

---

**Agenda**

1. **Open Meeting**
2. **Pledge of Allegiance**
3. **Invocation**
4. **Roll Call**
5. **Minutes**

[December 20, 2023 and January 3, 2024](#)

6. **Committee and Official Reports**

Civil Service Commission

Rules and Laws

Finance Committee

Planning Commission

Board of Zoning Appeals

Board of Health

Capital Improvements

O-K-I

Mayor's Report

Administrator's Report

Law Director's Report

Engineer's Report

Rental Program Committee

Mr. Coleman - Mrs. Darby - Mrs. McNear

Mr. Jacobs - Mr. Vanover

Mr. Vanover – Mrs. Webster

Mrs. Sullivan-Wisecup – Ms. McFarland

Mr. Gleaves - Mr. Jacobs

Mrs. McFarland

Mrs. Sullivan-Wisecup

Mr. Anderson

Mayor Hawkins

Mr. Jones - Mr. Uhl

Mr. Braun

Mr. Riggs

Mr. Vanover

7. **Communications**

8. **Communications from the Audience** *(Five minutes each speaker, Springdale Code §30.05)*

9. **Ordinances and Resolutions**

[Ordinance No. 02-2024](#)

[AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATION / ESTIMATED RECEIPTS FOR FISCAL YEAR ENDING DECEMBER 31, 2024](#)

[Ordinance No. 03-2024](#)

[AN ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO](#)

[Ordinance No. 04-2024](#)

[AN ORDINANCE AMENDING CHAPTER 154 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO](#)

10. **Executive Session**

11. **Old Business**

12. **New Business**

13. **Meetings and Announcements**

14. **Communications from the Audience** *(Five minutes each speaker, Springdale Code §30.05)*

15. **Update on Legislation Still in Development**

16. **Recap of Legislative Items Requested for Next Council Meeting**

17. **Adjournment**

City of Springdale Council

December 20, 2023

President of Council Anderson called Council to order on December 20, 2023.

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

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

The minutes of the December 1, 2023 meeting were considered. The minutes were approved with seven affirmative votes.

Mr. Vanover: Point of order, Mr. President.

President Anderson: Yes sir.

Mr. Vanover: We don't move to adopt the minutes?

Mr. Jacobs made a motion to adopt the minutes of the December 1, 2023 meeting; Mrs. Sullivan-Wisecup seconded. The minutes were approved with seven affirmative votes.

Committee and Official Reports

Civil Service Commission

Mr. Coleman: Good evening Council. Happy Holidays to you all. Springdale Civil Service Commission did meet on December 7<sup>th</sup> here at the Municipal Building and those in attendance were myself, Ms. Cheryl Darby, also, Mr. Brian Uhl, and Human Resources Administrator Stephanie Morgan. It was a brief meeting compared to some of our other meetings, but, we did acknowledge several different reports and I am happy to indicate this evening that within the hiring process, the Building Department Administrative Assistant position is filled. Yes. The Fleet Mechanic I hiring position, filled. Yes. The Police Clerk hiring position, filled. Yes. So, as we continue to move forward, we put a pause on the Tax Account Clerk hiring as you will hear later on this evening. We have our Finance Officer Tax Commissioner, Ms. Katie Smiddy in attendance, and we thought it was best that we hold that position up and make sure she was involved in the hiring process. We are indeed excited to welcome our new Commissioner to the Civil Service Commission, with that person being Kathy McNear, as you're all aware. Makes it kind of easy for me because our previous Commissioner was Kathy Nienaber, and, so, all I have to remember is "Kathy", and we'll be in pretty good shape. But, we do wish our outgoing member, Kathy Nienaber continued happiness for her new journey. And with that, that concludes my report. Any questions?

President Anderson: I don't see any lights. Thank you Mr. Coleman.

Rules and Laws                      Mr. Jacobs                      -                      No report

Finance Committee

Mr. Vanover: Finance Committee met last week. Went through the rough draft of the budget, which is the same thing that you'll have in front of you tonight we will walk through. The finance Committee would heartily recommend adoption of this, but, we won't do that until next month. So, with that, that would conclude my report.

Planning Commission              Mrs. Sullivan-Wisecup              -                      No report

Board of Zoning Appeals

Mr. Gleaves: The December 26<sup>th</sup> BZA meeting has been cancelled. There will be a training session that's going to be held in early January. The date has not been determined yet. The training is for the new members coming in to get on board where everybody has a smooth transition. The next scheduled BZA meeting will be January 23<sup>rd</sup> in these chambers. That's all I have.

City of Springdale Council

December 20, 2023

Board of Health

Ms. McFarland: Our December meeting was held in the conference room next to chambers on December 14<sup>th</sup>. All but one member was present. Mr. Clayton gave an update from the SOS (Springdale Offering Support). They were able to help 92 families with canned and non-perishable food, and gifts for the children in the families. They had their pick up on this past Monday, December 18<sup>th</sup>. They did a drive-thru at the Fire Station. They had a lot of good words to say about Debra Boggs and Terry (Metz) with the Health Department, Officer Keenan Riordan, Tom Lindsey with the Fire Department. They were a huge help in getting everything organized and put together. The Health Department interns helped with shopping, and wrapping, so, all in all it turned out to be a great year for the program yet again. So, they appreciate everybody's help with that. As far as COVID cases, there has been a small increase still in the number of COVID cases. There were two vaccine clinics that were held in November with a total of 19 children vaccinated, and there is a grant that the Health Department is working on for the Mosquito Control. They should find out that from the Ohio EPA (Environmental Protection Agency) very soon. It looks like our next meeting is going to be held January 11<sup>th</sup>, 2024.

Capital Improvements                      Mrs. Sullivan-Wisecup                      -                      No report

O-K-I

Mr. Anderson: No report for OKI, there was no meeting in December. The next meeting will be in January where the new board will be seated, and will start taking up business of handing out money again.

Mayor's Report

Mayor Hawkins: First on my report, I'd like to introduce our new Finance Director/Tax Commissioner, Katie Smiddy. Would you come forward please. You can come to the dais, while we say glowing things about you. (laughter) Katie comes to us from Cincinnati Community Action Agency, where she served there for approximately a year and a half as their Chief Financial and Information Officer. Prior to that, she was with the City of Montgomery for approximately seven years as their Finance Director/Tax Commissioner. Katie received her Master's degree in Public Administration from Wright State, and, her accounting degree from Xavier University. And, she also enjoys spending time with family, fostering dogs, running, and, one unique thing, that, I don't know, I think we had some discussion about this, but, she replaces Kathy McNear, who was also a Philadelphia-born individual. So, we have another person from "Philly" who's going to be helping to take care of our money.

Ms. Smiddy: Absolutely. All things fast, right? Drive fast, talk fast, eat fast.

Mayor Hawkins: We're happy to have you. Welcome. And, if you get the opportunity, please introduce yourself to Ms. Smiddy.

Ms. Smiddy: Thank you so much. Absolutely humbled for the opportunity, but, so excited to work with this amazing team we have here at the City. So, looking forward to all great things coming to Springdale. Thank you. (applause)

Mayor Hawkins: We also had the grand re-opening of Dunkin Donuts. The Sprinkles Mascot was present, and, so, they are open, and please go get your donuts, coffee, what have you there. We had the 55<sup>th</sup> anniversary and ribbon cutting for the Bishop Center with Calvary Church. That was originally supposed to take place back in 2020, but COVID had derailed that a little bit. We had the swearing of Officer Kellen Lyons, who had worked with us before in the past, and was on a little hiatus, and is back with the Springdale Police Department, so, we welcome him back, and we had the swearing in of a new Sergeant, Garrett Welander, and he was just promoted and that took place about a week ago as well. It's important for everyone to know we have the Pep Rally and Hall of Fame Coaches Induction on January 5<sup>th</sup> at 6:30 p.m. Friday evening, so, please come and support the youngsters that are playing our winter sports as well as folks that are being inducted into the Hall of Fame. To give you a General Fund Report; the beginning balance was \$9,516,099.86, the year to date actual receipts was \$21,439,313.16. Year to date expenditures, \$22,732,317.58, and our unencumbered balance is \$7,000,688.78. That's our General Fund Report. And then, a report on SOS (Springdale Offering Support). First off, appreciate all the time that folks have put in. Health Department,

# City of Springdale Council

December 20, 2023

Mayor Hawkins (continued): Fire Department, Police Department, Municipal Administration as well as specifically Ms. (Debra) Boggs has taken things by the reins as well. SOS this year assisted 92 families, 317 children assisted. There were 169 bags created, eight bikes, 11 blankets that were donated and crocheted by one of our Springdale residents. We have over 100 food boxes that were given out, and we had great partnerships as we always do with a number of different businesses within the City of Springdale; Compass Community Church assisted. We also had Lowe's who donated several heaters and cleaning supplies as well so, great appreciation goes out to all that assisted and donated and helped with SOS this year. And, that concludes my report.

## Administrator's Report

Mr. Jones: Want to start with thanking Mr. Uhl. I think each week, every meeting, the sound system gets just a little bit better as we tweak. Are you guys able to hear down there okay this week? The higher up you can wear it (referring to the microphone) the better, according to Mr. Uhl.

President Anderson: How's that? Is that any better Mrs. Webster?

Mr. Jones: Perfect. Thank you. A couple of things real quick. AARP free basic tax filing services, Springdale Community Center front desk is going to start taking appointments on January 2<sup>nd</sup>. And, also, starting January 2<sup>nd</sup>, the Springdale Community Center will be taking registration for youth sports. That entails and includes soccer, volleyball, baseball, t-ball, coach pitch and softball. And, the only other thing I have, I believe now all the elected officials should have their keys. Is that correct? Okay. Perfect. Thanks for the reminder tonight too Mrs. Webster. That concludes my report. Thank you.

## Law Director's Report

Mr. Braun

-

No report

## Engineer's Report

Mr. Riggs: Thank you. So, the Northland Boulevard Project is wrapping up. We submitted final tracings which is basically 99% construction plans to ODOT (Ohio Department of Transportation) in December. So, we're in the final stretches of that. At least the design. Right-of-way acquisition is still in progress. You'll have the legislation tonight before you about paying for the parcels that we have agreed to acquire, or that have been agreed to. So, we're moving along with that, and that's expected to be done, I believe on the 19<sup>th</sup>; January 19<sup>th</sup> is when we're anticipating all the right-of-way to be cleared. Unfortunately, I have some bad news about the Northland Project. We did submit for an OPWC (Ohio Public Works Commission) application for funding assistance. I think it was like \$1.3 million dollars. Unfortunately, we were not successful with that, but, we're not giving up. We've got two other grant applications; one with the County that we're currently pursuing. We did pass the pre-application process, and we've recommended to go into the final application, and I believe that is due about the same time; sometime in mid-January, I forget. I think the 18<sup>th</sup> or the 19<sup>th</sup>. So, we're still working on that. The Crescentville Road Project, State Route 4 to (Route) 747 improvements. All the concrete work is done. The curb, catch basins, entrance aprons; they're substantially complete, and the Butler County Engineer's Office is expected to bid the asphalt work as part of their 2024 county-wide resurfacing program next year. The Tri-County Parkway Sidewalk Extension Project; 95% of plans were submitted to Public Works on December 7<sup>th</sup>, so, they're being reviewed then there's one or two parcels that need easements, temporary easements, so, it won't take long. There's not federal funding involved in that project, so, it's much easier to work through. That concludes my report.

## Rental Program Committee

Mr. Vanover: The Rental Committee, I have no report on that, except that I intend to touch base with everybody and re-ramp up in January and get back at it.

President Anderson: Yes. I know we talked about picking that back up once things, the holidays, we got through the season to work on that next step of work. The next chunk of work is largely related to parking and road aspects as opposed to blight. Thank you. Before we leave Committee and Official Reports, I just wanted to circle back with a question for Finance. Looking ahead in the Administrator's Report, there was an expectation that we were going to review the budget at tonight's meeting. We're okay waiting until next month to review that. Administration,

# City of Springdale Council

December 20, 2023

President Anderson (continued): there's no problem with that. I saw there was presentation on 12/20 of the budget. Do we need to review that in Council tonight, or, can we wait until next month?

Mr. Vanover: My intention with Finance Committee is to walk through the budget as we typically always do. But before it's voted upon the following meeting.

President Anderson: Right. I just didn't know when we would expect to do that as part of the appropriation ordinance.

Mr. Vanover: No. It's right there on Section Nine.

President Anderson: I see Section Nine. I don't know where my head's at tonight. Thank you. I just wanted to make sure we caught it.

Communications - None

## Communications from the Audience

Ms. Matheny: I'm just here to give my annual Charter Revision report. We met on Wednesday, December 6<sup>th</sup>. All members were in attendance. We did have the swearing in by Mr. Anderson of our newest member, Butch Hafer, we held the election. I was put back on as Chairperson, by acclamation, and we do have an opening; that's on your agenda tonight. And, I believe Mrs. Sullivan-Wisecup is bringing in Michelle Miller's name. Michelle would very much like your support to be on Charter Revision. And, then, I just had one question. Why did we skip the invocation?

President Anderson: (off mic) We didn't have one prepared prior.

Ms. Matheny. It's not going to be an ongoing thing, right?

President Anderson: (off mic)

Ms. Matheny: Okay. It's just been a question in the audience. We were just curious. Thank you.

President Anderson: Alright, can you hear me? Test, test, test. Better? Okay. We'll have to keep the meeting tight. There's like one bar left on this mic too. So, pressure's on. Keep your comments brief.

## Presentation of the 2024 Budget

Mr. Vanover: Council, as we get ready to dive into this, I won't go through all the pages, as a matter of fact, I'd be remiss if I didn't offer Mayor (Hawkins) or Mr. Jones, did you want to make any additional comments before we start?

Mayor Hawkins: Thank you Mr. Vanover. Again, thank you to all those in the Administration that assisted in this. Stephanie Morgan spearheads this process and it is a, I guess, it's a labor of love, but it is definitely laborious. Just so residents understand, and for our new members, this process takes months to go through all the Department Directors give their "wish lists" to the Administration. They go through and get pared down. They get sent back, Directors go back and look at those again, and send back out their requests in terms of budgetary items. And then, the Administration goes through putting that together. You'll find as you go through the budget, there are line item notes, which, a lot of times will speak to discrepancies and what happened the year before, or why there's a change, and so, a lot of times, questions that come up get answered, but we have these discussions in case there are other questions/concerns that individuals have. But, a lot of them get answered with the diligent notes on the side of it. That's also for the residents and the folks that are here, and folks at home watching. If you don't see a lot of questions that come through, it may be because there's a lot of explanations within that document. Mr. Jones?

City of Springdale Council

December 20, 2023

Mr. Jones: I'm good. Thank you.

Mr. Vanover: Alright, just first, the cover page speaks volumes. Mayor Hawkins mentioned that our current carryover is in excess of \$7.5 million dollars. That's great news, however, you project that down the road, that's not going to hold up. We are rapidly losing ground. So, the Departments have their work cut out for them, and, I know, as in past, they will work hard on keeping us in line. It's important to point out the expenditures far exceed revenues for 2023. So, we have some decisions down the road that will have to be made. We are expecting revenues to drop to \$23,406,772.24. That is very concerning, to say the very least. I won't dwell. You have the facts and figures in there. Do yourself a favor and take a look at it. Because, it truly sets the stage for what the future is going to hold for us as a body, and, the work that the Administration will also have to work with. We'll just start through. First off,

Police Department - no questions/concerns

Mr. Vanover: Any questions?

President Anderson: So, for people who haven't been through this before, if, as we go through each section is how we've done it. We'll read each section. If you have any questions for Mr. Vanover, just chime in. I'll see the light, and then I'll call on you, and that's how I'll make sure it gets answered. Does that still sound right?

Mr. Jacobs: There was a couple of items, and I don't want to belabor this, as we mentioned. We don't have to go through individual details. The DARE (Drug Abuse Resistant Education) Program is mentioned three times in the first couple of pages. I understand we've discontinued that. I was wondering if Administration could kind of speak to that. Because, I think some members of the public misunderstand why we may be moving away from the DARE Program, and what vision we might have for replacing it. I don't think the language here is the issue, I just had that question, and I know some community members have been talking about it. Thank you.

Mayor Hawkins: I'll let Mr. Uhl address that.

Mr. Uhl: A couple of things with the DARE Program. The DARE Program in and of itself has been found to be an ineffective program by the National Institute of Justice, and no longer funded as a government program. The State of Ohio stopped funding it as well. The State of Ohio actually prohibited any schools from actually funding the program as well. They can't use public funds to fund a DARE Program. When we looked at the DARE Program, we were one of two agencies in the County that were still operating DARE. We were operating DARE; the Village of Glendale has DARE in one of their schools. Not all of their schools. Fairfield still has DARE, but, we were one of the very, very few that still operate DARE. As we looked at what the program was, our officers were tied to an individual curriculum of DARE, which consists of a total of 22.5 hours per school. Not per class, per school, when they typically do five grades in each school. The older grades get about ten hours of DARE-related educational instruction. The younger grades get anywhere from an hour to an hour and a half of instruction over a ten week period. So, we looked at how we could better implement a program that isn't tied to a curriculum, but, keeps police officers in schools. It's just not tied to the DARE curriculum. So, I think everybody heard DARE was no longer going to be in the school, and automatically assumed that that meant no police officers in the school, and that's not the case. We actually have a better plan to do different types of training that are age-specific, and relevant to current topics to work with the school administration to figure out what their concerns are and to provide some of these trainings to the different grade levels. So, there's still going to be the educational component. There are still going to be police officers in the school, they will be uniformed, they will be in plain clothes, so, our police officers have daily contact with each school, so, none of that is going away. If anything, it will be enhanced and you'll see more police officer presence both in a uniform capacity, and a plain clothes capacity.

City of Springdale Council

December 20, 2023

Mrs. McFarland: Do we know when more information will be coming out about that? A big part of the fifth grade graduation program at the end of the year is part of the DARE Program. So, I know even right now, the fifth grade teachers are concerned, and I know this is the budget talk, and I know this isn't the time really, but, when will we know more about that to pass on to the schools and the families?

Mr. Uhl: The Police Department is currently working with the schools to get through that initial fifth grade education, but, after January, the DARE Program is no longer going to exist.

Mrs. McFarland: Right. Okay.

Mayor Hawkins: So, I think it's safe to say, much like my predecessor when the idea of the DARE Program being stopped, it wasn't something that I was excited about that concept or idea. Having some more discussion with regard to what Administration has provided in terms of information, specifically that our current Chief of Police, Chief Butler, our former Chief of Police, Chief Wells, both had encouraged that this program be discontinued for the same reasons that Mr. Uhl had indicated, is a big thing. The big concern that I had was making sure that we have the engagement with officers with our young people so that we can foster that sense of community, and have a great relationship with our law enforcement officers, specifically the first responders in general. And, so, we've had the conversations that it's been stressed, that it's critical that our law enforcement officers are going to be in the schools, and are going to do some type of programming. And, so, the Police Department is going to work that out in terms of whether that's bringing in Police dogs, or going through and talking about the dangers of internet crimes, what have you. But, there's still going to be some actual educational component that our law enforcement is going to go into the schools, and engage in, and, in terms of being present, it's my understanding that they've been more present in the schools now, than they were before just trying to manage the DARE program. They're there. And, that's the other thing that's important in terms of a safety thing. Perspective wise, you heard Mr. Uhl talk about how few schools we have that are around in the area that are doing DARE as well as the State saying, "Hey, we're not going to fund or use these dollars for it." What you have seen the trend go to now, is Resource Officers. And, that is a choice that a school district has to make because they're paying for part of that money when they go through and they do that. So, in our district, we have, I believe, Resource Officers in the Middle School and the High School. I don't think it's something that we have throughout the elementary schools necessarily. But, you know, as a City, it's important that we have our law enforcement officers going to school. They're doing that. They're there. So, that shouldn't be a worry. That's being addressed in terms of an educational component. That's going to be addressed and they'll work out something a little more formal and making sure that Ms. Tenbarge, the principal there, it works with them and we're not going to interrupt their educational process, but, all that stuff is going to be covered. We're not going away, there's going to be more contact in the schools, and the reality is it's just not going to be under the banner of "DARE", which, as you look around, most schools are not doing. Thank you.

Mr. Jacobs: I appreciate that. I'm just going to speak loud because my battery is already out. I appreciate that we talked about it. If you just do a little bit of research, you see that all the research shows it's not an effective program. It's popular with politicians and parents, but the research doesn't bear it out. And, the fact that we're moving away from it isn't about money, it's about not putting kids at a lower priority. So, I appreciate the time we took, and I'm sorry it took some time from the reading of the budget.

Mr. Vanover: That's no problem. That's what we're here for.

President Anderson: That's an important question because it speaks to priorities. It is something that we talked about in the Finance Committee meeting too.

Mr. Vanover: Still on Police Department. Any questions? (None)

Fire Department	-	no questions/concerns
Health Department	-	no questions/concerns

City of Springdale Council

December 20, 2023

Parks and Recreation Department	-	no questions/concerns
Building Department	-	no questions/concerns
Waste Collection	-	no questions/concerns
Public Works	-	no questions/concerns
Administrative Office Budget	-	no questions/concerns
Economic Development Department	-	no questions/concerns
Finance Department	-	no questions/concerns
Legislative Body	-	no questions/concerns
Other Boards/Commissions Budgets	-	no questions/concerns
Mr. Vanover: That would be Civil Service, ICRC Contractual Services.		
Tax Department	-	no questions/concerns
General Administration	-	no questions/concerns
Transfers and Advances	-	no questions/concerns
Cameron and Underwood Parks	-	no questions/concerns
Adult Sports Fund	-	no questions/concerns
Street Maintenance Fund	-	no questions/concerns
State Highway Improvement Fund	-	no questions/concerns
One Ohio Opioid Fund	-	no questions/concerns
Grants Fund	-	no questions/concerns
Court Computerization Fund	-	no questions/concerns
Springdale Youth Boosters	-	no questions/concerns
Merchant Street TIF	-	no questions/concerns
Sheraton Lane TIF	-	no questions/concerns
Commerce Park TIF	-	no questions/concerns
Drug Enforcement Fund	-	no questions/concerns
Law Enforcement Fund	-	no questions/concerns
DUI Fund	-	no questions/concerns
Law Enforcement Training Fund	-	no questions/concerns
Insurance Trust Fund	-	no questions/concerns
Health Insurance Trust Fund	-	no questions/concerns
Street Improvement Debt Fund	-	no questions/concerns



City of Springdale Council

December 20, 2023

Capital Improvements Fund	-	no questions/concerns
Residential Recycling Fund	-	no questions/concerns
Tri County Mall TIF Fund	-	no questions/concerns
Parks and Urban Forestry Fund	-	no questions/concerns
Northwest Business Center TIF	-	no questions/concerns
Unclaimed Monies Fund	-	no questions/concerns
OBBS Asset Fund	-	no questions/concerns
Fire Insurance Proceeds	-	no questions/concerns

Mr. Vanover: At this point now, you're into revenues. Do yourself a favor and go through those and look at them. They, like I said, we're looking good coming into the end of this year, but, we've got a lot of work ahead of us for future years, and, hopefully, we can see some things come on board that will change that dynamic. Any further questions?

Mr. Jones: Just a comment. We do not have on our staff a full-time grant writer. But, we have a lot of Department Heads, and Assistant Directors and staff that involve themselves in grant writing. And, our City Engineer and his staff at the firm he works out of write a ton of grants for us. So, I'd just like to point that out, you know, many times there are 80/20, or 50/50, and sometimes it's just money that we get that we're not matching, but, we would struggle to operate without some of the grants and funding we receive and I would just like to say that, first of all, to point that out, and so when you're going through here, take a good close look at that. But, also, to point out that there's a lot of staff that works hard for that, and, they're not, per se, grant writers, but yet they seek monies that they realize is out there. I think we've all heard our Engineer say more than once we've gotten the majority of the Northland Project not fully funded, but the majority of it funded, and he's still optimistic, and still out there digging for money hoping to eventually get it all funded. So, I just want to thank him publicly and the job that he and his firm does for us, but, also, the department heads for the work they do on it. Thank you.

Mr. Vanover: Thank you Mr. Jones. Well, and I would be remiss if I didn't give a tip of the hat to the Administration, staff, supervisors, and one person who, well, you have this document in front of you. We had a draft of this document just a week ago, so, Ms. Stephanie Morgan, who does yeoman's work on this. I would be remiss if I didn't give her due accolades. The Administration has admitted in conversation that her ability to carry this through enables them to stay focused on their operation. So, if anybody wants to see what a \$25 million dollar budget looks like, there it is. And, it has grown a number of years that I have sat here.

Mayor Hawkins: I wanted to thank and commend Mr. Vanover and Mrs. Webster on the Finance Committee. We were able to breeze through this. We spent about 2 and one half hours through the course of their meeting going over the budget, so, there was a very in-depth process to get to this final result. But, thank you guys for your time and attention.

Mr. Jacobs: I just wanted to echo Mr. Jones comments. We have a fantastic grant writer, Commissioner Clayton, but that's not his official duty. He's done amazing work, and I know there's a lot more. Just for the public's benefit, would we say that our biggest concern with declining revenue is still that work-from-home situation? I know there's other factors, but the public may not be aware why we're staring down declining revenues.

Mr. Vanover: That is something that is still shaking out. We had \$2 million dollars in refunds, Mr. Uhl? Mr. Jones?

City of Springdale Council

December 20, 2023

Mr. Uhl: Yes, we've had about, I think at last count, we had about \$680,000 go back, attributed just this year to work-from-home. That was for individual refunds, but we've also refunded, I know we did one company in particular to the tune of about \$600,000 just to one company that was continuing to make payments to the City. That all needed to all be refunded back to that company. So, between business loss, work-from-home; both of those are significantly impacting our earnings tax and what we're collecting on an annual basis.

Ms. McFarland: Can somebody explain, just because it was new information to me as a work-from-home employee, the "lookback period" now that we have to go back three years and how that's changing revenue that we thought we had had. Just for residents to understand.

Mr. Uhl: Are you asking from what we collected versus; "then versus now"

Ms. McFarland: Right.

Mr. Uhl: I don't have those numbers off the top of my head. To what the process looks like.

Ms. McFarland: What this process is. Why it changed, or when it changed.

Mr. Uhl: So, I think everyone was eligible to file for refunds who was continuing to be withheld from their company in 2022, sorry, 2021. I think 2021; anybody who was withheld in 2021 was eligible to file for a refund in 2022 for any of those withholdings. Similar to this year, anyone in tax year 2022 who was withheld from their employer was able to apply for a refund for any work that was done outside of the City of Springdale, they were eligible for a refund.

Mr. Gleaves: I think it's important that we recognize also our Fire and Police Departments and some of the things that I've noticed that they've showed me on some tours that they have done to save money and build camaraderie. They have taken and modified their own buildings, modified their own rooms. They've also built tables in their eating areas that saved massive amount of money. That shows camaraderie, so, they should be commended on them coming together and doing these things to save money and also build a better environment.

Mr. Vanover: Well, if you want a one snapshot picture of their efforts, we have a 20 year old aerial (fire engine) sitting out there that is still in working order today. We hold our breath that we get the new one before that one gives up the ghost. But, yes, all the departments do streets, and roads, they do a tremendous amount of work, rebuilding catch basins. They keep it "in house" rather than subcontracting it out. You can pick a department, and they're all routinely giving extra to help control those costs and those figures. And, you're right, we would be looking at a completely different picture with the attitude that we have and I have said in years past, and I'll say it again, and in the future, our employees are one of our strongest assets. And, we would be less without them and their attitude. So, yes, all of them, the entire front door to back door deserves a pat on the back.

President Anderson: Mr. Vanover, if you can keep me on the straight and narrow here. In the past, I don't see any more questions. In the past, have we done a Roll Call vote on the budget, or done acclamation? What does Finance typically like to see happen.

Mr. Vanover: We will let this sit. You get a chance to digest, and we will look for the official approval in January.

President Anderson: In that January ordinance. So, it will be part of an ordinance in January. So, you'll have a chance to ask more questions after you've digested this. If anyone has that, we'll do that at the January meeting. Thank you Mr. Vanover.

## City of Springdale Council

December 20, 2023

### Ordinances and Resolutions

#### Public Hearing

#### Ordinance No. 47-2023

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR THE PROPERTY LOCATED AT 501 EAST KEMPER ROAD AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN AND THE FINAL DEVELOPMENT PLAN FOR THE PROPERTY

President Anderson: Before I open the public hearing, I just wanted to check in with Administration. Did you have additional information to share before we go to the public hearing? I don't know that there was, but, just wanted to give you that opportunity. Well, at this point, there is a public hearing attached to this. If anyone from the public would like to speak for or against the ordinance and the zone map change, this is your opportunity. Again, you would just come forward to the podium, sign in, give your name and address, and then speak for or against the matter at hand. So, at this point, I'm opening the public hearing.

Ms. Vecchione: Good evening. My name is Sarah Vecchione. My address is 7965 N. High Street, Columbus, Ohio 43215. I'm here representing Chick-fil-A and Kimley-Horn and I'm here to answer any questions related to the civil site design.

President Anderson: Thank you.

Ms. Vecchione: We're requesting approval from the Council for the proposed site plan.

President Anderson: We're still inside the public hearing. If you want to hang out (addressing Ms. Vecchione) if there's questions from Council, there'll be an opportunity for them to ask those as well. Is there anyone else that would like to speak for or against the item before I move on to Council questions? (None) I'm closing the public hearing related to Ordinance No. 47-2023.

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 47-2023; Mr. Jacobs seconded.

Mrs. Sullivan-Wisecup: I just wanted to say that on behalf of Planning Commission, that we do encourage all of you to vote yes on this. It is a small strip of grass that's being changed from "SS" to 2.27 strip of grass that's being switched from "SS" to "PUD" is what we're asking. And, what that will do is just include that strip in the original PUD, so it's all covered under the same covenants.

Ordinance No. 47-2023 passes with seven affirmative votes.

President Anderson: Thanks for coming out. Sorry we didn't have more questions for you.

Ms. Vecchione: That's alright; made my life easy. I appreciate it.

#### Ordinance No. 51-2023

AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO AND DECLARING AN EMERGENCY

Mr. Jacobs made a motion to adopt Ordinance No. 51-2023; Mrs. Sullivan-Wisecup seconded.

Mr. Braun: I just wanted to let Council know that this is something that the legislature, each year, makes revisions to the tax code. This brings us into compliance with that, and, we're obligated by law to adopt these, and, to make these changes. It's not something that originated here in the City of Springdale. Thank you.

Ordinance No. 51-2023 passes with seven affirmative votes.

City of Springdale Council

December 20, 2023

Mr. Braun: I wanted to bring to Council's attention that you have in front of you an amended Exhibit A. It includes nine additional properties. When you read the amendment, it would be nice if we could also have a motion to adopt the amended Exhibit A, and then, after you accept that through a motion, that you could do a motion to adopt the amended ordinance. These properties are additional properties since we put the packet out that have reached an agreement with (off mic) property, and we anticipated that because we're continuing to negotiate, our agent is, to get these properties approved so that the project is complete. I was talking with the City Engineer before the meeting. We might anticipate additional properties at your first meeting in January that we'll reach agreement on, and we'll bring those back to you, but, at this time, we do have nine additional properties, so I would be requesting a motion to amend the ordinance to include the presented Exhibit A.

President Anderson: As a matter of process, would we read the ordinance first, and then do the motion? So we can read it as is, and then we can do the motion to amend?

Ordinance No. 52-2023

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY ASSOCIATED WITH THE NORTHLAND BOULEVARD RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY

President Anderson: Council, you've heard the reading of the ordinance as submitted. We have a request to amend the Exhibit A. Would anyone like to make a motion to amend.

Mrs. Sullivan-Wisecup: I'd like to make a motion to amend Exhibit A.

Mr. Jacobs: Second.

President Anderson: Moved and seconded to amend the Ordinance with the updated Exhibit A as presented to Council at the meeting tonight. Is there any discussion or questions about the motion to amend the Exhibit? (None)

Motion to amend Exhibit A for Ordinance No. 52-2023 passes with seven affirmative votes.

Mr. Jacobs made a motion to adopt Ordinance No. 52-2023; Mrs. Sullivan-Wisecup seconded.

Ordinance No. 52-2023 passes with seven affirmative votes.

Ordinance No. 53-2023

ADOPTING A SUPPLEMENTAL APPROPRIATION/ESTIMATED RECEIPTS ORDINANCE TO MAKE APPROPRIATIONS FOR CURENT EXPENSES AND OTHER EXPENDITURES AND ADJUST ESTIMATED RECEIPTS FOR THE CITY OF SPRINGDALE, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

President Anderson: So, related to Ordinance No. 53-2023, this was the supplemental appropriation and the adjusted receipts.

Mr. Jacobs made a motion to adopt Ordinance No. 53-2023; Mrs. Sullivan-Wisecup seconded.

President Anderson: Is there any discussion or comments now knowing that we will be taking action tonight? (None)

Ordinance No. 53-2023 passes with seven affirmative votes.

City of Springdale Council

December 20, 2023

Ordinance No. 54-2023

ADOPTING A TEMPORARY APPROPRIATION ORDINANCE FOR THE PERIOD JANUARY 1, 2024, UNTIL THE FISCAL YEAR 2024 APPROPRIATION PERMANENT ORDINANCE IS ADOPTED BY CITY COUNCIL

President Anderson: I think Mr. Braun wants to give me a correction on process for the previous ordinance. I had it marked on my sheet as a first reading, but it's a financial ordinance, so, we can act on it tonight.

Mr. Braun: That is correct Mr. President. All appropriation ordinances under Ohio law require one reading, and go into effect immediately.

President Anderson: Thank you. So, thank you for keeping us honest. Mr. Vanover, was that your comment as well? (Mr. Vanover nodded in agreement) So, Council, we're going back to the reading for Ordinance No. 53-2023. As you heard, this is an appropriation ordinance, so it does not require a second reading, or an emergency clause. It would still go into effect tonight.

President Anderson: Alright Council, we've heard the reading of Ordinance No. 54-2023. Mr. Braun, we're okay to continue? We don't have to read that again? Perfect. Mr. Jacobs thanks you.

President Anderson: Okay, Council, you've heard the reading of Ordinance 54-2023. This is adopting the temporary appropriation ordinance for January 1, 2024, until the fiscal year 2024 appropriation permanent ordinance is adopted. It was a first reading, but, as with financial ordinances, we heard we can act on it tonight. What is your pleasure?

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 54-2023; Mr. Jacobs seconded.

Ordinance No. 54-2023 passes with seven affirmative votes.

Ordinance No. 55-2023

AN ORDINANCE AMENDING ORDINANCE NO. 07-2023 TO PROVIDE FOR WAGE INCREASES FOR CERTAIN CITY EMPLOYEES AND DECLARING AN EMERGENCY

Mrs. Sullivan-Wisecup made a motion to adopt Ordinance No. 55-2023; Mr. Jacobs seconded.

Mayor Hawkins: I look for Council's support with regard to this. I will tell you, as a brief anecdote, I did have a young lady who grew up in Springdale, just graduated from Princeton last year, going to college, been a lifeguard, was mentioning that our neighbors to the east are paying their lifeguards \$15 an hour, and while she would love to come back to Springdale this summer, she said "Why would I do that if I can go make more money someplace else?" So, appreciate your support on this.

Mr. Jones: The increase that we're requesting is consistent with that of the Police and Fire units. Thank you.

Ordinance No. 55-2023 passes with seven affirmative votes.

Resolution No. R35-2023

A RESOLUTION APPOINTING \_\_\_\_\_ TO SERVE AS A MEMBER OF THE CITY OF SPRINGDALE CHARTER REVISION COMMITTEE FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2025

## City of Springdale Council

December 20, 2023

President Anderson: This is a resolution to back fill the Charter Revision from a member who has moved to the Board of Zoning Appeals at our last meeting. We use the same process as we did in the last meeting where the floor will be opened. You don't need a second. You can nominate. If there's just one, then we'll move forward with that. But, before we get to the nominating process, we'll start by reading the ordinance in full with a blank, and then we'll go from there. So, Mr. Jacobs when you're ready.

President Anderson: Alright, Council, at this point, we'll open the floor up for nominations for the member of the Charter Revision.

Mr. Gleaves: I would like to appoint Michelle Miller to the City of Springdale Charter Revision Committee. Most of us know Michelle. I think all of us do. She's very active in the Community. As of now, I believe she's on the board of SOS (Springdale Offering Support). She's been a soccer coach for years. She's a Princeton graduate. She'd be very, very, very good for this position, and I would like to appoint her.

Mrs. Webster: Second.

President Anderson: The floor is still open for nominations, are there any other nominations for this seat? Seeing none, by acclamation, if we could read Resolution No. R35-2023 inserting the name Michelle Miller in the blank.

### Resolution No. R35-2023

A RESOLUTION APPOINTING MICHELLE MILLER TO SERVE AS A MEMBER OF THE CITY OF SPRINGDALE CHARTER REVISION COMMITTEE FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2025

Mrs. Webster made a motion to adopt Resolution No. R35-2023; Mr. Jacobs seconded.

President Anderson: I do want to echo Mr. Gleaves' comments on Michelle Miller. I served with her on Board of Zoning Appeals before she went to Planning (Commission). When you say she's Springdale, I think you're right. She's lived here a long time, and, has a lot of good connections in the Community. So, as you heard earlier from the podium, she'd be a welcome member to join the Charter Revision Committee.

Resolution No. R35-2023 passes with seven affirmative votes.

President Anderson: I'd like to point out to Mr. Coleman's comment earlier about Civil Service. This was a case where Council was able to replace a Michelle with a Michelle, so I feel like we're doing our part to make it easier on all of our Chair people.

Executive Session – Economic Development

Mrs. Sullivan-Wisecup: I would like to make a motion to go into Executive Session to discuss Economic Development matters.

Mr. Vanover: Second.

President Anderson: Is there any comments or discussion before we take a vote? (none)

The motion passed with a 7-0 vote to go into Executive Session. Council departed chambers at 8:24 p.m. Council returned to chambers at 9:20 p.m.

## City of Springdale Council

December 20, 2023

### Old Business

Mayor Hawkins: We had some discussion last meeting regarding speed, specifically over on Crescentville. Mr. Ross had come through and Administration has reached out to Mr. Ross, but wanted to update Council as well as our residents regarding Crescentville. That strip of roadway had been three different speed limits, went through a process in the last 18 months to 24 months, thereabouts, when that project was done with that roadway. Consolidated the speed limit to make it consistent. The road was expanded for safety purposes, and, also new traffic lights which I know that it was commented on that the lights were bright. They were brighter because that was a safety thing that ODOT (Ohio Department of Transportation) had gone through and done. When they go through and they make determinations regarding speed limits, the Ohio Department of Transportation has individuals that are experts with regard to traffic and speeds, and they make those determinations. You're not going to be able to come back a year later, 18 months later, 24 months later and have that changed, because they've already made a determination on what is the safest and best speed for that roadway. So, it's not really an option. One of the accidents that was referenced, and Administration checking it, it sounded like that actually took place before the construction had occurred. So, as it stands, that's, by the State of Ohio, a safe lane of travel and made improvements to make it as safe as possible between Springdale, West Chester, and Sharonville. There's a reality that we want folks to come in like Mr. Ross did. Mr. Gleaves had had some folks comment to him with regard to some concerns on Springdale Lake Drive in that area with regard to speeding and not obeying stop signs. We want residents to come in to let Administration and Elected Officials know so that we can address those things if we aren't already addressing them. Sometimes we are. We use law enforcement, increased enforcement presence, and so that's one of the things that's going to happen on Springdale Lake Drive as well as on Crescentville. We also have, I call them speed sticks, there's probably more appropriate radar signs. We also use those for detecting how fast folks are traversing in a certain area so that we can made adjustments. But, just wanted our Elected Officials and residents know those are issues that have been addressed and are being addressed moving forward.

President Anderson: I will also note that Crescentville just recently got a bunch of trees installed. The planters just went up and down that road, so I think those trees will actually make a big difference too for how the residents feel about traffic going down, especially as they mature. I mean, it's a whole row of trees now on Crescentville. That should help.

Mr. Vanover: Well, a big part of the issue is really not the speed, but the weight, the mass that's going through there, and, unfortunately, we can't control that. And, you're right, the trees are nice. As a matter of fact, I got a hold of Mr. Jones and Mr. Uhl yesterday morning because there was a tree already down, and it wasn't hit by a car, which irritates me even more, but, that's a whole other story. But, it's a big issue there is the mass; the weight of these trucks. Once you tie in the numbers that are coming through there, but, the speed would be the lesser of the two.

Mrs. Webster: I want to make a public apology to Mrs. Gilmore from the last meeting. I inadvertently voted "No" for her and I did not mean to do that. So, I apologized to her in public at the last meeting, and I'm doing it again tonight. So I hope, I think she will accept my apology.

President Anderson: Thank you for that. Michele is a great resident too, so, I'm sure she appreciates that.

Mrs. Webster: That was a big mistake. I didn't mean to do it.

## City of Springdale Council

December 20, 2023

### New Business

President Anderson: I do have one item I wanted to bring up to Council. Earlier, we had a comment about the Invocation. That was something that Mrs. McNear, as I mentioned, had taken care of Council, had done for Council as part of those duties. I wanted to see if that was something that Council, not to not continue it or do continue it, but rather, put it in rotation so that individual Council members would take turns providing the invocation just to give some diversity of that. I personally think that would be a great thing for people to do. We could set up a rotation where individual Council members could provide an Invocation if they so choose. So I just wanted to see what you guys thought about that rather than just have one person go from one perspective. What do you guys think?

Mr. Vanover: I personally would have no problem doing that. I filled in numerous times in the past. So, if people want to do a rotation and are comfortable doing that, I have no problem with that. I think that, well, I don't think, I feel very strongly that we should continue the tradition.

President Anderson: Thank you. I agree. I think it's important. I just think adding some diversity and new voices would be useful, which is why I was bringing that forward. Would anyone be opposed to setting up a rotation? Then we'll plan on doing that. I'll send out a rotation just so you know ahead of time that it will be your turn, and then when we get to that step and we'll just add a name so you know that it's your turn, and then you have the opportunity. Again, if you have questions about what would be appropriate for an Invocation, reach out or speak to Mr. Braun. There are some limitations to what we can do as a public body, so just make that if you have, take that moment, or maybe Mr. Braun could provide a little bit of guidance in advance of what would be appropriate, and maybe save questions and go from there. I'll take the first turn just so we don't have to worry about it. You don't have to stress because the next meeting is in January, so I'll go first. But, after that, we'll set a rotation.

### Meetings and Announcements

Mrs. Sullivan-Wisecup: I have two things. First of all, I do want to recognize that we had a member of Board of Zoning Appeals that passed away on December 10<sup>th</sup>, Larry Weiner. And, he was a very important part of our community and we thank him for his time that he served, and personally, he was a friend of mine and he was a very, very kind person who always had a smile on his face and a joke ready; always, and, he is very missed already, and I just wanted to take a moment to recognize him because he was on Board of Zoning Appeals, and he did pass away on the tenth, and the other thing I have is that Planning Commission will be meeting at 7:00 p.m. on January 9<sup>th</sup> in these chambers.

Mr. Uhl: I just wanted to advise that Civil Service Commission will have their next meeting on January 4<sup>th</sup> at 2:00 p.m. in Council Conference Room.

President Anderson: I do want to take this moment, announcement-wise, to thank Administration. I've received a number of compliments about the updated lighting that went out. I know it was delayed, the Christmas lighting, due to some problems with Public Works trucks and equipment. But, it looks really nice. Driving in tonight it was really impressive to see, so I appreciated that. For what it's worth, I know it's not easy getting up there, and people were getting antsy, but, it looks great. Also, while we're tooting your horn, for those that missed it, the Santa 5k SOS event was amazing. So, all the work that went into that is very much appreciated. The Christmas market that the Rec Department put out, if anyone didn't see it, they should plan to go next year, assuming they're doing the event again. They really put on a really impressive show there. They had really "upped their game" from the year before. There was twice as many vendors, there was a lot of people. We had amazing weather. The race was really well managed. It was appreciated. I got nothing but good compliments for that. So, I wanted to pass that along.



## City of Springdale Council

December 20, 2023

### Communications from the Audience

Ms. Wells: Hello, my name is Katie Wells, and I live on Bernhardt Court. With the news that Artisan Village defaulted on their loan, I am wondering what the next steps are for Tri County Mall and what that means for Springdale.

President Anderson: Is there anyone that would want to take a stab at that?

Mr. Braun: As you're aware, there's currently legal proceedings pending in Hamilton County, so, I think the answer to that is those proceedings will control what happens to that. There's multiple layers of financing and agreements that will be renegotiated, and, there'll be loans that will be sold, if you're following the docket, that's in the process of happening, so, I think my quickest answer to you is stay tuned.

Ms. Wells: Another follow up to that is I just want to clarify, I know, like in the default process the water and the electric are going to get shut off and BJ's has to leave and Mi Cozumel has to leave. Will that affect the outside businesses that are in the lot, or are they two completely separate entities?

President Anderson: I'm not sure we have information on that. Administration do you have that? Mr. Braun?

Mr. Braun: Yes. Mr. Lamping indicated to me that those are separate.

Ms. Wells: Okay. So, just the two businesses (that) are affected are inside of the mall.

Mr. Braun: And, again, whatever happens to the mall itself might ultimately control what happens on the outside.

Ms. Wells: Okay. Thank you guys. That's all I had today.

Mayor Hawkins: Katie (Wells), the reality is, if everything went through as planned, as quickly as they wanted to, they'd have to shut down anyway to go through and do that whole electrical, water changeover. So, those businesses would have been down for a significant period of time, maybe until everything was finished anyway. So, that was something that was likely to probably happen anyway. It's never good when we're losing businesses, and those are two places that folks love to go, and, so, hopefully, they shall return to Springdale.

President Anderson: I will add. We get it. A lot of people are going to ask us questions about it. It's not being ignored. As Mr. Braun said, there's proceedings that limit what we can talk about, but, just because we don't talk about it every meeting doesn't mean that we're not working on it. As soon as we can share things, I think we will, but, we don't want to ever do that in a way that would jeopardize or make it more difficult for any developers that might want to come in or continue in the space that they're in. But, it's a hot topic. I agree. But, stay tuned is not the best answer, but, it's the best one we can give right now.

Ms. Wells: Thank you guys so much. I appreciate it.

President Anderson: Thank you.

President Anderson: Next, I think there's a scrivener's error in the agenda. I think right now it's listed as "Update on (legislation) still in development", and then "Recap (of legislative items requested for next Council meeting)". We typically, I think, do it in the reverse. But, rather than try to dictate what Mr. Jacobs will do, since both of those are his items, I'll turn it over to you for both the update and the recap in whatever order you think is most appropriate.

City of Springdale Council

December 20, 2023

Update on legislation still in development

As you review your Internal Memorandum, Item I was addressed by Ordinance No. 47-2023; An Ordinance Approving a Zoning Map Amendment for the Property Located at 501 East Kemper Road. That was approved with seven affirmative votes. Item II was addressed with Ordinance No. 55-2023; An Ordinance Amending Ordinance No. 07-2023 to Provide for Wage Increases for Certain City Employees. That was approved with seven affirmative votes. Item III was addressed by Ordinance No. 51-2023; An Ordinance Amending Chapter 94 of the Code of the Ordinances of the City of Springdale, and that was approved with seven affirmative votes. Item IV was addressed with Ordinance No. 52-2023; An Ordinance Authorizing the Purchase of Certain Real Property Associated with the Northland Boulevard Reconstruction Project. That was approved with seven affirmative votes. Item VI was addressed by Ordinance No. 54-2023; Adopting a Temporary Appropriations Ordinance for the Period January 1, 2024 until the Fiscal Year 2024 Appropriations. That was approved with seven affirmative votes. Item VII was addressed with Resolution No. R35-2023; Appointing a Member to Serve on the City of Springdale Charter Revision Committee. Ms. Miller was approved with seven votes. Or, it was by acclamation, I believe. Item VIII was addressed by Ordinance No. 53-2023; An Ordinance Adopting the Annual Appropriations/Estimated Receipts for Fiscal Year Ending December 31, 2023. That was approved with seven affirmative votes as well.

Recap of legislative items requested for next Council meeting

Mr. Jacobs: A Resolution Requesting Advance Payment from the County Auditor at our January meeting. There will be a Resolution Authorizing the Investment of Municipal Funds at our next meeting, and then of course Adoption of the Budget after the run-through tonight. Unless Administration has anything else.

President Anderson: Before we get to Item 17 (adjournment), I just want to wish everyone a Happy Holiday, Merry Christmas, if you do follow that, and next year, assuming we adjourn here in a minute, Happy New Year to all.

Adjournment

Mrs. Sullivan-Wisecup made a motion to adjourn; Mr. Jacobs seconded the motion and Council adjourned at 9:36 p.m.

Respectfully submitted,

Nicole Browder  
Clerk of Council

Minutes Approved:  
Jeffrey Anderson, President of Council

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

# City of Springdale Council

January 3, 2024

President of Council Anderson called Council to order on January 3, 2024.

President Anderson: If everyone could rise for the Pledge of Allegiance, and remain standing after the Pledge if you would. We're going to hold a moment of silence for Ms. Barbara Ewing. Ms. Barbara Ewing passed away on December 24<sup>th</sup>. She was a former Springdale City Council member, and I believe, the first African-American on Council for the City as a whole. So, after the Pledge if you could remain standing for a moment of silence.

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

Moment of silence for Ms. Barbara Ewing.

President Anderson: Thank you.

Ms. Browder took roll call. Council members Anderson, Gleaves, Jacobs, McFarland, Vanover, Webster were present.

President Anderson: Mrs. Sullivan-Wisecup gave us notice she's not feeling well and will not be at the meeting tonight.

The minutes of the December 6, 2023 meeting were considered.

President Anderson: Before you there was a correction of a typo at your desk at the dais when you came in. The only change on that typo was one of the names, it just had the wrong name attached to it. It was changed to "Anderson" from "Vanover". With that, what is your pleasure?

Mr. Jacobs made a motion to accept the minutes; Ms. McFarland seconded. The minutes were approved with six affirmative votes. (Sullivan-Wisecup was absent)

Communications - None

Communications from the Audience

Mr. Sheffield: Yes, my name is Sam Sheffield, Crossings at the Park. I'm one of the Board Members for the Crossings at the Park. Can I sign this afterward?

President Anderson: Yes, you're fine.

Mr. Sheffield: I live at Crossings at the Park. In order to enter our place, we're right over by Amazon. You have to come in Strategic and then the street going back to our place is Crossings Court. Crossings Court is littered with Amazon carts. It happens on third shift. There's a lot of days it's cluttered at 8:00, 9:00, 10:00, and maybe 2:00, 3:00 in the afternoon, they clean it up. Now, we have worked with the Police Department. The only ability the Police Department have with the carts left out is to give somebody a ticket if they observe them. Also, I know there's been some contact with Amazon itself, and they were supposed to issue "tickets" to their subcontractor drivers. Apparently, that's not working. It's a safety concern. It's a litter concern. Truthfully, to be honest, for it to be effective, I would think they should not be allowed to conduct business on public streets. They should conduct business at their property only. And, the only way I see that being effective is if you make that a "non-loading zone". The other thing is, like some of the snow that they're talking about, what if there's three inches of snow tonight, and there's ten carts laying out there? How's that street get plowed by the City? And, I guess that's pretty much it.

President Anderson: Would anyone want to address that?

Mayor Hawkins: First off, thank you for coming in.

Mr. Sheffield: Well, certainly.

City of Springdale Council

January 3, 2024

Mayor Hawkins: So, the first part is, you're doing the right thing and folks are doing the right thing in letting us know, letting law enforcement know, letting Administration know so that we can address that. Sounds like there's been some communication you've already had with regards to that.

Mr. Sheffield: Yes. I called the non-emergency number myself this morning. There's only four carts out this morning, but, there's been more in the past, and, within two hours they had them cleaned up, as opposed to 1:00, 2:00, 3:00 in the afternoon.

Mayor Hawkins: Is it every day that you see this, or is it sort of sporadic?

Mr. Sheffield: I'd would say it's between three and four days a week.

Mayor Hawkins: And, so, they're out in the morning, they sort of go back, and they clean up their mess?

Mr. Sheffield: Well, I may have neglected (to say) it, but, only their subcontracting drivers. It's not their actual employee drivers. It's the ones where they're using their personal cars for delivery.

Mayor Hawkins: Well, it sounds like there's been some contact. We will look into that, and we'll make sure someone gets back to you in terms of follow up; in terms of what's going on with that. But, appreciate you coming in. If you don't come in, we may or may not know what's going on. There's some things that we know about that may not be publicized, but it's always important to come in give us this information.

Mr. Sheffield: We'll continue to call the non-emergency number.

Mayor Hawkins: We appreciate that.

Mr. Sheffield: I have to fill this out.

President Anderson: Make sure you put your name and address down there so they can get back in touch with you.

Mr. Vanover: For those that don't know, the corral that they put these carts in for the subcontractors are on the south end of that building, and, they evidently go up, pull them, and take them down the street. They are numbered, so, Amazon should have some way of tracking those people, but, yes, because these carts are probably about five to six feet wide, and about four feet, four and a half feet tall, so, it's not just like a grocery cart. They're fairly substantial, and he definitely brings up a good point. They're talking this weekend that we may see snow, and, our plow drivers are good, but I don't know if they're that good. So, thanks.

Mr. Sheffield: Thanks a lot.

President Anderson: Thanks for coming in.

Mrs. McFarland: Sorry. Just so I understand, it's the people that drive their own cars; they go up, they get their cart, they bring it down, and then they just leave them there in the middle of the street.

President Anderson: That's right.

Mrs. McFarland: Okay. Thank you.

President Anderson: For what it's worth, I've seen it after, I think one of the seniors, Dale, who has come in here before, has talked with us when they were doing the transition and building the warehouses, he had reached out prior, and we talked about that. Ever since then, every time I drive by there, on the way to Crescentville, I always look down to see if there's a cart there to see it. So, yeah, it's being looked at.

City of Springdale Council

January 3, 2024

Ordinances and Resolutions

Ordinance No. 01-2024

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY ASSOCIATED WITH THE NORTHLAND BOULEVARD RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY

Mr. Vanover made a motion to adopt Ordinance No. 01-2024; Mr. Jacobs seconded.

Ordinance No. 01-2024 passes with six affirmative votes. (Sullivan-Wisecup was absent)

Resolution No. R01-2024

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO FILE A FUNDING APPLICATION FOR URBAN FORESTRY INFLATION REDUCTION ACT GRANT FUNDING FOR ESTABLISHED TREE PROGRAMS THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES

Mr. Jacobs made a motion to adopt Resolution No. R01-2024; Mr. Vanover seconded.

Resolution No. R01-2024 passes with six affirmative votes. (Sullivan-Wisecup was absent)

Resolution No. R02-2024

A RESOLUTION DECLARING INTENT TO APPROPRIATE FOR PUBLIC USE PROPERTY REQUIRED FOR THE CONSTRUCTION OF ROAD AND OTHER TRAFFIC IMPROVEMENTS ON NORTHLAND BOULEVARD IN THE CITY OF SPRINGDALE

Mr. Vanover made a motion to adopt Resolution No. R02-2024; Mr. Jacobs seconded.

Mr. Braun: I was just going to explain to Council before you begin your deliberation, this is a complete list of the remaining properties we've not reached an agreement on, however, things are moving fast and furious, and some of the properties that are listed as part of this exhibit, we have reached an agreement on in the past couple of days. We hope, keep your fingers crossed, that the remaining ones will also come to an agreement on. If they don't, as I explained last time, we need to pass this piece of legislation and there will be a companion piece of legislation at your next meeting this month that, the holdouts if you will, will go ahead and authorize the filing of a lawsuit against them. It's our hope that we don't have to file a lawsuit against any of them, but, because the deadlines on this project, which are January 19<sup>th</sup>, just two days after your next meeting, we need to go ahead and include all the properties on this as if we're proceeding full scale towards litigation on all of them. But, I just wanted to make you aware there are not as many remaining as it appears, but, we still have a handful. So, we're working. We have a call again tomorrow morning to discuss these, and, I wanted you to know we're working behind the scenes to try to close this so that this Northland Boulevard project can move forward, and we can do what we want to do, which is create these improvements. So, thank you.

Resolution No. R02-2024 passes with six affirmative votes. (Sullivan-Wisecup was absent)

Resolution No. R03-2024

A RESOLUTION REQUESTING ADVANCE PAYMENT FROM THE HAMILTON COUNTY AUDITOR

Mr. Vanover made a motion to adopt Resolution No. R03-2024; Mr. Jacobs seconded.

Resolution No. R03-2024 passes with six affirmative votes. (Sullivan-Wisecup was absent)

## City of Springdale Council

January 3, 2024

### Resolution No. R04-2024

#### A RESOLUTION AUTHORIZING THE INVESTMENT OF MUNICIPAL FUNDS

Mr. Vanover made a motion to adopt Resolution No. R04-2024; Mr. Jacobs seconded.

Resolution No. R04-2024 passes with six affirmative votes. (Sullivan-Wisecup was absent)

#### Old Business

Mayor Hawkins: Just wanted to take a moment to ask residents that as they find circumstances, particularly in and around Heritage Hill where there may be nails, or information regarding anything with regard to folks throwing nails, please contact the Police Department. It's important that we get that information in, and that we can notify law enforcement as well as our Public Works so we can clean it up, and we can investigate it. But, it's very important that when those things come up that folks contact the City so that we can look into it and investigate it as opposed to just posting on social media, which is fine, but, in order for us to do something, we need to know. So, the Police Department, specifically, needs to know the "when", the "where", the timeframe so that they can look at it, log it, and try to put that with their investigation. It's important that residents know that the City is still continuously street sweeping, walking it with magnets, extra patrols are in that area. It's multiple times a week, sweepers coming through there, I think, compared to the rest of the City, the average is going to get it once a quarter, thereabouts, so, it is heightened attention in Heritage Hill and the surrounding area trying to address that situation. There's nothing that anyone can say that's going to comfort anyone that's gone through having to get nails (removed). That is not something that is a fun thing to have to go get new tires. It's not a fun purchase, like a shiny new toy, but, wanted everybody to know that the Administration is still addressing that and trying to work through that. And, doing so in conjunction with West Chester and Sharonville as information comes up. Those Police Departments can share information, but it's critical that our residents, people that come to the City, if they see something, please say something so that we can try to resolve that issue. Thank you.

President Anderson: And, on that point, they should call the Police non-emergency number if they were to find like a pile of nails or a handful or a couple of nails on the street just so they can track it. It's not going to be an inconvenience. We want them to do that.

Mayor Hawkins: Correct. And, then from there, I think the easiest thing we've talked about is that law enforcement can contact Public Works in terms of cleaning that up. But, yes.

President Anderson: Good. Thank you. I know it's been a hot topic. I've seen and had a lot of people reach out. I got a nail in my new car. It had less than 2,000 miles, and I had only driven it down one road, so I knew where I got it. It was a real concern, but, Administration jumped in and ran the sweeper I think that same day or the next day. I know I've seen Police out there walking the street. It looked like they were looking for nails. So, it's not "unseen". Thank you.

Mr. Vanover: To piggy back on that, not only if they see, but if they are continuing on my lucky streak, pick them up in their tires, make sure that PD (Police Department) knows about that, or, the Administration. As a matter of fact, I saw the street sweeper over in Heritage Hill today, this afternoon. But, yes, it's ongoing. We hoped that we had solved that issue, but I just got tire 19, so, it's real money in a little over two years. If you see something, do let us know because we have to stay on top. I did have some other things if I may continue.

President Anderson: Please.

## City of Springdale Council

January 3, 2024

Mr. Vanover: I got notice yesterday from the Ohio Ethics Commission that it is that time of the year. We have until May 15<sup>th</sup> to file our statements, and that is an every year thing. You get to pay for that luxury. They are not forgiving. On the 16<sup>th</sup>, the meter has already been running, so, they will fine you, so, just, in fact you can do it online. You all should have gotten the email, if not, check with the Administration and make sure that you've got it. The other thing, the last meeting we kind of closed out, there was going to be some discussion on the continuance of the Invocation practice. And, I just wanted to pull it back up, and I, for one, am in favor of that tradition continuing, and I will heartily volunteer myself if nobody wants to avail, or wants to, I will pick that up and run with it.

President Anderson: So, on that point, thank you for bringing up the invocation. It's on the list. What I'd thought might be nice is if we, I'll keep a list for each monthly meeting, and Councilmembers that would want to participate could just let me know, and we can have a sign-up sheet basically. That way people have an opportunity, but, not an obligation to participate, and I'm sure between Tom (Vanover) and I we can cover any open meetings where, if there isn't a volunteer ahead of time. One thing that I think is worth mentioning, at least how I understand the invocation, is it doesn't have to be you. You're welcome to engage community members to come in and give that same type of invocation. It's a way that you can connect again with Community members, or pastors or regents. It doesn't have to be religious. It could be inspirational. It just should be short and focus us on the work at hand is the only guideline that we generally do. We can certainly create rules and make it more formal if we need to. I'm proposing that we just go with an informal sign-up sheet that I'll maintain for now, unless anyone would like to make it more formal. In which case, we'd have to send it to like Rules and Law that makes those formal Council rules. Is everyone okay with the informal sign-up sheet for now? Okay. And then, in terms of frequency, we've not done it at every meeting in the past. We can certainly do that, or we can just start out having it at that second meeting where it's the full agenda. I'd propose starting out that it's just that second meeting each month, and in the summer ones, the summer schedule, it would be the only meeting. Is that alright with Council? So, basically there will be 11 chances to sign up. Sound good? Alright. And, if anyone has concerns or questions after the meeting about it, we can deal with it, but, starting with the next meeting, we will start adding the invocation to the agenda, and we'll include it on there. If you'd like to sign up for a random session, just send me an email. Or, give me a call or text, and if it's open, it's yours. Alright? And then, Tom (Vanover) and I can fall back as the "catch".

### New Business

Mr. Gleaves: This is New Business. Something that I had received. Springdale Rec, they have a program, it's a 56 day challenge, I believe all of us got our email about that. The Community, I don't know how much of the Community knows about it, but they should know about it, and to further look into it, contact the Recreation Center. And, it's a really good program. It involves fitness; there is a run/walk club, which is a great idea. It is absolutely free. It involves nutrition, and there's nothing better than being in shape, and I think it's a really good idea, and, it should be communicated for our residents. If we can get it out there any more than we can, other than this, those watching, please contact the Recreation Center. It's a great, great program. It ends, I believe, the first week of March, and starts actually this Monday. So, let's get busy.

President Anderson: Should I feel targeted? You were looking right at me when you were saying we need to get more fit (laughter). I'm not sure if you're trying to...

Mr. Gleaves: I was looking through you. But, I think it's a really good idea. I just wanted to bring that up. Kudos to them.

City of Springdale Council

January 3, 2024

Meetings and Announcements

Mayor Hawkins: Want to make sure that everyone is aware that this Friday, at 6:30 in our new gym, we'll have the Hall of Fame induction, as well as the pep rally. Again, it will be 6:30 in the new gym. Then, the SYB Horse Racing event will be February 24<sup>th</sup> at 7:00 p.m. in the old gym. Again, February 24<sup>th</sup> at 7:00 p.m. in the old gym, and just so folks know, it's not just the horse racing, there's also a raffle. Folks can buy raffle tickets; \$15, I believe, at the Rec Center front desk. So, you don't have to attend to win, but, that money goes towards helping to defray costs for our young folks that are playing sports. Thank you.

President Anderson: Thank you. I know SYB counts that as one of their major fundraisers, so, anything we can do to help get people out there. It always seems like a good time. It's always crowded out there.

Mr. Vanover: I would like to have, well, you, Mrs. Sullivan-Wisecup, and the Administration, I'd like to call the Rental Committee meeting for, typically, we've done the off Wednesdays the week of the 24<sup>th</sup>. Check your calendars, and we can confirm that day, but I'd like to get back on that track.

Mr. Uhl: I'd just like to announce Civil Service Commission will be meeting tomorrow, Thursday, January 4<sup>th</sup> at 2:00 p.m. in the Council Conference Room, and, since Meghan Sullivan-Wisecup is not with us this evening, I would like to announce Planning Commission will meet Tuesday, January 9<sup>th</sup> at 7:00 p.m. in these chambers.

Mr. Jones: Just a reminder that youth sports registration for baseball, coach pitch, t-ball, girls softball, soccer, and volleyball. All registration is now in process for that. New to the programming this year, will be instructional soccer, and, in addition, Martin Luther King Day on January 15<sup>th</sup>, the Community Center will actually be open from 1:00 p.m. until 9:00 p.m., and the Administration Building will be closed.

President Anderson: I was just about to say how nice the mics were working this time, but, we ruined that. Keep going. I think we're good now. I'm not sure what that was.

Mr. Jones: I'm afraid to keep talking. Sounds like somebody's trying to break in. So, I'm actually finished. Thank you.

Mr. Gleaves: The January 23<sup>rd</sup> BZA meeting has been cancelled, and there is some training for all members that is supposed to be scheduled for this month. Is there any update on that?

President Anderson: I believe the intent was to have it be just ahead of whenever the next meeting actually occurs. I don't know if Mr. Uhl or Mr. Jones have more on that. Is that still the plan? So, it's whenever the next meeting is. It would be the hour before. Your next meeting will just start an hour earlier.

Mr. Gleaves: Okay, well, the next scheduled meeting after that would be February 27<sup>th</sup>. Thank you.

Communications from the Audience

-

None



City of Springdale Council

January 3, 2024

Update on legislation still in development

Mr. Jacobs: As you review your Internal Memorandum, Item I was addressed with Ordinance No. 01-2024; An Ordinance Authorizing the Purchase of Certain Real Property Associated with the Northland Boulevard Reconstruction Project and Declaring an Emergency. That passed with six affirmative votes. Item II was addressed with Resolution No. R02-2024; A Resolution Declaring Intent to Appropriate for Public Use Property Required for the Construction of Road and Other Traffic Improvements on Northland Boulevard in the City of Springdale. That was passed with six affirmative votes. Item III was addressed with Resolution No. R01-2024; A Resolution Authorizing the City Administrator to File a Funding Application for Urban Forestry Inflation Reduction Act Grant Funding for Established Tree Programs through the Ohio Department of Natural Resources. That passed with six affirmative votes. Item IV was addressed with Resolution No. R03-2024; A Resolution Requesting Advance Payment from the County Auditor. That passed with six affirmative votes. And, Item V, Resolution No. R04-2024; A Resolution Authorizing the Investment of Municipal Funds passed with six affirmative votes.

Recap of legislative items requested for next Council meeting

Mr. Jacobs: Requested for next meeting, we are going to have An Ordinance Amending Chapter 39 following changes that were made to the Charter, so we're cleaning up and addressing that language once again. And, we will be addressing the Budget ordinance at the next Council meeting. Unless there's anything else from Administration.

Mr. Braun: We also will have an ordinance authorizing us to proceed with appropriation on any remaining properties.

Mr. Jones: Mr. President, just wanted to add that we do have scheduled introductions for the Building Department and Parks and Rec that will be the first meeting in February.

Adjournment

Mr. Jacobs made a motion to adjourn; Mr. Vanover seconded. Meeting adjourned at 7:37 p.m.

Respectfully submitted,

Nicole Browder  
Clerk of Council

Minutes Approved:  
Jeffrey Anderson, President of Council

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

**ORDINANCE NO. 02-2024**

**AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATION /  
ESTIMATED RECEIPTS FOR FISCAL YEAR ENDING DECEMBER 31, 2024**

WHEREAS, City Council needs to adopt appropriations for current expenses, estimated receipts and other expenditures of the City of Springdale, Ohio, for the fiscal year ending December 31, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, \_\_\_\_ members elected thereto concurring:

Section 1. That in order to provide for the current expenses and other expenditures of the City of Springdale, the legal level of budgetary control, for annual appropriation purposes, is as follows: the General Fund at the departmental level (personal service expenditures and all other expenditures), and all other funds at the fund level (personal service expenditures and all other expenditures). The General Fund departmental level is hereby defined as shown in the attached Exhibit A, which is incorporated herein by reference. The legal level of budgetary control, for annual estimated receipts purposes, is at the fund level for all funds.

Section 2. Be it resolved by Council to provide for the current expenses and other expenditures of the City of Springdale, for the fiscal year ending December 31, 2024, the following sums be and are hereby set aside and appropriated as shown in the attached Exhibit B, which is incorporated herein by reference.

Section 3. Be it resolved by Council to adopt the estimated receipts of the City of Springdale, for the fiscal year ending December 31, 2024 as shown in the attached Exhibit C, which is incorporated herein by reference.

Section 4. Included in the appropriations and estimated receipts for the fiscal year ending December 31, 2024 are the following Operating Transfers and Advances:

<u>Transfer-In</u>	<u>Transfer-Out</u>
\$4,809 to the General Fund (010)	\$4,809 from the Unclaimed Monies Fund (096)
\$3,150,000 to the Capital Improvements Fund (090)	\$3,150,000 from the General Fund (010)
\$335,000 to the Insurance Trust Fund (085)	\$335,000 from the General Fund (010)
\$540,000 to the Street Improvement Debt Fund (088)	\$540,000 from the General Fund (010)
\$127,500 to the Residential Recycling Incentive Fund (091)	\$127,500 from the General Fund (010)
<u>Advance-In</u>	<u>Advance-Out</u>
\$75,000 to the Health Insurance Trust Fund (086)	\$75,000 from the General Fund (010)
\$75,000 to the General Fund (010)	\$75,000 from the Health Insurance Fund (086)

Section 5. That the Finance Officer/Tax Commissioner is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers herefor, approved by City Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except the persons employed by authority of and in accordance with law or ordinance. Provided, further, that the appropriation for Contingencies can only be expended upon approval of a two-thirds vote of Council for items of expense constituting a legal obligation against the City, and for the purposes other than those covered by the other specific appropriations herein made.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, of the Ohio Revised Code, and the rules of this Council adopted in accordance therewith.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 17<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Approved:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ORDINANCE NO. 02-2024**

**EXHIBIT "A"**

**Legal Level of Budgetary Control for Appropriations -  
Department Level Defined for the General Fund**

<b><u>Department</u></b>	<b><u>Expenditure Level per the General Ledger</u></b>
Police Department	Law Enforcement Traffic Safety Administration
Fire Department	Fire Department
Health Department	Health Department
Parks and Recreation Department	Parks Department Recreation Center Concession Operation Program Subsidies Pool Operation
Building Department	Building Department Board of Zoning Appeals Planning Commission
Public Works Department	Public Works Department
Administration Department	Administrative Office Economic Development Legislative Body Civil Service Commission Cable TV Regulatory Contractual Services Waste Collection Transfers/Advances General Administration Health Insurance Trust Insurance Trust
Finance Department	Finance Department
Tax Department	Tax Department

ORDINANCE NO. 02-2024

EXHIBIT "B"

2024 Appropriations  
Set at the Legal Level of Budgetary Control

**General Fund - At the Departmental Level (Funds 010, 085, and 086)**

Police Department:			
Personal Services Expenditures		\$5,758,813	
Other Expenditures		\$1,270,231	
			\$7,029,044
Fire Department:			
Personal Services Expenditures		\$5,032,758	
Other Expenditures		\$732,440	
			\$5,765,198
Health Department:			
Personal Services Expenditures		\$477,678	
Other Expenditures		\$60,625	
			\$538,303
Parks and Recreation Department:			
Personal Services Expenditures		\$1,609,384	
Other Expenditures		\$852,703	
			\$2,462,087
Building Department:			
Personal Services Expenditures		\$801,649	
Other Expenditures		\$88,772	
			\$890,421
Public Works Department:			
Personal Services Expenditures		\$1,231,382	
Other Expenditures		\$657,541	
			\$1,888,923
Finance Department:			
Personal Services Expenditures		\$249,980	
Other Expenditures		\$80,306	
			\$330,286
Tax Department:			
Personal Services Expenditures		\$518,065	
Other Expenditures		\$1,037,867	
			\$1,555,932
Administration Department: *			
Personal Services Expenditures		\$1,249,572	
Other Expenditures		\$7,072,216	
			\$8,321,788
	Total General Fund Appropriations		<u>\$28,781,982</u>

\* - Administration Department includes:

Administrative Office  
Economic Development  
Legislative  
Civil Service Commission  
Cable TV Regulatory  
Contractual Services  
Waste Collection  
Transfers/Advances  
General Administration  
Health Insurance Trust  
Insurance Trust

ORDINANCE NO. 02-2024

EXHIBIT "B" (Continued)

2024 Appropriations  
Set at the Legal Level of Budgetary Control

**Other Funds (at the Fund Level)**

Special Revenue Funds:

Street Maintenance, Repair and Construction Fund (061):		
Personal Services Expenditures	\$145,000	
Other Expenditures	<u>\$716,540</u>	\$861,540
State Highway Improvement Fund (062):		
Personal Services Expenditures		\$60,000
Grants Fund (070):		
Personal Services Expenditures	\$33,000	
Other Expenditures	<u>\$339,618</u>	\$372,618
One Ohio Opioid Fund (065):		
Other Expenditures		\$25,000
Court Computerization Fund (071):		
Other Expenditures		\$16,000
Drug Law Enforcement Fund (081):		
Other Expenditures		\$7,486
Law Enforcement Fund (082):		
Other Expenditures		\$105
DUI Fund (083):		
Other Expenditures		\$5,828
Law Enforcement Training Fund (084):		
Other Expenditures		\$3,773
Residential Recycling Fund (091):		
Other Expenditures		\$135,000
Parks and Urban Forestry Fund (094):		
Other Expenditures		\$40,000

Capital Projects Funds:

Housing Rehabilitation Fund (089):		
Other Expenditures		\$0
Capital Improvement Fund (090):		
Other Expenditures		\$11,582,693
Commerce Park TIF Fund (080):		
Other Expenditures		\$273,600
Tri-County Mall TIF Fund (093):		
Other Expenditures		\$0
Northwest Business Center TIF Fund (095):		
Other Expenditures		\$1,510,792

Debt Service Fund:

Street Improvement Debt Fund (088):		
Other Expenditures		\$540,000

Enterprise Fund:

Adult Sports Fund (050):		
Other Expenditures		\$9,500

Custodial Funds:

Unclaimed Moneys Fund (096):		
Other Expenditures		\$6,809
OBBS Assessment Fund (097):		
Other Expenditures		\$6,800
Fire Insurance Proceeds Fund (099):		
Other Expenditures		\$0
Springdale Youth Boosters Fund (072)		
Other Expenditures		\$24,000

**ORDINANCE NO. 02-2024**

**EXHIBIT "C"**

**2024 Estimated Receipts**

<b>General Fund</b> (includes Health Insurance Trust and Insurance Trust Funds)	
Fund 010	\$23,406,772
Fund 085 (Insurance Trust Fund)	\$335,000
Fund 086 (Health Insurance Trust Fund)	\$440,000
	<hr/>
	\$24,181,772
 <b>Special Revenue Funds:</b>	
Street Maintenance, Repair and Construction Fund (061)	\$776,000
State Highway Improvement Fund (062)	\$63,800
One Ohio Opioid Fund (065)	\$7,952
Grants Fund (070)	\$313,374
Court Computerization Fund (071)	\$11,500
Drug Law Enforcement Fund (081)	\$0
Law Enforcement Fund (082)	\$0
DUI Fund (083)	\$0
Law Enforcement Training Fund (084)	\$0
Residential Recycling Incentive Fund (091)	\$135,000
Parks and Urban Forestry Fund (094)	\$0
 <b>Capital Projects Funds:</b>	
Capital Improvement Fund (090)	\$11,551,182
Housing Rehabilitation Fund (089)	\$0
Northwest Business Center TIF Fund (095)	\$1,569,543
Commerce Park TIF Fund (080)	\$1,104,061
Tri-County Mall TIF Fund (093)	\$0
 <b>Debt Service Fund:</b>	
Street Improvement Debt Fund (088)	\$540,000
 <b>Enterprise Fund:</b>	
Adult Sports Fund (050)	\$8,500
 <b>Agency Funds:</b>	
Unclaimed Moneys Fund (096)	\$5,000
OBBS Assessment Fund (097)	\$6,800
Fire Insurance Proceeds Fund (099)	\$0
Springdale Youth Boosters Fund (072)	\$20,000

**ORDINANCE NO. 03-2024**

**AN ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO**

WHEREAS, a Charter Amendment was passed by the voters of Springdale in the general election of November 2021 which eliminated the elected position of Clerk of Council/Finance Director; and

WHEREAS, the approved elimination of the position of Clerk of Council/Finance Director became effective December 1, 2023; and

WHEREAS, Council seeks to make certain amendments to Chapter 39 of the Code of Ordinances consistent with the Charter revisions that eliminated the position of Clerk of Council/Finance Director; and

WHEREAS, along with these changes, other revisions are being recommended to Section 39.05 Investments consistent with Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, \_\_\_\_\_ members elected thereto concurring:

Section 1. Chapter 39 of the Code of Ordinances of the City of Springdale shall be amended as provided for in the attached Exhibit A which is incorporated herein by reference. All other provisions contained in Chapter 39 of the Code of Ordinances of the City of Springdale not specifically revised in the attached Exhibit A shall remain in full force and effect.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect on the earliest date allowed by law.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Approved:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



## EXHIBIT A

### ORDINANCE NO. 03-2024

#### CHAPTER 39: DEPOSIT AND INVESTMENT PROCEDURE

##### Section

- 39.01 Definitions.
- 39.02 Findings by council: inapplicability of and incorporation of state laws.
- 39.03 Depositories.
- 39.04 Security for repayment of deposits.
- 39.041 Pooling of securities.
- 39.05 Investments.
- 39.06 Miscellaneous provisions.
- 39.07 Special funds.

##### § 39.01 DEFINITIONS.

As used in this chapter, unless another definition is provided or the content otherwise requires:

(A) ACTIVE DEPOSIT means a deposit of the City's public moneys payable or withdrawals, in whole or in part, on demand, or a deposit in a negotiable order of withdrawal account as authorized in the Consumer Checking Account Equity Act of 1980, 94 Stat. 146, 12 U.S.C.A. 1832 (a).

(B) ELIGIBLE DEPOSITORY and ELIGIBLE DEPOSITORIES means:

(1) Any national bank located in Ohio and any bank as defined by R.C. § 1101.01 which is subject to inspections by the Ohio Superintendent of Banks; and

(2) Any domestic building and loan association as defined in R.C. § 1151.01 authorized to accept deposits; and

(3) The State Treasury Asset Reserve of Ohio (StarOhio), an investment pool established by R.C. Ch. 135, for investment of interim deposits only.

(C) PUBLIC MONEYS means all moneys in the treasury of the City, or moneys coming lawfully into the possession of the City's Clerk.

(D) UNIFORM DEPOSITORY ACT means R.C. Chapter 135 and any amendment or supplement thereto. Wherever any provision of the Uniform Depository Act is made applicable under this chapter, such provisions are applicable only to the extent that they are not in conflict with or inconsistent with the City's Charter and ordinances or resolutions. (Ord. 73-1988, passed 12-7-88; Am. Ord. 77-1991, passed 12-4-91)

## EXHIBIT A

### ORDINANCE NO. 03-2024

#### § 39.02 FINDINGS BY COUNCIL: INAPPLICABILITY OF AND INCORPORATION OF STATE LAWS.

(A) Council hereby makes the following findings with respect to the authorization and the establishment of the policies and procedures for the deposit and investment of public moneys in the City's treasury:

(1) The authorization ~~ana-and~~ establishment of such policies and procedures are powers of local self-government that may be exercised by the City through its ordinances under Sections 3 and 7 of Article XVIII of the Ohio Constitution and Article I of the City's Charter; and

(2) The authorization and establishment of such policies and procedures are in the best interests of the City and its citizens:

(a) To provide a more efficient management of the City's moneys and investments; and

(b) To enable the City to earn a greater yield on its investments and provide safeguards of the City's moneys.

(B) It is hereby determined that the Uniform Depository Act shall not apply to the City, except as it may be adopted by reference under this chapter, and further provided that R.C. Sec. 135.11, pertaining to exemption from conflict of interest laws, shall apply to the City.

(C) R.C. Secs. 731.56 to 731.59, inclusive, shall not apply to the City, except as R.C. Sec. 731.59 is incorporated in part in Section 39.05 (I) of this chapter.

(D) Unless incorporated by reference or otherwise made applicable in this chapter, no other provision of the Revised Code of Ohio which is inconsistent or in conflict with this chapter shall apply to the City.

(Ord. 73-1988, passed 12-7-88)

#### § 39.03 DEPOSITORIES.

(A) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall determine the amount of public moneys which shall be available in active deposits to:

(1) Provide the needed cash flow to pay checks issued and outstanding and other obligations, to provide for a reasonable surplus in addition to the amount needed to pay such amounts; and

(2) Maximize the interest received on public moneys of the City. Interest on active deposits shall be paid or credited by the City's designated eligible depositories at least quarterly and when funds are withdrawn, computing the time of payment from the date of deposit. All public moneys of the City not deposited in active deposits shall be invested pursuant to Section 39.05 of this chapter.

## EXHIBIT A

### ORDINANCE NO. 03-2024

(B) The Finance Committee of Council shall, in accordance with the Ohio Revised Code, by a writing filed with the Council, designate one or more eligible depositories as the depository or depositories of the City's active deposits. In making such designation the Finance Committee of Council shall consider the following:

- (1) The convenience of the location of the depository's offices; and
- (2) The rate or rates of interest, if any, which the depository will pay on the active deposits; and
- (3) Any other terms or conditions with respect to the depository's acceptance of the City's active deposits.

(C) Designation of the eligible depository or depositories for active deposits shall be subject to confirmation by Council.

(D) The designation of depositories for the City's active deposits shall not be limited by term. At any time as deemed necessary, Council and or Finance Committee may request applications from eligible depositories to be considered to hold active funds. At such time, a Request for Proposal shall be sent to the eligible depositories and due within 45 days from such time. Such request shall:

- (1) Provide an estimate of the maximum amount of such active deposits;
- (2) Request such depositories to apply in writing for all or part of the City's active deposits on or before a date and time specified in the notice; and
- (3) Request such depositories to state in their application the amount of such active deposits that will be accepted to offset bank account fees and charges; and
- (4) Include or request any other information to or from such depositories which the Finance Committee of Council deems relevant. The request for written applications or their receipt does not constitute a bidding procedure. Rather such request and application are intended to provide relevant information to the Finance Committee of Council for its designation pursuant to division (B) of this section and to provide notice to eligible depositories that the City will receive applications and proposals for its active deposits; and
- (5) The Mayor and/or City Administrator shall enter into a contract with such depositories for the appropriate period determined, but not limited to term, pursuant to division (D) of this section. Such contract shall establish the service charges and/or compensating balances the depository may make for its services, and other terms or conditions of the depository's acceptance of the City's active deposits.

(E) The limitations on the aggregate amounts of public moneys that may be on deposit with eligible depositories as set forth in the Uniform Depository Act shall apply under this chapter.

(Ord. 73-1988, passed 12-7-88; Am. Ord. 31-2002, passed 5-15-02; Ord. 12-2023, passed 3-1-2023)

## EXHIBIT A

### ORDINANCE NO. 03-2024

#### § 39.04 SECURITY FOR REPAYMENT OF DEPOSITS.

(A) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, before making the initial deposit in a public depository pursuant to an award made under Section 39.03 or pursuant to an investment in a certificate of deposit under Section 39.05 (B)(7) shall require the institution designated as the depository to pledge to and deposit ~~with him~~, as security for the repayment of all public moneys to be deposited in the depository during the period of designation pursuant to the award, eligible securities of aggregate market value equal to the excess of the amount of public moneys to be at the time so deposited, over and above such portion or amount of such moneys as are at such time insured by the Federal Deposit Insurance Corporation or by any other agency or instrumentality of the Federal government or of the State of Ohio as may be approved by Council. The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner may require such institution to deposit with him surety company bonds or other insurance policies approved by Council which, when executed, shall be for an amount equal to such excess amount. In the case of any deposit other than the initial deposit made during the period of designation, the amount of the aggregate market value of securities required to be pledged and deposited, or of the surety company bonds required to be deposited or the other insurance coverage required, shall be equal to the difference between the amount of public moneys on deposit in such public depository plus the amount to be so deposited, minus such portion or amount of the aggregate as is at the time insured by the Federal Deposit Insurance Corporation or any other instrumentality of the Federal government or of the State of Ohio as may be approved by Council. Council may require additional eligible securities to be deposited to provide for any depreciation which may occur in the market value of any of the securities so deposited.

(B) The following securities shall be eligible for the purposes of this section:

(1) Bonds, notes, or other obligations of the United States; or bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language appearing in the instrument specifically providing such guarantee or pledge and not merely by interpretation or otherwise;

(2) Bonds, notes, debentures, or other obligations or securities issued by any Federal government agency, or the export-import bank of Washington; bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by interpretation or otherwise and not by language appearing in the instrument specifically providing such guarantee or pledge;

(3) Bonds and other obligations of this state;

(4) Bonds and other obligations of any county, township, school district, municipal corporation, including the City, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of the principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivisions is pledged;

## EXHIBIT A

### ORDINANCE NO. 03-2024

(5) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;

(6) Obligations guaranteed as to principal and interest by the Ohio student loan commission.

(C) If the depository fails to pay over any part of the deposit made therein as provided by law, the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall sell at public sale any of the bonds or other securities deposited ~~with him~~ pursuant to this section or R.C. Section 131.09. Thirty (30) days' notice of such sale shall be given in a newspaper of general circulation, on the City's website, or in any other manner designated by Council, -at the county seat of the county in which the office of the ~~Clerk of Council/Finance Director~~ municipality is located. Pursuant to division (C) of R.C. Section 135.18, when a sale of bonds or other securities has been so made and upon payment to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner of the purchase money, the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers, and any surplus remaining after deducting the amount due the state or subdivision and expenses of sale shall be paid to the depository.

(D) An institution designated as a depository may, by written notice to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, designate a qualified trustee and deposit the eligible securities required by this section with the trustee for safekeeping for the account of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner and the institution as a depository, as their respective rights to and interest in such securities under this section may appear and be asserted by written notice to or demand upon the trustee pursuant to division (D) of R.C. Section 135.18. In such case, the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall accept the written receipt of the trustee describing the securities which have been deposited with the trustee by the depository, a copy of which shall also be delivered to the depository. Thereupon all such securities so deposited with the trustee are, pursuant to division (D) of R.C. Section 135.18, deemed to be pledged with the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner and to be deposited ~~with him~~, for all the purposes of this section.

(E) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner may make provisions for the exchange and release of securities and the substitution of other eligible securities therefor except where the depository has deposited eligible securities with a trustee for safekeeping as provided in this section.

(F) When the depository has deposited eligible securities described in division (B)(1) of this section with a trustee for safekeeping, the depository may at any time substitute or exchange eligible securities described in division (B)(1) of this section having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from the City's Council or ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner of such substitution or exchange.

(G) When the depository has deposited eligible securities described in divisions (B)(2) to (6) of this section with a trustee for safekeeping, the depository may at any time substitute or exchange

## EXHIBIT A

### ORDINANCE NO. 03-2024

eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of the Council or the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner of any such substitution or exchange only if:

(1) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner has authorized the depository to make such substitution or exchange on a continuing basis during a specific period without prior approval of each substitution or exchange. Such authorization may be effected by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end of the period of designation during which the notice is given. The trustee may rely upon such notice and upon the period of authorization stated therein and upon the period of designation stated therein; or

(2) No continuing authorization for substitution has been given by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, the depository notifies the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner and the trustee of an intended substitution or exchange, and the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner fails to object to the trustee as to the eligibility or market value of the securities being substituted within ten (10) calendar days after the date appearing on the notice of proposed substitution. The notice to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner and to the trustee shall be given in writing and delivered personally or by certified or registered mail with a return receipt requested. The trustee may assume in any case that the notice has been delivered to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner. In order for objections of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner to be effective, receipt of the objections must be acknowledged in writing by the trustee; or

(3) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner gives written authorization for a substitution or exchange of specific securities.

(H) The depository shall notify the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner of any such substitution or exchange under division (G)(1) or (2) of this section. Upon request from the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, the trustee shall furnish a statement of the securities pledged against such public deposits.

(I) Any federal reserve bank or branch thereof located in this state, without compliance with R.C. Sections 1109.03, 1109.04, 1109.17 and 1109.18, and without becoming subject to R.C. Section 1109.15, or any other law of Ohio relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in R.C. Section 135.03 which holds a certificate of qualification issued by the superintendent of banks or any institution complying with R.C. Sections 1109.03, 1109.04, 1109.17 and 1109.18, is qualified to act as trustee for the safekeeping of securities, other than those belonging to itself, under this section. Pursuant to R.C. Section 135.18, upon application to him in writing by any such institution, the Superintendent of Banks shall investigate the applicant and ascertain whether or not it has been authorized to execute and accept trusts in Ohio and has safe and adequate vaults and efficient supervision thereof for the storage and safekeeping within Ohio

## EXHIBIT A

### ORDINANCE NO. 03-2024

of such securities. If the Superintendent finds that the applicant has been so authorized and does have such vaults and supervision thereof, he shall, pursuant to R.C. Section 135.18, approve the application and issue a certificate to that effect, the original or any certified copy of which shall be conclusive evidence that the institution therein named is qualified to act as trustee for the purposes of this section with respect to securities other than those belonging to itself.

(J) Notwithstanding the fact that a depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee shall have no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a depository. This applies in all situations including, without limitation, a substitution or exchange of securities.

(K) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the depository and in no event shall be chargeable to the City or to the ~~Clerk of Council/Finance Director Finance Officer/Tax Commissioner~~ or to any officer of the City. Such charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in such securities of the City or of the ~~Clerk of Council/Finance Director Finance Officer/Tax Commissioner~~. The ~~Clerk of Council/Finance Director Finance Officer/Tax Commissioner~~ and ~~his~~ bondsmen or security shall be relieved from any liability to the City or to the depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(Ord. 73-1988, passed 12-7-88)

#### § 39.041 POOLING OF SECURITIES.

(A) In lieu of the pledging requirements prescribed in Section 39.04, a depository, with the consent of the ~~Clerk of Council/Finance Director Finance Officer/Tax Commissioner~~, may pledge a single pool of eligible securities to secure the repayment of public moneys deposited in the depository and not otherwise secured pursuant to law, provided that at all times the total value of the securities so pledged, based on the valuations prescribed in division (B) of this section, is at least equal to one hundred ten percent (110%) of the total amount of all public deposits to be secured by the pooled securities, including the portion of such deposits covered by any Federal deposit insurance. Each such depository shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total value of securities pledged to secure such deposits.

(B) The following securities, at the specified valuations, shall be eligible as collateral for the purposes of division (A) of this section, provided no such securities pledged as collateral are at any time in default as to either principal or interest:

(1) Obligations of, or fully insured or fully guaranteed by, the United States or any Federal government agency: at face value;

## EXHIBIT A

### ORDINANCE NO. 03-2024

(2) Obligations partially insured or partially guaranteed by any Federal government agency: at face value;

(3) Obligations of, or fully guaranteed by, the Federal national mortgage association or the federal home loan mortgage corporation: at face value;

(4) Obligations of any state, county, municipal corporation or other legally constituted authority of any state or any instrumentality of any state, county, municipal corporation or other authority, which are secured as to the payment of principal and interest by the holding in escrow of obligations of the United States for which the full faith and credit of the United States is pledged: at face value;

(5) Obligations of the State of Ohio or any county or other legally constituted authority of the State of Ohio or any instrumentality of the State of Ohio or such county or other authority: at face value;

(6) Obligations of any other state: at ninety percent (90%) of face value;

(7) Obligations of any county, municipal corporation or other legally constituted authority of any other state or any instrumentality of such county, municipal corporation or other authority: at eighty percent (80%) of face value;

(8) Notes representing loans made to persons attending or planning to attend eligible institutions of education and to their parents, and insured or guaranteed by the United States or any agency, department or other instrumentality thereof, or guaranteed by the Ohio student loan commission pursuant to R.C. Sections 3351.05 to 3351.14: at face value;

(9) Any other obligations the ~~Clerk~~ Finance Officer/Tax Commissioner approves: at the percentage of face value he prescribes.

(C) The City shall have an undivided security interest in the pool of securities pledged by a depository pursuant to division (A) of this section in the proportion that the total amount of the City's public moneys secured by the pool bears to the total amount of public deposits so secured.

(D) A depository pledging pooled securities shall designate a qualified trustee and deposit with the trustee for safekeeping the eligible securities pledged pursuant to division (A) of this section. The depository shall give written notice of the qualified trustee to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner. The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall accept the written receipt of the trustee describing the pool of securities so deposited by the depository, a copy of which also shall be delivered to the depository.

(E) Any federal reserve bank or branch thereof located in the State of Ohio, without compliance with R.C. Sections 1109.03, 1109.04, 1109.17 and 1109.18, and without becoming subject to R.C. Section 1109.15 or any other law of the State of Ohio relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in division (A) of R.C. Section 135.03 or division (A) of R.C. Section 135.32 which holds a certificate of qualification issued by the Superintendent of Banks, or any institution complying with R.C. Sections 1109.03, 1109.04, 1109.17 and 1109.18 is qualified to act as trustee for the safekeeping of securities under this section, other than those



## EXHIBIT A

### ORDINANCE NO. 03-2024

belonging to itself or to an affiliate as defined in division (A) of R.C. Section 1101.01. Pursuant to R.C. Section 135.181, upon application to him in writing by any such institution, the Superintendent of Banks shall investigate the applicant and ascertain whether or not it has been authorized to execute and accept trusts in Ohio and has safe and adequate vaults and efficient supervision thereof for the storage and safekeeping within Ohio of such securities. If the Superintendent finds that the applicant has been so authorized and does have such vaults and supervision thereof, he shall, pursuant to R.C. Section 135.181, approve the application and issue a certificate to that effect, the original of any certified copy of which shall be conclusive evidence that the institution therein named is qualified to act as trustee for the purposes of this section with respect to securities other than those belonging to itself.

(F) The depository at any time may substitute, exchange or release eligible securities deposited with a qualified trustee pursuant to this section, provided that such substitution, exchange or release does not reduce the total value of the securities, based on the valuations prescribed in division (B) of this section, to an amount that is less than one hundred ten percent (110%) of the total amount of public deposits as determined pursuant to division (A) of this section.

(G) Notwithstanding the fact that a depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee shall have no duty or obligation to determine the eligibility, market value or face value of any securities deposited with the trustee by a depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (H) of this section in which the trustee is required to determine face and market value.

(H) If the depository fails to pay over any part of the public moneys made therein as provided by law and secured pursuant to division (A) of this section, the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall give written notice of this failure to the qualified trustee holding the pool of securities pledged against public moneys deposited in the depository, and at the same time shall send a copy of this notice to the depository. Upon receipt of such notice the trustee shall transfer to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner for public sale such of the pooled securities as may be necessary to produce an amount equal to the deposits made by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, less the portion of such deposits covered by any federal deposit insurance, plus any accrued interest due on such deposits. The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall sell at public sale any of the bonds or other securities so transferred. Thirty (30) days' notice of such sale shall be given in a newspaper of general circulation in the City. When a sale of bonds or other securities has been so made and upon payment to the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner of the purchase money, the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due the City and expenses of sale shall be paid to the depository.

(I) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the depository and in no event shall be chargeable to the City or ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner. Such charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the

## EXHIBIT A

### ORDINANCE NO. 03-2024

rights to and interests in such securities of the City or ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner. The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner and his bondsmen or surety shall be relieved from any liability to the City or to the depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(J) In lieu of placing its unqualified endorsement on each security, a depository pledging securities pursuant to division (A) of this section that are not negotiable without its endorsement or assignment may furnish to the qualified trustee holding the securities an appropriate resolution and irrevocable power of attorney authorizing the trustee to assign the securities. The resolution and power of attorney shall conform to such terms and conditions as the trustee prescribes.

(K) Upon request of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, a depository shall report the amount of public moneys deposited by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner and secured pursuant to division (A) of this section, and the total value, based on the valuations prescribed in division (B) of this section, of the pool of securities pledged to secure public deposits held by the depository, including those deposited by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner. Upon request of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, a qualified trustee shall report such total value of the pool of securities deposited with it by the depository and shall provide an itemized list of the securities in the pool. These reports shall be made as of the date the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner specifies.

(Ord. 73-1988, passed 12-7-88)

#### § 39.05 INVESTMENTS.

(A) All public moneys of the City not ~~deposited in~~ held as active deposits or kept by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner as a cash reserve as may be prescribed by Council, shall be invested by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner pursuant to this section, ~~and investments shall not be limited to such moneys which will not be needed for a period of ninety (90) days, however, any~~ Any such funds ~~as Council by resolution declares are~~ not needed for any municipal purpose for more than ninety (90) days shall be invested.

(B) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner may invest in any ~~of the following~~ classifications of obligations investment, which are ~~hereby determined to be eligible for investment; outlined in R.C. 135.14.~~

~~(1) Bonds, notes, or other obligations of or guaranteed by the United States, or those for which the faith of the United States is pledged for the payment of principal and interest thereon;~~

~~—(2) Bonds, notes, debentures or other obligations or securities issued by any federal government agency, or the export-import bank of Washington;~~

## EXHIBIT A

### ORDINANCE NO. 03-2024

~~—(3) The Clerk of Council/Finance Director may enter into a repurchase agreement with any eligible institution mentioned in R.C. Section 135.03 and confirmed by Council, under the terms of which agreement the Clerk of Council/Finance Director purchases for the City, and such institution agrees unconditionally to repurchase any of the securities listed in divisions (B)(1) or (2) of this section that will mature or are redeemable within five (5) years from the date of purchase;~~

~~—(4) Certificates of deposit of eligible depositories, which may provide (and if so, shall be shown on its face) that the amount of such deposit is payable upon written notice a specified period before the date of the repayment maturity;~~

~~—(5) Insured deposit accounts in eligible depositories paying interest at a rate greater than the interest rate paid on the City's active deposits, and~~

~~—(6) StarOhio, an investment pool managed by the Treasurer of the state.~~

(C) Where the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner invests in any of the classifications of ~~obligations~~ investment set forth in Section 39.05 (B) and the investment involves a depository designated by the Finance Committee of Council, pursuant to Section 39.03 (B), the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall invest in the eligible depository offering the highest rate of return available. ~~among all eligible depositories. If the highest rate of return for the investment is offered by more than one of the eligible depositories designated under Section 39.03, the Clerk of Council/Finance Director shall invest available public funds equally among each of the eligible depositories offering the highest rate of return, except if one of the depositories which is offering the highest rate is the present depository for the money being offered, then that money shall remain with that depository.~~

(D) Designation of ~~those~~ eligible depositories to be used by the City for investments shall be subject to confirmation by Council as set forth in Section 39.03 (B).

(E) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner ~~may sell any securities, obligations or certificates of deposit or close any accounts held as~~ investments mentioned in division (B) of this section for cash and for a sum not less than the ~~if~~ current market price.

(F) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, the Mayor, the Law Director and ~~the~~ members of Council or any other officer or employee of the City, shall not be held accountable or personally liable for any loss ~~occasioned~~ incurred by the sale of investments. ~~securities, obligations or certificates of deposit or by the closing of insured deposit accounts at prices lower than their cost or balance.~~ Any loss or expense in making such sales or closings shall be payable as other expenses of the City.

(G) Investments authorized by division (B) of this section shall not be made at a price in excess of the current market price.

(H) The members of Council, the Mayor, the Law Director and the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or any other officer or employee of the City, shall not be personally liable for or with respect to the purchase of investments. ~~securities, obligations or~~

## EXHIBIT A

### ORDINANCE NO. 03-2024

~~certificates of deposit or the deposit of public moneys in insured deposit accounts~~ authorized as investments pursuant to division (B) of this section; and the members of Council, the Mayor and the Law Director or any other officer or employee of the City shall not be personally liable for any unauthorized investment by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner.

(~~H~~ I) Any ~~securities, obligations or certificates of deposit~~ investment purchased under the authority of this section are issuable to the City. If any such ~~securities, obligations or certificate of deposit~~ investments are registerable either as to principal or interest, or both, then such securities shall be registered in the name of the City ~~as such~~.

(~~I~~ J) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner is responsible for the safekeeping of all ~~securities, obligations or certificates of deposit~~ investments acquired by ~~him~~ under this section. Any of such ~~securities, obligations or certificates of deposit~~ investment may be deposited for safekeeping with a qualified trustee as provided in R.C. Section 135.18, except the delivery of securities acquired under a repurchase agreement shall be made to a qualified trustee. If ~~securities, obligations or certificates of deposit~~ investments are not deposited with a qualified trustee, they shall be in the custody of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, and shall be kept by him in a safe deposit box or vault belonging to an eligible depository, and such safe deposit box or vault shall be opened only upon a warrant or order of the ~~Clerk of Council/Finance Director or a person duly authorized as the Acting Clerk of Council/Finance Director~~ in the presence of one or more of the Clerk of Council/Finance Director, Law Director, City Administrator or Mayor or persons duly authorized as Acting Clerk of Council/Finance Director, Acting Law Director, Acting City Administrator or Acting Mayor. The warrant or order to open such safety deposit box or vault shall direct the deposit or removal of such securities, obligations or certificates of deposit, clipping of coupons or other official business reason for opening the box or vault. A report of what is placed in, removed from or other official business conducted shall, on the same day of the opening of the box or vault, be signed by the officer witnessing such opening and the Clerk of Council/Finance Director and such report shall be retained by the Clerk of Council/Finance Director. Interest earned on any investments, including certificates of deposit, authorized by this section shall be collected by the Clerk of Council/Finance Director and credited by him to the proper fund of the City as required by law.

(~~J~~) Upon the expiration of the term of office of the Clerk of Council/Finance Director or in the event of a vacancy in the office of the Clerk of Council/Finance Director by reason of death, resignation, removal from office, or otherwise, the Clerk of Council/Finance Director or his legal representative shall transfer and deliver to his successor all securities, obligations and certificates of deposit held by him. For the securities, obligations and certificates of deposit so transferred and delivered, such Clerk of Council/Finance Director shall be credited with and his successor shall be charged with the amount of money invested in such securities, obligations and certificates of deposit.

(K) Whenever ~~securities, obligations or certificates of deposit~~ investments acquired under this section mature and become due and payable, the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall present them for payment according to their tenor, and shall

## EXHIBIT A

### ORDINANCE NO. 03-2024

collect the moneys payable to the City thereon. The moneys so collected shall be treated as public moneys subject to the provisions of this chapter.

(L) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner shall maintain accounts in which ~~he shall make~~ appropriate entries of all transactions relating to the investment of ~~treasury funds~~ are recorded. ~~The Clerk of Council/Finance Director shall keep a record of the number and maturity of interest coupons in which the City has invested.~~

(M) ~~On and after January 1, 1984, the~~ The Clerk of Council/Finance Director Finance Officer/Tax Commissioner; ~~upon request of the Mayor or the Council~~, shall provide periodic reports to the Mayor, City Council and Administration, ~~in such detail as required by the Council or the Mayor~~, of all investments purchased, sold and held.

(Ord. 73-1988, passed 12-7-88; Am. Ord. 77-1991, passed 12-4-91)

#### § 39.06 MISCELLANEOUS PROVISIONS.

(A) The ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner, the Mayor, the Law Director, members of Council or any other officer or employee of the City, and their bondsmen or sureties shall be relieved from any liability for the loss of any public moneys deposited or invested pursuant to and in compliance with this chapter, including, but not limited to, losses occasioned by the failure of any depository.

(B) R.C. Section 731.55 shall be applicable to the City and the insurance authorized by such section may be procured by the Mayor and the costs of such insurance shall be paid by the City by ordinance adopted by Council.

(Ord. 73-1988, passed 12-7-88)

#### § 39.07 SPECIAL FUNDS.

The city may create other special funds as provided by Ohio law or as adopted by ordinance of Council.

**ORDINANCE NO. 04-2024**

**AN ORDINANCE AMENDING CHAPTER 154 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO**

WHEREAS, the Ohio Department of Natural Resources (“ODNR”), at the request of the Federal Emergency Management Agency (“FEMA”), has reviewed and recommended revisions to FEMA’s Model Regulations; and

WHEREAS, ODNR, as a representative of FEMA, has requested the City of Springdale (“City”) amend Chapter 154 of the Code of Ordinance to keep flood regulations up to date and coordinated with FEMA’s Model Regulations; and

WHEREAS, the City wishes to comply with the ODNR recommendation and FEMA regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, \_\_\_\_\_ members elected thereto concurring:

Section 1. Chapter 154 of the Code of Ordinances of the City of Springdale shall be amended as provided for in the attached Exhibit A which is incorporated herein by reference. All other provisions contained in Chapter 154 of the Code of Ordinances of the City of Springdale not specifically revised in the attached Exhibit A shall remain in full force and effect.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect on the earliest date allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Approved:  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

## EXHIBIT A

### ORDINANCE NO. 04-2024

#### CHAPTER 154: FLOOD CONTROL

##### Section

##### General Provisions

- 154.01 Findings of fact
- 154.02 Statement of purpose
- 154.03 Method of reducing flood loss
- 154.04 Lands to which these regulations apply
- 154.05 Basis for establishing the areas of special flood hazard
- 154.06 Abrogation and greater restrictions
- 154.07 Interpretation
- 154.08 Warning and disclaimer of liability
- 154.09 Severability
- 154.10 Definitions

##### Administration

- 154.15 Administration
- 154.16 Floodplain Development Permits
- 154.17 Map maintenance activities
- 154.18 Data use and flood map interpretation
- 154.19 Substantial damage determinations
- 154.20 Use and development standards for flood hazard reduction
- 154.21 Assurance of flood carrying capacity
- 154.22 Appeals and variances
- 154.23 Enforcement
- 154.24 References
- 154.99 Penalty

#### GENERAL PROVISIONS

##### § 154.01 FINDINGS OF FACT.

The City of Springdale has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(Ord. 18-2004, passed 5-5-04)

##### § 154.02 STATEMENT OF PURPOSE.

EXHIBIT A

ORDINANCE NO. 04-2024

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (F) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (G) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (H) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (I) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (J) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (K) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (L) Meet community participation requirements of the National Flood Insurance Program.

(Ord. 18-2004, passed 5-5-04)

§ 154.03 METHODS OF REDUCING FLOOD LOSS.

In order to accomplish its purposes, these regulations include methods and provisions for:

- (A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (D) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 18-2004, passed 5-5-04)



EXHIBIT A

ORDINANCE NO. 04-2024

§ 154.04 LANDS TO WHICH THESE REGULATIONS APPLY.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Springdale as identified in § 154.05, including any additional areas of special flood hazard annexed by city.

(Ord. 18-2004, passed 5-5-04)

§ 154.05 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(A) For the purposes of these regulations, the following studies and/or maps are adopted:

(1) The "Flood Insurance Study, Hamilton County, Ohio and Incorporated Areas" with the accompanying Flood Insurance Rate Maps dated May 17, 2004 and any revisions thereto. The Flood Insurance Rate Maps for Hamilton County, Ohio and Incorporated Areas dated February 17, 2010 and the Flood Insurance Study for Hamilton County, Ohio and Incorporated areas dated February 16, 2012

(2) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Springdale as required by § 154.20(C) Subdivisions and Large Scale Other New Developments.

(B) Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Springdale Municipal Building, 11700 Springfield Pike, Springdale, Ohio 45246.

(Ord. 18-2004, passed 5-5-04)

§ 154.06 ABROGATION AND GREATER RESTRICTIONS.

These regulations are not intended to repeal any existing ordinances including land development regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not intend to impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 18-2004, passed 5-5-04; Am. Ord. 6-2011, passed 2-2-11)

§ 154.07 INTERPRETATION.

In the interpretation and application of these regulations, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and

## EXHIBIT A

### ORDINANCE NO. 04-2024

(C) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or federal law, such state or federal law shall take precedence over these regulations.

(Ord. 18-2004, passed 5-5-04)

#### § 154.08 WARNING AND DISCLAIMER OF LIABILITY.

It is the responsibility of every property owner to protect his or her property from flood damage. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(Ord. 18-2004, passed 5-5-04)

#### § 154.09 SEVERABILITY.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 18-2004, passed 5-5-04)

#### § 154.10 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

**ACCESSORY STRUCTURE.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**APPEAL.** A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or 100-year flood.

**BASE (100-YEAR) FLOOD ELEVATION (BFE).** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides.

EXHIBIT A

ORDINANCE NO. 04-2024

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCLOSURE BELOW THE LOWEST FLOOR. See LOWEST FLOOR.

EXECUTIVE ORDER 11988 (FLOODPLAIN MANAGEMENT). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

FILL. A deposit of earth material placed by artificial means.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM). An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

FLOOD INSURANCE RISK ZONES. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zone A1-30 and AE: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO: Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH: Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and X (unshaded): Areas determined to be outside the 500-year floodplain.

FLOOD INSURANCE STUDY (FIS). The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries (sometimes shown

EXHIBIT A

ORDINANCE NO. 04-2024

on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

**FLOODPROOFING.** Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOOD PROTECTION ELEVATION.** The Flood Protection Elevation, or FPE, is the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

**FLOODWAY.** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than 0 feet 1-foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**FREEBOARD.** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**HISTORIC STRUCTURE.** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

**HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS.** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

**LETTER OF MAP CHANGE (LOMC).** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

**LETTER OF MAP AMENDMENT (LOMA).** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA

EXHIBIT A

ORDINANCE NO. 04-2024

amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

LETTER OF MAP REVISION (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the initial effective date of the City of Springdale's FIRM, dated December 5, 1990, and includes any subsequent improvements to such structures. Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Springdale and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM December 5, 1990 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

## EXHIBIT A

### ORDINANCE NO. 04-2024

**PERSON.** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the R.C. § 111.15 (A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**RECREATIONAL VEHICLE.** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGISTERED PROFESSIONAL ARCHITECT.** A person registered to engage in the practice of architecture under the provisions of R.C. §§ 4703.01 to 4703.19.

**REGISTERED PROFESSIONAL ENGINEER.** A person registered as a professional engineer under R.C. Chapter 4733.

**REGISTERED PROFESSIONAL SURVEYOR.** A person registered as a professional surveyor under R.C. Chapter 4733.

**SPECIAL FLOOD HAZARD AREA.** Also known as AREAS OF SPECIAL FLOOD HAZARD, it is the land in the floodplain subject to a 1% or greater chance of flooding in any given year. SPECIAL FLOOD HAZARD AREAS are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, and AE. SPECIAL FLOOD HAZARD AREAS may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**STRUCTURE.** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

## EXHIBIT A

### ORDINANCE NO. 04-2024

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any improvement to a structure which is considered "new construction";
- (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (3) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**VARIANCE.** A grant of relief from the standards of these regulations consistent with the variance conditions herein.

**VIOLATION.** The failure of a structure or other development to be fully compliant with these regulations.

(Ord. 18-2004, passed 5-5-04)

## ADMINISTRATION

### § 154.15 ADMINISTRATION.

(A) Designation of the Floodplain Administrator. The Mayor through the appropriate city official is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(B) Duties and responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation

EXHIBIT A

ORDINANCE NO. 04-2024

certificates, **floodproofing certificates**, variances, and records of enforcement actions taken for violations of these regulations.

- (6) Enforce the provisions of these regulations.
  - (7) Provide information, testimony, or other evidence as needed during variance hearings.
  - (8) Coordinate map maintenance activities and FEMA follow-up.
  - (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (Ord. 18-2004, passed 5-5-04)

§ 154.16 FLOODPLAIN DEVELOPMENT PERMITS.

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in § 154.05, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(A) Application required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  - (a) Floodproofing certification for non-residential floodproofed structure as required in § 154.20(E).



EXHIBIT A

ORDINANCE NO. 04-2024

(b) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of § 154.20(D)(5) are designed to automatically equalize hydrostatic flood forces.

(c) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in § 154.21(C).

(d) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by § 154.21(B).

(e) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by § 154.21(A).

(f) Generation of base flood elevation(s) for subdivision and **large-scale Other New** developments as required by § 154.20(C).

(6) Applicable fees for a floodplain development permit, including the processing base fee, flood control fees, and applicable penalty fees, as set forth in § 152.20(G) shall be paid before the permit authorized by Chapter 154 herein is issued.

(B) Review and approval of a floodplain development permit application.

(1) Review.

(a) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in § 154.16(A) has been received by the Floodplain Administrator.

(b) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval. Within 30 days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one year. A floodplain development permit shall expire one year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(C) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(D) Post-construction certifications required. The following as-built certifications are required after a floodplain development permit has been issued:

EXHIBIT A

ORDINANCE NO. 04-2024

(1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(2) For all development activities subject to the standards of § 154.17(A), a Letter of Map Revision.

(3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

(E) Revoking a floodplain development permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Housing, Building and Fire Appeals in accordance with § 154.22 of these regulations.

(F) Exemption from filing a development permit.

~~— (1) An application for a floodplain development permit shall not be required for:~~

~~— (a) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.~~

~~— (b) Major utility facilities permitted by the Ohio Power Siting Board under R.C. § 4906.~~

~~— (c) Hazardous waste disposal facilities permitted by the hazardous waste siting board under R.C. § 3734.~~

~~— (d) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.~~

~~— (2) Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.~~

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

(G) State and Federal Development

(1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.

(2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local

EXHIBIT A

ORDINANCE NO. 04-2024

floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

(a) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.

(b) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

(c) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

(3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management

(a) Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

(Ord. 18-2004, passed 5-5-04) Penalty, see § 154.99

§ 154.17 MAP MAINTENANCE ACTIVITIES.

To meet national flood insurance program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Springdale flood maps, studies and other data identified in § 154.05 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(A) Requirement to submit new technical data.

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

(a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

(b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

(c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

(d) Subdivision or large scale Other New development proposals requiring the establishment of base flood elevations in accordance with § 154.20(C).

(2) It is the responsibility of the applicant to have technical data, required in accordance with § 154.17(A), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(3) The Floodplain Administrator shall require a conditional letter of map revisions prior to the issuance of a floodplain development permit for:

EXHIBIT A

ORDINANCE NO. 04-2024

(a) Proposed floodway encroachments that increase the base flood elevation; and

(b) Proposed development which increases the base flood elevation by **any amount in more than one foot in riverine** in areas where FEMA has provided base flood elevations but no floodway.

(4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to § 154.17(A)(1).

(B) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Springdale, and may be submitted at any time.

(C) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Springdale have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Springdale Flood Insurance Rate Map accurately represent the City of Springdale boundaries, include within such notification a copy of a map of the City of Springdale suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Springdale has assumed or relinquished floodplain management regulatory authority.

(Ord. 18-2004, passed 5-5-04)

§ 154.18 DATA USE AND FLOOD MAP INTERPRETATION.

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(A) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(B) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

~~(C) When preliminary flood insurance rate maps and/or flood insurance study have been provided by FEMA:~~

~~(1) Upon the issuance of a letter of final determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~

EXHIBIT A

ORDINANCE NO. 04-2024

— (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations of floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(DC) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 154.22, Appeals and Variances.

(ED) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations of flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(Ord. 18-2004, passed 5-5-04)

(E) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

(1) Zone A:

(A) Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilized as best available data.

(B) When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

(2) Zone AE, A1-30, AH, and AO:

(A) BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,

(1) Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.

(2) Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.

(B) If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the

EXHIBIT A

ORDINANCE NO. 04-2024

encroachment performance standard of Section 4.9(B) since the data in the draft or preliminary FIS represents the best data available.

(3) Zone B, C, and X:

(A) Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

§ 154.19 SUBSTANTIAL DAMAGE DETERMINATIONS.

(A) Damages to structures may result from a variety of causes including tornado, wind, heavy snow, flood, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damages structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

~~(3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.~~

(B) Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damages structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with increased cost of compliance insurance claims.

(Ord. 18-2004, passed 5-5-04)

§ 154.20 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard areas as established in §§ 154.05 or 154.18(A) and (E):

(A) Use regulations.

(1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Springdale are allowed provided they meet the provisions of these regulations.

~~(2) Prohibited uses.~~

~~(a) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under R.C. § 3701.~~

EXHIBIT A

ORDINANCE NO. 04-2024

~~(b) Infectious waste treatment facilities in all special flood hazard areas, permitted under R.C. § 3734.~~

(B) Water and wastewater systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(C) Subdivisions and ~~large developments~~ **Other New Developments.**

(1) All ~~subdivision proposals~~ **proposed subdivisions and new developments** shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(2) All ~~subdivision proposals~~ **proposed subdivisions and new developments** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All ~~subdivision proposals~~ **proposed subdivisions and new developments** shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in § 154.17(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by § 154.20(C)(4).

(D) Residential structures. **These requirements apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in § 154.18 (E).**

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (§ 154.20(D)(1)) and construction materials resistant to flood damage (§ 154.20(D)(2)) are satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

EXHIBIT A

ORDINANCE NO. 04-2024

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:

(a) Be used only for the parking of vehicles, building access, or storage; and

(b) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

(c) Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of § 154.20(D).

(E) Nonresidential structures. The requirements of 154.20(E) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in § 154.18 (F).

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of § 154.20(D)(1) - (3), (5) and (6).

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

(a) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,



EXHIBIT A

ORDINANCE NO. 04-2024

(c) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with § 154.20(E)(2)(a) and (b).

(F) Accessory structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards: Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

- (1) They shall not be used for human habitation;
- (2) They shall be constructed of flood resistant materials;
- (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (6) They shall meet the opening requirements of § 154.20(D)(5)(c);

(G) Recreational Vehicles. Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

(1) They shall not be located on sites in special flood hazard areas for more than 180 days, or

(2) They must be fully licensed and ready for highway use, or

(3) They must be placed on the site pursuant to a floodplain development permit issued under Sections 154.16 and 154.16(A), and meet all standards of Section 154.20.

(GH) Above ground gas or liquid storage tanks. Within Zone A, A1-A30, AE, AO, and AH all new or substantially improved All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(Ord. 18-2004, passed 5-5-04) Penalty, see § 154.99

§ 154.21 ASSURANCE OF FLOOD CARRYING CAPACITY.

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(A) Development in floodways.

(1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

(2) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

EXHIBIT A

ORDINANCE NO. 04-2024

- (a) Meet the requirements to submit technical data in § 154.17(A);
- (b) An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
- (c) Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
- (d) Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- (e) Concurrence of the Mayor of the City of Springdale and the Chief Executive Officer of any other communities impacted by the proposed actions.

(B) Development in riverine areas with base flood elevations but no floodways.

(1) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation **more than 1.0 (one) foot** at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

(2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing **more than one foot** an increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

(a) An evaluation of alternatives which would result in **an increase of one foot or less no increase** of the base flood elevation and an explanation why these alternatives are not feasible;

(b) Section 154.21(A)(2)(a), (c), (d) and (e).

(C) Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the "USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique" or other applicable publication available from a federal, state, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

(1) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

(2) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or

EXHIBIT A

ORDINANCE NO. 04-2024

relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

(3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Springdale specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

(4) The applicant shall meet the requirements to submit technical data in § 154.17(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts. (Ord. 18-2004, passed 5-5-04)

§ 154.22 APPEALS AND VARIANCES.

(A) Appeals Board.

(1) The Board of Housing, Building and Fire Appeals as established by Council shall hear and decide appeals and requests for variances from the requirements of this chapter and that to that extent the power of such Board as provided in § 36.31 are expanded.

(2) The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Mayor through the appropriate city official in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the Board or any taxpayer, may appeal such decision to the Hamilton County Court of Common Pleas, as provided in R.C. Chapter 2506.

(B) Board action.

(1) In passing upon such applications, the Board shall consider and make findings of fact on all technical evaluations, all relevant factors, standards specified in other sections of the chapter, and the following factors:

(a) The danger that materials may be swept onto other lands to the injury of others.

(b) The danger to life and property due to flooding or erosion damage.

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(d) The importance of the services provided by the proposed facility to the community.

(e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(f) The necessity to the facility of a waterfront location, where applicable.

(g) The compatibility of the proposed use with existing and anticipated development.

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

EXHIBIT A

ORDINANCE NO. 04-2024

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(2) Variances shall only be issued upon:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

(c) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

(d) A determination that the structure or other development is protected by methods to minimize flood damages.

(e) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

(3) Other conditions for variances.

(a) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in § 154.22(B)(1) (a) to (k) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 18-2004, passed 5-5-04)

§ 154.23 ENFORCEMENT.

(A) Compliance required.

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the

EXHIBIT A

ORDINANCE NO. 04-2024

jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in § 154.16(F).

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with § 154.99.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with § 154.99.

(B) Civil remedies. The City of Springdale, the Mayor on behalf of the City of Springdale or any officer designated by the Mayor on behalf of the City of Springdale may, in addition to the criminal remedies provided in § 154.99, file suit for injunctive relief through the Court of Common Pleas of Hamilton County, Ohio.

(Ord. 18-2004, passed 5-5-04)

§ 154.24 REFERENCES.

Mobile homes, mobile home parks, and mobile home subdivisions are not permitted in the city. Any reference in this chapter to mobile homes, mobile home parks, and mobile home subdivisions are for purposes of this chapter of the code only and do not imply authorization. Their inclusion is solely for the purpose of establishing an all-inclusive flood regulation section.

(Ord. 18-2004, passed 5-5-04)

§ 154.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the city. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy violations.

(Ord. 18-2004, passed 5-5-04)