

PLEASE TURN OFF CELL PHONES
AGENDA
REGULAR MEETING OF THE COUNCIL OF THE CITY OF SPRINGDALE
FEBRUARY 15, 2023
7:00 P.M.

1. Open Meeting
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. Minutes – February 1, 2023

6. Committee and Official Reports

A. Civil Service Commission	Mr. Coleman – Mrs. Nienaber – Mrs. Darby
B. Rules and Laws	Mrs. Ghantous - Mr. Jacobs
C. Finance Committee	Mr. Hawkins – Mr. Ramirez
D. Planning Commission	Mrs. Sullivan-Wisecup - Mr. Ramirez
E. Board of Zoning Appeals	Mrs. Ghantous - Mr. Anderson
F. Board of Health	Mr. Jacobs
G. Capital Improvements	Mrs. Ghantous
H. O-K-I	Mr. Anderson
I. Mayor’s Report	Mayor Webster
J. Clerk of Council/Finance Director	Mrs. McNear
K. Administrator’s Report	Mr. Jones – Mr. Uhl
L. Law Director’s Report	Mr. Braun
M. Engineer’s Report	Mr. Riggs
N. Rental Program Committee	Mr. Anderson

7. Communications
8. Communications from the Audience
9. Ordinances and Resolutions

Ordinance No. 10-2023

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A WRITTEN AMENDMENT TO THE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE OPERATION, CONTROL, AND MAINTENANCE OF TRAFFIC SIGNAL EQUIPMENT IN THE CITY OF SPRINGDALE

Ordinance No. 11-2023

AN ORDINANCE CREATING SECTION 73.07 OF THE SPRINGDALE CODE OF ORDINANCES GOVERNING LIABILITY FOR PARKING VIOLATIONS IN THE CITY OF SPRINGDALE

Ordinance No. 12-2023

AN ORDINANCE AMENDING SECTION 39.03 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO RELATING TO THE DESIGNATION OF DEPOSITORIES

Ordinance No. 13-2023

AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SPRINGDALE AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS FOR MUNICIPAL ROAD FUNDS (MRF) RELATIVE TO THE IMPROVEMENT OF NORTHLAND BOULEVARD AND DECLARING AN EMERGENCY

11. Old Business

12. New Business

13. Meetings and Announcements

14. Communications from the Audience

15. Update on legislation still in development

16. Recap of legislative items requested for next Council meeting

17. Adjournment

ORDINANCE NO. 10-2023

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO A WRITTEN AMENDMENT TO THE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE OPERATION, CONTROL, AND MAINTENANCE OF TRAFFIC SIGNAL EQUIPMENT IN THE CITY OF SPRINGDALE

WHEREAS, the City of Springdale (the “City”) entered into an agreement with the Ohio Department of Transportation for the operation, control, and maintenance of traffic signal equipment located within the City related to certain state roads and highways through the passage of Ordinance 18-2022 (the “Agreement”); and

WHEREAS, the City seeks to enter into a written amendment renewing the Agreement.

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

SECTION 1. Council of the City of Springdale (“Council”) agrees to authorize the Mayor and Clerk of Council/Finance Director to enter into a written amendment to the agreement with the Ohio Department of Transportation related to the operation, control, and maintenance of traffic signal equipment located within the City of Springdale related to certain state roads and highways (the “Amendment”). A copy of the Amendment is attached as Exhibit A and incorporated herein by reference.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the passage of this Ordinance 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 at the earliest period allowed by law.

Passed this ____ day of _____, 2023.

Attest: _____
President of Council

Clerk of Council/Finance Director

Approved:

Mayor

Date

ODOT Agreement No. 37455-A
FYs 2024 - 2025

**AMENDMENT TO SIGNAL MAINTENANCE AGREEMENT
RENEWAL OF TERM**

This AMENDMENT is entered into by and between the Ohio Department of Transportation whose address is 505 South State Route 741, Lebanon, Ohio 45036 (hereinafter referred to as "ODOT"), and the City of Springdale, Ohio whose address is 11700 Springfield Pike, Springdale, Ohio 45246 (hereinafter referred to as the "City"), collectively referred to as "the Parties".

Pursuant to subsection XI.B. of the Agreement having ODOT Agreement Number 37455, the Parties wish to enter into a written amendment renewing the Agreement.

The Parties hereby agree that the renewal of the Agreement shall be effective from July 1, 2023, and remain in full force and effect until June 30, 2025, unless terminated earlier as provided in subsection XI.C or removal provided in subsection VIII of the Agreement.

The Parties agree that all other terms and conditions of the Agreement shall remain the same.

Any person executing this Amendment in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Amendment.

Any Party hereto may deliver a copy of its counterpart signature page to this Amendment via fax or e-mail. Each Party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

The Parties have executed this Amendment as of the last day and year written below.

STATE OF OHIO
Department of Transportation

Date: _____

By: _____
Jack Marchbanks, Director of Transportation

Date: _____

CITY OF SPRINGDALE

By: _____

(Print Name) _____

Title: _____

ORDINANCE NO. 11-2023

AN ORDINANCE CREATING SECTION 73.07 OF THE SPRINGDALE CODE OF ORDINANCES GOVERNING LIABILITY FOR PARKING VIOLATIONS IN THE CITY OF SPRINGDALE

WHEREAS, the Council of the City of Springdale, Ohio (“Council”), has previously adopted Chapter 73 of the Springdale Code of Ordinances related to parking violations; and

WHEREAS, Council seeks to amend Chapter 73 to include Section 73.07 which provides liability for the registered owner of a vehicle for parking infractions which occur within the City of Springdale.

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

Section 1. Chapter 73 of the Springdale Code of Ordinance shall be amended to include Section 73.07 as provided in the attached Exhibit A which is incorporated herein by reference.

Section 2. That this Council hereby finds and determines that all formal actions relative to the passage of this Ordinance 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. That this Ordinance shall be effective from and after the earliest period allowed by law.

Passed this _____ day of February, 2023.

Attest:

Clerk of Council/Finance Director

President of Council

Approved:

Mayor

Date

EXHIBIT A

Chapter 73: PARKING

§ 73.07 REGISTERED OWNER *PRIMA FACIE* LIABLE FOR UNLAWFUL PARKING.

In any hearing involving any violation for a provision of this chapter, or any ordinance of this City, regulating the stopping or standing or parking of vehicles, the owner, or person in whose name such vehicle is registered with the Registrar of Motor Vehicles shall be held *prima facie* responsible for such violation. Testimony regarding the records of the Ohio Registrar of Motor Vehicles showing the registered owner of the vehicle, or a certified registration copy showing such fact from the Registrar of Motor Vehicles, shall constitute proof of such ownership.

ORDINANCE NO. 12-2023

AN ORDINANCE AMENDING SECTION 39.03 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO RELATING TO THE DESIGNATION OF DEPOSITORIES

WHEREAS, the Council of the City of Springdale (the “Council”) has passed ordinances establishing procedures for the designation of depositories; and

WHEREAS, the Council seeks to adjust the language relating to the designation of depositories with the passage of this ordinance.

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

Section 1. Section 39.03 of the Codified Ordinances of the City of Springdale shall be amended as provided for in the attached Exhibit A which is incorporated herein by reference.

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 _____, 2023.

Attest:

Clerk of Council/Finance Director

President of Council

Approved:

Mayor

Date

EXHIBIT A

Section 39.03 Depositories of the Codified Ordinances of the City of Springdale shall be amended as follows:

§ 39.03 DEPOSITORIES.

(A) The Clerk of Council/Finance Director 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.

(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; and

(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)

§ 39.03 DEPOSITORIES.

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

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

(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 ~~initial~~ designation of depositories for the City's active deposits shall not be limited by term. be for a period not to exceed two years plus any designated option period, the total of which initial designation period and option period shall not exceed five years. Said designation period and option period may be made without giving the notice hereinafter provided for. Subsequent designations of depositories for the City's active deposits shall be: 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) For a period specified in the Finance Committee of Council's written designation of depositories pursuant to division (B) of this section, which period shall not be less than six months nor longer than two years, plus any designated option period, the total of which initial designation period and option period shall not exceed five years, and~~

~~(2) Shall be made after the Clerk of Council/Finance Director has provided notice by publication in a newspaper of general circulation once at least forty-five (45) days prior to the date of the action of the Finance Committee of Council designating depositories for the City's active deposits. Such notice shall:~~

~~(a) (1) Provide an estimate of the maximum amount of such active deposits; and at any time during the period of designation, and the proposed period of designation or alternative proposed periods of designation;~~

~~(b) (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~~

~~(c) (3) Request such depositories to state in their application the amount of such active deposits that will be accepted by it, whether there is a willingness to accept without a service charge, other terms or conditions with respect to the depository's acceptance of all or part of the City's active deposits and the location of its offices in the City, or if none are located in the City, the location of its nearest offices; to offset bank account fees and charges; and~~

~~(d)~~ (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

~~(E)~~ (5) The Mayor and/or ~~Clerk of Council/Finance Director~~ City Administrator shall enter into a contract, ~~approved as to form and content by the Law Director,~~ 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, ~~if any,~~ the depository may make for its services, and other terms or conditions of the depository's acceptance of the City's active deposits.

~~(F)~~ (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)

ORDINANCE NO. 13-2023

AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SPRINGDALE AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS FOR MUNICIPAL ROAD FUNDS (MRF) RELATIVE TO THE IMPROVEMENT OF NORTHLAND BOULEVARD AND DECLARING AN EMERGENCY

WHEREAS, Section 153.61 of the Ohio Revised Code provides for agreements between any county and any municipal corporation for joint construction of public improvement; and

WHEREAS, Section 4504.04 of the Ohio Revised Code provides for the application by the municipal corporation, and the allocation and encumbering by the Board of County Commissioners of funds available under Section 4504.05 of the Ohio Revised Code; and

WHEREAS, **Northland Boulevard** is part of the Comprehensive Map of the Roadways of the County in accordance with Section 4504.03 of the Ohio Revised Code and is in need of improvement; and

WHEREAS, **City of Springdale**, pursuant to Section 4504.04 Revised Code of Ohio, has made application in writing to the Board of County Commissioners for funds available under Section 4504.05 Revised Code of Ohio. These funds are to cover a portion of the cost of **Northland Boulevard**; and

WHEREAS, **City of Springdale** has filed with the County Engineer a copy of the preliminary plans and estimate of cost of such improvement; and

WHEREAS, the County Engineer has approved such preliminary plans and estimates of cost and found the proposed improvement is conducive to the orderly and efficient flow of traffic within and through the County and so advised the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has allocated from funds available for such purpose as provided in Section 4504.05 (B)(1) of the Ohio Revised Code for a portion of the cost of such improvement; and

WHEREAS, the Board of County Commissioners shall certify to the County Auditor the amount of any funds allocated to **City of Springdale**. Final and detailed plans or statements of work to be done shall be submitted to the County Engineer for approval. Upon approval by the Engineer, the Board of County Commissioners shall have encumbered the moneys necessary to fulfill awarded contractual or other obligations for approved project costs; and

WHEREAS, upon notification by the City of Springdale that the work on an approved project has commenced, the County Auditor shall draw a warrant for such encumbered amount on the County Treasurer payable to the Clerk of Council/Finance Director of the City of Springdale; and

WHEREAS, the City of Springdale shall use all moneys received by it under Section 4504.04, Ohio Revised Code, for the purpose for which they are encumbered and return for deposit in the fund established by division (B) (1) of Section 4504.05, Ohio Revised Code, any moneys not so used; and

WHEREAS, a joint agreement with the Board of County Commissioners for such improvement should be authorized and approved.

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

Section 1. That it is hereby declared necessary and to the best interests of the City of Springdale, to execute an agreement with the Board of Hamilton County Commissioners in connection with the improvement of Northland Boulevard.

Section 2. The Mayor and the Clerk of Council/Finance Director are hereby authorized and directed to execute the attached agreement, for and on behalf of the City of Springdale, with the Board of Hamilton County Commissioners under terms and conditions listed in the attached agreement, which is deemed to be a part of this ordinance as if fully set forth herein and when so approved and executed, shall be in full force and effect.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to execute the agreement at the earliest possible date.

Passed this ____ day of February 2023.

President of Council

Attest:

Clerk of Council/Finance Director

Approved:

Mayor

Date

AGREEMENT

This Agreement made and entered into this ____ day of _____, 2023, by and between the Board of County Commissioners of Hamilton County, Ohio, acting by and through its duly authorized County Administrator, hereinafter referred to as the "COUNTY", and **City of Springdale**, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, **Northland Boulevard** is within the corporate limits of **City of Springdale** and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said that **Northland Boulevard** is in need of improvement, and that the proposed improvement is conducive to the orderly and efficient flow of traffic within and through the COUNTY.

NOW, THEREFORE, it is mutually agreed between the parties of said Agreement as follows:

1. The CITY will, in accordance with Sections 153.61, 4504.04 and 4504.05 of the Ohio Revised Code:
 - (a) Prepare necessary estimate, specifications, contract, and construction plans for the improving of **Northland Boulevard** and submit it to the County Engineer for his approval.
 - (b) Acquire all necessary rights-of-way, title of which shall remain in the name of the CITY.
 - (c) Advertise for bids on the improvement.
 - (d) Award the construction contract.
 - (e) Supervise construction of the improvement.
 - (f) Pay for all costs related to the Improvement of **Northland Boulevard** not covered by Section 2(b).
 - (g) Use all moneys received by it under Sections 4504.04 and 4504.05, Ohio Revised Code, for the purpose for which they are encumbered.
 - (h) Return to the Municipal Road Fund, division (B) (1) of Section 4504.05, Revised Code of Ohio, the Hamilton County Motor Vehicle License Tax Fund, any surplus of the amount cited in Section 2 (b).
 - (i) Maintain and keep in repair said road after completion of improvement at CITY expense.

2. The COUNTY will, in accordance with Sections 153.61, 4504.04 and 4504.05 of the Ohio Revised Code:

- (a) Have the estimate, specifications, contract, and construction plans for the improvement reviewed by the County Engineer.
- (b) Upon approval of the estimate, specifications, contract, and construction plans for the improvement by the County Engineer, encumber to the CITY from the Municipal portion of the County Motor Vehicle License Tax Fund, an amount of **\$150,000.00** to cover the cost of the improvement. Said encumbrance is to be subject to final audit, review, and adjustment upon completion of project.
- (c) Advise the County Auditor to draw a warrant for such encumbered amount, upon notification by **City of Springdale** that work on the approved project has commenced, on the County Treasurer payable to the CLERK of **City of Springdale**.

INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the COUNTY and the CITY have signed this JOINT AGREEMENT as indicated in their respective acknowledgements below.

City of Springdale:

By: _____

Title

Approved as to Form:

By: _____

Title

I, _____, Chief Fiscal Officer of _____, acting pursuant to O.R.C. 5705.41, certify that the funds to meet the obligations of this is contract, have been lawfully appropriated, are in the treasury, or in the process of collection.

By: _____

Date


HAMILTON COUNTY:

By: _____
Hamilton County Engineer

Board of County Commissioners, Hamilton County, Ohio:

By: _____
County Administrator

Approved as to Form:

By: 
Assistant County Prosecutor