently, House Bill 49 which authorized the centralized collection of the municipal income tax, has attempted to assert control over the administration and collection of municipal income taxes. At the September 20, 2017 Council meeting, City Council made a motion and voted to authorize the expenditure of \$4,000 to the litigation fund. This ordinance formalizes the City of Springdale's desire to be a named party in the judicial proceedings.

An ordinance, with an emergency clause, authorizing the City to join a coalition of municipalities retaining special counsel for the purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to municipal income tax is scheduled before Council at the **10/04/2017** meeting.

**Item III**

**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 IV**

**Other Items of Interest**

1. Presentation – Randy Quinsenberry, Council on Aging (COA) Senior Services Programs – **10/04/2017**;
2. Introduction of New Employee: Jason Waxman, Parks Maintenance Supervisor, Parks Department – **10/18/2017**;
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  
City Administrator  
Law Director  
City Engineer  
Department Directors  
Recording Secretary  
Reading File