

City of Springdale Council

August 17, 2022

President of Council Vanover called Council to order on August 17, 2022

The governmental body and those in attendance recited the Pledge of Allegiance.

Mrs. McNear provided the Invocation.

Mrs. McNear took roll call. Council members Anderson, Ghantous, Hawkins, Jacobs, Ramirez, Sullivan-Wisecup, and Vanover were present.

The minutes of the July 20, 2022 meeting were considered. Mr. Hawkins made a motion to accept the minutes; Mrs. Ghantous seconded. The minutes were approved with seven affirmative votes.

Committee and Official Reports

Civil Service Commission - No report

Rules and Laws

Mrs. Ghantous: I yield to Mr. Jacobs on that.

Mr. Jacobs: Rules and Laws met previous to this meeting. It was a very, very drawn out one hour meeting. We had, as we discussed, the origami paper kept opening. We kept turning over rocks, I think was one of the phrases that was used. What we've got is concerns about rental properties, we've got concerns about Airbnb short-term rental properties. We've been thinking about regulations and legislation, but anytime you do that kind of stuff, you're confronted with the reality that you're talking about property rights versus somebody else's property rights, and, there's limits to what cities can do. Our Law Director mentioned that some cities have regulated using various tools in their toolbox. A few communities have banned, but, that's the extreme option for something like these short-term rental properties. But, as it unfolded and got more and more complex, basically, we decided that there's some options forthcoming where we could combine these concerns and look at them and have another group look at those concerns and try to find ways that the City can deal with concerns from residents about rental property concerns next to them, and then the other idea of the Airbnb short-term rentals. So, we're wrapping that together with some other forthcoming ideas this evening. Unless there's any questions, that's pretty much it in a nutshell.

Mr. Hawkins: Obviously, I understand some of the concerns that have been discussed in terms of rentals in general. What were some of the worries or concerns in terms of the Airbnb's?

Mr. Jacobs: It's similar in a lot of ways and the classic example is somebody rents an Airbnb for a weekend party, and the residents and the homeowners nearby are being affected by that. That's part of the onus is that some cities have used to regulate or maybe even ban in some cases, which is the extreme option.

Mr. Hawkins: Thank you.

Finance Committee - No report

Planning Commission

Mr. Ramirez: Planning Commission met August 9th in these chambers. First up was a Zoning Text Amendment on the Peer to Peer Car Sharing. It was a Public Hearing. No one was present for or against it or speak on it in any way, so, that was approved with a 6-0 vote. That will be going back to Council. Next is a Major Modification to the Prudential Financial development plans for Commerce Park which is building number three, and it is called Sugaright. They asked for exemption for screening just like we did for Sleep Number and that was approved so they're going to have screening from their mechanicals on the roof plus the boiler stacks, a fuel tank, and a cooling tower. But, because of the grade and looking at the grade, they're really not visible to anyone so, while we gave them an exemption from that, well, not an exemption, but we approved "as is". One part of that was a garage door that they

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Mr. Ramirez (continued): wanted that actually faces residential, and we did not approve that. So, that one has to go back to BZA (Board of Zoning Appeals). So, that was the only stickler for them was that garage door. Finally, we have the Final Development Plan for Showcase Cinemas. It's a GI (General Industrial) and they want to have a 225,000 square foot industrial building on 18.037 acres and we approved that too; there's a couple of exemptions. They're going to have to go to BZA. One that I know they're going to have to address the lighting. They want to have 25 foot poles, and that's not something that we vote on in Planning Commission, but, that will be sent to BZA. That was all I had.

Mayor Webster: Mr. Ramirez, you said on the GE Park or Strategic Capital, whoever was in before. You all referred that to BZA. It comes back to Council.

Mr. Ramirez: The only thing that went to BZA was the garage door. So, we did a partial approval. We approved everything except the garage door. And, the reason we didn't do that was we figured that to be a Major Modification from the original plan, so that was sent back to BZA to get a...

Mayor Webster: It comes back to Council. If that's a PUD and if one of these two, you or Meghan (Sullivan-Wisecup) decide it's a Major (Modification), then it comes back for another Public Hearing before City Council.

Mr. Ramirez: Okay, so that will come back, but it is a Major Modification for the garage door only.

Mayor Webster: I don't know about the other item you had there that you sent to BZA. I didn't catch that.

Mr. Ramirez: Well, we didn't send it to BZA, but they're going to have to get approval for the lighting.

President Vanover: Showcase.

Mr. Ramirez: Oh, okay, well that's not a PUD up there; I don't think.

Mr. Ramirez: The poles are 25 foot poles.

Mayor Webster: So that would go to BZA.

Mr. Ramirez: We didn't approve it.

Mr. Anderson: The Mayor answered one part of my question. It was about, I was confused as well about it coming to BZA. On the one that does belong at BZA, will you be able to share what the concerns were, or should we rely on Tom (Vanover) for that. Because, I know we had a discussion about this last time. It was denied at Planning (Commission) or was it deferred? I think that's an important distinction for BZA to understand.

Mr. Ramirez: That's a good point, and actually I brought that up at Planning (Commission) that we needed to communicate better with the BZA on that. That's something that we did not have to act on, so, we did not act on it, but, it was just the lighting on Showcase, and the other one actually will not go out to BZA. They wanted to change the size of the overhead door, and since the door was facing the residential area, we decided that to be a Major Modification.

Mr. Anderson: So, the PUD one I understand. The lighting one, to be clear, you did not act on it. It's not that you told him, "yes or no".

Mr. Ramirez: We did not.

Mr. Anderson: You didn't approve it because that's a BZA exception.

Mr. Ramirez: That right.

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Mr. Anderson: Got it. Thank you.

Mr. Uhl: Just for clarification to add to Mr. Ramirez's discussion, Planning Commission did not approve anything; they told the applicant they would need to conform to existing zoning code, or, if they didn't, they would have to go before BZA.

Mr. Ramirez: Correct.

Board of Zoning Appeals	-	No report
Board of Health	-	No report
Capital Improvements	-	No report
O-K-I	-	No report

Mayor's Report

Mayor Webster: Not a whole lot to report over a slow summer here, but I would like to inform the body that we do not want an executive session. We have nothing new to report that we need to go into executive session for. So, I'd like that to be voted off the agenda. And, we were running at neck-breaking speed for the first six months on our Tri-County development, and now it's sort of come to a crawl, so, hopefully, we'll have something by the next meeting on the seventh to report. That's all I have really. Thank you.

Clerk of Council/Finance Director

Mrs. McNear: I have the General Fund update through July 31, 2022 for receipts based on a net receipt budget of \$21.218 million dollars, we have received \$15.792 million dollars which is 76% of the budget. Those receipts are made up of five general fund receipt sources which are Earnings Taxes, Real Estate Taxes, Paramedic Services, Local Government Funds, and Mayor's Court for a subtotal of \$14.698 million dollars, which is 93% of the receipts. For expenditures through July 31st based on a net budget of \$21.349 million dollars, we have spent \$11.900 million dollars, which is 54% of the budget. And, our ending General Fund Report balance as of July 31, is \$9.242 million dollars. That concludes my report. Thank you.

Administrator's Report

Mr. Jones: We have several positions open. We have full time positions, Second Shift Custodian, Property Maintenance Inspector, Building Inspection Supervisor, Tax Account Clerk I, and, Recreational Programmer. In addition, we have part-time positions, or seasonal at both Public Works and the Parks Department. Also, Part-Time Customer Service Representative at the Community Center. We have a Part-Time Fitness Instructor at the Community Center, and, finally, on those, we have a Maintenance Worker position, part-time that's available. Any inquiries or need additional information, Stephanie Morgan is our HR (Human Resources) Administrator, and she'd be happy to assist you. In addition, the Community Center announcements. Our pool operations will continue through September 5th and those hours are 12:00 to 8:00, and that is weekends only. Coming up, Junior Olympics Saturday, August 20th. The event is free. It's for ages ten and under. At 10:00 a.m. will be the Olympic-style games, 11:30 is the magic show, 12:00 will be the awards ceremony, and the final thing is winter sports registration for basketball and cheerleading starts September 1st. Thank you.

Mayor Webster: Yes, I did leave out one thing. We did have the Goldfish Swim. We had about two thirds of the people that we had last year, I think, but, it was a very enjoyable afternoon. No disturbance; no problems. We had a few officers circling the center on bikes, but, I've gotten half a dozen phone calls and emails since we had the event, but I got zero before we had the event. So, we pulled back on the on-line advertising a little bit, but, it turned out to be a very enjoyable day. We would like to thank Mr. Mutigli for sponsoring the event this year. His contributions from last year went a long way to financially sponsoring the event this year, so we'd like to thank him for that.

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Law Director's Report

Mr. Braun: I don't have anything formal to report other than to indicate that I'm busy working on lots of projects and am likely going to be requesting an executive session at the next meeting on a potential matter.

Engineer's Report

Mr. Riggs: I have somewhat of a brief report myself this evening. We'll start with the Northland Boulevard Reconstruction Project. We actually are really digging in to the shared use path options and looking at the impacts of those. We actually met with Public Works yesterday to discuss those, and we have some new direction actually this morning, so, we're working on that. Then, we have the East Kemper Road/CSX Bridge Project. We actually got final plan approval on August 11th, so we're planning to advertise on September 1st, and actually have the bid opening on September 22nd. The State Route 4 Urban Paving Project; we actually have a field review tomorrow. Choice One (Engineering) is actually designing it, but we're going to meet in the field and review the plans, then final plans are expected to be submitted to ODOT (Ohio Department of Transportation) on November 10th. Then the State Route 747 Urban Paving Project; final plans were submitted to ODOT (Ohio Department of Transportation) on August 11th. That project is going to be led by ODOT (Ohio Department of Transportation) or advertised in March of next year. That's all I have.

Communications

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None

Communications from the Audience

Mr. Wilson: Thank you guys for having me this evening. I'm here tonight to announce the Ninth Annual Springdale ComeUnity Bash. This is a free community event. We plan on having this event on Saturday, September 10th. We plan on kicking off the event at 1:00 p.m. with the family mud quest. This is a mud run/obstacle course built for all ages of the family. The first 100 participants who register for this event will get a free t-shirt, so be sure to register. Starting at 3:00 p.m., is when we kick off the remainder of the events, the family games, activities, the food, and the live entertainment. So, some of the games we have this year include the climbing wall. Some of the inflatable games that you have seen in years past, the petting zoo. We're going to have face painters, we're also going to have a glass blowing demonstration by Neusole Glassworks. You might have seen some of their artists in the past year on the hit Netflix show, "Blown Away", so, we're very fortunate to have them again this year. Then, new this year, the Springdale Police Department plans on having a dunking booth to help raise funds for their Policy Unity Tour. So, please come out and support them and dunk your favorite officer if you dare. So, as far as food goes, we plan on having our Youth Boosters and local nonprofits sell food in an effort to raise funds for their various charities. Yes, we do plan on having beer. Then, as far as new items for food this year, we will have a barbecue food truck, and then a funnel cake food truck. Then, to top off the evening, we will have some live entertainment. Starting at 6:00 p.m., we will have a live band, "The Alter Egos" will perform some disco and funk music and then starting at 8:00 p.m., we will have the Cassette Junkies close out the event with 70's and 80's classic rock. New this year, we plan on having a dog trick show by the company Team Zoom Canine and they're going to do a 5:30 p.m. presentation, and a 7:00 p.m. presentation. So, we hope to see you all there and I would like to thank you all for having me this evening. Do I have any questions?

Mrs. McNear: Will the pony rides return this year?

Mr. Wilson: So, unfortunately, they had to cut the pony rides from who we have the petting zoo from. So, I know that was a big disappointment last year, but, hopefully we can make up for it by adding a few new items this year.

Mrs. McNear: Thank you.

Mr. Anderson: It's a great event. I love that we're continuing it. The one concern I have with the report is that you referred to 80's music as classic rock (laughter). I'm not comfortable with that (laughter). If we could adjust that; thank you.

Mr. Wilson: Will do.

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Mr. Jacobs: I'm a veteran of the mud run. It's an amazing thing you put together every year and this one sounds better than ever. I'm absolutely stoked. It's going to be a blast.

President Vanover: Thank you Mr. Wilson.

Mr. Wilson: Thank you very much.

Ordinances and Resolutions

President Vanover: Before we start through the list here, I've had a request from Administration that we jump (Resolution No.) 16-2022 up and flip (Resolution No.) 15-2022 back. So, I guess we'll, since the agenda is published, can we get a motion.

Mr. Anderson: Sorry, are we just removing the executive session, or was there something else, because (Resolution No.) 15-2022 is "Updates on legislation still in development". Oh, Resolution No. R15-2022. Oh, okay, absolutely. So, I'd like to make a motion to move Resolution No. R15-2022 to the top of ordinances, and also strike the Executive Session from today's agenda.

President Vanover: Well, actually, we move Resolution No. R16-2022 ahead of (Resolution No.) R15-2022.

Mr. Anderson: I make a motion to make the movements that the President just described.

Mr. Jacobs: Second.

Motion to move Resolution No. R16-2022 ahead of Resolution No. R15-2022 on the August 17, 2022 agenda passes with seven affirmative votes.

Mr. Anderson: Did we strike the executive session too with that?

President Vanover: We'll get it when that comes up in the agenda. We'll address that there. Thank you.

Ordinance No. 24-2022

AN ORDINANCE ESTABLISHING A SPECIAL REVENUE FUND ENTITLED THE "ONE OHIO OPIOID FUND" AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 24-2022; Mr. Hawkins seconded.

Mr. Hawkins: I didn't know if the Administration or, I assume probably talking with maybe (Health Department) Director (Matt) Clayton on some ideas, but, I didn't know if we had any specific ideas on how we may use these funds at this point, or if we're still exploring options.

Mr. Jones: We've had some brief discussions and no, we haven't finalized what we plan to do. But, it certainly has to be used specifically for the treatment of, so that's something we'll work closely with the Health Department, Police Department, and so forth. Good question.

Ordinance No. 24-2022 passes with seven affirmative votes.

Ordinance No. 25-2022

ADOPTING A SUPPLEMENTAL APPROPRIATION/ESTIMATED RECEIPTS ORDINANCE TO ADJUST APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES AND ADJUST ESTIMATED RECEIPTS FOR THE CITY OF SPRINGDALE, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022

Mr. Hawkins made a motion to adopt Ordinance No. 25-2022; Mrs. Sullivan-Wisecup seconded.

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Mayor Webster: I'd just like to call everyone's attention to the other expenditure appropriation for the Tax Department; \$800,000. Jump in here and correct me if I say something out of line here Jeff (Williams), but we budgeted \$500,000 for refunds for this calendar year, which was unprecedented; we've never come anywhere close to that, but, due to the fact that we thought that we may have a lot of people that have worked from home that would be asking for refunds, we bumped that up to \$500,000, and, I think all of us felt pretty comfortable with that. Well, as you can see, we're going back to the well for another \$800,000. That's the kind of response that Jeff (Williams) and his (Tax) Department have gotten over there for refunds from "work from home". So, this would put the total allocation up to \$1.3 million dollars.

Mr. Williams: Correct.

Mayor Webster: And, we're keeping our fingers crossed. We're hoping that, I would think, that the majority of the requests have been received, but we thought that two or three months ago, and they keep on coming. So, I think this is something we're going to have to live with for, well forever, because the law says that they have three years to go back and make a claim against the City for those funds if they've worked from home, if they can prove that. And, so, each year, you're just going to get the can kicked down the road for another three years and, so, it's going to be an ongoing expense. So, even though year-to-date, our earnings receipts look pretty decent, but, I think you have to factor this in that there's going to be a big hit against those funds, just like there is this year. Did I leave anything out?

Mr. Williams: No. Right now, we're at, as far as work-from-home refunds, we are right at \$800,000. It has trickled down from what's come in.

President Vanover: Thank you Mr. Williams.

Ordinance No. 25-2022 passes with seven affirmative votes.

Ordinance No. 26-2022

AN ORDINANCE REDUCING AND RECERTIFYING SPECIAL ASSESSMENTS LEVIED FOR THE PURPOSE OF CONSTRUCTING CERTAIN IMPROVEMENTS AND DECLARING AN EMERGENCY

Mrs. Ghantous made a motion to adopt Ordinance No. 26-2022; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 26-2022 passes with seven affirmative votes.

Ordinance No. 27-2022

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH NEXTSTEP NETWORKING FOR TECHNICAL SUPPORT SERVICES AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 27-2022; Mrs. Ghantous seconded.

Mr. Jacobs: I love that it's a decrease in charge. That's great. There's nothing to oppose here. But, we got the quote at the end of June. And, was it just not ready to bring to Council in July? Is that why we have to do the emergency?

Mr. Jones: Just wanted to share that this amount is actually reduced by about \$810 per month, and in large part because of the IT Administrator that we have on staff. He's doing a lot of the work now for us in-house. Thank you.

Mr. Ramirez: Is this our current vendor? Yes? Thank you.

Ordinance No. 27-2022 passes with seven affirmative votes.

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Resolution No. R16-2022

A RESOLUTION AUTHORIZING THE FILING OF CONTINUING DISCLOSURES RELATED TO THE MARCH 2017 STREET IMPROVEMENT BONDS

Mrs. Ghantous made a motion to adopt Resolution No. R16-2022; Mrs. Sullivan-Wisecup seconded.

Resolution No. R16-2022 passes with seven affirmative votes.

Resolution No. R15-2022

A RESOLUTION ADOPTING A POLICY FOR THE CITY OF SPRINGDALE, OHIO RELATING TO ELECTED OFFICIALS REGARDING E-MAIL COMMUNICATIONS

President Vanover: This was tabled at our last meeting. So, we will need a motion to bring it forward at this point.

Mrs. Ghantous: I make a motion to bring back Resolution No. R15-2022 back to the table for discussion and a vote.

Mrs. Sullivan-Wisecup: Second.

Mr. Anderson: Sorry, this is discussion on the motion to bring it back to the table?

President Vanover: Right. Motion to bring it back to the table.

Motion to bring Resolution No. R15-2022 back to the table for discussion and vote.

Mrs. Sullivan-Wisecup made a motion to adopt Resolution No. R15-2022; Mrs. Ghantous seconded.

Mr. Jacobs: I don't think we have to spend a lot of time on it. We had a healthy discussion at the last meeting. I don't feel at that moment we were ready, but after discussion, I think it's almost all been said, and I just want to clarify why I wanted to talk about it. To make it simple, it felt like it came in too hot. For example, we had a "heads up" email that we were going to talk about the rental program; no "heads up" about something that was going to be presented to us. That being said, that's not important, it's not a big issue to me, but, I just felt taken aback by that. If my colleagues that weren't already following the policy don't have a problem with it, I can't imagine a problem with it. I'm in compliance with it, and so, that's where I stand on the issue.

Mr. Anderson: There was a lot of discussion last time. My intention tonight is not to rehash it. I appreciate the extra time that we had to review the policy. It did give me an opportunity to "kick the tires" on the system. I think I'm one of the last holdouts. When I started on Council, the majority of us used external email providers, and, at the time, it was easier just to continue because then all of my correspondence was in one place. It wasn't until Mr. Jones mentioned the concern about having enough confidence in records to be able to respond to requests that it really struck why this was coming up now. That's something that, it's certainly something I would not want to add to the burden for Administration. There's enough going on. The other thing that, reviewing this over time, gave me a chance to think about is I wonder if there's an opportunity to make one small change to the Exhibit A. It has to do with what Mayor Webster mentioned earlier with the goldfish swim. About a year or two ago at the gold fish swim, there was an incident where the mail servers here were crushed because PETA (People for the Ethical Treatment of Animals) had launched an automatic mailing campaign that brought something like 80,000 email messages over the span of a few days into our servers. And, at the time, I know Mayor Webster and a few others directed staff to have City business go to their personal accounts at that time. It got me thinking when the goldfish swim was happening again the other week, in this case PETA actually started another campaign, but they actually posted the concern about the goldfish swim a few days after the event, and they also didn't set up an automatic mailer, so, it probably wouldn't be as bad this year. But, the problem still seemed like something that we might want to account for in the Exhibit. Specifically, I was wondering if anyone else felt we should update the Exhibit to allow

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Mr. Anderson (continued): for the City Administrator or Rules and Law to approve an outside provider in cases where that might make sense. Right? So, it would be a simple change to amend three different sections of that exhibit. That would still give Mr. Jones the confidence of approving a mail proprietor he could work with in those situations without having Council have to come back in if we had an incident and had to switch providers to keep City business going. Does that make sense? In that moment, it was easy for an elected official to say, "Hey, this mailbox is destroyed. Just use this other one so we can keep doing business." I think having that flexibility in the Exhibit where the City Administrator or Rules and Law could approve an outside provider on a case by case basis would make this a more durable policy so we wouldn't have to talk about it again and again and again. I don't know what other people thought about that minor change.

Mr. Braun: If you want to add that, I might propose a sentence that says, "The City Administrator shall have the discretion to utilize outside email providers if required for continuity of service." Does that work?

Mr. Anderson: It's close. I think it would be, at least my preference would be to say, "External service provider as approved by either City Administrator, or Rules and Law Committee." And not limited to continuity of service, because, there might be cases in the future where they might want to change. Say there was a problem with NextStep, or they wanted to try something out, or "kick the tires" on it, then we wouldn't have to update the ordinance. So, I could make the motion to amend if people were interested. It would be three different spots in the Exhibit in the second and third paragraph to just say after it says, "City e-mail for e-mail communications", it would say, "City e-mail, or other external e-mail service provider as approved either the City Administrator or Council Rules and Law Committee", and that same insertion would happen right after City e-mail in the second paragraph in Exhibit A, in the last sentence of that same paragraph, and four words in on the second paragraph there; or the third paragraph. Again, I know it's a minor change, but I feel it makes a more durable ordinance.

Mr. Jones: We have no objections at all. Thank you.

President Vanover: You're okay with that Mr. Braun?

Mr. Braun: Yes. We're fine with that. I just need a motion to amend.

Mr. Anderson: I don't know what other Council members think about that.

Mr. Hawkins: So, Mr. Anderson, with regard to that; are you forecasting that if there was an outside service provider that it would be something not selected by the City, or selected by the City and still within? Because I guess what I'm thinking is if the Administration, if we get overrun like we did with PETA, and the City Administration says, "Hey, we're going to get an outside provider for you guys to use." It's still going to be a city email because it's going to have been something that comes through from the City. So, I didn't know if you were talking about something that still is going to be technically set up by the City of Springdale, or, if you were talking about us being able to use some other private entity.

Mr. Anderson: I think the flexibility for either case would be appropriate. I look back on our electronic communication policy today, and it hasn't been touched in 20 years, and technology changes pretty quickly. So, this still gives the control that Mr. Jones had mentioned, but still gives us the ability to not have to keep touching a policy like this. I could see situations in the future where a technology provider; Google or Apple might change the way that mobile email happens and we might not have that exchange connection that we have now, and, people who use apple devices might need to use something different. That wouldn't necessarily mean the entire City would have to change, but, maybe the people who use that technology could be supported if it was approved by those two groups. So, it just gives that flexibility. It doesn't take away anything; it just gives us the flexibility to make a change if we need to, without having an ordinance and two readings, and discussion.

Mr. Hawkins: I have no issue with that amendment.

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President Vanover: Okay.

Mr. Anderson: In that case, if it's alright. I make a motion to amend as stated earlier, if that's sufficient with that language or other external email service provider as approved by either the City Administrator, or Council Rules and Law Committee in the three spots in Exhibit A.

President Vanover: One thing you're saying Council Rules and Laws Committee, but, Council would be the one; Rules and Laws would recommend to Council, and Council would be the voice.

Mr. Anderson: Yes. It could be, and it's what you think would be appropriate. I know Rules and Laws, defined in the Charter, has the ability to make changes, or, at least, recommend changes. This would be a new power that they would have. The other reason of having that second body do it is it still gives that check and balances an alternative venue to make changes for our communication policies in case there was ever a problem where we couldn't get to the City Administrator and it was appropriate for us to make the change. If you think it's appropriate for them not to make a decision, I think they can if we let them.

Mr. Braun: Yes. If you authorize that, they can do it. I think it would be impractical to have them recommended to Council because I think the change would have to happen quick, in my anticipation, which is why I like the idea of it being Administrative or the (Rules and Laws) Committee.

Mr. Anderson: And that's why I went with that original recommendation. If that's alright. If you have concern about that.

President Vanover: I'm trusting our Administration and legal, so, that's fine.

Mr. Hawkins: Second.

Motion to amend Exhibit A to Resolution No. R15-2022 passes with seven affirmative votes.

Mr. Anderson: One more small thing if I can have an indulgence. I just want to confirm, so, I'm the last holdout here, I think. So, I just want to make sure I'm in compliance with the policy if this gets approved. Is the electronic communication policy that is with Administration, does that then apply to us using the City service in its current state? It's policy 609 Electronic Communication Policy.

Mr. Uhl: Correct. Yes, and to touch on that, I do realize it's been aged, and technology has changed quite a bit. There is a whole draft sitting in the queue right now for revision and implementation with a handful of other IT related ones.

Mr. Anderson: I think that's wonderful. I'm glad to hear that. Can I make just three small suggestions for it if you're revising it and it's going to apply to elected officials if you haven't already. I don't want to hold up having this take effect. We dealt with this enough. But, I think it would be beneficial if that policy is going to apply, if you haven't already updated it, to have it reflect the fact that elected officials are going to be using the system now. The current state of the policy refers only to employees and there's a lot of references to the Directors as an escalation or issue point. I think if you haven't already made the change to acknowledge elected officials as a different user class, I think that would be good. The second of it is there's a statement inside of that policy that talks about limiting speech that's available to people who use electronic communication at the City. I don't think that should apply to elected officials. I think that we should have free speech and free communication between the constituents and the way that we use it. I understand in an employee situation you need to have some control there, and what's appropriate. I don't think City Administration should tell elected officials what appropriate language should be when communicating with constituents. So, it would be good if that policy allowed for elected officials to have free speech. And, the third item, and, it's the last one, is there's an item in there about when email would be accessed by Administration for what purposes. The current policy says that it's only

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Mr. Anderson (continued): when records are retrieved that the email user is notified. The account holder would be notified a record was pulled. I think that might be fine for an employee situation. I think for the fact that you're being a service provider for elected officials that are somewhat independent, we should get notice if you're searching the email as well, even if you didn't retrieve any communication. I think that's an important thing to help give us the confidence too, just like Mr. Jones had asked for about being able to retrieve the records that we have that same independence in our communication with the constituents. So, I think if you're, and obviously you don't have to make those changes today for us to move on from this, but, even if you could give a commitment that those changes will be updated, I can certainly support the change here tonight and we can move on. Thank you.

Mr. Uhl: Definitely good points to bring up. We'll review the existing policy, what we have in the queue, and see where we can integrate some of this.

Mr. Hawkins: I think that Resolution No. R15-2022 is clearly best practices. My question, I guess, is this, and more from a practical standpoint. Council always can dictate what Council does. My question is are we really in the position to dictate what other elected officials are doing as Council. I know that, through some charter changes, in terms of Clerk of Council/Finance Director, eventually that's not really an issue, but, is Council, from a practical standpoint, really in the position to dictate what the Executive Branch, the Mayor can do in terms of this. Again, not to be a "party pooper", I think it's clearly best practices and it's one of those things that it's more of how this really applies. I don't want there to be any delusions of grandeur in terms of what we're doing and where the authority really goes with it. But, do we really have control over managing other elected officials beyond ourselves as Council?

Mr. Braun: Is that a question?

Mr. Hawkins: Yes sir.

Mr. Braun: I think the answer is, "Yes". I think, on a regular basis, you decide what other elected officials can do. That's part of your legislative function. The real question is, "Do you want to do that?" I think that's a policy question for you to ask your other Council members. But, I would say, "Yes" that the charter even anticipates that Council will pass certain rules that the Executive Branch and, then ultimately the staff, will have to follow. The question is whether you want to exercise that authority that you have.

Mayor Webster: From a practical standpoint, I consider the Administration to be subject to these same rules and regulations that you guys pass, and when it comes to something like this. Now, yes, there are a lot of other places where you don't have the ability to tell us what to do, but, I think we would be foolhardy not to follow something like this since we've got our Law Director saying, "This is best practice". We think equal liability. We don't do this, and I think we'd be crazy if we didn't follow that. So, something as practical as this, I think, "Yes". Maybe you don't have it in the letter of the law, but, in practice yes, Administration will follow this.

Mr. Hawkins: I know the Administration, and I know you, Mr. Mayor are 100% behind it. I just think from a practical standpoint, I want to be clear, we can censure or punish each other if we don't do things. We don't necessarily have the ability to do that to the Mayor. So, but, with all that out, I'm in support of the resolution.

Resolution No. R15-2022 passes with seven affirmative votes.

Old Business

Mr. Anderson: Is, and maybe this will be covered later, but have we heard about the rental car peer to peer program passing Planning (Commission). Do we have an idea when that's going to be on the agenda for us to finish? I got another call from the person who brought up the issue and they were looking for an update.

Mr. Uhl: Great question. Due to some personnel changes in the Building Department, I think the letter recommending the text amendment is probably in draft form and may not have been signed yet by the secretary. I would anticipate that coming soon. But, just to put it on

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Mr. Uhl (continued): the radar, I would anticipate some legislation coming forward on September 7th with another reading on September 21st, if I have my dates right?

Mr. Anderson: And that has a public hearing attached, right?

Mr. Uhl: With a public hearing on the 21st. Correct. So, that letter should be coming very, very soon, and we'll get it to President Vanover to make notification to everyone. Then, President Vanover if you're okay with those dates, we can tentatively hold those as a placeholder for that legislation.

Mr. Anderson: That'd be nice. Thank you.

Mr. Uhl: Absolutely.

President Vanover: Sounds good to me.

President Vanover: Well, as I had mentioned (in the) prior meeting, the need I think has reached the critical load that we look at, and establish a rental policy committee, I guess, for at least working title now. The time has come, I think we need to look at it and address some issues. Mr. Jacobs mentioned, and alluded to in his Rules and Laws Committee that kind of development through some discussion in that committee that there are many of the issues with Airbnb is also rental issues and I have decided that we will establish a committee. The members that I am recommending for the committee, I will need Council's majority approval are, myself, Mrs. Sullivan-Wisecup, and Mr. Anderson. The reason for the three is they are all districts, so, we have a longer lead time to deal with this. I would love to see, you know, a short committee life, and put to bed, but, the reality is there are some very complex issues involved in this. So, and the intent will not only be the committee, Council, but Building Department, Health Department, Police Department, Fire Department to encompass all of this as well as Mr. Braun being, you know, in regular attendance, and the Administration because they are the ones that, well, for lack of a better term, are going to have to carry the water when it's all said and done.

Mayor Webster: Well, I think it's a great idea, Mr. President, but I really would like to request that some of the Administration be part of that committee also.

President Vanover: Oh, I fully intended that the Administration would be. I would expect Mr. Uhl, Mr. Jones, yourself. To me, this would be a "super committee". Rules of legality says that we can't do more than three (Council members), otherwise we have a quorum and we run into Sunshine Law issues, but, yes, however you want to tie yourself into, the invitation is open and welcome, and really anticipated that you would be actively involved.

Mayor Webster: Thank you.

Mr. Jacobs: During our previous meeting, I support this idea. It's a complicated problem, and it's going to get more, and more complicated and Mr. Braun is going to have to be a part of it as well. One example of what came out of our previous meeting is that the State might be moving at any minute, well, maybe not any minutes, but soon, to take away some local authority on how to regulate these things in the first place. And so, there's all the moving parts, you've got competing property right interests. Is it economic activity, so, there's a lot of moving parts, and, I think the more focus we can put on it, the better.

Mayor Webster: Just another little tidbit, let me share with Council. I was talking with Andy (Kuchta) one day last week about the rentals and so forth. He shared with me that I guess the developers, the redevelopers of the mall have hired this nationally known consultant to sort of canvas the area to see what the demand is for rental housing, and they've come back with a report that says that the area, I'm not sure what the area encompasses, but this Tri-County area can accommodate another 4,000 rental units. So, this problem is not going to get any smaller, it's going to get worse. I don't think they could build, well, even the full build out of the mall over there, they're talking about 2,500 units. That still doesn't measure up to the 4,000, so, I think, we're going to see more and more houses on the rental market, unfortunately.

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President Vanover: Well, and that also, as mentioned before, there are new players and, what I term “big box” rental management companies coming in and I know just my own research and working out numbers, and I can only speak to Heritage Hill. We’re approaching 25%. I think the figures that we had before City-wide, was 22% somewhere in that range there. So, you know, it’s only going to get worse, the issues we’re going to have to deal with and I think if we don’t get ahead of the curve, if we can say we’re ahead of the curve now, it needs to be done. So, I can’t, from my seat, make the motion or second it, but I would appreciate Council’s statement on it.

Mr. Anderson: Are you accepting a motion for the Committee appointments? I’d like to make a motion to appoint myself, Mrs. Sullivan-Wisecup, and Mr. Vanover to the newly formed or would be formed Rental Policy Committee.

Mrs. Sullivan-Wisecup: Second.

Motion to form Rental Policy Committee passes with seven affirmative votes.

Mr. Anderson: Do we get to make t-shirts with RPC and logos, or how do you want to start? Marketing first, or actual work?

President Vanover: We’ll hold that for the bash. We’ll put our heads together. (laughter)

Mr. Anderson: Sounds good.

New Business

Mrs. McNear: Council, you had received a packet in your packet. A liquor license request to Annette Todd LLC dba Bugattis Cusine Cocktails at 340 Glensprings Drive, Springdale, Ohio, 45246. It is a transfer from Sanitary Express LLC 340 Glensprings Drive, Springdale, Ohio, 45246. This is for a D1, D2, D3, D3A, D6. Any concerns or issues with this particular request?

Mr. Anderson: Was this one that the Police had talked about before? I feel like there was one in the back of Glensprings where there were issues that were reoccurring. Is this one where there was no problems?

President Vanover: Administration, have we had any feedback from the Police Department or other issues?

Mr. Uhl: None that have been brought to our attention regarding this establishment. I’ll look to Sergeant Langevin for either a nod “yay” or “nay” whether there is an issue. He is shaking his head, “no”. There does not appear to be an issue with this establishment.

Mr. Anderson: Thank you.

President Vanover: Just for clarification, this is the old Applebee’s.

Mr. Hawkins: I don’t know if the Sergeant knew this, but, it’s going to be all on him (laughter).

Mr. Jacobs: Just a quick question. They’ve been doing business for a while. What’s the specific change here?

Mrs. McNear: Transferring a liquor license. Probably an expansion I guess, because they have five different types. So, if there aren’t any objections, then we’ll file the paperwork. Thank you.

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Executive Session

Mrs. Sullivan-Wisecup: I'd like to make a motion to remove Item Number 12 – Executive Session from the agenda.

Mr. Anderson: Second.

Motion to remove Item Number 12 – Executive Session from the agenda passes with seven affirmative votes.

Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission will meet in these chambers on Tuesday, September 13th at 7:00 p.m.

Mr. Anderson: The August Board of Zoning Appeals meeting has been cancelled with no applicants. We do expect a meeting next month.

Mr. Uhl: Civil Service Commission will meet on September 1st at 2:00 p.m. in the Council Conference Room.

Mayor Webster: (off mic) The Board of Health is on summer schedule, but will meet September 8th at 7:00 p.m.

Mr. Jacobs: Okay, the Mayor is telling me that the Board of Health is going to meet on September 8th.

Communications from the Audience

Ms. Hiratsuka: Hello, my name is Riei Hiratsuka. I live on Kemper Road. I'm here to talk about solutions for more community engagement. Recently, I found out that ICRC (Intercommunity Cable Regulatory Commission) can live stream Council sessions on Facebook. Springdale recently had their Concerts in the Park series live streamed. This would make our government, our elected officials and what's going on in the City more accessible. ICRC even offers zoom for Council meetings so that citizens that can't attend can even make statements and speak up and feel compelled to share their experiences, thoughts, and opinions on what's going on in our home. Some maybe thinking, "We just got it live streamed on the ICRC website with YouTube. Why isn't that enough?" Springdale residents are on Facebook. You can find most of the community there. You would just need to go out there and engage the community and meet them where they are; not wait for them to come engage you. Most of everyone in this room is on Facebook. So, I know that most of you know the ease of seeing Facebook Live videos, but in case not, I have pictures that I would to submit in records that shows exactly what it would look like. We have this technology and resources available and we should use it. Springdale is one out of two or three Cincinnati suburbs that do not use this service and I did find out that there are no extra costs to get this started immediately. I envision a community in the traditional sense of the word; where no member is isolated, forgotten, or left behind, and, I implore all of you here to do all that we can on our end to ensure that we are engaging everyone we can. Let's stream all meetings on Facebook Live and Zoom. I would like to end with this paraphrased quote I found online. Hebrews 10:24-25; "And let us consider how to stir up one another to love and do good works; not neglecting to meet together as is the habit of some, and encourage one another". Thank you for your time.

Mr. Anderson: Ms. Riei thank you for coming and sharing that. It was something I know I'd heard before about the Facebook Live. The Zoom one is a little new to me. I think it'd be great to do Facebook Live if it's just a matter of approving it, because then we're just broadcasting in another platform. That seems like a "no-brainer". For Zoom, I would have some questions since you mentioned public engagement where people could give communications back. I'd want that to at least be run by the Law Director and probably

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Mr. Anderson (continued): Anthony (Pagan) the technology side to make sure that we have a way for them to participate in that way, right? Because, I would expect we would need to have a camera and a television set up like we did during COVID, and we'd have to change our practice a little bit to take pauses to check in if there were those communications. I think it's great if it lets people get engaged. Facebook live, I think, is a "no-brainer". Although Zoom, I think we'd probably want to do a little research. That's just my thoughts though.

Mrs. Sullivan-Wisecup: I will say I, last year, when I had COVID last year, I had to do Zoom, and I couldn't hear anything that happened in here whatsoever. And, I was excited to be able to Zoom in. As a Councilperson, I wouldn't be allowed to like vote or anything, but, I wanted to be able to hear and be engaged. It was towards the end of my quarantine, and I couldn't hear anything, and so that was really hard, so we would really have to look at how we could make sure if we were going to do Zoom that people could hear what was going on because if they are going to "Zoom" in, I do want them to hear what's happening. That kind of defeats the purpose if not.

Mrs. McNear: I worked from home for ten years, so, I used that type of technology every day, all day long; sometimes 15 hours a day. So, I was always enthused about doing that because I never had to leave my house, but, I can tell you that I did use the Zoom capabilities a couple of times over the last two years, and, just as Mrs. Sullivan-Wisecup mentioned, you can't hear a thing. And, also, since I poll Council, when someone makes a motion or a second, they make a motion or a second like this (signified by showing her head facing down toward the table) and you're trying to look at it on Zoom, and you cannot hear, especially women's voices which are very soft. You cannot tell who made the motion, so, I would have to ask so, sometimes you can't hear anything at all, so, although I think that our technology is moving in a different path than we have before, we don't have it yet. So, I think we would have to have a lot more technology improvements before we could go to Zoom meetings. I mean, you could go have it played over Zoom, but it's just not quite there yet. Thank you.

Mrs. Sullivan-Wisecup: I don't have any objection to doing Facebook Live because it's no different than doing like the YouTube Live. If we're already doing it, it doesn't really matter, right? That's my thought.

President Vanover: My only caveat in talking with Mr. Newman at the ICRC, we have experienced some technical bugs that we still have to iron out, so, my recommendation would be let's get step one solved, and then we can move to step two. But, other than that, so be it. It doesn't matter a whole hill of beans to me.

Mr. Anderson: Maybe we can set a date so it's not kind of out there and we don't lose sight of it. Because, there are people trying to engage and I want to meet them where they are. I think that's a great way to describe it. So, maybe we just, it's really between you and Administration to make a commitment that maybe, at the start of the year, maybe in January, we say, "Hey, let's start Facebook Live". Or sooner, September or October. I feel like if we pick a date as a target, it would be more likely to happen for Facebook Live. Is there a date we can do for that or is that asking too much?

President Vanover: I don't have a problem. I mean, we've got, well, did we get the jack moved, physically back there? Yes.

Mr. Uhl: Yes. We did have the new jack installed to make it a lot easier for them to plug in to the system. But, I do know there are a couple other logistical issues. Especially as it relates to the speakers and the microphones. So, we have engaged a technology firm that gave us a general upgrade price just to take care of the acoustics in the room. We haven't gotten into how that would tie in or how that would play out through the other media platforms. We'll look into it and kind of report back on what we would potentially need to make some of those things happen, and allow Council to decide how to move forward.

President Vanover: Do you want to say shoot for a target date of January 1, 2023? It gives the Administration a chance to, and Council, to make decisions, because we may have some monetary decisions to make. So, if Council wants to do that, that's fine.

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Mr. Anderson: Obviously, it's not a binding thing; it's just a target that we're saying, and I think that's great. If we can work towards that, I think that's a great target to have it all ready to go live then. And, if it works out that it's easier, then we can just do it.

President Vanover: That's fine.

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number I was addressed with Ordinance No. 26-2022; An Ordinance Reducing and Recertifying Special Assessments Levied for the Purpose of Constructing Certain Improvements at Pictoria Island and Declaring an Emergency. That passed with a 7-0 vote. Item Number II was addressed with Ordinance No. 27-2022; An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to enter into an Agreement with NextStep Networking for Technical Support Services and Declaring an Emergency. That passed with a 7-0 vote. Item Number III was addressed with Ordinance No. 24-2022; An Ordinance Establishing a Special Revenue Fund Entitled the "One Ohio Opioid Fund" and Declaring an Emergency. That passed with a 7-0 vote. Item Number IV was addressed with Ordinance No. 25-2022; An Ordinance Adopting a Supplemental Appropriation/Estimated Receipts Ordinance to Adjust Appropriations for Current Expenses and Other Expenditures and Adjust Estimated Receipts for the City of Springdale, Ohio During the Fiscal Year Ending December 31, 2022. That also passed with a 7-0 vote. Item Number V was addressed with Resolution No. R15-2022; A Resolution Adopting a Policy for the City of Springdale, Ohio Relating to Elected Officials Regarding E-Mail Communications. That passed with a 7-0 vote. Item Number VI was addressed with Resolution No. R16-2022; A Resolution Authorizing the Filing of Continuing Disclosures Related to the March 2017 Street Improvement Bonds. That also passed with a 7-0 vote.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's nothing listed in our Internal Memorandum unless there's anything else from Administration or Council.

Mr. Uhl: The only thing I'd just reiterate is a place hold for September 7th for a first reading for the Zoning Text Amendment, and then September 21st for a Public Hearing and second reading.

President Vanover: And, I will add that we will get together and figure out the first meeting for the rental committee. And, get moving on that.

Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 8:23 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

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