

## City of Springdale Council

March 20, 2024

President of Council Anderson called Council to order on March 20, 2024.

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

Mrs. Sullivan-Wisecup provided the Invocation.

Mrs. Browder took roll call. Council members Anderson, Gleaves, Jacobs, McFarland, Sullivan-Wisecup, Vanover, Webster were present.

The minutes of the February 21, 2024 meeting were considered. Mr. Vanover made a motion to accept the minutes; Mr. Jacobs seconded. The minutes were approved with seven affirmative votes.

### Introductions – Police Department

Mayor Hawkins: Actually, Chief Butler is going to make an introduction and we're going to swear some folks in.

Chief Butler: Thank you Mr. Mayor, Council. Good evening. First, I'd like to introduce soon to be sworn in Sergeant Garret Welander. Garret if you'd come down please. Garret is a native of north Texas and saw the light and moved north several years ago. He began his career in law enforcement in 2014, where he served in the Village of Owensville, and, with the Hamilton County Sheriff's Office prior to coming to the City of Springdale in 2016. He's held the rank of Corporal now, and soon to be Sergeant. Garret enjoys obviously exercising. He's an exercise guru, outdoors, and spending time with his son and family. I'll turn it over to the Mayor now.

Mayor Hawkins swore-in Sergeant Welander. (applause)

Chief Butler: Next, we have Officer Curtis Bosch. Curtis is a graduate of LaSalle High School, a native of Cincinnati. Curtis comes to us from Hamilton County Sheriff's Office where he began his career in 2006. Come on down Curtis, don't be shy. Curtis, with the Sheriff's office, served in the Corrections Division, two years in the Court Service Division, and then two years on patrol before coming to the City of Springdale. One of his hobbies still, he plays football for the Ohio Marauders, which is a National Public Safety League Football, full contact. You going to give that up? We'll see? He's a quarterback. They've got some pretty big boys on the team. Curtis is married, enjoys spending time with his wife and his daughter.

Mayor Hawkins swore-in Officer Bosch. (applause)

Chief Butler: Up next, we'll have Officer Jason Davis. Jason is a 1994 graduate of Oak Hills High School. He started his career back in 2002 with the Sheriff's office in the Corrections Division and served many years, 20+ on the Patrol Division before coming to the City of Springdale. Jason holds an Associate's Degree from Cincinnati State Technical College. Also, his other hobby is, just like Curtis, plays for the Ohio Marauders as a Center, and is the General Manager for the league. No injuries? When the season is over, Jason is the Head Coach for the Harrison Youth Football League. He and his wife own a business and a little thing for his oldest son, he was just accepted to Engineering School at the University of Cincinnati.

Mayor Hawkins swore-in Officer Davis. (applause)

Chief Butler: Last, but not least, sir. Next is Officer Kellen Lyons. Kellen attended the Police Academy at UC (University of Cincinnati) Clermont. Some of you might remember Kellen, he's a "retread". He's come back to us after seeing the light. He does not play football for the Marauders, yet. He might be the running back. Kellen left us in 2021, and went to work for another city in their Building Department before deciding his true passion and coming back with the Springdale Police Department and the great citizens of Springdale. We welcomed him back here in December. He's a lifelong resident of Butler County, where he resides with his wife and daughter.

Mayor Hawkins swore-in Officer Lyons. (applause)

City of Springdale Council

March 20, 2024

President Anderson: Is that it for introductions? It's always nice to have you here. The chamber always fills up whenever there's Fire Department or Police here for new employees, so, we're excited to see you. You know that you always have our full support, and, we appreciate what you do out there. Thanks. I'll give you guys a minute. You all are welcome to stick around and listen to the rest of our business, but feel free to move along and go to your party. We won't take it personally. Alright, no other takers? I've got to warn you, we're going into Committee Reports next. It can be pretty exciting. Last chance. Next, we'll move on to Committee and Official Reports. First, we'll start with Civil Service Commission. I don't see Mr. Coleman here. Was Mr. Uhl going to help with that?

Committee and Official Reports

Civil Service Commission

Mr. Uhl: Mr. Coleman had a conflict tonight, and called me this afternoon, and asked me if I would cover for him. Unfortunately, I left my notes back on my desk, so I don't have everything to refer to. But, our Civil Service Commission did meet on March 7<sup>th</sup>. All three members of the commission were present. We had several hiring announcements to go through. A couple of updates for the Building Department, Police Department with the Police Clerks, the Administrative Assistant, Building Inspector, Full-time Firefighter, and, I believe some Public Works folks. So, a few announcements there. In between, I'll grab my notes and I'll follow back up in the Meetings and Announcements to give you some more.

Rules and Laws

Mr. Jacobs

-

No report

Finance Committee

Mr. Vanover: The beginning year balance is \$13,089,916.04. Our year-to-date actual receipts are \$5,136,247.00. The year-to-date expenditures are \$5,021,119. So, it leaves us with an unencumbered balance of \$10,260,062.82.

Planning Commission

Mrs. Sullivan-Wisecup: Planning Commission met on March 12<sup>th</sup> in these chambers, and we had one item; a bodega on 12021 Sheraton Lane. It was an amendment to Springdale Lake PUD, and after a lot of discussion, it is a bodega that is going to go into one of the current office buildings. It's what's proposed. And, after a lot of discussion, it was tabled with a 7-0 vote, and we will see that again at a later date. If you have anything to add (addressing Ms. McFarland) or if anyone has any questions.

Board of Zoning Appeals

Mr. Gleaves

-

No report

Board of Health

Ms. McFarland: We had a meeting last week for the Board of Health. We had a few updates in Lefty's in regards to the water problem. The notice has been served to the property owner to fix the issue with the problems with the water, or, the water will be turned off. Some new business that we have coming up; National Public Health Week is April 1<sup>st</sup> through the 7<sup>th</sup>. And, at one of our April Council meetings, there will be a proclamation for Charles Noble, so that will be coming forward soon. COVID Report; we, as of March 10<sup>th</sup>, we've had 58 cases with one death. Food Program update; there is a new food truck that is setting up at the Days Inn on Glensprings and Cassinelli Square called Ta-Quero Mucho. I have seen that a couple of times driving through the neighborhood. There's also been an issue; the Police Department is working with the Health Department about people illegally selling food out of their cars. It was initially a problem during the week. The Health Department was going out and taking care of that, and they figured it out, so, they've started selling on the weekends, and in the evenings, so they did get the Police Department involved, so, if you do see that situation anywhere, please feel free to reach out to the Police Department. Obviously, health concerns for that. As far as our personnel update, we've had several interns coming and going over the next few months with changes with school schedules. Our new Public Health Nurse, Brandiss (Ewing-Jackson) is doing very well. And, Brandiss provided her Nurse's report. We did receive from the Fire Department that there was three Naloxone uses in February. They did have four immunization clinics with 27 people, and 121 vaccines given. There was also the monthly BP (blood pressure) screening down at the Recreation Center, and 45 people were screened for blood pressure. And, we also did discuss a little bit the measles outbreaks. There has been two cases in Montgomery County, and one in

City of Springdale Council

March 20, 2024

Ms. McFarland (continued): Miami County, and simply the threat of vaccine-preventable disease. So, obviously, there's concerns with that. There haven't been any cases near us. And, if you have any concerns, or questions about those vaccines, please feel free to reach out to the Health Department.

Capital Improvements	Mrs. Sullivan-Wisecup	-	No report
O-K-I	Mr. Anderson	-	No report

Mayor's Report

Mayor Hawkins: We had the Vance ribbon cutting, and soft opening back on March 5<sup>th</sup>, and it is open. Folks are welcome to go check that out. They're going to have a grand opening that will be more ceremonial in the first or second week of April. But, they are open for business at this time. Wonderful place for outdoor enthusiasts. Definitely a store to go check out. They City secured a \$500,000, basically \$500,000 worth of grants to enhance energy efficiency as folks know on the dais. This is program from Energy Efficiency Program for Ohio Communities. The funding will enhance energy efficiency initiatives within the City facilities, specifically the Recreation Center, and the Municipal Building. Our City had two applications that stood out among the 35 projects selected across 18 counties in Ohio receiving funding through this program. As indicated, the Community Center and the Municipal Building will benefit through LED lighting installation, HVAC control systems and our chiller replacement that's as old as this building is. These improvements will save us, on an annual, \$54,000 each year. So, that's a very significant thing. And, this successful grant acquisition is going to emphasize us being more energy efficient going forward. We had the State of the City address held on March 13<sup>th</sup> of this year at the Recreation Center. It was broadcasted live. It was recorded, so, anyone that did not get to see that can go online and pull that up and watch that. Our Directors came out and did an outstanding job giving information with regard to what's going on and what to forecast, and what to look forward to. And, then, they also made themselves available to answer questions afterwards in an informal session, which I think, was wonderful for residents as well. So, as to be expected, as always, they did a wonderful job and I thank them all for their efforts. And, lastly, we have the newsletter is complete, and, it will be going out. You'll see these arriving in your homes in the next few weeks or so. But, it is complete, and it's on the way out. So, that concludes my report.

President Anderson: Thank you Mayor Hawkins. And, I will say, also that I was one of those people watching remotely for the State of the City, and it was wonderful. The presentation that were put together were very helpful. It was very informative, and it was very inviting to residents. I know I received feedback from residents as well that they appreciated the openness and the content. The people I had talked to had called out specifically Economic Development, getting updates on what was going on there was especially helpful, and the other departments as well. So, it was a really well done job. I know I couldn't be there in person, but, over the internet, it was well recorded, and easy to understand. So, thank you for that.

Administrator's Report

Mr. Jones: The Jaycees Easter Egg Hunt is Saturday, March 30<sup>th</sup>, at 12:00 p.m., Ross Park, ages ten and under. Springdale Community Center will be closed on March 31<sup>st</sup> in observance of Easter as well as the other Administrative Buildings, obviously not safety services. And, then, want to remind you again that the shred day event is Saturday, April 6<sup>th</sup> from 9:30 a.m. until 12:30 p.m. at the Springdale Community Center parking lot. It's free citywide, but, I need to remind you that you need to bring an I.D. and you need to be a resident to participate with this, and, I'm going to refer back to Brian (Uhl). Thank you.

Mr. Uhl: And, I apologize, I didn't have my homework before. I now have my notes. So, just to kind of add a little more information to my report from earlier, I'll continue on with the Civil Service Commission and provide a little more detail. The Building Inspector hiring process is completed. We have hired Daniel Blaylock, who was formerly without Building Department, left for another job, and has returned to us as a Property Maintenance Inspector, which was his former title, and now he is a Building Inspector I for us. Our Firefighter/Paramedic hiring process is completed, and I'm happy to report that we are fully staffed. Our hiring process, you met Curtis Bosch this evening. He was another recent hire, along with Jason Davis, and then Kellen Lyons as well, in the last couple of months, and, we have one position yet to fill, and we're

City of Springdale Council

March 20, 2024

Mr. Uhl (continued): currently still accepting applications and conducting interviews. The Police Clerk and our Police Department Administrative Assistant, we have two conditional job offers out there currently, and the candidates are going through the background investigation process. On this Friday, March 22<sup>nd</sup>, at 10:00 a.m., Civil Service will be administering a promotional examination for the position of Police Sergeant. And, our Public Works Maintenance hiring process, we have one candidate in the background process, and we have one gentleman who started with us this past Monday.

Law Director's Report

Mr. Braun: The only thing that Council might be interested in is that my office is working diligently with City staff to move forward on the closing of the property that will complete the Wawa acquisition at Glensprings Drive and Route Four. There's been lots of bumps in the road, I will tell you, primarily because of the unique property that it's being placed on and the condition present, but, I was given an update today and it does seem that everything is moving forward. So, other than that, I have nothing else to report.

Engineer's Report

Mr. Riggs: Thank you. So, the Northland Boulevard Project we're still wrapping up right-of-way. I believe there's only two property owners that we haven't closed on. I think three parcels, two property owners. But, everything's on schedule to go to bid. ODOT (Ohio Department of Transportation) is going to let that in May. The Springdale Community Center HVAC Replacement Project, I believe those larger rooftop units, there are two, I think, any day now they should arrive on site. So, work will be beginning shortly on that. The Crescentville Road State Route 4 to Route 747 Improvements, the Butler County Engineer's Office held a pro-construction meeting on March 7<sup>th</sup>. I was not able to attend that meeting, but hope to learn the project schedule of that real soon and be able to share it with everyone. The Tri County Parkway Sidewalk Extensions; this is another project where we're wrapped up with the design, like 99% plans. We just need one temporary easement from one property owner, so, we'll be working to obtain that here soon. And, that's all I had.

Rental Program Committee

Mr. Vanover: Really have no report, for this evening, but, I think that within probably the next couple of weeks that we will reconvene and get back on task. Thank you.

Communications

-

None

Communications from the Audience

Ms. Messer: Kara Messer; 12182 Springdale Lake Drive. I feel like I'm getting better at this because it's my third time here, so, I'm not as nervous. Alright. Okay, this is the first official full day of Spring, so, Happy Spring everybody. Thanks for being here. It was really neat to see the new Police Officers. That was very moving. I loved it. Again, in honor of Women's History Month, I would like to share a quote and encouragement from Caroline May, a 19<sup>th</sup> Century English-American poet, editor, and literary critic. "*March, when days are getting long. Let thy growing hours be strong to set right some wintry wrong.*" Just pause; take a moment to reflect upon those wise words. I love poetry by the way. Alright. I thought the State of the City address was incredible. Thank you so much for everybody who was there. Just echoing what was already said. It was very informative, and, I even sat next to some newer residents of Springdale. I think it was very helpful for them. I think they felt welcome. I think they were encouraged by the diversity of our community, so, applause to everyone who participated in that and contributed to that excellent event. And, then, I have a question. Would Council be willing to explain a little bit more about how the MetroNow! expansion will benefit Springdale residents. Thank you.

President Anderson: So, I mean, I can take a shot at it. We obviously don't have a Metro representative here, but, I can tell you that they've been participating at OKI that I'm a part of, and, it presented several times about the MetroNow! program, and, in fact, not at this past meeting, but, the one before, I had an opportunity to speak to OKI about the MetroNow! program a little bit, based on the feedback that residents had shared with me over the months that it had been a pilot program. Springdale was one of the first zones go to live with the program, and, the candid feedback was something that they'd asked for. I know that I had gotten feedback from residents. Everything from people being able to get to doctor's appointments that they weren't able to get to

## City of Springdale Council

March 20, 2024

President Anderson (continued): before. Things like being able to go the store independently. People being able to get to church over in Sharonville, to come to the Recreation Center for senior meetings. And, that was one of them that I thought was really impactful to me when I heard the story, because some of the seniors were able to now use that service to get to the community group here at the Recreation Center using MetroNow!. MetroNow! had actually come in, or, I think they planned to come in and speak with our seniors at one point too about the program. So, just that access has really been nice to hear. It's nice to see them being responsive. Your question was, "How does it impact Springdale?" I know from my perspective it's nice to see us being recognized by the larger community as a place that would benefit, and has a vibrant area, things to go to; businesses that are listed, and there are residents that have been helped. So, I don't think we have any kind of metrics that we could share, but, I know it's been nice to see our name in that light.

Ms. Messer: Could I add something else that you said that I have a little bit more time. It will be real quick. So, I recently went to something at the Sharonville Convention Center, and it was amazing, and I like how cities work together, and, I thought it was really cool that on the map that they have at the Sharonville Convention Center of local businesses that you can visit. Some of them were in Springdale. So, I thought that was really positive. I actually showed it to my kids, and said, "Hey, check out, and see which one of these highlighted is in Springdale." So, I just thought that was pretty cool too; cities working together, and I think we can all benefit from the collaboration and everything, so, what you said reminded me of that, so thanks. I appreciate it.

Mr. Miller: My name is Jim Miller, this is my wife Cindy. We live at 535 Ray Norrish. We're here to ask for a relaxation of the rules for having chickens in Springdale. To make things easy, I put together a website. It's [springcoop.com](http://springcoop.com), one word. I list there the various regulations for nearby communities, villages, cities, Dayton, Cincinnati, all of the ones that do accommodate a reasonable number of chickens for people who would choose to have those as pets or for food. On that site, I do have, there's a one-paragraph description from the City of Montgomery that's very short and to the point, and very reasonable. No more than six chickens in your backyard. No more than say ten or fifteen feet from the property line. So, it could be a good model for the City of Springdale. My wife is an amazing gardener, and she has been her whole life, and, wherever she goes, things start growing. Is there a song like that? Whatever, and it's just wonderful at harvest time. So, tomatoes taste like tomatoes, and strawberries just kind of jump all over your tongue. It's a wonderful thing to use the miracle of seed and soil and sunshine and rain in your backyard. So, along those same lines, we like farm fresh eggs. And, we can get them periodically, but they're kind of hard to come by, at least where we travel most often. So, we said it sure would be nice if we could have chickens, and so we talked with our neighbors, which we have wonderful neighbors, and they were all very supportive, in fact, very encouraging from one of our neighbors, Alphonse. He's sort of Dr. Dolittle. He loves animals. And, so, I said, well we don't want to be a nuisance to anybody, so we said very specifically, if it bothers you for any reason, just let us know, and we'll move the chickens. We have a nephew and his wife who live outside of Batavia and move them there if we had to. We obviously don't want to, but, we do have that option. But, we thought, well, let's just go ahead and do it. It certainly would be no worse than a dog. Our chickens haven't barked yet. So, they will cluck a little bit, but Alphonse, our neighbor said he'd rather listen to clucking chickens than (Interstate) 275 traffic. I said that's fair. But, they're really quite quiet, and in any event, we were visited by the City about a week and a half ago, and realized we were violating the ordinance, and we certainly said well, we are willing to comply, and he said well there is a Council meeting, and you're not the only residents who are interested in this, so you may want to just go ahead and plead your case to see if there could be some relaxation in the rules so it would be more along the lines of Montgomery, or Wyoming, or Glendale, or Cincinnati, and Dayton. But, the last thing about the chickens, and we really didn't realize this until we had them for a while, they really are like pets. We have seven grandchildren and they're kind of like another set of grandchildren. They all have their own personality and they really are a very interesting bird, and, because of this, we've actually talked more with our neighbors. There's a little bit more community that we had previously because of the chickens, because of the shared interest in that. The chickens are also very friendly in terms of sustainability, permaculture.

## City of Springdale Council

March 20, 2024

Ms. Miller: So, I'll take over here. Sorry. So, the main reasons that we have the chickens is for the permaculture, for the sustainability, the eggs, so that the chickens can help work the garden, and the garden then feeds the chickens.

President Anderson: Thank you. And, I know, if you could sign in too so we can make sure we have a record. I think there should be paper there. Do you need a pen? I will share with you, I know tonight we have an item on our agenda for later in the meeting where Council will have an opportunity to talk about determining if Council wants to form a committee, or take some action. There's not an expectation that there will be action taken tonight with that agenda item. It's simply saying whether or not there's interest to do that. So, just be aware that it's on the agenda tonight to talk about talking about that. So, just be aware of that, and if you stick around, you'll hear some of that discussion. But, thank you for your comment and feedback. There's some people that would like to share some thoughts with you.

Mr. Gleaves: Thank you Mr. and Mrs. Miller for coming out. These are my neighbors, and I got a chance to take a tour of the chicken coop. I call it the chicken condominium. If I was a chicken, I would want to live in that coop. But, done a great job. Thank you so much for the website and putting that together. I forwarded that to I believe everybody here. Very well put together, and it's sad we're going to have a discussion about it. And, this will help us, the information that you sent. Appreciate it. Thanks for coming out.

Mr. Vanover: Council, we need to tread lightly because we have a pending case before BZA (Board of Zoning Appeals), so, I would just caution. We've had instances in the past with a driveway, and, right now, in my mind, our best response is we can't comment because it is a pending case. If this had been heard in a court of law, very likely, the judge could have ruled and issued a "gag order", so, we want to tread lightly and be fair because both BZA and Planning Commission are technically sub-committees of the Council, but they are independent and need to be able to operate unimpeded, and free, and fair without undue pressure or influence from another body. So, just my, I don't know if Mr. Braun wants to make any further comment, but, I think that we need to be cognizant of our procedurals.

President Anderson: Thank you Mr. Vanover. And, for what it's worth, there's some notes for that when we get to the item on the agenda for Council to discuss. What we're discussing right now is just feedback for the communications. It is good caution though that we can say now, and say again later. Obviously, there is, as Mr. Vanover mentioned, there is a variance. I know it's not the Miller's that are here tonight, and I don't believe anyone has spoken tonight about any of the specifics of the cases, but, we can get into the details of whether discussion is permitted or not. I know Mr. Braun and I spoke prior to the meeting as well. So, we'll make sure we cover that before we open up discussions when we get to that item on our agenda. But, in terms of responding back to the residents who came in to share their information, is there anyone else who would like to comment? I don't see any lights for now, but as we mentioned, we intend to have some discussion about having discussion about this later in the meeting. You're of course welcome to stay and listen to that. But, thank you for sharing your thoughts and your information. Floor is still open for communications from the audience if anyone else would like to address Council for any reason.

Mr. Spradlin: Hi everybody, I'm back. My name is Cole Spradlin. I live on 870 Yorkhaven. First, I want to say, "Thank you" to everybody up here for making the State of the City possible. I know each of you up here had some part of that. We should keep the event going annually. It taught me a lot more about the City that I did not know before. Made me feel more informed. For example, I didn't know there was work done on the CSX train bridge on (Route) 747, and now I feel safer going under that bridge. I also want to thank Administration and the Department Heads for attending the State of the City so that they could keep us apprised of current developments that were going in their respective departments. I'd also like to thank Mr. Uhl for filling in for the Building Department Director, and, keeping us informed of that department. I would also like to thank whoever put that PowerPoint presentation together. It was very informative. Probably took a lot of coordination between all of the Department Heads, and it probably took a couple of hours of their life that they'll never get back. I also have a question about the new turn lane at Glensprings and Route Four. Are there any other plans other than the new turn lane, and the traffic light system to help improve traffic in that area once the Wawa gets built and brought in? Thank you. Also, does anyone have a pen?

City of Springdale Council

March 20, 2024

President Anderson: Here, take this one.

Mr. Spradlin: Thank you.

President Anderson: Alright, there was a question about the intersection for Wawa. I know there's a study done. Mayor Hawkins did you want to respond? Or Mr. Riggs? Okay, both the lights came on, but Mayor Hawkins was first. I wasn't sure if he was trying to get in front of him, or...Mr. Riggs if you have some information.

Mr. Riggs: Yes, it's part of the development requirements to construct an additional left turn lane on Glensprings on to Route Four. And, when they did that, they also have to reconstruct part of the signal, so, there will be some road widening, but, generally, that's all you're going to see. There will be obviously site improvements. There's two parcels involved that are in some land trading with the City, but, it will be a big project still just from a public improvement standpoint, it's a significant project. I think the estimate was \$590,000. It's a good project.

Mr. Spradlin: Alright. Thank you.

Ordinances and Resolutions

Ordinance No. 13-2024

AN ORDINANCE AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR PARTICIPATION IN THE INFRASTRUCTURE INVESTMENT AND JOBS ACT STATE ENERGY PROGRAM ENERGY EFFICIENCY PROGRAM FOR OHIO COMMUNITIES

President Anderson: Council, you've heard the reading of Ordinance No. 13-2024. This is a first reading, so, if there's any questions or discussions at this point. (None) Seeing none, we will see this one again.

Ordinance No. 14-2024

AN ORDINANCE AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR PARTICIPATION IN THE INFRASTRUCTURE INVESTMENT AND JOBS ACT STATE ENERGY PROGRAM ENERGY EFFICIENCY PROGRAM FOR OHIO COMMUNITIES

President Anderson: Council, this was another first reading for Ordinance No. 14-2024. Is there any questions or discussion at this point (none). Seeing none, we will see that again at our next meeting.

Ordinance No. 15-2024

AN ORDINANCE DECLARING CERTAIN CITY PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE SALE, DISPOSAL, OR TRANSFER OF SURPLUS PROPERTY

President Anderson: Council you've heard the first reading of Ordinance No. 15-2024. Are there any questions about this tonight?

Ms. McFarland: I did notice that there were a few items; self-care items, shampoos. Is that something that we can donate to shelters or things like that, rather than sell?

Mr. Uhl: Yes. The first order of business is to declare them surplus, and then it allows us to get rid of them, but, that's probably the preferred method. I don't know that people would be bidding on something like that, but, yes, we'll look for some other group within the City that we can hopefully donate those items to.

Ms. McFarland: Thank you.

President Anderson: Other questions or discussion about that ordinance? (none) Again, this is a first reading, and we will see that again at our next meeting.

## City of Springdale Council

March 20, 2024

### Ordinance No. 16-2024

DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN SPRINGDALE, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, DECLARING CERTAIN PUBLIC IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER DEVELOPMENT OF THOSE PARCELS, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND, AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 16-2024; Mr. Jacobs seconded.

Mr. Vanover: Just note on Section 9, there's a typo. It should be "an" instead of "ail"

President Anderson: I believe that's a scrivener's error. Mr. Braun, are we okay to proceed without an amendment? (Mr. Braun nods in agreement) Okay. Any other questions or discussion? (none)

Ordinance No. 16-2024 passed with seven affirmative votes.

### Old Business

Mr. Gleaves: Our last meeting, we were talking about litter. And, I'd like to piggyback on that. I did a little investigating of my own, and, looked at some things that other places had done to minimize litter, and possibly get rid of it. We talked about a couple of people that have picked up litter on Sharon Road, Ray Norrish, my neighbor who is here tonight. And, I think that we need to really get a hold on this by trying our best to let people know that we care about litter. Things like signs in key areas. We have neighborhood watch signs. They're there for a reason; as a deterrent. I'd like to see something like that possibly come forward, hold our businesses accountable. I reached out to Mr. Uhl, and I showed him something that happened that was at Walgreens, and he took care of it right away, and I appreciate that. Public awareness; we have the Mayor mentioned about the new newsletter that is going out. We could possibly put something in a newsletter just to remind people to "Keep Springdale Beautiful", "Pay attention to people who are littering", "Don't litter yourself", "Clean up behind yourself", things of that nature. We could reach out to Princeton, Springdale Elementary, maybe the kids might want to get involved with some type of slogan; official slogan for Springdale about keeping this place litter-free. Handouts, which would be the newsletter. Just things like that. We need to make sure that we let people know that we want to keep this place looking as fine as it can be. So, basically, that's all I wanted to say about that.

President Anderson: So, in response to that, I know in the past, so we can talk about it here, and we've had some discussion. I wonder if Council might be interested in maybe assigning an action item to one of our standing committees. I could think that either public Works Committee that manages matters pertaining to streets, highways, sewers, and sidewalks could be appropriate, or it could be appropriate to assign an item to the Public Relations Committee to work on more of the messaging if that's something that might make more sense. So, really, it's really a question to the rest of Council if this is something that we think maybe they should dive into and see if there's some actions we can take. I don't know if anyone thinks if they want to do that. I want to get us past just talking about it here, and get some action items. What does Council think about assigning it to one of our standing Committees?

Mrs. Sullivan-Wisecup: I have a quick question because I know that it is illegal to litter, correct? What does our Police feel about this? Because that's their job, correct is policing trash and things like that. So, has anybody reached out to the Police to see if they have any ideas on any of this, or what we should be doing because I don't want us to do something that we pay someone else to do that that's already their job.

Mr. Jones: Slightly different response than what I think the President was referring to. So, yes, we talked to our Property Maintenance, we talked to our Police. They're well aware of what the concerns are. In fact, our Public Works Director himself went out and went through neighborhoods and came back and gave us his feedback, and then also Property Maintenance followed up, and so forth. In general, this is the third City I've worked in. Signs do not work, and,



## City of Springdale Council

March 20, 2024

Mr. Jones (continued): generally speaking, cities are not always or overly encouraging in putting up more signs. People know what the law is. They know they cannot litter. The idea of reminders, the ideas of encouragement, the ideas of being positive about keeping your City clean and stuff, in fact, along the bike trail, we just put a couple of trash cans out there. They Mayor had brought it up, and Public Works addressed that. That's the kind of thing we like to do, as opposed to trying to fix it with signs because the next thing you know, you have signs everywhere. And, Brian Uhl uses the terms that, too many signs creates almost a "white noise"; people quit noticing. Everything just starts to blend in. So, they're very well aware of it. We see them as an enforcement issue. Please call us. Let the Police know if you ever see, or can help us with that, we would love to more about it, and also, Property Maintenance will respond immediately when we get a referral on something like that. So, we had three different departments do some follow-up from the last meeting, and taking a look at some things like that.

President Anderson: So that more indicates that if Council, reminding everyone Council's role is more policy and legislation. There's certainly a public relations side of it where we can help explain some of the ordinances, so, it might fit better there.

Mayor Hawkins: Just piggybacking on what Mr. Jones was saying. I want Council, and Mr. Gleaves specifically to know after the meeting, less than 24 hours went by and, Administration with talking with our Public Works, as well as Police Department with regard to this specific areas that got talked about by residents as well as Councilmembers. So, folks were on it immediately thereafter. That conversation just reminded me of a conversation that we had had administratively that I forgot to ask Mr. Braun, so, I'll ask Mr. Braun now. In terms of what we have on the statutes right now, I'm assuming it is a minor misdemeanor that we have pending for litter?

Mr. Braun? Yes. It's typically a minor misdemeanor. I can check. Every community I know makes it a minor misdemeanor though.

Mayor Hawkins: And so, along those lines, administratively we were talking about it, and I apologize, I had just forgotten to talk with you about it, we had many things going on. My understanding is a Law Enforcement Officer can't cite somebody for a minor misdemeanor unless they observe it. Is that right to your knowledge? Or, could it be something to check on?

Mr. Braun: Yes, typically they can't cite anyone for any violation that they don't witness, or, have evidence before them that they investigate, but, they don't investigate a minor misdemeanor the same way. So, yes, that enforcement is always an issue when it comes to things like litter because you have to observe the offense in order to cite them. This comes up in a lot of offenses.

Mayor Hawkins: So, along those lines, I mean, it's different if there's a theft offense, alleged, but it's not witnessed by a law enforcement officer, they may be able to go and cite that, and, so, I know, at least, in the City of Hamilton, and I'm the last person to over-criminalize anything, anybody who sat here with me for 14 years knows I am not about that. But, one thing that administratively we've discussed that could be discussed with Council is if it's something that is raised from a minor misdemeanor, or maybe a misdemeanor four, that would work too. When it's something where if someone witnesses it, they can notify a Law Enforcement Officer, and a Law Enforcement Officer can bring a citation for that. That's something else to consider in terms of legislation. So, I know the City of Hamilton, I think it's a misdemeanor of the fourth degree, or misdemeanor of the third degree, and when I'd see that, I'm like, "Why the heck did you guys criminalize this where someone can go to jail for 30 or 60 days?" But, that might be a reason why they did that because if a cop didn't see it, they can't do anything with it. So, enforcement is the biggest part. Folks have to be observant, see stuff. You see somebody dropping, I mean, Kenn Road is the ultimate. You live in Beacon or Oxford Hills, Saturday and Sunday morning, you see Wendy's, White Castle's bags on the side of the road. They're all over the place. And, so, if people are aware of it, not that you're going to see somebody at 2:00 a.m. in the morning, but, if you see it, and you can give a plate, and you can get that information to Law Enforcement, and if we have legislation that has the teeth to be able to go and do something with it afterwards, then, that may be something else to be considered. So, it's something that, again, if Council decides they want to have some further review with that, that's

## City of Springdale Council

March 20, 2024

Mayor Hawkins (continued): just an idea that Council may look at in terms of either doing an unclassified misdemeanor, or raising it from a minor misdemeanor to an M4 (fourth degree misdemeanor), that may help with regard to Administration doing some enforcement things if a Law Enforcement Officer doesn't see it.

Mrs. Webster: This nice lady that was here last week talking about all the litter down at Hooters, I live behind Hooters, and I know there's a lot of litter, and it's all up and down Ray Norrish Drive too, but, I don't think it's the residents. It's the people that go to those restaurants. I don't live here, what do I care. And, that's what we can't do anything about. I see, I know it. It's bad. Thank you.

President Anderson: So, what I'm hearing is Administration feels like they have tools to enforce now, so, it's not a question of that, there's been discussion of maybe doing some education, but, again, I don't want to step on Administration's toes. That's not Council's role to do. What I would suggest is if maybe we put this on our agenda for the next meeting. Give people a chance to think about if they want to send a review raising or changing the law around litter as Mayor Hawkins mentioned, unless there's no interest in that and we know that. The idea of criminalizing more of this might give them additional tools, but, I wouldn't want to do that without some consideration, and that's the kind of thing that we'd send to one of our Committees to look at, and make sure they understand all the impacts of that, and have the discussion with the like the Chief of Police or some Community members to get a feel for it. So, I would propose that we kick idea down the road to our next meeting, put it on the agenda as Old Business, and then just be prepared to talk about it if we sent to send that for review to change the penalties. How does that sound? Any concern with that? (none) Okay, seeing none, maybe we'll just go ahead and put it on our agenda for our next meeting to look at updating the ordinance or the impacts of litter, so just be prepared to talk about that at our next meeting.

### New Business – Zoning Change Discussion for Residential Chicken Keeping

President Anderson: Next New Business. We have one item already on the agenda for New Business. It's Zoning Change Discussion for Residential Chicken Keeping. And, as Mr. Vanover, Councilmember Vanover mentioned earlier, the intent of having this on the agenda tonight is not to discuss the specifics of any specific case that's before, in front of the City now. Rather, just as I mentioned before with the litter, this is to see if there's interest in taking up the item. It's not required that any member share their views in any way in detail tonight. Just, what we're looking for is if it's something that should be investigated, which could mean increasing, or loosening related regulations. So, what we're not looking for tonight is a discussion about any cases. We're certainly not putting anyone on the spot to talk about what their views are on it. But, why this got added to the agenda was that there was a number of discussions that have been happening in the Community as you heard tonight. This is something that's come up several times over the years, and it's certainly become more prevalent in communities around us. A number of our residents are unclear as to what our Zoning Code is around it, and, they feel like everyone is doing it, so, I feel like it needs to be discussed. So, the reason it was put on the agenda tonight was to see what Council's views are. If we should investigate updating that section of our Zoning Code, which is very limited and hasn't been touched in probably ten years. With that, I'll open it up for a discussion, and please keep in mind that we do as Mr. Vanover and Mr. Braun has mentioned previously, there is open actions under our current Zoning Code. There are people that are reviewing variances or requesting variances for that current section of Code that currently have chickens, so, just be mindful of that. I will tell you in speaking with Mr. Braun ahead of time before we put this on the agenda, it was reviewed to know that we would be talking about this tonight and you are not under any restriction as an elected official to share your views, but I'm asking you to be cautious for the appearance of influencing a proceeding that is going on. So, just be aware of that, but just know that you do have the ability to speak on this in whatever you see fit. And, before I turn it over, I'll ask Mr. Braun if there's any other cautions that he might want to give us before I open it up for discussion about should we send this to a committee to discuss.

Mr. Braun: The only thing I would just remind everyone is obviously we have Administration that's currently enforcing the rules that are on the books, so, and, if you're not familiar with what those rules are, I might encourage people to look those up sometime after the meeting. But, I think the limited issue as you're phrasing it is do you want to study the issue, or have a committee

## City of Springdale Council

March 20, 2024

Mr. Braun (continued): to do that is fine to discuss. But, obviously, I would not want to put those members of Council that serve on committees that will have to be reviewing these matters in an awkward position and, so, I think one of the reasons to restrain talking about your position on it is it's unfair to them. Because they can't talk about it; or shouldn't. That's all I would add.

President Anderson: And to that point, we don't, so just limit the discussion. Just know that you're free to discuss it if you see fit, but just know that you might be putting other members in a tough spot who might want to respond, but wouldn't be able to tonight. Everyone, if we do create a committee, or look at this, there will be opportunity to share all those views and get feedback from the Community, get feedback from Administration, get feedback from Planning, file the normal process for a zoning change, all of those groups can be involved through the process. Changing zoning code is not a "we just do it" type thing. There's a lot of touch points inside of our code that would need to be looked at. That's why we typically form a committee and involve those parties. So, just so everyone's familiar with that. So, with all those warnings, it is something that I think we should talk about. Talk about talking about.

Ms. McFarland: I personally have had several residents reach out regarding if this is something that can be discussed or reviewed. It has been several years since it has been a discussion, and a lot of things have changed. A lot of reasons for people wanting them. So, I definitely agree that is something that we should talk about. I personally have experienced the benefits from family members that have chickens in other locations, and, obviously we have a lot of residents in Springdale that already have chickens. So, maybe it is something we at least need to look at and figure out what the benefits to the Community are, figure out what the benefits to our residents are, and decide if that is something that we want to change.

Mr. Vanover: I have no problem assigning the discussion and research, if you want to call it to that, but, one of the problems, obviously, the one committee that would jump out is Rules and Laws, however, the chair of Rules and Laws is also on BZA (Board of Zoning Appeals) which would not be appropriate. It's putting them in a precarious situation, which is not fair. So, the other option then would be to form a, for lack of a better term, chicken committee. And, do that, but, due to the limited number of us here doing double duty on different committees, the obvious would be Rules and Laws, but, with Mr. Jacobs serving both as chair on that committee and also on BZA, that puts him in an unfair and precarious situation.

President Anderson: Thank you for sharing that. I will, especially for some of our newer Councilmembers just to let you know inside of our Charter there are several standing committees that you're aware of and people are members. The Rules and Laws Committee is defined in the Charter as what should be assigned to them are "matters pertaining to enforcement of Council rules and procedures". That's it. Historically, Council has sent other things to that committee, but it is not required to. So, the Charter only requires Rules and Laws and defines it as "matters pertaining to enforcement of the Council rules and procedures". So, it certainly a possibility to send it to that standing committee. My expectation, or, what I'm prepared to, if Council would want to do this and pursue it, would be to create a special committee similar to what was done in past years for the Rental Program Committee. That had a very specific scope, and then they would be able to work around that. I did want to respond briefly to the comment about a member may or may not be able to act on both BZA and a special committee. I'm not sure that I share that concern. It's certainly something that you're entitled to. Just because somebody is on BZA, and I was on BZA prior to taking over the role as President, I served on special committees too that made laws that also affected how they were being enforced, and there wasn't a concern when I was appointed to that committee. I don't see it as being any different. So, I understand that that's a concern you have. I don't share that concern.

Mrs. Webster: Have you had a lot of talk or requests as a City for chickens? People want chickens? What's a lot to you?

President Anderson: Are you asking me?

Mrs. Webster: Yes.

## City of Springdale Council

March 20, 2024

President Anderson: So, this is something that's come up several times, personally with me both when I ran for Council for my last election, it was something that I addressed when the State of Ohio also presented ordinances to try and overrule and set rules for chicken keeping at a State level. That was a prior Council. In terms of how many, I'm not sure I kept track of that. I can tell you what spurred me to add it to our agenda was after there were three different members of Council that spoke to me about it. At that point, when you have almost half a Council saying, "Hey, is there something we should do about this?", that at least seemed like something that was worth putting on the agenda to talk about.

Mrs. Webster: Why do people want the chickens?

President Anderson: Oh, I think you heard Mr. and Mrs. Miller.

Mrs. Webster: There are so many dogs and cats that don't have homes, why doesn't somebody choose a dog or a cat? I don't know. I don't understand it. They smell, they're going to bring coyotes, and then, if you've got a little dog next door, suddenly the coyote could get the dog, and, I just don't understand it. I don't understand the questioning, I don't understand the logic, the reasoning. I understand zero. And, if I've repeated something you said, I'm sorry, but, when you talk all the way down there, Mr. President, and I can't hear you.

President Anderson: I appreciate your comments. What we're talking about tonight is whether or not we should form a committee to look at the specifics. That committee would be charged with either increasing or loosening the restrictions. What's become clear from residents is that there's a desire to look at it. The current code that addresses, in our Code it's called Husbandry of fowl, rabbits, or bees. And, it's Section 152.252 of the Residential Zoning Code. It's about 40 words long, and simply, it basically bans keeping of any of these animals unless you have a lot that's at least three acres. And, to my knowledge, there's no lots in Springdale that do that. So, they're effectively banned. And, that was done maybe ten plus years ago. So, the question before Council, the reason we're talking about it is should we look at updating that Code, not necessarily making it a wild west, but can it be updated in a way that's respectful to residents at all of their views. It is a change. Anytime we change Zoning Code, it impacts a lot of people in a lot of ways, and we don't take that lightly, which is why we're discussing it here to talk about talking about it, which sounds funny, is because in order to change Zoning Code, if Council is initiating a change, there's work that has to be done to investigate it, determine what they want; what the desire is, that Committee then has to come back to Council and share it's views, which may include drafting of potential ordinances or changes. At that point, Council, the typical process is that Council would then send that to Planning Committee for review, and get their opinion, which is another group of appointed residents and experts that can talk about what the impact would be on all the work they do with all of the other zoning and businesses and regulations around land use. Once they get that back, then Council would have the ability to act. So, it's not a "yes, no, in a week", Council would come back and say, "Chickens are great". This isn't going to change overnight, and that's what I want to make sure people understand. Administration is tasked with managing the laws as they are today. And, that doesn't change just because Council is deciding to look at it. Now, Administration certainly has options on what they can do in the meanwhile, but, if Council wanted to create this, and build this board to look at it. That's how it starts. So, this is just us doing our job. In fact, the Charter charges us to look at this as the environment changes. The Charter says Council shall look at land use. So, the question isn't if chickens are good or bad tonight. The question is, is Council comfortable with the 50 some words that resolve chickens based on how urban farming has changed over the years. I mean, the City of Cincinnati has enabled this. Glendale has.

Mrs. Webster: Nobody wants to live in the City of Cincinnati either.

President Anderson: So, let's keep the discussion on point for tonight which is, is there general belief that Council wants to investigate the issue.

## City of Springdale Council

March 20, 2024

Mrs. Webster: But, where will it stop? You've got chickens, and then, because I read in this letter that, you know, eggs are expensive. What are we going to do? Milk is expensive, are we going to allow cows? I mean, this has got to stop somewhere. We live in a City. We don't live on a farm. We don't live in a township; we live in a City. And, we have rules and regulations. And, we should abide by those for the majority of the people in this City. Thank you.

President Anderson: So, Council is tasked with creating those rules and laws, and the question is, is it the desire of Council to investigate changing this one? So, are there other questions or discussion about this item? (None) So, at this point, knowing that there have been several Councilmembers that have asked for this, as well as residents that have asked us to at least formally say whether we want to take a look at this. What I'm doing now is making a motion to form a special committee for the specific purpose to investigate, and recommend back to Council as a whole, updates to our Code of Ordinances to clarify and/or modify our Code. Permitting or further restricting what is now commonly referred to as urban farming referenced as husbandry in our current Code, Chapter 153.252 Residential Zoning Code, Section C, including fowl, rabbits, and bees in part, or as a whole, as well as related sections as determined by this new special committee, which will be called Urban Farming Special Committee. This special Committee shall follow established processes and best practices including involving Planning Commission, and City Administration, and its relevant departments where practical. With the consent of Council, the special Committee members would include Councilmember McFarland as Chairperson, and Councilmember Dan Jacobs as member. Is there a second?

Mr. Gleaves: I second.

President Anderson: Alright, motioned and seconded. At this point, I'll open it up for discussion on the motion to create the Committee and staff the Committee.

Mr. Vanover: It's a procedural question for Mr. Braun. I don't ever recall a motion being made from the President's seat.

President Anderson: I'll certainly let Mr. Braun respond, but, I can tell you when I reviewed Robert's Rules of Orders and Small Boards, it's permitted. If it's an issue for Mr. Braun, we can certainly retract it, and, do it separately.

Mr. Braun: Robert's Rules will allow it to happen. We typically don't do it that way, but it was seconded. I mean, you could move to have someone else if it's a concern for Council.

President Anderson: Well, I'm happy to manage that if you'd be more comfortable. The Chair is looking for a motion that says as referenced before. So, at that point, if anyone would want to make the motion as I described, we would do that, and then second. So, the Chair is looking for a motion that says as stated previously. And, if you confirm with that, you would say, "So moved".

Ms. McFarland: So be it.

President Anderson: Is there a second?

Mr. Gleaves: Second.

President Anderson: Moved and seconded. Any discussion or discussion or questions about forming the committee as described. And, the reason for Council's benefit, the reason it's being done that way, the President of Council has the ability to form committees independently. So, the committee exists. The Charter requires the consent of Council to staff the committee. So, the reason that that was a long motion was to help the committee when they start to know what their scope of work was. One of the things that we struggled with a little bit in the first meeting for the Rental Program Committee, we spent a lot of time describing what our scope was. And, it turned out to be a very effective committee and has been because we were able to focus on two very specific areas. And, we created very specific ordinances, such as the nuisance ordinance, which has helped the City. So, the reason that I made that motion that sounds long, is to help the committee when it forms. It's certainly that committee's ability

## City of Springdale Council

March 20, 2024

President Anderson (continued): inside of that scope to do whatever work it feels necessary to achieve that goal. But, the Charter does require consent of Council to staff the committee, which was included. So, other discussion or questions?

Mrs. Sullivan-Wisecup: I just want to remind everybody again, because I know that some people said that they couldn't hear everything, even if there is a committee, they don't decide if we have chickens or not. I want to make that very clear because I think that some people might get confused about that. That's not what it means. It means that they're going to have a discussion. If you're changing zoning, like he said before, it goes through a whole entire process, so, there's a lot of voting that's going to go on before it even comes to us. Again, if it comes to us again. So, just know if this is formed, it doesn't mean that there will be chickens, there will not be chickens, there will be kangaroos. There's nothing said yes or no. It's saying there's a committee and it goes from there through the process of whatever it may or may not do.

President Anderson: Thank you Mrs. Sullivan-Wisecup. One thing I'll mention is one of the reasons that I'd indicated those members as my preference for the committee is because Ms. McFarland currently serves on Planning Commission as one of our representatives, which makes her uniquely qualified to interact with them, and make sure that they stay informed and involved. She was also one of the members that, when I was talking to her about what she learned when she was talking with residents during the recent campaign, because you interact with a lot of people when you're campaigning, you kind of get a feel for what's happening more so than when you're stuck up here so much, or focused. It was in a discussion with her on one of those outside views is, and that was something that she brought up as feedback that she'd gotten, so, I thought she was uniquely qualified for that space. And, Mr. Jacobs was another one that, because of his role on BZA, he sees how the ordinances are being interpreted, and, how they can affect residents. So, I feel like that's a benefit to him as a member. Additionally, he has a little bit more experience in Council. I didn't think it would be fair to have two new members do that out of the gate; have one more experienced member along with a newer member. It's important also to note all the members here will have an opportunity to share their views at different points. And, there's nothing preventing you from sharing information with the members of the committee outside of it, and inside their meetings. The other thing that I would share is if we do form the committee after we take the vote, that, to Mr. Vanover's point, and Administration's point, and also comments from the Law Director, that the committee should be aware of when there's currently actions happening inside of BZA, and not create a situation where they put themselves at risk. Just because we've created the committee doesn't mean that they have to meet tomorrow in advance of whatever happened. They can wait until after that action is completed, or work with the Administration to find out what works best with that group. They might have other actions that they're investigating, and they can work with that, and coordinate the best way to do that. This is going to take some time. This is just starting the process. So, I just wanted to share those thoughts. This wasn't just a "Hey, let's do it." This has been something that's been in discussions for some time.

Mrs. Webster: I had a question for Mr. Braun. If this were to come to pass where they allow chickens, what about if you live in an HOA. What happens then?

Mr. Braun: So, that's a good question. HOA's do, or commercial developments do have the ability to limit those, even if the City were to allow those. An HOA restriction is recorded on the property, so that would supersede any regulation.

Mrs. Webster: Okay. Thank you very much.

President Anderson: HOA's can be more restrictive, not less.

Mr. Braun: That's correct.

## City of Springdale Council

March 20, 2024

President Anderson: And, that's a good point Mrs. Webster. There's certainly opportunity for certain divisions, if there were to be a change, that they could address that as their neighborhood. Right now, the Zoning Code affects everybody, so the question is, does it benefit the majority of the community to make a change. It doesn't mean that we're saying everybody has to have a chicken, or bees, or whatever it might be. And, we'll be doing this in such a way that there's plenty of notice and communication both to get feedback from the residents, and, if they want to form HOA's, they'll have that opportunity.

Mrs. Webster: I think there's only about four homeowner's associations in the City. I counted, and I think I only got four. I think that's right.

President Anderson: Other discussion or questions. Keep in mind, we're inside of a motion to create the special committee called Urban Farming Special Committee. And, that's only because I couldn't think of a better name, as Mr. Vanover mentioned earlier. At this point, Ms. Browder would you poll Council on the appoint of members to the Committee, which is already known as the Urban Farming Special Committee.

Motion to form a special committee for the specific purpose to investigate, and recommend back to Council as a whole, updates to our Code of Ordinances to clarify and/or modify our Code. Permitting or further restricting what is now commonly referred to as urban farming referenced as husbandry in our current Code, Chapter 153.252 Residential Zoning Code, Section C, including fowl, rabbits, and bees in part, or as a whole, as well as related sections as determined by this new special committee, which will be called Urban Farming Special Committee. This special Committee shall follow established processes and best practices including involving Planning Commission, and City Administration, and its relevant departments where practical. With the consent of Council, the special Committee members would include Councilmember McFarland as Chairperson, and Councilmember Dan Jacobs as member passes with six affirmative votes and one opposing vote (Webster).

President Anderson: The appointments of members McFarland, and Jacobs to the special committee Urban Farming Special Committee has been approved with six affirmative votes. And, we can kick that off when it's appropriate. Ms. McFarland, we can talk about the best ways to do that in the future. Thank you for that discussion and for keeping it on task as much as possible. I appreciate it. I know creating committees and rules is a new function we haven't done, I think, as this body yet. So, it's a little bit of a learning curve, and we'll work through that as best we can.

### Meetings and Announcements

Mrs. Sullivan-Wisecup: The Planning Commission will meet on April 9<sup>th</sup> at 7:00 p.m. in these chambers.

Mr. Gleaves: The next BZA meeting is scheduled for March 26<sup>th</sup> at 7:00 p.m. There will be a training session at 5:00 p.m. before the meeting. That's all I have.

### Communications from the Audience

Mr. Webster: My name is Doyle Webster 12142 Peak Drive. I'd like to talk about two topics. First off, the litter on Ray Norrish Drive. When I had two good legs, I did a lot of walking on that street. As a matter of fact, I did a lot of cleaning up of the rubbish, and there's no doubt in my mind that is coming, you've got a long stretch there which there's no individual homeowner; it's just open land, if you will that borders the Crossings and the Gables, and some of the homes up there in where you live, and it's people that are coming and going to that apartment complex, and, it might be worth our while to have somebody talk to the ownership up there, the management, and say, "Look, you're really causing a nuisance to the City with all this garbage out here on the aprons." And that's exactly where it's coming from. I don't think necessarily it's coming from patrons that are leaving various restaurants around town. That's where it is. Maybe that would be worthwhile to approach them. Secondly, I have a question for Mr. Braun. The question of chickens; does it rightfully belong in the Zoning Code? Here's my concern. I've always been told that if you don't like something with the Zoning Code, you can go to BZA, you can get a variance. And, once you get the variance, it goes for the land, not

## City of Springdale Council

March 20, 2024

Mr. Webster (continued): particularly with the people. So, if all that's true, then, that means that next Tuesday some homeowner is going before BZA to get the approval for chickens. Assuming that would be granted, that means forever and ever, whoever owns that property can have chickens. Well, that doesn't sound right. It sounds like there ought to be some other way to try to control chickens outside of the Zoning Code. That's my two cents worth.

President Anderson: Alright. You brought up two points, and, I think the first one about litter being a nuisance has brought to mind something else. As part of our nuisance ordinance, one part of that that we did through the Rental Program Committee, we did talk about litter originating from businesses being something that we can actually cite the businesses for as well if it's around their area, or, if we think that they're a nexus for that issue. So, that's something else that Administration could use if it's necessary, if, what you're saying is true. Just so people are aware, we do have an ordinance that helps with that to keep the businesses in line too. I think at the time, it was largely to make sure that businesses would provide enough waste receptacles to be responsible for their consumers, things like that. But, the nuisance ordinance should help with that as well.

Mr. Webster: Well, maybe we could threaten the apartment complex with a violation of the nuisance ordinance.

President Anderson: Well, and that's certainly something else that's possible if there's litter outside of a business, a business is responsible for that as well, and, if it's an ongoing problem, it's certainly something that was included, at least in the discussions we had when we created the nuisance ordinance. I think you were in the room for some of those discussions in the past. So, that was something I think that we did that was helpful for this that if it continues to be a problem we can deal with. Mr. Vanover, did you have a comment on that?

Mr. Vanover: Yes, well, one of the biggest banes to litter happened about the 1970's when we got rid of paper bags in grocery stores because they saw multiple lives after they were used, and we have these god-forsaken plastic bags. Just look on, you know, honeysuckle on (Interstate) 275. I've never seen a paper grocery bag hanging from a tree 30 feet up. But, the tree looks like it's decorated for Christmas with these plastic bags. And, they're all over, and, it's, you know, we use reusable bags, and it just, hopefully, the tide will turn, but, that was probably, that, and recycling the bottles. A number of us are old enough to remember that we paid for some of our childhood activities collecting bottles and taking them in. So, sometimes saving a tree doesn't save a tree. Thank you.

President Anderson: I'll add to the question about variances. Something that people might not be aware of with the Board of Zoning Appeals, if you come to the Board of Zoning Appeals and ask for an exception to the rules, like, for example, chickens, one of the things that we learned along the way certainly was hammered home while I was the Chair of that Committee, was there must be some special circumstance that the Board determines is relevant to that location in order to get that variance, which is why it gets typically tied to the property, because the special circumstances wouldn't change necessarily, even if the ordinances do.

Mayor Hawkins: And, along those lines that we're talking about Board of Zoning Appeals and process, and what have you, their job is to look at the law, the application, the "Duncan Factors" to see if there's a unique circumstance for that piece of property, whether it's the topography, whether it's the shape, you know, unusual, what have you. And, then, process-wise, I too was on Board of Zoning Appeals. What would happen is one of two things; a resident's variance was denied, I would oftentimes tell them, "Hey if this is something that is about really a change of law, it's not really about you having a special circumstance because it's been denied, then you need to talk to City Council about a change of law." Board of Zoning Appeals should not be making law; City Council makes law. So, the other part of that that we've dealt with before is we dealt with this with garages in a number of places. If BZA continues to grant variances over, and over, and over again for the same thing, then, they're essentially making law, at which point, City Council needs to revisit whatever that issue is, and look at changing that situation. So, you know, process-wise, it's important that residents understand what that looks like, and what that process looks like and that everybody who's on BZA understands what their job and role is. I know this will be I think their first meeting. They'll have training with regard to that, but, that process-wise is kind of what we're looking at. Thank you.



## City of Springdale Council

March 20, 2024

President Anderson: Thank you Mayor Hawkins. I agree. I don't know if you saw my head shaking so much it almost fell off. We always said that if we couldn't change the law, especially to grant a variance on BZA, the answer was always, "If this is something you're concerned about, and you have other residents concerned about, coming to Council is exactly the right thing to do, which is what we're seeing tonight, so, I appreciate that. I know it feels a little different sometimes, but, that's what we're doing here, and that's why we're here.

Mr. Braun: I just was going to add that perhaps one of the charges for the new committee is to decide whether it is a zoning question, or should be a free-standing ordinance. When you search our Code, there are other provisions outside of zoning that address fowl, such as noise. It also talks about animals running free, which again, isn't land usage, so, I think maybe one of the challenges for the members of the new committee is to look at the issue of whether zoning is the appropriate route.

President Anderson: That's certainly why if you, when you go back and review the scope of the committee that was provided, it was to include not just that section that references in zoning, but also any related changes that would be needed, as Mr. Braun mentioned. And, I'm sure he'll be involved in several of the committee meetings along the way to help us with that from a legal standpoint since I don't believe anyone up here on Council is actually an attorney anymore. We lost our only attorney to the Mayor's office at the last election.

Mrs. Richardson: My name is Teri Richardson at 12194 Springdale Lake Drive. First, I'd like to thank the Council for taking seriously the issue of litter. I know in the hierarchy it might not rank high up, but, I think it's one of those things if left unchecked, could lead to other things, so, thank you for that, and looking into mitigative measures. So, one thing I would like to get a question, or maybe ask a question, or bring to your attention. So, if you've driven up or down 275 here lately, you've noticed a proliferation of the pear trees; the white trees. And, as you may or may not know, it's an invasive species. I know Ohio has recently issued a ban on the purchase of new ones, or the sale of new ones. I was wondering if the City has in place any type of mitigative measure, or plan to deal with what we have now. Because, looking at the number, they're going to continue to grow, and spread, so, that's just a question.

President Anderson: And, that's a good question. I'm not sure if Administration is prepared to answer that tonight. I know in the past in the Council chambers, we've had presentations from our Public Works Department that talked about our tree program, which is something that anytime developments come into the City of Springdale, one of the things they do as part of site development if they tear down trees, they pay into this tree program that we use then to plant like along the easements and other areas. There was a period of time where the City was actively replacing some of those Bradford Pear trees when they became invasive. I know the City stopped planting them several years ago, even prior to them being banned in Ohio. I know Mr. Agricola from Public Works came in and gave a presentation about different types of trees we should consider to be our preferred tree, and, I think the Zelkova tree is one of them that he had recommended at that time for Route Four, which is a very tall, it's better for trucking along that route. There's less trim needs; it's very tall branched. I happen to like those trees because I have two of them in my front yard, and I think they're beautiful, although some people feel they might be a little scraggly, I think they're go-getters.

Mr. Vanover: Well, part of the problem with those pear trees was when they were rolled out, we were told they were sterile. And, mother nature, to quote the commercial "It's not nice to fool mother nature", she will do what she's going to do. And, the proliferation is primarily from wildlife. And, you're right, and the best thing you can do is if you've got them popping up, we've got them popping up in the yard, in the back yard, and on beyond the fence, is take them out. As a matter of fact, this morning on I think on Channel 12, they recommended cutting them, and then treating the stump so that it wouldn't regenerate the suckers and stuff. But, yes, they are a nuisance. You used to, at this time of the year, if you saw a white tree, it was usually a dogwood. You don't see that now. So, yes, I completely agree, but, unfortunately, mother nature had a different idea on things, and, unfortunately, it's not the first time that something like that has happened.

Ms. Richardson: Okay. Thank you.

## City of Springdale Council

March 20, 2024

### Recap of Legislative Items

Mr. Jacobs: As you review your Internal Memorandum, Item Number I was addressed with Ordinance No. 16-2024; An Ordinance Declaring Improvements to Parcels of Real Property Located in Springdale, Ohio to be a Public Purpose Under Section 5709.40(B) of the Ohio Revised Code, Exempting Such Improvements from Real Property Taxation, Declaring Certain Public Improvements to be Necessary for the Further Development of Those Parcels, Establishing a Tax Increment Equivalent Fund, and Declaring an Emergency. That passed with a 7-0 vote.

### Legislation in Development

Mr. Jacobs: Item Number II was addressed with two separate ordinances. Ordinance No. 13-2024, and Ordinance No. 14-2024; there was a first reading for each; Two Separate Ordinances Authorizing the Execution of Grant Agreements with the State of Ohio Department of Development for Participation in the Infrastructure Investment and Jobs Act State Energy Efficiency Program for Ohio Communities. And, Item Number III was addressed with Ordinance No. 15-2024; An Ordinance Declaring Certain City Property as Surplus Property and Authorizing the Sale, Disposal, or Transfer of Surplus Property. That also had its first reading. All other issues are forthcoming, unless Administration has anything. I apologize, also a committee was formed, and I don't have the official title of said committee.

President Anderson: Urban Farming Special Committee.

Mr. Jacobs: The Urban Farming Special Committee was created, and that was with a 6-1 vote.

Mr. Uhl: I do have one item of interest. For our two Council meetings in April, we will have public hearings at both of these meetings for the Community Development Block Grant, where we'll hear community feedback on how they would like us to apply for some of these grant funds that are available. These grants specifically are administered by the Community Development Department of Hamilton County, and they make funds available for eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities with the principal purpose of benefitting low to moderate income persons. So, we will have our first hearing on April 3<sup>rd</sup> at the Council meeting, and then, our second on April 17<sup>th</sup>. We'll provide a little bit more information at the April 3<sup>rd</sup> meeting as well.

Mr. Jones: I'll defer to the Mayor first.

Mayor Hawkins: First thing is Council to consider summer session; we're here at the end of March, and, so, typically as we go through the summer months, we'll have usually one meeting a month instead of two unless something comes up and we need to have a special meeting, but, something for Council to consider. Administration had gone through some checks with regard to issues that we thought may be involved where we're clear to be able to do a summer session schedule if Council sees fit. You don't have to make that decision today, but figure that it's something that you should be thinking about so when we come back maybe the first meeting of April, Council has thought about that and making some decisions as people make plans for the summertime. The other thing is, I know you got an email from Ms. Browder. I think I sent everybody an email as well, and we don't have Kathy McNear here to remind us each meeting. Make sure you take care of your ethics things, if you have not already. I know I did mine. It's done. I used to joke with Ms. Emerson always in terms of who had not taken care of theirs yet. But, make sure you take care of that. It impacts everybody because it starts even in December of 2023, so, make sure you get that taken care of. Thank you.

City of Springdale Council

March 20, 2024

Mr. Jones: Just one more piece to that. We are also required to notify last year's elected officials and we did that today. So, both Mr. Ramirez, and Mrs. Ghantous, and is there anyone else? Thank you very much. Oh, and Mayor Webster.

Adjournment

President Anderson: With consent of Council, all we have before us is Item 16.

Mrs. Sullivan-Wisecup: Move to adjourn.

President Anderson: Alright we're adjourned. Thank you everyone.

Council adjourned at 8:50 p.m.

Respectfully submitted,

Nicole Browder

Minutes Approved:  
Jeffrey Anderson, President of Council

\_\_\_\_\_, 2024