

INTERNAL MEMORANDUM

Office of the City Administrator

Springdale, Ohio

November 11, 2016

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 Various Sections of the Codified Ordinances of the City of Springdale, Ohio (Springdale Zoning Code)

Following a lengthy review by members of the Planning Commission, Board of Zoning Appeals, City Council, and staff, a comprehensive update to the City's Zoning Code was approved by Council at its **03/02/2016** meeting. The new Zoning Code took effect on April 2, 2016. Now that it has been in place for a period of time, some issues have been discovered which are now being recommended for revision.

In some cases, a number of regulations were added/adjusted with the amended code, however once put into practice, were not as functional as originally intended. In other cases, a situation or event may have provided the organization with an opportunity to observe a process or practice and determine an adjustment was necessary. Finally, anytime you have wholesale changes to a document like our Zoning Code, typographical errors and other inconsistencies in terminology are sure to appear. They simply need to be identified and subsequently corrected. The same holds true with these proposed amendments.

At the October 11, 2016 meeting of the Springdale Planning Commission, the Commission voted to recommend City Council amend the existing Zoning Code. A list of the proposed amendments was distributed to Council on October 18 to allow ample time for review and consideration.

An ordinance amending various sections of the Zoning Code of the Springdale Code of Ordinances received a first reading at Council's **11/02/2016** meeting. A second reading of the ordinance along with a Public Hearing is scheduled before Council at the **11/16/2016** meeting.

Item II

An Ordinance Amending Section 155.036 (Penalty) and Adopting Section 155.037 (Enforcement) of the City of Springdale Property Maintenance Code and Declaring an Emergency

From time to time, the City's Building Department must deal with a property owner who repeatedly violates the same provision of the City's Property Maintenance Code. Over the years, a limited number of property owners have chosen to repeat the same violation with very little to no fear of consequences. Currently, a violation of any provision of the Property Maintenance Code is a misdemeanor of the fourth degree which carries a fine of not more than \$250 and/or jail time of not more than 30 days. This penalty is the same whether the individual violates the Property Maintenance Code once or multiple times for the same violation.

The Law Director has provided suggested language to incorporate additional penalties for repeat offenders of the Property Maintenance Code. With the proposed language, a second violation of the same provision would be a misdemeanor of the third degree which carries a fine of not more than \$500 and jail time of not more than 60 days or both. The penalty for a third offense would be a misdemeanor of the second degree which carries a fine of not more than \$750 and/or jail time of not more than 90 days. In order to impose more stringent penalties on individuals who repeatedly violate the Property Maintenance Code, the Administration is recommending the proposed amendments.

An ordinance, with an emergency clause, amending Section 155.036 and adopting Section 155.037 of the Property Maintenance Code will be before Council for consideration at the **11/16/2016** meeting.

Item III

An Ordinance Providing for the Issuance of not to Exceed \$2,640,000 Real Estate Acquisition Bond Anticipation Notes, First (2016) Renewal, by the City of Springdale, Ohio in Anticipation of the Issuance of Bonds, Providing for the Pledge of Revenues for the Payment of Such Notes and Declaring an Emergency

Earlier this year, when the City borrowed \$2,640,000 from Huntington Bank for the purchase and subsequent demolition of the former Sheraton Hotel located at 11911 Sheraton Lane, the City's intent was to have the property sold by the end of 2016 in order to repay the note (loan). The City did purchase the property; however, the demolition of the building has been delayed due to the discovery and necessary removal of asbestos-containing material found in the building. At this time, the asbestos-containing material has been properly removed from the building. Unfortunately, the building has not yet been demolished, and the property has not been sold. The City is currently in discussions with the demolition contractor as to when they will return to continue the process of demolishing the building.

In any event, the sale of the property has not taken place, and as a result, the City has not repaid the note. Because of this fact, the City will need to have the note reissued for another year. In order to do so, the City will need to reissue the note and pay the associated interest due. The original note had a rate of 3% and a closing date of December 31, 2016. Huntington has now offered to reissue or roll this note at a new rate of 3.16% with a maturity date of December 1, 2017.

An ordinance, with an emergency clause, authorizing the renewal of Bond Anticipation Notes for the purchase and demolition of the former Sheraton Hotel will be before Council for consideration at the **11/16/2016** meeting.

Item IV

Three Individual Ordinances Authorizing Annual Contracts with the Mayor's Court Magistrate, Prosecutor, and Public Defender with Emergency Clauses

Each year, the City contracts for legal services required to operate our Mayor's Court. The positions involved are those of Magistrate, Prosecutor, and Public Defender. The terms of the annual contracts run from 12/1 through 11/30. In an effort to maintain the Court's efficient and effective operations, the Mayor will need to make the appointment of these three positions and Council adopt legislation authorizing the contracts by no later than the second meeting in November.

Three (3) separate ordinances, with emergency clauses, will be before Council for consideration at the **11/16/2016** meeting.

Item V

Authorizing a Preliminary Ordinance with the State of Ohio Department of Transportation for the State Route 4 Urban Paving Project from Cameron Road to Interstate 275 and Declaring an Emergency

In 2013, the Ohio Department of Transportation (ODOT) notified the City that State Route 4 (SR 4) between Cameron Road and I-275 would be eligible to receive funding in 2017 under ODOT's Urban Paving Project (UPP). Under the UPP program, ODOT pays 80% of the paving portion of the project only. The City is responsible for paying the remaining 20% of the paving cost and must also cover all other costs associated with any other necessary improvements of the project. Typically after all costs are considered for the project, the funding breakdown often turns out to be a 50-50 split. Since ODOT's current construction estimate for the project is \$915,000, at this time each party anticipates being responsible for approximately \$457,500 in construction costs and another \$15,000 each for the construction engineering costs.

In an effort to avoid a gap consisting of old, worn pavement between the recently completed W. Kemper Road Rehabilitation project and the UPP, the City will incur an additional cost of \$21,000 to pave this area. Specifically, this work would take place on W. Kemper Road between SR 4 and Walnut Street. In addition, ODOT has agreed to substitute the use of microwave traffic detection devices in place of loops in the ground at the three major intersections along the project route with the City responsible for the cost differential of \$30,359. The intersections are SR 4 and Northland Boulevard, SR 4 and W. Kemper Road, and SR 4 and Glensprings Drive. The design engineering for the project in the amount of \$32,450 is the sole responsibility of the City.

When a local jurisdiction participates in the UPP program, they must enter into a preliminary agreement with ODOT committing to be responsible for their share of the project. In addition, they must cover all other required costs. Around April 2017, the City will be asked by ODOT to adopt a "Final Ordinance" further committing to participate in the project. At that time, the City will be required to pay its estimated share. The project is scheduled to commence and be completed in the fall of 2017.

An ordinance, with an emergency clause, authorizing a preliminary ordinance with the State of Ohio Department of Transportation for the State Route 4 Urban Paving Project is scheduled to be before Council for consideration at the **12/07/2016** meeting.

Item VI

An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into an Agreement with Company “Project Solutions” Related to Job Creation and Retention Incentives and Declaring an Emergency

The City Administration has been engaged in discussions with a company, code name: “Project Solutions,” to relocate one of their business operations to the City of Springdale. Project Solutions has requested financial assistance from the City to help defray their cost to purchase and ultimately furnish a very underutilized facility in Springdale. Project Solutions proposes to initially bring approximately 185 jobs to Springdale, and then create an additional forty jobs over the next four to five years. As long as Project Solutions is able to produce the identified jobs and retain them in the City for a minimum of ten years, the City Administration recommends providing them financial assistance under the City’s Job Creation and Retention Incentive Program. The City and Project Solutions are also working closely with the State of Ohio to provide financial assistance to help with the process.

An ordinance, with an emergency clause, authorizing an agreement related to job creation and retention incentives with Project Solutions is scheduled for the **12/07/2016** meeting.

Item VII

An Ordinance Authorizing the 2017 Fee Schedule with CT Consultants, Inc. for Engineering Services and Declaring an Emergency

CT Consultants has submitted a request to amend their fee schedule with the City for 2017. The last adjustment made to their fees was approved by Council at the **12/16/2015** meeting. That adjustment reflected an overall 1.33% average rate increase for 2016.

CT’s proposed 2017 rate increase would have an overall average of 1.85% over the 2016 current rates. The increases to the various positions range from 1.12% to 2.74%. In no case do any of the categories increase by more than three dollars. If approved, the new rates would not go into effect until January 1, 2017.

An ordinance, with an emergency clause, authorizing an adjustment to the CT Consultants fee schedule will be presented for Council’s consideration on **12/07/2016**.

Item VIII

An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Amend the Agreement with Wood & Lamping LLP for Legal Services to the City of Springdale and Declaring an Emergency

Wood & Lamping has submitted a request to amend their current fees for legal services with the City of Springdale effective January 1, 2017. The request is to increase the annual retainer from \$28,000 to \$28,600 per year (approximately a 2.1% increase); the hourly rate for all Extra Services not included under the retainer is currently \$195.00. The proposed hourly rate increase for the Extra Services would be at \$199.00. This also represents approximately a 2.1% increase.

Wood Lamping has not requested an adjustment to their rates since Council re-engaged them to continue serving as the City’s legal services provider beginning in January 2015.

An ordinance, with an emergency clause, authorizing a fee increase for Wood & Lamping will be before Council for consideration at the **12/07/2016** meeting.

Item IX

Several Resolutions Either Confirming Mayoral Appointments and/or Council Appointments to Various Boards, Commissions, and Committees

A quick review of the Boards and Commissions document (dated 9/19/2016) reveals the terms of several members of the various boards and commissions expire at the end of the calendar year.

Below are a number of board or commission members, according to the document, with terms expiring this year: Charter Revision – Mr. Daniel Jacobs (12/31/2016); Civil Service Commission – Mr. Mick Higgins (12/31/2016); Board of Health – Mrs. Rita Hart and Mr. Kevin Ketring (12/31/2016); Tax Review Board – Mr. Gregory D. Johnson (12/31/2016); and all members of the Volunteer Fire Fighters' Dependents body (12/31/2016).

Item X

Other Items of Interest

1. Introduction of New Employee: Amanda Zimmerlin, Assistant City Administrator – **11/16/2016**;
2. A Proclamation Recognizing Full Throttle Indoor Karting and Celebrating Their Five-Year Anniversary – **11/16/2016**;
3. A Proclamation Recognizing CORE, Inc. and Celebrating Their 30-Year Anniversary of Being in Business – **12/07/2016**;
4. Swearing-In/Introduction of New Employee: Garret Welander, Patrol Officer, Police Department – **12/07/2016**;
5. Presentation of the 2017 Budget – **12/07/2016**.

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