

## City of Springdale Council

October 19, 2022

President of Council Vanover called Council to order on October 19, 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, Vanover were present.

The minutes of the September 21, 2022 meeting were considered. Mrs. Ghantous made a motion to accept the minutes; Mrs. Sullivan-Wisecup seconded. The minutes were approved with seven affirmative votes.

The minutes of the October 5, 2022 meeting were considered. Mrs. Ghantous made a motion to accept the minutes; Mrs. Sullivan-Wisecup seconded. The minutes were approved with seven affirmative votes.

Presentation by Mr. Andy Kuchta

President Vanover: At this time, we have a presentation from Andy.

Mr. Kuchta: Thank you Mr. President, I think. (laughter) If you already do not have a copy of the presentation, it is coming down the row. So, I'm going to try to go through this quickly because it's pretty dry material. The presentation was lifted from one done by attorneys for another community entertainment district in another part of Ohio a few years ago. So, no offense to Mr. Braun, but, it's somewhat dry. There's no pictures. I don't like doing PowerPoints without pictures, but, here we are. So, the purpose of this is to get the information out in front of Council and the public prior to bringing any legislation to you on this particular item, and, hopefully, pre-answer any possible questions that anyone will have, although, I'm sure that I will not be surprised if there's a few more questions that haven't been thought of through this presentation. So, it's all about Community Entertainment Districts. We're going to go through what it is, why form it, key provisions, application and approval process, what it is not, and conclusion and next steps.

First item; what is it? It's spelled out in the Ohio Revised Code (ORC 4301.80); a bounded area that includes or will include a combination of uses within close proximity to some or all of the following types of establishments within the district. So, it's going to have potentially entertainment, retail, education, sporting, all those uses in close proximity to each other, as well as retail sales establishments, restaurants, museums, hotels, etc., etc. It's basic purpose made for a large mixed-use project that's going to have a variety of uses, a variety of restaurants, and/or bars, and/or venues that would want to serve some version of liquor, or beer, or wine and this gives special opportunities that will cover us as to providing more liquor permits because we have limits. Still under the first section, as far as existing community entertainment districts go, I'm going to start referring to them as CEDs so I don't have to say that throughout the whole presentation. There's currently 108 of them in Ohio. In this immediate area around Springdale, we have two in Hamilton, two in Liberty Township, two in West Chester, 23 in the City of Cincinnati, and then one in Montgomery and Sharonville each.

Why form one? It's all about Ohio's liquor permit quota system. So, the system limits the number of liquor permits allowed within a jurisdiction based on population, and it impacts the different kinds of permits differently. The type of permit most often used by full-service restaurants that wish to serve beer, wine, and mixed drinks is known as a D5 permit and this is the kind of permit that a permit within a CED is most like. You can see the box below I took straight out of the Ohio Division of Liquor Control's website, where they list all the permits available in every jurisdiction throughout the State of Ohio. I pulled this on October 17<sup>th</sup>, so, it's very current data. You'll notice that for C1 and C2 permits; permits available are -1. And, the reason for that is because they are using a population number for Springdale of 10,910. And, so, you have the ratio column shows 1,000 as far as the population. So, you get one permit for every 1,000 population. Once you cross over a population number, so, 11,000, 11,001, that gets you another permit. So, we were, according to the 2020 census just over 11,000, and then the census did an update in 2021 that had us at this 10,910 number. So, we went from being

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Mr. Kuchta (continued): able to get 12 permits because we were over 11,000 to now only being able to get 11 permits, so, we're grandfathered in with one extra permit right now. So, if one of these permits went away today, our new quota would be 11. Obviously, with all the new construction that we have going on with multi-family here, within a few years, that is going to change and we're going to be back at 12, and eventually, 13, and 14, we hope. But, for right now, for the next year or two, you know, this is the situation. So, for D5 permits, you see we have one available at the very bottom of that table. Any questions on this particular page?

President Vanover: Andy (Kuchta), just a quick question; back up one slot to the existing CEDs. Does that include the one down on Harrison Avenue that they've created?

Mr. Kuchta: What jurisdiction?

President Vanover: It's probably Green Township, maybe?

Mr. Kuchta: I pulled a selected number that are right around us. I know there's more with 108 in the whole State; I know that there's others in Mason; Loveland's got one according to our Law Director, so I tried not to be exhaustive with the whole Cincinnati area. I just tried to highlight the ones that are closest to us. I thought the Cincinnati number was interesting at 23, so that's why I stuck that one in there. So, why form one? Again, it's still about the liquor quota system, so as the supply becomes more constrained, the cost and availability of permits can go up dramatically. So, that's where we see this whole TREX system come into play and when Mrs. McNear talks about some of these permit applications that come in to us occasionally to the City that we have to sign off on and sometimes you hear it's a TREX application. They're literally buying an application from some other part of the State to be able to bring it in here under that provision to kind of get around our quotas a little bit. But, those are very expensive. You're paying up to \$30,000 easily for those kinds of applications. The establishment of a CED creates a new geographically limited allocation of permits that are in most ways comparable to the D5 permit. The mixes of uses as is planned with Artisan Village is consistent with the intent of the Ohio Revised Code. Liquor permits I already talked about how it allows for an additional pool of liquor permits to be issued within the defined area. By the way, the one thing I don't think I spelled out in this presentation is the application that the Mayor received. Obviously, it includes the entire 75 acres of Artisan Village, so, I did not include a map because it's the entire site, and you'll find that as you're reviewing the actual application itself if you wish to do so. A CED must have a minimum of 20 acres. We obviously exceed that. You get one permit for every five acres, up to a max of 15 liquor permit allocations, but you don't get any more after that 75 acre mark. So, we're at the right size. Each CED has to have a plan minimum development threshold of \$50 million; it can include public and private. Obviously we meet that requirement as well with Artisan Village.

Next slide, CED enabled permits may be transferred only within the CED boundaries. They are constrained to that geographic area. If a restaurant that has one within Artisan Village, at some point decides we're going to go out of business and they want to try to sell their permit, it cannot get transferred outside of the boundaries of Artisan Village. Liquor permits, as I said, they're identified as D5j permits which is just a variation to designate them as not quite a normal D5, and the current cost of getting those through the Ohio Division of Liquor Control is \$2,300 versus the market price I talked about that could be up to \$30,000. Same privileges and restrictions for D5j permit holder as a D5 permit holder. Therefore, restaurants that serve food and allow spirituous liquor for on premises consumptions only beer, wine, mixed beverages for on premises or off premises consumption in the original sealed containers until 2:30 a.m.

Outback, Mi Cozumel, Chipotle, BJ's will all have the option to sell their higher-priced more mobile D-5 permits and replace them with the lower cost D-5j permits. That's a nice side benefit for those folks that stick through this construction process in this first phase and are still going to be here to serve customers. The new allocation of D5j does not impact the City's normal quota of D5 (permits). The City controls the creation of the CED district itself, but the Ohio Division of Liquor Control still controls the issuance of liquor permits within the CED. Normal process; they still have to apply and do a State application. None of that changes.

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Mr. Kuchta (continued): The application and approval process; any owner of property in the City may file the application to create a CED and it includes a whole bunch of information. I'm not going to go through that whole paragraph that's on the slide. The name and address, a detailed map of the proposed CED, etc. The very last item; number seven in that paragraph the ORC also allows for the local jurisdiction to charge a handling and processing fee. We have not established any such fee. We did not ask them to submit a fee for this. The application is then submitted to the Mayor, who makes a recommendation to City Council within 30 days of receipt of that application. City Council, within 30 days of receipt from the Mayor, must notify the public of the application, advertising for two weeks in a newspaper of general circulation. A public hearing is not required. The application must be available though, for public inspection during that time, which is easy to do with websites and pdf's now. Within 75 days after the date the Mayor has submitted the application to Council, City Council must take action to either approve or disapprove the application by ordinance or resolution.

What a CED is not. It has no effect other than to create the new pool of restaurant liquor permits within that CED area. It does not, in any way, limit the City's normal land use, the zoning, other regulatory functions or oversights. It does not exempt those establishments from any of the other State requirements and operational controls that apply to liquor serving establishments.

Conclusion and next steps. The formation of the CED is consistent with the plans that the City has already approved overall and the vision the City has for creating a vibrant mixed-use environment at Artisan Village. It does not allow open containers of beer and liquor with the CED. That will be addressed separately through the DORA application when that is brought before Council. But, this is a completely separate issue. It does not impact the City's normal zoning and regulatory land use controls. It simply improves the availability and cost of liquor permits. Again, it establishes within the CEDs that the holders of the pre-existing conventional liquor permits would be able to sell those permits for the new D5j and it will actually be a financial benefit to those holders of existing D5 permits. The State of Ohio processes these D5j permits on a first come, first served basis. So, Mayor Webster submitted the CED application to City Council on October 14, 2022, which began the 75-day period in which City Council must, as I mentioned previously, advertise for two consecutive weeks in a newspaper of general circulation of the submitted application. Then, by resolution or ordinance, and, you see we have that highlighted in red on the screen, take action to approve or disapprove the application. We discussed this with our Law Director, and, the statute really allows for either type of legislation. Resolution, obviously it can be done in one meeting without the two readings, or the emergency clause, and I think the intent was to leave it up to Council for discussion as to how you wanted to proceed with that formatting of the legislation. I'd be happy to answer any questions.

Mr. Anderson: One question. On the distribution of the liquor permits. I know you said the Department of Liquor controls the issuing and it's first come, first served. Is there anything that we can or need to do as an approving body. To help ensure that those licenses go to the best place that helps the developer kind of fill out the vision for the area? Or, are they doing that on the back end through their leasing arrangements? I just, when you say, "First come, first served", I'd hate to, you know, people rush out there before they have leasing, and then jam up and then maybe hamstring the developer if there's something we can do to make it easier.

Mr. Kuchta: Well, I don't know the controls necessarily on somebody coming in and applying for a permit if they don't have a signed lease within the site. I would believe that they're not able to do that, but, that's probably something we need to look a little more into to make sure nobody does that. It would be kind of foolish to do that because if they don't have a signed lease and they don't get a signed lease and they have this permit that they can't use, so yes.

Mr. Anderson: But, there are people that might do that; license squatting. I just wanted to make sure that's not an issue for the development. And, maybe you're right. Maybe it requires a lease. And, if that's the answer, then that's great.

Mr. Kuchta: Well, in any case, I would believe it's going to be the same process as when we get other permits here that Mrs. McNear brings up at Council meetings asking if there's any objection. That will obviously provide us the opportunity to double-check with the developer and say, "Is this somebody that you want to get a liquor permit? Do you have a signed lease, etc.?"

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Mr. Kuchta (continued): I believe the City can, at least request a hearing, if not have to sign on these types of permits. We can at least request a public hearing when some of these apply.

Mr. Anderson: Thank you.

Mr. Braun: The only thing I would add, when you create the Community Entertainment District (CED), you draw the boundaries. In this particular instance, it's my understanding that the boundaries are going to be drawn such that they only include this development.

Mr. Kuchta: Yes.

Mr. Braun: So, and I know the developer is here, if they're going to only issue a lease or allow someone to locate there, because one of the requirements is you have to either own or have an interest in a property within the district. So, that would solve your problem. The slide up there said "within the City". The requestor has to be within the district, not just within the City as does the liquor holder; or the permit holder. The other thing I would add is, and Andy (Kuchta) already basically addressed it, but, I think it's important to know that if an alcohol wrongdoer, if you will, or someone we've had perpetual problems with and the Police Department reports that to us, requests just as any other applicant will do, they'll come through here, you'll hear Mrs. McNear report, "We've received this application", and you'll have a "thumbs up; thumbs down" veto if you will. So, I think the best way to look at it as the developer as the first line of defense in who we're going to allow to apply, and then we get some say, you know, with the Bureau of Liquor Control.

President Vanover: I don't see anymore (lights). You've answered all their questions.

Mr. Kuchta: Thank you.

President Vanover: Thank you Mr. Kuchta.

Mr. Anderson: Did we want to give any guidance on resolution versus ordinance. For me, I think a resolution is fine, but I didn't know what other people thought. I thought that was a question to us also.

Mr. Hawkins: I was going to just ask Mr. Braun, beyond the notice part of it, and the ability to enact it, is there any benefit to one or the other; a resolution versus an ordinance with an emergency clause.

Mr. Braun: I don't think I would enact it with an emergency clause only because I don't think there's a need because we have the application. We know the timeframe of the 75 days. You could, obviously. I think it's probably; I told Andy, Mr. Kuchta that I did this in Loveland most recently, and we did it by resolution. The only reason that you may want to do it by ordinance is it allows for two readings, but, I will also remind you, you don't have to pass a resolution in one reading. You can do two readings if you want. If you want to have a public hearing since you've never done a community entertainment district, just because it's not required doesn't mean you can't have one. You really do control the rules on this, but, the one thing I would say, is I like the idea of doing a resolution so that if there's any issue with the legislation, we would have a little extra time to address those. I'll also tell you that once we pass it, it goes up to the State, they do review everything and make sure that there's no violations. You have to identify all the parcels that are included, things like that. They'll review the application just as we will, and, so, I don't have a preference. The last two that I've done, I've done, I did by resolution, but we wanted to leave it up to you.

Mr. Hawkins: And, if there's, timeframe wise, is it important for us to act at the next November meeting, or December meeting?

Mr. Braun: I think we're well within the time. You said October 14; you've got 75 days. So, it's totally up to you.

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Mr. Anderson: If it's October 14<sup>th</sup>, we have a meeting on the second (of November), and then it would be the 16<sup>th</sup> (of November), so we'd have to act on it next time; right?

President Vanover: No, it's what, 75 days after.

Mr. Hawkins: Two months.

President Vanover: Two months.

Mr. Braun: Two months. You have plenty of time. Almost the end of the year. Yes.

Mr. Anderson: There's a whole month in between there that I just completely ignored.

Mr. Hawkins: Skipped November.

Mr. Anderson: Okay. You know, it's not my fault when it's 20 degrees outside, I assume it's at least November, so, it's not really my fault.

Mr. Hawkins: I personally have no issue with the resolution or taking in November.

President Vanover: Anybody else weigh in? (None)

President Vanover: Ordinance or resolution? (asking individuals by a nod on the dais)

President Vanover: Resolution.

Mr. Braun: Then I'll make sure the legislation we prepare is a resolution and I'll bring that before Council.

President Vanover: Okay. Thank you. Mr. Wallace?

Mr. Wallace: Do you mind if I approach?

President Vanover: Please.

Mr. Wallace: Mr. President, honorable Councilmembers, Mr. City Administrator, it's a pleasure to be back here. David Wallace 8334 Ginger Oaks Street, Houston, Texas, 77055. It's a pleasure to be back here once again. Many of you were at the State of the City a couple of weeks ago, and, it was a pleasure to be able to talk with everyone there and update everyone what was going on with the Artisan Village. Some of you were not there, and so I had requested that I could come tonight just to bring some of you up to speed on where things are headed. There's a lot of exciting things that are taking place. Obviously, the entertainment district is part of that. We are going to be back before you relative to a DORA, relative to a new Community Authority as well as we continue to move forward. One of the things that the Mayor and the City Administrator were talking about recently, was everyone keeps asking, "When is construction going to start?" So, if you've driven by Artisan Village, since Monday, you noticed that a new construction fence is being erected right now. So, it's well over a mile long of a construction fence, so, it's a big area, but nevertheless, within the next two to three weeks, we should have that completed, and then, obviously, we're going to be working with the City relative to sign ordinances and what we can put on there, relative to a wrap, and "Coming Soon" information as well. I think all of you know that this is a partnership between Park Harbor Capital, MarketSpace Capital. The Managing Director of MarketSpace is with us this evening, Sohail Hassan, as is Mitch Syma who is sitting next to him. Mitch is the Project Manager on this particular project. So, for the next ten plus years, he is going to be a proud resident of the City of Springdale. You do know that, don't you Mitch? Okay, fantastic. So, obviously a lot of exciting things that are taking place as we continue to move forward. One of the things that we've continued to harp about is sustainability. I know you've heard me say that we've got 2.6 million square feet of concrete and steel and north of 2.4 million square feet is what we're preserving as we continue to move forward. We've continued to take that sustainability approach even as we're moving forward with certain demolition issues. And, what I mean by that is there is an organization called, "Everything But The House (EBTH)", and in this case, it's everything but the mall,

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Mr. Wallace (continued): meaning that they come out and they analyze everything that can be auctioned off. Whether it's an air handler, whether it is racks that may have been there from the retailers that were there before, so, all of that is moving forward to be able to, again, not put that stuff in landfills, but to be able to reuse it in the great state of Ohio. We also have been working with various non-profit organizations dealing with at-risk children where we literally said, "Have at it. Go into these stores, go back, look and see what is still in the back, whether it's a pair of shoes, whether it's jewelry, whatever the case may be." And, I will tell you that these organizations have really benefitted by finding a lot of really good things that they can use for their organizations and those are things that we obviously want to make sure that we continue to focus on as we move forward. Sitting here today, we're well over a million square feet of either leases, MOU's, or Letters of Intent that we have signed. Some very good progress that we have continued to make. We obviously haven't had a lot of announcements as to what we are going to be bringing in. I think some of us have had one-on-one conversations, I think you know some of the prospects that we have. We also have spent a lot of time, I know that there was a briefing recently to this body relative to a bond anticipation note and then the TIF term sheet. I'm pleased to say that that was signed this last week with the Cincinnati Port Authority and all of the deposits that we needed to pay, about \$50,000, we paid already, and so we're looking forward to moving forward on that particular aspect of this as well. So, a lot of exciting things that are taking place. I know I mentioned this to the Mayor and the City Administrator when they were talking about, "Well, we have a lot of citizens that are asking the question about 'Where are things? I thought for sure by now we would see a ten-story building.'" As you know, it doesn't happen that fast. And, one of the things that I continue to say, and I said this at the State of the City as well, is that this group, every single one of you, bent over backwards to help us to get to the point, because we had certain deadlines of due diligence when earnest money went hard, but working with Princeton School District, working with us on the Major PUD Modification, everybody, staff, and Council bent over backwards to really help us move forward quickly. Literally, in less than 60 days from the date that I first came to Cincinnati, and Springdale, to when we actually had the Major PUD Modification approved, that's less than 60 days. That is fast; that is unheard of. And so now, unfortunately, we're having to bring the architects, engineers, sub-consultants, all of those folks at the same rate, and so it may look like we've slowed down, but, I will tell you, we have not. Things are continuing to move forward very quickly. So, as you talk to the citizens, if people ask the question, in fact, I think you said (Mr. Wallace addressing Mrs. Sullivan-Wisecup) that your mother was over at the Community Center talking to some folks and she said to you, "My gosh, this is terrible. They said the developers have gone back to Texas." And, your response was, "Yeah, they go back every week. And, in fact, I'm having lunch with them today. They're back here." So, in any event, we're proud, we're excited, obviously about everything that we're working on here and as I always say, "The best way to predict the future, obviously, is to make it yourself." And that's exactly what we're doing here. So, with that, I'd love to open it up for any questions. We want to be as transparent as we can with the City.

President Vanover: You've stunned us all, again (laughter).

Mr. Wallace: Well, this is a shame, because I thought I wasn't going to be able to talk until at the end, Mitch (Syma) has never been to a City Council meeting. I said, "Well, I think they've only got four action items tonight", but now I think we probably can go watch the Houston Astros beat the New York Yankees.

President Vanover: There you go.

Mr. Wallace: So, that's something that we're proud of. But with that, thank you so much for giving me the opportunity to bring you up to speed.

President Vanover: Thank you and it's good to see you again.

Mr. Wallace: Likewise, thank you so much guys.

President Vanover: Take care.

Mr. Wallace: Thank you.

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Committee and Official Reports

Civil Service Commission

Mr. Coleman: Good evening Council. I'll keep my report somewhat brief here. The Civil Service Commission did meet on October 6<sup>th</sup> and all members were present. With all of the discussion that took place at that particular meeting, I wanted to summarize it by saying that I believe there have been five different departments impacted by vacancies and openings that have occurred since September 1<sup>st</sup>. Those departments included the Fire Department, the Police Department, the Building Department, the Tax Department, and Springdale Parks and Recreation Department. I make that statement only to make you aware of the amount of work that has occurred within the Administration, particularly with Brian (Uhl), and Stephanie (Morgan), and Mr. Jones as well in order to keep things moving forward to fill those vacancies and to try and stay on top of things. And, as a result, I'd say we are 85% to 90% there with having filled the vacancies. So, the majority of these vacancies have, as I said, now been filled. There are still some who are still in process and that's due to different dilemmas. We had one particular case where the individual had been hired, and, just before he was due to start, he changed his mind and backed out. And, so, those things are not preventable, and, as a result, we continue to be flexible and try to move forward to continue with the process. Additionally, I wanted to make you aware that with our discussion, we said that there will be a position filled based on requisite skills, and experience. And, I make that statement because in our discussions, there's a list of positions that were exempted from testing. And, we went through the list of positions, Administration presented that information to us, along with the proposed list of additions, and, so, having reviewed all of that, we identified those positions that are newly proposed and a proposal was made by Mrs. Darby to add those additions to the October list of the current exempted position listings reserving the right again to test in the event we thought it would be appropriate. So, the point being there that there's a position in Public Works maintenance and rather than test for the position, that position will fall within the guidelines for the waiver, if you will, which puts it on the designated list of those positions to be waived, therefore, moving things forward rather quickly as opposed to having to test and go through the other process. So, again, that position, and some of the others will be filled, as I said, based on requisite skills and experiences. So, again, hats off to Administration to keep things moving forward because it's been a very, very busy time. Any questions? Thank you.

President Vanover: Thank you. It's always good to see you.

Mr. Coleman: Good to be here. Glad to see you all.

President Vanover: It's good to be seen, right?

Rules and Laws	Mrs. Ghantous	-	No report
Finance Committee	Mr. Hawkins	-	No report

Planning Commission

Mrs. Sullivan-Wisecup: Planning Commission met on October 11<sup>th</sup>. We had six members present. Mr. Galster was feeling ill. We only had one item. We had a Major Modification to a PUD Final Development Plan for U Haul at 600 Kemper Commons Circle. There was a lot of discussion. A lot of different things that were brought up with this, and, at the end of everything, it was voted 5-1 in favor, and, so, they will be moving in as soon as (possible) as they needed to still close, I think they were closing this week, and then they were going to be waiting for the tenant to move out, and, as soon as that tenant moves out, they planned on going forward and starting the construction of their other building as soon as they could and then the main building that used to be Walmart, as soon as that tenant is out, they're going to start making it into U Haul and that was all I have unless you have anything. (Addressing Mr. Ramirez)

Mr. Ramirez: I just might add that the major discussion was over signage.

Mrs. Sullivan-Wisecup: Yes.

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Mr. Ramirez: And, you'll notice it when you see the buildings. The whole face of the building will look like it has garage doors, but they're not functional garage doors. They're for looks only to try advertise that they do storage. And, so the discussion was whether or not that was signage, or not signage. And that was one of the reasons for the one dissention. We were trying to control if they could use those garage doors for other advertising purposes. And, in the end, like you said, it passed 5-1. Thank you.

Mrs. Sullivan-Wisecup: And, it is defined in our Code that anything that is on the walls like that is considered advertisement because it is advertising that it was storage, they are considering that signage and advertising signage and they had made a good faith promise that they weren't going to change those, because it's orange garage-looking things that are painted on there. And, we just basically wanted to make sure they weren't going to change those up every couple of months and put like red, white, and blue, or like "U Haul Sale", or anything else on it, that they're just going to keep them as ornamental-looking garage doors, and that's what they agreed that they were going to do so, but, according to our Zoning, technically, there's nothing we can do to keep them from, like, if they wanted to change those, they could if they wanted to, but they did say that, in good faith, they would not; that they were sticking to what we said and we even put that into our considerations on our motion.

Mr. Ramirez: So, if they wanted the change, they would still have to come back to us.

Mrs. Sullivan-Wisecup: Yes, that they would still have to come back to us.

Mr. Ramirez: So, we will know if they want to put some graphics on it or put their logos on it, whatever they want to do. We would still have some say so.

Mrs. Sullivan-Wisecup: And they did modify the signage that they had on the main building. They originally had more signage on the old Walmart, and they took some of that away, and they were saying it was kind of an exchange for having this, and after a whole lot of discussion, we were like you had a lot of signage in the first place, and we ended up, like I said, it was a 5-1 vote in favor of, after all the discussion. The hard part about the way that it is, is that a lot of us don't see those garages as signage; we see it as ornamental, but in all facts and actuality, that is signage and so that is something to keep in mind as we go forward with new places coming in as what is the outside going to look like. Is that going to be signage? Is this the new thing is painting on the outside instead of doing conventional signage? So, that was something that we will be watching and looking for in the future, but that was an exception that was a consideration. It wasn't the "norm". Thank you.

### Board of Zoning Appeals

Mrs. Ghantous: Board of Zoning Appeals met on Tuesday, September 27<sup>th</sup>. We only had one item of business. A representative for Cassinelli Family LLC came to speak on behalf of Skyline Chili restaurant, located at 85 East Kemper Road. They were requesting two variances. The first one was to Zoning Code 153.459(C)(4); allowing a pole sign on the property with direct frontage on an interstate highway. So, you guys probably know, that we've been trying to eliminate pole signs. It was tough because the presentation they made was beautiful. This pole sign they were proposing was beautiful. So, it was hard, but we did decline that. We didn't have any board members vote in favor of allowing that new pole sign. The second item was for Zoning Code Section 153.459(C)(2); allowing wall signs on the building elevations with front on a public way. Now, we did allow this and it was 6-1 vote because that property is very uniquely situated over there. You can see the sides of that building from everywhere, you know, from those parking lots behind and whatever, and, naturally, the business wanted that exposure. So, we did vote in favor of that. Jeff (Anderson) do you have anything to add?

Mr. Anderson: No, I think that's great, although, you're right, I thought, in terms of pole signs, it was probably the nicest pole sign, if you can say that, that I've seen. I mean, it looked nice. But, it's just not what we've been talking about doing. It is worth noting that they had some questions about that, and we told them that that's really a matter for Council if we want to adjust the Zoning Code to account for businesses in that area. They did show us some interesting slide of what a drive by looks like in that area with growth and vegetation how that

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Mr. Anderson (continued): can affect the ground signs. Right now, we allow eight foot high ground signs, and, when you put that together with some of the foliage, some of the ground, like the vegetation, it can be tough to see some of those signs. So, it's something to think about as you're driving around, think about do we want to change that ground sign requirement to allow in some of these areas taller signs, especially where there's a lot more commercial, maybe not full pole signs, but, if you look at like the monument signs that people are starting to do now, especially like what we've allowed for Sweeney and some of these bigger brands that require them, these monument signs aren't really pole signs, and they're not really ground signs; they're just different placards. So, I only mention it to think about it as you're driving through to see if we're doing the best we can for the businesses; if they're getting enough visibility with these ground signs that they are allowed. I thought it was an interesting presentation they showed, but, it was a pole sign with a spinning top. It looked nice, but, we've said that that's not something we want unless there's a reason. So, I think it's fair to say, "Think about it". If the ground signage isn't enough, we can talk about that, so, I just wanted to put that out there too. We told them we could talk about it at Council if we needed to. Thank you.

Board of Health

Mr. Jacobs: The Board of Health met on October 13<sup>th</sup>. So everybody knows that was there, the Annual Health Fair was a great success. And, they're going to continue to offer booster shots for COVID and flu shots for the rest of the month and then up until certainly the third of November, on Thursdays, as they often do, from 9:00 a.m. until 1:00 p.m. During the meeting, it was discussed that booster is recommended by our local Board, and by national experts, and we were talking mostly about the latest variant, bivalent COVID booster is still recommended. There was a mobile clinic at Heritage Hill Elementary where students were given vaccines that they had almost run out of time for. So, it's just a great service that Nurse Ellis provides to the local community and that's one example. We mentioned Skyline; they have opened a completely renovated store, and it's opened and looking great. The Hotel/Motel Committee has been meeting and one of the priorities for the last several months has been to get a little more aggressive with some of our hotels. We have some great vendors in the City, and then we have some hotels that are just not meeting the standard that we have come to expect. There have been specific hotels that have been targeted with abatement orders that process is in the works with some deadlines coming up. And, as I said, we have some hotel vendors that are doing a great job, and some that we're going to get more aggressive with. There was even a discussion of if our inspections have to come out repeatedly, maybe even adding a fine structure for those repeated visits when the orders are not met. So, it's an aggressive approach, but, at some point, these places might be labelled a chronic nuisance, and that's what the City has to do. Just finally, there was a second reading of fee schedule amendments that happen every year. They'll get their third reading at the next meeting, and they'll likely be approved. Unless there's any questions, that concludes my report. I do have, I'll just pass this around, the dais. This is the health magazine that the Board of Health put out. It's an on-line document and it's organized in just such a great way and it's very simple and it attacks just about any common health concern that residents may have. It's a great document. It's available on-line as well, but I'll pass this around so that members can see it. And, like I said, unless there's any questions, that concludes my report.

Capital Improvements

Mrs. Ghantous

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No report

O-K-I

Mr. Anderson: OKI Board did meet on October 13<sup>th</sup>. One item I wanted to share was around grants that were approved in that meeting for surface transportation block grants and also transportation alternative grants. Our STBG and TA Grants as the "cool kids" call it. It was a total of \$69 million dollars, which is the most that they've ever approved in a single year, which is a lot of money. The reason for the increase is partly due to the infrastructure bill; the bipartisan infrastructure bill from the federal government which helped a lot. Why it's relevant is you can see these projects actually starting. One thing that is interesting is more than half of that money that was approved has gone toward safety, bike pedestrian, and mass transit initiatives in our local communities. So, you're talking about over \$18 million dollars for bike pedestrian projects; these are things like the connector we talked about last time, mass transit projects, upgrading bikes; rental bikes community things, buses, doing that metro dash we talked about is another \$17 million dollars that was given for next year. All of these projects have about a 20% to 50% local match, so it's a good deal and it gets the money out there, so

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Mr. Anderson (continued): \$69 million dollars was approved and the majority was for alternative transportation. It's also interesting since we're moving forward with our bike pedestrian multi-use path discussions, more and more; we're not ahead, right. We need that just to stay current with what's happening in the communities around us. So, there's a lot of money out there for it, and people are starting to spend it, so, hopefully we can get that approved soon and start getting some of these done here locally as well. Unless there's any questions, I have a presentation that has all the projects; there's about 30 of them that were approved if you're interested in them and what's happening, otherwise, unless there's questions, that's it.

### Mayor's Report

President Vanover: Mr. Jones, did you have anything?

Mr. Jones: He gave me a couple of things, meaning the Mayor, Mr. President. Thank you. I'll report that when I'm doing my report tonight.

President Vanover: All right.

### Clerk of Council/Finance Director

Mrs. McNear: I have the General Fund Update through August 31, 2022. For receipts, based on net receipt budget of \$21.218 million dollars, we have received \$17.506 million dollars, which is 83% of the budget. That budget receipt is made up of five general fund resources which are Earnings Tax, Real Estate Taxes, Paramedic Services, Local Government Funds, and Mayor's Court for a subtotal of \$16.294 million dollars, which is 93% of the receipts. For Expenditures through August 31, 2022, based on the Net Expenditure Budget of \$21.349 million dollars, we have spent \$13.869 million dollars, which is 63% of the budget. Our ending General Fund Report balance is \$8.953 million dollars through August 31<sup>st</sup>, and that concludes my report.

### Administrator's Report

Mr. Jones: The Mayor specifically asked that I remind folks about Trick or Treat. It's Monday, October 31<sup>st</sup> from 6:00 p.m. until 8:00 p.m. He also asked that I remind folks to drive slowly through the neighborhoods; much slower than normal. There's always kids crossing and he said that with it getting dark so quickly now and so forth that we really need to be careful out there. In addition to that, Mr. President, I'd like to add that the business that was operating at Greencastle, we were getting some complaints coming to not just Council, but Mr. President and the Mayor, we were hearing about it. I would like to really thank our Police Department and our Building Department for their efforts and they were very diligent. The folks have been cited, and they will be going to court later in the month, I believe the 26<sup>th</sup> of this month. So, we do appreciate that. From Director (Charlie) Wilson at Parks and Rec, registration for youth basketball grades second through sixth ends this Friday. So, if you've got a little one, get them signed up. Halloween event coming up, Monster Mania, Saturday, October 22<sup>nd</sup> at the Community Center. It's a free event to our community. There will be games, activities, costume contest for kids that are fourth grade and under. And, the 501<sup>st</sup> Legion will be in attendance. Another thing the Mayor asked that I remind folks of as well was Veteran's Day Memorial Ceremony will take place on Friday, November 11<sup>th</sup> at 1:00 p.m. at the Memorial. I know that's during working hours, but, many folks, we still get from time to time folks appear that are elected officials that are able to make it and we're always grateful to have that, and it's a great event and it's a pretty short event if you haven't attended in the past. Along with what was being presented on behalf of Civil Service, we do have a full-time second shift custodian, we're looking for a full-time building inspector/supervisor, full-time public works maintenance worker. And then, part-time positions, in various different departments, we're looking for maintenance worker, customer service representative, fitness instructor, and facilities maintenance worker. So, if you know folks that are interested in work, it's a competitive business out there right now trying to, as Mr. Coleman pointed out, accurately so, we have folks that will accept a job and then, a day or two, or the day of, they pull out, or we have folks that are scheduled for interviews, and I'm talking about all the positions, in all departments, and they simply do not show, and they don't contact you. So, it's really different than what we've seen over the years, at least in my short 38 year career. It's much different than what we've witnessed, but, nonetheless, (addressing Mr. Coleman) you were very kind about sending out kudos and compliments to Administration, but we very much appreciate

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Mr. Jones (continued): what you and, as the leader of the Civil Service (Commission) and what you're doing too, so, thank you for that. And, that ends my report.

Law Director's Report

Mr. Braun

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No report

Engineer's Report

Mr. Riggs: We'll start with the Public Works Salt Dome Roof Replacement Project. That project is substantially complete, it will fall off of our report next month. Crescentville Road Improvements Project; the contractor is complete with all the water main work, all the services have been tied over. Started working on the storm sewer trunk line installation along the north side, and, that's expected to be completed before the winter shut down. The Northland Boulevard Reconstruction Project; we had an updated filings report and that was shared with Public Works on September 9<sup>th</sup>. We had a follow up meeting to that report on October 4<sup>th</sup> with them, and we submitted a fee proposal for the final design of the shared use path. That was on October 14<sup>th</sup> and that's currently under review. The East Kemper Road/CSX Railroad Bridge Repair Project, we'll talk about this one later this evening, but the construction contract was advertised on September 1<sup>st</sup>, with a September 22<sup>nd</sup> bid opening. There was a single bid submitted by Prus Construction for \$1,199,678.50. The Engineer's estimate for this project was \$864,277, so, a little ways off. The bid was \$335,401.50 over, or 31.81% over the Engineer's estimate. The City's charter does allow contract award provided for anything over 15% provided that you have a public hearing, so that will be before you this evening. State Route 4 Urban Paving Project; the final plans were submitted to the City of Fairfield on October 5<sup>th</sup>, and the bid opening is scheduled to take place Monday, January 30<sup>th</sup>. State Route 747 Urban Paving Project; revised final plans and tracings, and the construction estimate were submitted to ODOT on September 21<sup>st</sup>. That's all I have.

Mr. Anderson: I'm not sure if it's Mr. Riggs or Mr. Jones that deserves the credit, but, I did get feedback that they, related to the Crescentville Road Project, the community over there has seen an increase in street sweeping, and the sweeper running over more often. We've had a lot of issues with nails over there. My mom lives over there and she's very concerned about it, but they've noticed the extra street sweeper. So, if that's either Mr. Riggs, or Mr. Jones, thank you for that, and keep running those extra routes because it seems to be helping.

Mr. Jones: Thank you, and boy, I would like to take credit for that. I have had our President of Council and our Mayor make it very clear to us that things need to be done so, in talking with who is present this evening, Jeff Agricola, our Director of Public Works, he said we will get up there and we will do it every chance we get and see if that doesn't help us out. So, I appreciate you bringing that up, and certainly want to thank Public Works for their contributions.

Mr. Anderson: It's noticed, so, thank you.

President Vanover: Definitely, and also, Mr. Riggs, that contractor doing the Crescentville work has done a yeoman's job of controlling traffic flow because, well, anybody that goes through there, the volume is just unbelievable and I haven't seen too many tempers flare, and, plus they have to integrate International Boulevard from West Chester into that flow too, so, give them a tip of the hat for that. It may not be that way next year, but, we'll give it to them for the work they've performed thus far.

Rental Program Committee

Mr. Anderson: The Rental Program Committee did meet on October 12<sup>th</sup> for our third meeting, and thanks to Mr. Braun, we were able to dig in quite a bit on some sample, not sample, but expected legislation that we've talked about to deal with nuisance properties to deal with some of the issues that we talked about in the last meeting. And, it would also cover things that Mr. Jacobs mentioned about hotels and motels. This same nuisance program, is planned or expected to cover those types of situations too to give some teeth to some of the building code that might be lacking, so, the Committee is definitely taking a very broad look at what's going on with the Zoning Code and some of these misuses in residential areas and hotels as we go through that. So, there was some really good in-depth detail work that happened at the last meeting, and we hope to have an ordinance at our next meeting on November 9<sup>th</sup> to review again and make changes hopefully to get something back before this body shortly after. There's one other item that was discussed in there that's relevant. There's another community nearby

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Mr. Anderson (continued): that's dealing with things around zoning and planning that's actually gone to litigation. Milford has been trying to deal with Airbnb's and how they have restricted those. I mention that only because it came up in the meeting, and it's something Council might be asked to share their opinions on is some of the things that they're going to litigate are adjacent or directly would impact the ordinances that we're talking about passing. So, we certainly have an opportunity to contribute to that litigation if we so chose to make sure that what we're doing passes muster when we pass something. I don't know if Mr. Braun would be able to add more to that. The idea of Council or some other body sharing some additional concerns about the legislation. It's certainly something we have the ability to do if we're interested, or, until after their ordinance comes out.

Mr. Braun: Council member Anderson is correct. We're monitoring that lawsuit. I think some of the issues that are being raised in that relate directly to the work that's being done on really two levels right now; one for the Rental (Program) Committee, and the other with the task that the Board of Health has given us related to some of these hotels. One of the questions is if we feel that we can add value to that litigation, or that we somehow want to get involved, I expect other communities to get involved. I'm actually part of a listserv right now with a couple of other local governments who are addressing these issues and we're kind of all talking about the case and, you know, what we might be doing. So, I'll probably update you once I have a better idea of what, if any role, we can play. But, I am watching the case. It's an interesting case, primarily because the case involves some previously elected officials in the City of Milford who own these Airbnb's who are now serving as plaintiffs challenging the ordinance that was passed by a different Council in that community, however, it raises novel issues that affect our community. So, I'll continue to monitor it. I also, today, checked again on the status of the legislation that is pending in the Ohio legislature, I think House Bill 235, if I'm not mistaken. I didn't bring my file. But, it is the legislation that would take away from local governments the ability to pass zoning and/or other regulations governing Airbnb's and short-term rentals. That legislation is interesting because it's in the legislature and it had one reading committee, and it's expected to have a second, but, may not have a vote before the end of the year, which then would mean the legislation would die. If it does go to a vote, I don't know, at this moment, if it would pass, but the Municipal League is opposed to that and fighting it. That could also affect both the lawsuit and some of the things that we're doing. So, we're watching this on multiple levels. I'll try to keep you advised of significant events that take place both with the legislation and the lawsuit.

President Vanover: Thank you.

Mrs. McNear: Mr. Anderson, was there anything addressed about parking in this upcoming legislation?

Mr. Anderson: Yes. So, that's a good question. We decided that we were splitting our tasks into two major groups; one was around building code, zoning, property maintenance, and the other part of the second set was about traffic and parking. So, the intent is this first group will be building maintenance, property maintenance, zoning and uses, and then the intent, once we get that ordinance where we like it, we're going to go back and start on traffic and parking type of concerns. So, this ordinance does not have those any more than identifying that some of those things could be nuisance complaints if it's illegal parking, like, if somebody is parking on their yard consistently and they get cited for that. That type of thing would be covered under the ordinance that we're talking about declaring a nuisance property, and then there would be consequences. The intent of this legislation isn't to fix that specifically, but it is included as characteristics of nuisances.

Mrs. McNear: Thank you, and there's a lot of issues with rental property. I have a piece of rental property myself. There are a lot of rental properties around it. I can tell you that I'm at my rental property three to four times a week and I have not been able to park in front of that house in over three weeks because there are so, so many people living in some of those other rental properties. So many families living in those. There are four, five, six cars per 900 square foot home, which is definitely impacting the neighborhood and tempers are flaring over the parking situation when people who are parking in front of the houses, they are parking in the grass. People can't mow their lawns and they can't, you know, it's killing the grass so there's a lot of issues that are surrounding that.

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Mr. Anderson: Certainly the illegal parking is addressed or accounted for, but, we do have those concerns identified as Mr. Vanover might be able to share more on. We intend to cover that in more detail after this initial set, but, the illegal stuff, thought, would count towards it. So, like the parking in the grass and you know, abandoned vehicles, or if they're in disrepair; those types of citations would be included.

Mrs. McNear: And, perhaps this is something that we add to how to be a good neighbor because some people have driveways, but yet they're still parking on the street, which, you know, other people can't park on the street at that point even if they have garages, they're not using them. So, it's just a lot of issues when there are four, five, six cars per home and they're not using the driveway or their garages and they are taking up spaces on the street. And, in particular, there's one house that's on the corner, but they only park along the street in front of their house. They don't park on the side, which is legal parking there, but that also means that everybody else has to shift down in front of somebody else's house. So, it is an annoyance. Thank you.

Mrs. Sullivan-Wisecup: I was going to say I missed this last meeting because I had a kidney stone, but, the meeting before we kind of touched on that and I actually want to tell Jeff (Anderson's) story, if you don't mind. Jeff, had four or five cars, I don't want to say it wrong, so, just for their immediate family, for him and his brothers, four or five cars, like in one household and that was the same way it was at my house as well. We had five cars in our household and we had a single car driveway and we lived on a cul-de-sac, and you could only park on one side of the street, so, by the time that my parents had both parked their cars on the driveway, because we were not allowed to park in the driveway because we were children, we had to park out in the street and sometimes that meant I was all the way at another street. Parking has always been an issue in Springdale. If we have anybody who has a family of more than what you have space in your driveway for, and I know there's plenty of people who don't use their driveway at all and they only use the street and that's hard. I don't know if we could force people to have to park in their driveways, but, I know that we're going to look at different ideas and I'm excited once that we finish phase one, I'm excited to see how that's going to bleed into and work with phase two and get to that because I know that it is a problem. Back in my neighborhood, we have a very, very narrow street that has the most cars on it in all of the world, and it's so hard to drive through there, and so, it is a problem. But, like Mr. Anderson said, the number one was addressing the illegal car issue, like in the grass, or up on the side, you know, address that stuff first, and then, hopefully, get more in depth to it and figure out what we can do.

Mrs. McNear: Yes, thank you for the additional information. But, I will tell you too, that I have lived in Springdale since 1969, so, I'm very well aware of the parking issues that can occur, but, they have gotten considerably worse now that there are so many people living in these tiny little houses that only have a single driveway. I have a single driveway at my rental property as well. But, thank you for that additional information.

President Vanover: Well, and, I'll add on to what Mr. Anderson said. Part of our thought process in doing the first phase is parking in the yards falls under building/zoning. So, and we're hoping that some of the other caveats that we have in there will have an effect on the on-street, but, believe me, my wife will give me dirty looks, you know, it's an ongoing issue. It's not just Heritage Hill, the Terrace, you know, we come in Sunday and at Benadir and Crescentville and there was a car parked right on the corner and the stop sign has the right-of-way through, so, you're backing up on Crescentville waiting for traffic to get obeyed so you can get by to come through, so, it's going to be at least a two-prong, maybe even three-prong when it's all said and done, but we're hoping that this first wave will catch us some and corrects some of the issues, but, we're not done by a longshot. So, rest assured.

Mr. Anderson: I'll just add one other thing. Part of the comment you made, Mrs. McNear, was around that community feel, like if you can, use your driveway. You should, because it frees up space for your neighbors. As Mr. Vanover mentioned, like, we think improving people's responsibilities, setting expectations for what buildings are maintained, and how rental properties are maintained. We think that will have some effect on community spirit and engagement. But, I don't think that we're going to be able to legislate that. It's something, that, I think, as we look through other ordinances and as we work through things like the Community

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Mr. Anderson (continued): Center, and our facilities, and these things how can we give Springdale the community engagement by thinking of your neighbors and those connections. A couple of years ago Mrs. Ghantous and I started doing, as part of the Public Relations group, how do we reengage the community and help people make those connections, well then, COVID hit, and that kind of fell by the wayside, but, I think some of what you're talking about won't be legislation, but it will be other programs that City Council might be championing, or Administration will champion to have people feel engaged with the Community and then that, you know that sort of connection happens. I feel like part of the concern you raised about the number of people in some of these houses is just the nature of where we are right now. Housing is so expensive right now. People are having to double up or rent when, in the past they would have bought starter homes like what are in the older parts of Springdale. That's just not an option for people anymore, so, we're certainly open as part of the committee for ideas on how we can improve parking in traffic, because it's tough and we're not the only ones having that problem. These are small houses and they were built for single families, the nuclear family with one or two people; one driver, one car. You know, maybe as we have more bike paths, people will need fewer cars. If we make things more accessible, people will need fewer cars. If people are engaged with the community, maybe they'll think more about "Where I park affects my neighbors". At least that's what we're talking about in the committee. I don't know, but if there's ideas from not just Council, but anyone on what we can do for traffic and parking, the committee meets on November 9<sup>th</sup> at 2:00 p.m., or you can send those ideas to any of us and we'll take them up because we're interested.

President Vanover: And, also add that with part of this, in the very near future we probably are going to have to address the Building Department staffing because we're now multiplying their responsibility, and Mr. Lamping has been forthright and honest about what the needs are and we're going to have to do something, and, it doesn't make any sense to put legislation out there if we don't have the manpower and the teeth to enforce it, so, I give you a little "heads up" not to be surprised at some point that, you know, this is brought to your attention.

### Communications

Mrs. McNear: I did receive one piece of communication from the general public and I have forwarded that to Administration for review, and that concludes the report.

### Communications from the Audience

Ms. Wells: Hello, my name is Katie Wells. I live on Bernhart Court. I am speaking today on behalf of the Springdale Elementary PTA where I serve as the Secretary. I'm sorry if this is repeated information maybe for Lawrence (Hawkins) that you've already got. We wanted to invite everyone to the Springdale Elementary Student Council Walk-a-Thon. It's taking place on October 28<sup>th</sup> at 2:00 p.m. The students will have the opportunity to wear their costumes and fundraise for prizes, such as a special treat at lunch, homework passes, extra recess. Our top five students that raise the most money will be given an option of being the principal, gym teacher, or a teacher of their choice for an afternoon. As well as the option to spend lunch and recess with Officer Beckman, or be the school chef for the day. So, it's really exciting, and they definitely need your help. Whoever is the lucky top winner will get picked up by Officer Beckman, and driven to school, and the class that raises the most money will win a VIP Police demonstration and cruiser tour. So, they really need your help. If you know anyone who goes to Springdale Elementary, I'm pretty sure the majority wants to be the principal, but, who knows. We are going to be helping student council have these funds raised so that they can improve their playground. Right now, we have a gaga ball pit that the boy scouts helped build, but, they didn't think ahead about the dirt, so, when it rains, it's a mud pit, and then they can't use it, and then it just sits there for eternity, and the kids love gaga ball. I don't know what it is. I'm sorry, I can't answer any of that. But, they love it, and then they come home really dirty because they still want to go out there and play. So, they're raising money to fix the playground and address some of those needs. The students will be walking in Springdale Terrace and Royal Oaks neighborhoods behind the school, so we would love to have the City and residents support by having people come out and cheer them on as they walk around in their costumes. We'd also like to invite everyone to support the Springdale Elementary teachers, staff, and students by becoming a member of the PTA.

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Ms. Wells (continued): Membership is open to anyone interested in the welfare of children; not just parents, but staff, grandparents, aunts and uncles, neighbors, community businesses, students, elected officials, etc. Membership dues are only ten dollars and you can join at any time. Research shows that children will perform better when the adults and people in their area are involved both at home and at school. So, by becoming a member of the PTA, you'll be demonstrating the importance you place on our children's education, and will also be a part of the solution by helping us make positive changes. We currently have LaRosa's Buddy Cards available if anyone wants to buy one of those for ten dollars, and we can send them home with the student, your student, a student your family with, or we can literally mail it right to your house so you don't have to do anything. I brought a handout if anybody would like one tonight, and I'd be more than happy to answer any additional questions you have at any time. You can email us at [princeton.springdalepta@gmail.com](mailto:princeton.springdalepta@gmail.com). You can find us on Facebook under Springdale Elementary PTA, also on Twitter [@springdale\\_pta](https://twitter.com/springdale_pta), and our website is [springdaleelementary.ptboard.com](http://springdaleelementary.ptboard.com), and that's all I have.

Mrs. Sullivan-Wisecup: I just wanted to know, one of the different ways we can donate, like, do we write a check? Is there a website that we need to go to? How does this work?

Ms. Wells: Yes. The PT Board website.

Mrs. Sullivan-Wisecup: Okay.

Ms. Wells: So, you can go there. I also have some printouts so, if you're like, "Hey, I want to help with that."

Mrs. Sullivan-Wisecup: Of course.

Ms. Wells: Anybody who's like, "Hey, I want to give ten dollars, and be a member, and I can help whether that's help a student raise some more funds." You can let us know if you want it to be directly a donation for something specific, or it can just be a general donation. You can find that on the PT Board website; [springdaleelementary.ptboard.com](http://springdaleelementary.ptboard.com). You can reach out to us in any way too. We'll help you walk through it, and then the printouts I have, have QR codes, so you can literally just scan.

Mrs. Sullivan-Wisecup: Is the QR code for becoming a member?

Ms. Wells: Yes.

Mrs. Sullivan-Wisecup: Or for the Walk-A-Thon?

Ms. Wells: But, you can do a donation there too.

Mrs. Sullivan-Wisecup: Okay, that's what I was wondering because you could do the Walk-A-Thon at the same place that you become a member.

Ms. Wells: Yes, but, if you know someone who goes to school, definitely make sure you do it for them or they'll be really mad at you.

Mrs. Sullivan-Wisecup: So, you're saying Teegan is going to get mad if we don't, okay.

Ms. Wells: Yes, because they want to ride with Officer Beckman, or become principal for the day.

Mrs. Sullivan-Wisecup: Absolutely, absolutely. Thank you so much for the information.

Ms. Wells: Yes.

Mrs. Anderson: Do I need to write this down here?

President Vanover: Yes, please.

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Mrs. Anderson: So, well, I'll talk first. So, I'm on the Springdale Community Facebook group, and the person who sent in the audience communication letter, or the letter to Mrs. McNear is wondering why his letter won't be read today, because it does push it back another two weeks, which is a month from what the issue, that he wanted to address was. So, since he's not here today, he's watching from home, I thought I'd come and ask if you could explain why it needed to go through Administration first. Thank you.

Mr. Braun: There's not a Council rule that requires communication from residents to be read at a Council meeting, and it's our understanding that the communication that came in asked a series of questions for staff and Administration and I think the intent is that Administration will answer those just as they do other community questions and then provide those directly to the residents.

Mrs. Anderson: So, you're saying he won't have to wait another two weeks to get his responses?

Mr. Braun: I would assume that we can answer it long before two weeks. Yes.

Mrs. Anderson: Okay, thank you.

### Ordinances and Resolutions

#### Public Hearing

#### Ordinance No. 31-2022

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR THE PROPERTY LOCATED AT 111 TRI-COUNTY PARKWAY AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN AND THE FINAL DEVELOPMENT PLAN FOR THE PROPERTY

President Vanover: Okay, at this point I'll open a public hearing for anybody that would like to speak either for or against. Mr. Lamping, I see you've got a presentation for us.

Mr. Lamping: No sir, I just, thank you Mr. President, no sir, I would like just to generally overview the project graphically.

President Vanover: Sure.

Mr. Lamping: This is the information that the Planning Commission received, reviewed, and considered; 111 Tri County Parkway is the existing building that is here. It is a two story building and, essentially, the Hamilton County Commissioners bought the building and wanted to move the EMA and the 911 Call Center into the building. So, to accommodate that use, that new use, they would like to put up a fence around the parking lot, and the fence; the security fence is going to be back here (referring to a presentation on the monitor in Council Chambers), so, the front parking is for public, and the back parking is for staff. And, so, they're separating that. And, in addition to this existing two story building, they're going to add a couple of other buildings here; one is for generators and the other one is for a storm shelter, so when there's a storm; a tornado, or whatever they have the option to go into a secured storm shelter. Also with this presentation, I have a simple layout of the inside of the building. On the first floor, is where they're going to have the EMA facility, I might of just misspoke. Nope, then on the second floor, this is where they're going to have the 911 facility. So, if there's any questions, I can try and answer them. I don't see anyone here from the developer, so, I don't know if there's going to be any presentation from them.

Mr. Hawkins: I know that security is something that they're concerned about. Can you describe the fencing?

Mr. Lamping: Yes sir. They have, I think there's some good elevations of the building, and it'll show the fencing as well. This is the north looking from Tri County (Parkway). You'll have the curb face here, the fencing starts at the building and goes to the east, so it's going to be tall, black, I believe aluminum fencing. There will be a better detail here in a second. This is a section; this is the Merchant Place, which is now, was an office building, is now it's an

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Mr. Lamping (continued): apartment building. This is their building; this is the Sheakley building up on the hill, and this is the new tower that they're going to install to give you a relative height comparison. And then, this is a nice elevation of it; the fencing is back here, behind the front doors. So, you'll pull in and the public will stay; the fencing is right there is you can see it. And then, there's a better picture of the fencing. This is on the secured side, and the other side is the public side. So, this is actually one of the nicer projects we've received some good renderings from. There's actually pictures of it, and the gate they plan to have.

Mr. Hawkins: Thank you.

Mr. Anderson: I had a question last time on the first reading about Section 2(b) and 2(c). Did we get those questions addressed? The first one was about dumpsters shall remain closed at all times, and the second one was generators shall be tested. Do those, does that language need to be updated to let them use their dumpsters and also that they "may" test between those times as opposed to "must", or am I misreading "shall" on both of those?

Mr. Braun: I know Mr. Lamping is here as well. I just wanted you to know I reached out to Mr. Lamping prior to tonight's Council meeting, and he indicated to me that that is the standard language they use for dumpster requirements that they shall remain closed, and that his office knows how to enforce those without needing to change that language. That is also the language that came from Planning Commission, so he'd prefer to keep it that way with the understanding that they know how to enforce it. I did not ask you about the generators if you want to address that issue, but, I'm assuming that that time was specified by Planning Commission.

Mr. Lamping: That time was specified by Planning Commission as the Council people on the Committee can attest to. It was something that the Commission was concerned about operating those generators near the residential uses at odd hours for at night, and things like that. So, it was "shall" versus "should", or whatever.

Mr. Anderson: "May."

Mr. Lamping: May, yes.

Mr. Anderson: "Allowed" versus "must", I guess, but if that's what I wanted to make sure is the language is consistent.

Mr. Lamping: The language that was in the motion is what the Commission motioned. It was their motion. I didn't adlib it.

Mr. Anderson: And, we heard that last time, but the new information was that and that was the language the Building Department uses successfully to get the type of behavior they're looking for.

Mr. Lamping: That's the language the Planning Commission consistently uses on all motions when they have the issue of the trash enclosures. And, like Mr. Braun indicated, we know how to enforce that.

Mr. Anderson: Alright. Thank you.

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 31-2022; Mr. Hawkins seconded.

Ordinance No. 31-2022 passes with seven affirmative votes.

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Public Hearing

Ordinance No. 32-2022

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH PRUS CONSTRUCTION FOR THE E. KEMPER ROAD/CSX BRIDGE REHABILITATION PROJECT AND DECLARING AN EMERGENCY

President Vanover: Alright, with that, we'll open a public hearing to open the floor either for or against. Mr. Riggs, do you have anything else you wanted to add to this other than what you stated in your report?

Mr. Riggs: No, I do not.

Mrs. Ghantous made a motion to adopt Ordinance No. 32-2022; Mrs. Sullivan-Wisecup seconded.

Mr. Anderson: Mr. Riggs, could you give us some idea what are your thoughts on why a 30% over estimate was? I know, materials, inflation, and labor. In the past when we've had jobs like this, it's timing with the contractors. In this case, we had one person bid, and it was 30% higher. Can you share a little bit more on why you think that was such a miss?

Mr. Riggs: We did reach out to Prus (Construction), and he did indicate that obviously the inflation and labor shortages, and material shortages, that did come in to play, but, one of the biggest things, well, two things was working with the railroad. Prus has a construction contract currently underway, and based on his experience with that flagger with CSX, it's the same rail line. I think this line, is this 28? Twenty eight trains a day, and depending on the flagger they have from CSX, it could be shut down for the whole day, it could be shut down for an hour; depending. Twenty eight trains a day means almost a train about every hour. So, depending on the flagger, there's a lot of down time. So, that lead to a lot of higher costs because he accounted for that lost production in the unit cost. Then, also, he indicated that the maintenance of traffic was originally set up in five phases, so, basically, you would close two lanes at a time. Because there's so many changes in phases in such limited times that a contractor is able to work, that that also stretched things out and made it more costly. We've been doing some talking internally, and we may have a value engineering approach to the maintenance of traffic. We're working with our City Engineer; our Traffic Engineer to evaluate if we can maybe reduce it from five to three lanes, that wouldn't require four lanes to be shut down at a time instead of two, so that does restrict traffic, but it may be something that we're willing to live with, at least during the short term, because construction generally, if say it starts next month, it's estimated to take about eight months to complete. And, the contractor did confirm that that's a reasonable time frame. So, it may just be better to just to rip the band aid off so to speak and do it in a tighter maintenance traffic scheme than what was originally proposed, but, those are the two biggest items. There's a few other items that we could look at value engineering. We did propose to use wet reflective pavement markings so, that's basically a newer type pavement reflective marking that it's brighter at night when it's wet. It has more glass bead, so, apparently that's really expensive. So, that's why some of the paint costs are high, but, we don't have to use that. We can maybe entertain the idea of a change order and just go on back to normal thermoplastic markings, which is elsewhere in the City. Same way with raised pavement markers. Instead of actually the pavement markers being raised, we had in our bid to be recessed, well, again, that was something we were trying to do on this project, but we can put them back in normal, because recessing them, you have to grind out where the pavement markers go down; that adds quite a bit of cost.

Mr. Anderson: I don't think we're trying to redesign it on the fly here if we need to act quickly to make a change. I guess my bigger concern was is this "the canary in a coal mine" for other projects we have planned in the short term, or is this unique enough because of the railroad as you're describing, that maybe we just need to be more careful in future railroad-partnered projects and have more room.

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Mr. Riggs: Definitely. I mean, rebidding it wouldn't help. We only got one bidder, and the costs were reflective of his knowledge and experience with that. That's definitely going to be something that we'll have to keep in mind when we're doing the next railroad project if and when that ever does come up. But, a lot of the funding issues, a lot of the grant applications and funding applications, that was all pre-COVID estimates. That's what the funding was based on, and now, here we are dealing with 30% to 40%, this is regionally, at least why that's the kind of cost inflation we're seeing on construction projects.

Mr. Anderson: That's helpful. I certainly don't want to lose the matching funds that's forecasted to get done. I just didn't know if we needed to look back at other projects coming up and rethink them a little bit more.

Mr. Riggs: For example, Northland, we're continuing to evaluate costs on that, and, with Northland, because it was delayed a year, we're actually, it provided us a little more opportunity to hone in on the cost and look at other funding opportunities, say SORTA, and the County, and that way when we go request funding from them, we'll be using current numbers instead of the ones we did three years ago.

Mr. Anderson: That's helpful, thank you.

Mr. Hawkins: I just wanted either from Mr. Riggs, or the Administration I wanted to clarify and make sure that the public knew, we got three different grants through the course of this. We got a municipal road funds for \$145,000, we got from Hamilton County \$150,000, and then the SCIP funds of \$451,000, so all that comes out to about \$746,601. Is that accurate?

Mr. Riggs: We also have SORTA funds from Round One. I think that was \$110,000? Is that right? Something around there. Jeff (Agricola) can speak to the funding, but, I will say, as far as the SORTA funding cut-off date, we did request an extension for the OPWC funds already. That gave us, and we told them, because it was supposed to be under construction by July 1<sup>st</sup> according to the agreement. They worked with us because we were delaying the project because we were waiting for the bid environment to calm down, well, we didn't wait long enough apparently. But, they did allow that one time extension, so we feel that we won't get another extension, they'll just move on.

Mr. Agricola: Specifically, with regards to our local share for this project, with the current bid price, our share of this construction is 16%. So, with the funding, we have 12% from municipal road funds, we have 38% from the OPWC, we have 9% from SORTA, and the County Engineer has 25% in the project. That leaves us at 16%.

Mr. Hawkins: And, I know we apply for these at different points in time.

Mr. Agricola: Yes.

Mr. Hawkins: Did we get any of the grants or find out we got any of these grants after December of 2021?

Mr. Agricola: The SORTA we received most recently, and that was in the round one; that was for their fiscal year of 2022. So, that would have been after that period.

Mr. Hawkins: Okay. And, I'm just looking at it from when we had put a budget in for \$902,000. And so, the main thing is, you know, while we had some increase, we did have a lot of grants coming in for us and even some grants even after we had made the budget that maybe wasn't fully expected coming through to help us out.

Mr. Riggs: And, I will say that the SORTA grant application we actually requested more money, but, because it had some what they call "construction soft costs", it was deemed not eligible. We were, I think it was...

Mr. Agricola: I think we actually requested \$150,000, and we were brought down to \$110,000 was the final SORTA grant award.

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Mr. Hawkins: Thank you.

Ordinance No. 32-2022 passes with seven affirmative votes.

Ordinance No. 33-2022

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS, HAMILTON COUNTY, OHIO FOR FIRE HYDRANT REPAIR AND REPLACEMENT SERVICES

President Vanover: Council, this is a first reading, we will see it again. Is there any discussion this evening? (None)

Old Business - None

New Business

Mrs. McNear: Council, you received a liquor license request from Crafty Crab at 11790 Springfield Pike. This is a D1 license request. Is there any issues with that? A D1 is “beer only for on premises consumption, or in original sealed containers for carry out only until 1:00 a.m.”

Mrs. Sullivan-Wisecup: I don’t have any problem with that. I just had a question because I noticed that the date on it was 1-7-2020. Is that when they first put this in? Or how does that work?

Mrs. McNear: Actually, we’ve had, I have two of them with two different dates on them, so, for the same place, so, I don’t know if there’s a reason for the delay; they couldn’t get it, or they put it on hold because of the pandemic.

Mrs. Sullivan-Wisecup: I know that during the pandemic they didn’t have “eat-in”. They only had pick up.

Mrs. McNear: Which is probably why they delayed it. I believe they have another liquor license too, and this is just a different variety which allows them to do the D1.

Mrs. Sullivan-Wisecup: Thank you so much for your clarification.

Mrs. McNear: You’re welcome. So, I’m assuming no objections? (None) I will take care of the paperwork. Secondly, I received another one this evening, which is why you don’t have a copy of it. This one is a transfer; same property, but it’s SKJ Properties VII LLC, dba RT 747 Sunoco Truckstop at 12089 Princeton Pike. As I mentioned, it’s the same address, it’s Jay Jala Incorporated, same address, and, this again, is a transfer for a C1, C2. A C1 is “beer only in original sealed containers for carryout only”. A C2 is “wine and mixed beverages in sealed containers for carryout”. Really not much change other than the name assuming there’s no issue I’ll go ahead and sign off on this one as well. Alright we’ll take care of filing the paperwork. Thank you so much.

Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning Commission will meet in these chambers on Tuesday, November 15<sup>th</sup> at 7:00 p.m.

Mr. Anderson: The Rental Program Committee will meet on November 9<sup>th</sup> at 2:00 p.m. in the Administrative Conference Room.

Mr. Uhl: Civil Service will meet on Thursday, November 3<sup>rd</sup> at 2:00 p.m. in the Council Conference Room.

Mr. Jacobs: Board of Health will meet November 10<sup>th</sup>, adjacent to these chambers.

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President Vanover: Mill Creek Cleanup on October 29<sup>th</sup> at 9:00 a.m. until 1:00 p.m. there is an RSVP with the QR code to do that. They are meeting at Chamberlain Park. Is that on the backside or up by the mulch pit?

Mr. Agricola: It will be by the compost pile.

President Vanover: The compost pile, okay. If any of you haven't done or been in the creek for a while, it is, well, has it been five years ago, six years ago we did that big project over there?

Mr. Agricola: 2012. It's been a while.

President Vanover: Ten years.

Mr. Agricola: It's actually a creek component as well as a land component to this cleanup. And, through the RSVP process with the Mill Creek Alliance, you can choose your preference. Those that don't want to go in the creek, or aren't comfortable with that, they can do a lot of good on land with clearing of invasive (plants) and so forth.

Communications from the Audience - None

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number I was addressed with Ordinance No. 31-2022; An Ordinance Approving a Zoning Map Amendment for the Property Located at 111 Tri-County Parkway and Approving the Preliminary Development Plan and the Final Development Plan for the Property which passed with a 7-0 vote. Item Number II was addressed with Ordinance No. 32-2022; An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter into an Agreement with the Best Contractor for the E. Kemper Road/CSX Bridge Rehabilitation Project and Declaring an Emergency, and that passed with a 7-0 vote. Item Number III was addressed with Ordinance No. 33-2022; An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter into an Agreement with the Board of County Commissioners, Hamilton County, Ohio for Fire Hydrant Repair and Replacement Services and that was a first reading. All other matters were forthcoming.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's a request for a second reading; Ordinance No. 33-2022; An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter into an Agreement with the Board of County Commissioners, Hamilton County, Ohio for Fire Hydrant Repair and Replacement Services. There's also a request for A Resolution Approving the Update of the Hamilton County Solid Waste District's Management Plan, as well as a request for a Resolution regarding the CED. I think that's it unless there's anything else from Council or the Administration.

President Vanover: Well, just to backtrack on something we were talking about dealing with the railroad. The Ohio State Supreme Court ruled, and, it's been about a month ago now, that we can't interfere or act upon the railroad, so, they can block the crossing for as long as the cows come in I guess. So, that is essentially, you know, what you're dealing with, with that group. Unfortunately, the laws were written by railroad lawyers, and we're still dealing with those. I know in years past, we've gone to bat and battle with them and lost a couple of times around, so, it is frustrating, and they are operating from an uphill position, so, it is definitely aggravating and they come right through so, luckily, we've got one crossing taken care of, but we still have one that continues to be a problem.

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Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded the motion and Council adjourned at 8:44 p.m.

Respectfully submitted,

Kathy McNear  
Clerk of Council/Finance Director

Minutes Approved:  
Tom Vanover, President of Council

\_\_\_\_\_, 2022