

VILLAGE OF GLENDALE
80 E. Sharon Road
Glendale, OH 45246

Minutes – Regular Council Meeting December 6, 2021
A video recording of this meeting is available at ICRC TV and
Can be accessed from the Village website on the Government/Council page

Attendees:

Don Lofty	Mayor	Present
Mike Besl	Council	Present
Alan Hoeweler	Council	Present
Marilyn Duke	Council	Present
Nancy Macenko	Council	Present
Geoff Base-Smith	Council	Present
Will Kreidler	Council	Present
Mike Beaugrand	Treasurer	Present
Becky Terrell	Clerk	Present
David Lumsden	Village Administrator	Present
Craig Welsh	Police Chief	Present
Kevin Hardwick	Fire Chief	Present
Kathy Ryan	Solicitor	Present

I. Call to Order, Establishment of Quorum, and Approval of Agenda

Call to Order: Mayor Lofty called the Council to order at 7:00 pm.

Quorum: Mayor Lofty declared a Quorum of the Council present and Clerk Terrell confirmed the presence of a Quorum.

Approval of Agenda: Mayor Lofty presented the Council Agenda with no objections, the agenda is confirmed.

II. Minutes from the Council's 1 November Regular Council Meeting

Motion to approve the minutes of the 1 November Regular Council Meeting was made by Ms. Macenko and seconded by Mr. Besl. Ms. Duke requested changes in the

verbiage concerning the Sharon parking discussion and those changes were agreed upon and made. The minutes were approved via unanimous Council voice vote.

III. Public Comment and Presentation

Mayor Lofty stated for this meeting that there will be 3 classifications of Public Comments. The first will be standard Public Comments with the 5-minute cap. The second will be the Public Hearing regarding the Driveway Setback recommendation. The third is the Public Hearing regarding the proposed Sign Regulation recommendations. Mayor Lofty noted that there are no ordinances regarding the Driveway Setbacks or the Sign Regulation and this meeting in no way represents any readings of an Ordinance.

1. **Mr. Kevin Parrish, resident.** He addressed the public regarding 2018-00191PQ Parrish vs. The Village of Glendale regarding records requests and the Cole Avenue sewer replacement.
2. **Public Hearing:** GPHPC Recommendation on Proposed Zoning Code Requirements for Certain Driveway Setbacks.

Mayor Lofty introduced Planning Commission Vice Chairman Tom Kerr who provided an introduction to driveway setback ordinances to open the first Public Hearing. When the zoning setback was established, there was an unintended consequence for lots with narrow lots and no existing driveway. The proposal is a ribbon driveway to minimize impervious surface and also allows for pervious surfaces (i.e. gravel).

Mayor Lofty asked for the definition of a setback and Vice Chairman Kerr stated that in the various zoning districts have regulations regarding distance from the property line. Ms. Macenko asked if there has been any opposition expressed by the residents and Vice Chairman Kerr stated that no objections have been expressed during any of the open discussions. Mr. Hoeweler asked if a zoning variance could be offered vs. changing the zoning code. Vice Chairman Kerr stated that the original applicant could have appealed but chose not to and Vice Chairman Kerr stated that the exception is only for 3 of the zoning districts. Mayor Lofty asked the definition of a ribbon driveway and Chairman Kerr stated that it is 2 strips of impervious surface originating from filling

in ruts from wagon wheels to carriage houses vs. a full concrete expanse. He stated that there are a number of ribbon driveways in the Village.

There were no additional questions from the Public or Council. This concludes the Public Hearing and it is anticipated that an Ordinance will be presented in the January 2022 Council meeting. During that meeting the Public will have the opportunity to address the topic before any action is taken.

3. **Public Hearing:** GPHPC Recommendation on Proposed Zoning Code Amendments for Sign Regulations

Mayor Lofty introduced Planning Commission Chairman Tom Breidenstein, who introduced signage regulation changes to open the second Public Hearing. Chairman Breidenstein stated that this change is required as a result of a Supreme Court 2015 decision where it was stated that sign regulations must be content neutral. A sub-committee reviewing the signage ordinance found that the existing Village zoning ordinance was not content-neutral as required. Therefore, the regulation must be changed. The sign provisions have been consolidated into 1 specific section and there are residential and commercial delineations in the proposed verbiage. The proposal regulates the number of signs, total square footage and dimension that vary based on the district (commercial, residential, school/church). There are also provisions regarding non-conforming status.

Under rule 10 of the Council Rules, the Mayor or the vote of Council can extend the time and therefore the Mayor is expanding the time until Council has no questions. Ms. Macenko asked about the grandfathering verbiage and enforcement. Village Administrator Lumsden stated no material enforcement change is expected. Mr. Kreidler asked for clarification of a wall sign in a residential district. Chairman Breidenstein stated that in theory a resident can paint a sign on a house as long as they conform to the sizes and number of signs in the ordinance. Chairman Breidenstein stated that inside the historic district would have to be reviewed and outside the historic district would not be reviewed by the Planning Commission. Ms. Duke asked if during an election that there is a limit of 3 signs per yard, does that still count. Chairman

Breidenstein stated that anything that meets the definition of a sign would have to conform. Mr. Kreidler asked about the length of time and Chairman Breidenstein stated that length of time is managed by the condition of the sign.

Mayor Lofty asked about the size requirements for residential districts. For residential uses in the residential district the sum of the 3 signs cannot total more than 20 square feet and there are height restrictions in the zoning code. Ms. Macenko asked for the definition of "temporary" and Village and Administrator Lumsden stated it is on page 4 section 34 and it is based on the construction of the sign and not the length of time it is posted. Ms. Duke is looking at the definition of a lot and is asking if there is wiggle room for houses on more than 1 parcel. Tom stated that each lot can have only 3 signs so if a home has 3 parcels, they could have 3 signs on each physical lot. Mr. Kevin Parrish asked about no time limit if the sign is in good condition noting that some signs have been up for several years. Mr. Breidenstein said the current code would have to be applied as this is not enacted. Mr. Bill Parrish asked how this could impact the Underground Railroad walking tour which would include 10-15 stations that would contain historic information. Mayor Lofty stated that this is the first discussion and Council is taking no action and deferred to Solicitor Ryan should there be any questions. Mr. Parrish stated that many of the signs exist and other new signs are his current question. Solicitor Ryan stated that an exemption for historical markers under a certain square foot; if in private property they would fall in zoning code but right of way they would not. Mayor Lofty asked if permits could allow for signs; in right of way can be granted any time; if it is in the parcel then the zoning code is triggered. Mayor Lofty stated that this is a good issue to be considered and the ordinance should not impede the ability to execute the project. Solicitor Ryan said the Sixth Circuit US Court of Appeals on 7 rulings has doubled down on the content neutral requirement; practical vs. theoretical.

Mr. Craig Wolf, resident, stated that he feels this could be stepping on free speech because a resident cannot have 4 different signs for 4 different people, even though the Village had 4 open Council seats in the last election. Issue in his opinion is large signs and the limit should not be the number but should be the size of the sign in his opinion.

Ms. Duke asked why 3 signs vs. another and Chairman Breidenstein said the committee drew a line somewhere; there is no magic to the number. Mayor Lofty stated that the number can be dictated by Council. The Public Hearing is now closed.

IV. Old Business

No Old Business was discussed.

V. New Business

Ordinance 2021-41 An Ordinance Authorizing the Administrator to Enter into an Agreement with the City of Cincinnati to Purchase Water Under Both Emergency and Non-Emergency Conditions, and Declaring an Emergency.

Mr. Base-Smith moved to adopt Ordinance 2021-41 which was seconded by Mr. Hoeweler.

Village Administrator Lumsden noted an existing agreement with Cincinnati Water Works (CWW) to provide emergency water service in the event of an issue. This agreement is scheduled for renewal. CWW provided a 28-year renewal draft which includes a 180-day cancellation notice and the water rates. Mr. Besl asked if the proposed rates are different and Village Administrator Lumsden stated that the bulk rates are similar. Mayor Lofty stated the 28-year term seemed excessive but it does have a termination clause should it be needed.

Motion to dispense with three reads was made by Mr. Hoeweler and seconded by Mr. Besl. The motion was approved by unanimous Council roll-call vote.

Motion to adopt Ordinance 2021-41 passed by unanimous Council roll-call vote.

Ordinance 2021-42 An Ordinance Adopting All 2022 General Fund, Enterprise Fund, Special Revenue Fund, and Miscellaneous Fund Budgets, and Providing Wage Adjustments, as Described in the Attached "Exhibit A", and Declaring an Emergency.

Mr. Besl moved to adopt Ordinance 2021-42 which was seconded by Mr. Hoeweler.

Mr. Besl introduced the budget process and the Finance Committee approval process. The budget deficit results from unexpected monthly EMT services billing and War Memorial repairs which would normally come out of VPGI but instead is coming out of reserves. The revenues are also under-estimated due to a real estate hold back estimated at \$60,000 and historically the Village collects 100% of tax revenue.

Motion to dispense with three reads was made by Mr. Besl and seconded by Ms. Macenko. The motion was approved by unanimous Council roll-call vote.

Motion to adopt Ordinance 2021-42 passed by unanimous Council roll-call vote.

Ordinance 2021-43 An Ordinance Appointing Craig Walsh to the Position of Chief of Police of the Glendale Police Department Effective January 1, 2022 and setting a Salary, and Declaring an Emergency.

Mr. Hoeweler moved to adopt Ordinance 2021-43 which was seconded by Ms. Duke.

Mr. Hoeweler provided Chief Walsh's background with the Village of Glendale Police Department. Mayor Lofty stated that he had developed great confidence in Chief Walsh during the time he was serving as Acting Chief and looked forward to having him served as the official Chief in the coming year.

Motion to dispense with three reads was made by Mr. Kreidler and seconded by Mr. Base-Smith. The motion was approved by unanimous Council roll-call vote.

Motion to adopt Ordinance 2021-43 passed via unanimous.

Ordinance 2021-44 An Ordinance Authorizing the Administrator to Enter into an Agreement with the City of Sharonville to Provide Emergency Medical Services to the Village of Glendale for 2022, and Declaring an Emergency.

Ms. Macenko moved to adopt Ordinance 2021-44 which was seconded by Mr. Base-Smith.

Ms. Macenko stated that this increase of fee reflects the Sharonville charge to continue the EMS support. Previously Sharonville agreed to provide because they would be paid via direct billing but the billing does not offset costs resulting in the change. This is an agreement for 1 year subject to termination by either party with 90-day notice. Monthly payments not to exceed \$5,000 and payments have been included in the 2022 budget.

Motion to dispense with three reads was made by Mr. Hoeweler and seconded by Ms. Macenko. The motion was approved by unanimous Council roll-call vote.

Motion to adopt Ordinance 2021-44 passed by unanimous Council roll-call vote.

Discussion of Proposed Junk Car Ordinance as Presented to Council by the Laws & Claims Committee. Mayor Lofty stated that this is not a Public Hearing as required notice was not completed. This is to gauge Council's thoughts and there will be no request for a motion of any sort.

Mr. Besl stated that this appears to be a thorough ordinance and appears to allow the Village to manage junk cars and nuisance vehicles. There appear to be timing changes regarding appeals and action and that should be considered. Solicitor Ryan provided an overview of the Ordinance; Chapter 93 Health & Sanitation in Junk Vehicles/Junk Recreation Vehicles.

Ms. Duke asked Village Administrator Lumsden if the revised draft has been released to the public and he indicated that it has not as there is no ordinance associated with the proposal however it will be published for review before the January meeting. Ms. Duke asked about the green/yellow highlights and Solicitor Ryan clarified

VI. Reports from Mayor, Administrator, Standing Committees & Special Committees

Mayor's Report

Births – none reported

Deaths - Joanne Skorowneck, aged 76, passed December 2, 2021

Ms. Duke made comments and asked for proclamation noting Ms. Skorooneck's Urban Forestry Board. Mr. Besl noted that 54 people showed up at Ms. Skorooneck's home to sing carols the evening before she passed. Ms. Macenko said the family was moved by the group of friends and neighbor's singing to her and had not experienced anything like this before.

Mayor Lofty reported that over the weekend A Village Christmas was held. It was sponsored by HWB and started with the judging of decorated bicycles and other vehicles, followed by the Jingle Bell Fun Run/Walk and closing in the evening with an event on the HWB property. Thanks to Sherry Kohnle who directed the event.

Police Department has received final approval from Ohio Collaborative in various topics and the Fire Department was awarded for Fighting Cancer by imposing measures that reduces chemical exposure.

Next meeting is 10 January 2022 due to holiday.

Village Administrator's Report

Administrator Lumsden stated that November focused on budget preparation. The 2019/2020 audit is coming to a conclusion. Once formally completed the results will be released. The Village will be demolishing 65 Coral since mortgage holder did not execute it in prescribed time. The cost will be borne by the Village but a lien will be placed on the property for the demolition costs.

Committee reports

Finance Committee – Committee Chair Besl stated meetings were held resulting in budget passed this evening.

Fire Committee – Committee Chair Macenko stated a meeting was held to discuss 2022 budget and EMS service terms. The next meeting will be held the week of January 13 once committee assignments are set for the coming year. Chief Hardwick handed out the report and noted the Illness and Injury Prevention Award from Fire Chiefs was presented to Glendale FD.

Laws & Claims Committee – Committee Chair Duke stated that a meeting was held and anticipate a meeting in late January.

Police Committee – Committee Chair Hoeweler stated that the committee met to discuss the 2022 budget. Chief Walsh stated that final approval from the Ohio Collaborative Phase 1 review was awarded and Phase 2 is scheduled to complete at the end of 2022. In November he attended new Chief's training and several officers attended ABLE training.

Public Buildings & Historic Preservation Committee – Committee Chair Kreidler stated a meeting was held to discuss the 2022 budget and upcoming projects.

Recreation & Playgrounds Committee – Committee Chair Base-Smith stated the Committee met to discuss the 2022 budget and receive an update from Tony Brock and his proposal to construct tennis and pickleball Courts in Summit Park.

Streets, Public Improvements & Lights Committee – Committee Chair Besl stated that a meeting was held to discuss 2022 budget and the upcoming project list.

Utilities Committee – Committee Chair Base-Smith stated that the Committee met twice in November to discuss the 2022 budget and rate increase scheduled for 1 January. The 4% increase will occur 1 January and the installation of new water meters was discussed.

VII. Reports from the Clerk & Treasurer

Clerk – No Report

Treasurer – The investment summary was sent to Council for review via email.

Estimated 2021 interest in total is \$175K and anticipating possible interest revenue increase in 2022 if the Fed raised interest rates.

VIII. Review of Expenditures

1. **2021-11** General Fund
2. **2021-11** Enterprise Fund

Mayor Lofty stated Council had been sent reports for general checking reports, enterprise checking report, cash transactions report. Motion – Mr. Base-Smith, seconded by Ms. Macenko.

Resident Steve Locker asked to speak at the end of the meeting and Mayor Lofty allowed him to do so. – He said he was honored to be in the Village and have support for the War Memorial. Approximately 17 years ago Mayor Todd asked to have car show. This has resulted in over \$90k of donations to HWB, Police, Fire, GYS, Scouts. As an Army veteran he thanked Council for approving funds for improvements on the War Memorial.

Mayor Lofty closed stating as an institution, Council membership changes based on election results and appointments. He acknowledged Mr. Alan Hoeweler for his long record of Council service and support of the Village. Mr. Hoeweler said it has been a privilege and noted the spirit and volunteerism is exceptional in the community.

IX. Adjournment

Motion to adjourn was made by Mr. Hoeweler. Mr. Besl seconded the motion and the motion passed by unanimous Council Voice Vote. The meeting adjourned at 8:44pm

The next regular Council meeting is scheduled for January 10, 2022

ATTESTED BY:

Mayor Donald A. Lofty

Rebecca M. Terrell
Clerk