

## **RECORD OF PROCEEDINGS**

Minutes of the Silverton City Council Meeting

Held Tuesday, August 21<sup>st</sup>, 2007

The Council of the City of Silverton met for a business meeting in Council Chambers at 6860 Plainfield Road at 7:00 pm on Tuesday, August 21<sup>st</sup>, 2007. Mayor John Smith called the meeting to order.

### **OPENING REMARKS:**

Mayor Smith opened the meeting with a silent prayer followed by the Pledge of Allegiance.

### **ROLL CALL:**

#### **ELECTED OFFICIALS:**

#### **ALSO PRESENT:**

John Smith	Mayor	Present	Mark Wendling	City Manager
Joyce Glover	Council	Present	Bryan Pacheco	City Solicitor
Shirley Hackett	Council	Present	Meredith George	Clerk of Council
Mike Morthorst	Council	Present	Tom Peterson	Finance Director
Mark Quarry	Council	Present		
Frank Sylvester	Council	Absent		
Idella Thompson	Council	Present		

Mayor Smith noted that Mr. Sylvester was out of town and not be present at tonight's meeting. Mrs. Hackett motioned to excuse Mr. Sylvester and was seconded by Mr. Quarry. All present voted aye. Motion carried.

### **REVIEW MEETING AGENDA:**

No changes needed.

### **APPROVAL OF MINUTES FROM PRIOR MEETINGS:**

Mayor Smith presented minutes from the following meetings for approval: July 19, 2007 Business Meeting and the August 2, 2007 Workshop Meeting. Mrs. Glover motioned for approval with any necessary corrections and was seconded by Mr. Quarry. All present voted aye. Motion carried.

### **MAYOR'S COMMENTS AND GUESTS:**

1. Mayor Smith reminded everyone that school is back in session, so please drive slowly and carefully and keep an eye out for children walking to and from school.
2. Mayor Smith announced that Silverton's own Irvetta McMurtry was recently crowned "Ms. 40's Beauties of America" in Myrtle Beach, S.C. Mayor Smith congratulated Ms. McMurtry on her accomplishment and stated he plans to invite Ms. McMurtry to a future meeting so that she may be recognized by the City.

### **PUBLIC COMMENTS:**

*Carrie Jamison – 6847 Sampson Lane*

Ms. Jamison addressed Council to voice her concerns about a work truck that sits in front of her house on a regular basis. Ms. Jamison stated that the vehicle is unsightly and sometimes does not move for days at a time. Ms. Jamison stated she has tried talking to the owner and has also notified the police department when the vehicle sits for

long periods of time. Ms. Jamison stated that the once the tires are marked the owner will then simply drive the truck around the block and park it in the same general area. Mr. Wendling explained to Ms. Jamison that while he understands her frustration, as long as the vehicle is moved every 72 hours the owner is within his legal rights to park there. Mr. Wendling told Ms. Jamison that he would talk with the police department to see if there was any other course of action available.

*Lisa Pannos – 6720 Grace Avenue*

Ms. Pannos first addressed Council about the vacant gas station building located at 6805 Montgomery Road. Mr. Wendling explained that the City has tried to contact the owner to no avail. The owner, Ms. Shuholz-Kincaid has moved to Florida and will not respond to any correspondence from the City. Mr. Wendling acknowledged the fact that the building is a huge eyesore and stated the City is looking into its options to resolve the situation.

Secondly, Ms. Pannos made a noise complaint about Big Papa's Car Audio. Ms. Pannos stated there is loud music coming from the business in the evenings on a regular basis. Additionally, around 8 p.m. when the business closes several cars squeal their tires when they leave the premises. Ms. Pannos reported the same type of activity occurs on the weekends as well. Mr. Quarry encouraged Ms. Pannos to report the incidents to the police department so that they can build a history. Mr. Wendling informed Ms. Pannos that he would have a representative of the police department go and speak with the business owner to try and get the problem solved.

Ms. Pannos also inquired about the number of check cashing businesses in Silverton. Mr. Wendling reported that they have been zoned out. However, the existing check cashing places cannot be forced to move, as they possess pre-existing, non-conforming use status.

Lastly, Ms. Pannos complimented the Block Watch and the City on the Wine Festival. Ms. Pannos said it was a great event and she hoped to see it return next year.

**OLD BUSINESS AND GENERAL COMMENTS:**

None.

**NEW BUSINESS AND COMMITTEE REPORTS:**

1. Clerk of Court Report

Mrs. George gave the Mayor's Court Report for July 2007. Mrs. Hackett motioned to approve the Mayor's Court Report and was seconded by Mrs. Thompson. All voted aye. Motion carried.

2. Budget Report

Mr. Peterson gave the June and July 2007 Budget Reports. Mrs. Hackett motioned to approve the Mayor's Court Report and was seconded by Mrs. Thompson. All voted aye. Motion carried. Mr. Peterson also reported that we received \$147,000 in estate taxes this summer. Mr. Quarry asked if those funds could be ear marked for street repairs. Mr. Wendling reported that we have been offered partial funding for the Plainfield/Montgomery Road realignment project that we will have to add to. Additionally, the City's two buildings – the service garage and municipal building – are both in dire need of repair. Mr. Wendling said that we have to do both (streets

and building repairs), and the projects have to be prioritized so that the most important projects are completed first.

### 3. City Manager's Report

Mayor Smith turned the meeting over to Mr. Wendling to present his report.

#### 3.1. CRA/TIF Update

Mr. Citron reported that there were four ordinances on this evening's agenda to create the following CRA districts:

1. The Fordhams (the Fordhams, the Cedarwoods, Lillian and Walker)
2. The Hamptons (Hampton & Aldon)
3. Siebern, Belkenton, Grace, Placid, Park & Kenton
4. Haines Cresap (Parkview, St. James, Grand, Alpine, Elm, Oak & Highland)

The CRA is designed to spur reinvestment in neighborhoods showing signs of distress through tax abatements on improved values. Mr. Quarry added that the property owners could also take advantage of Hamilton County's HIP program which offers low interest rate loans for home improvement projects.

Mr. Citron presented the proposed City Central TIF/CRA that will target the downtown area to promote redevelopment. The district will target new mixed-use developments. While the City has an interest in preserving historic structures, the vision is redevelopment with new structures. Mr. Citron stated this is a long-term project that can offer tax incentives for up to 30 years.

#### 3.2. Comprehensive Plan

Mr. Wendling reported that the Steering Committee is making great progress. Recently, the committee completed the core area (downtown) and is moving on into subsections of the city. There may be a subcommittee formed with Deer Park who is also in the process of developing their comprehensive plan. The committee is on track to finish in January and then it will be time to look at rewriting the zoning code.

#### 3.3. Miscellaneous

Mrs. Hackett asked about the two new boards that need to form to support the residential CRA districts. Mr. Wendling reported that one housing board will need to be formed and statute requires the city to use the county tax incentive review committee..

Mrs. Glover noted the danger to children created by the bump along Oak Street from Stoll to Elwynne. The children walk on the bump and residents in the area are afraid that the children may fall off and get hurt or hit by a car. Mrs. Glover asked if the bump could simply be removed. Mr. Wendling stated he will look into it and he plans to include a solution to the problem in next year's budget.

Mrs. Hackett asked who was replacing sidewalk squares in the City. Mr. Wendling stated it was Duke Energy's contractors replacing sidewalks that they had to remove to do utility work. Mrs. Hackett also asked about the status of 6731 Sampson Lane – the house looks like it needs maintenance. It was reported that the house was a

rental property and recently vacated. Mr. Wendling will have the property maintenance department look into it.

#### **COMMITTEE REPORTS:**

1. Councilwoman Thompson  
Fire District – No report.

ICRC – Mrs. Thompson reported that SB 117, the Video Franchising Bill, recently passed. The bill currently does not affect Silverton, but it could bring significant changes in the future. Mr. Wendling reported that because of the bill, municipalities could potentially lose franchise fees and that could affect the future of ICRC.

2. Councilwoman Glover  
LSDMC – No report.

Montgomery Corridor Arts Collaborative – Mrs. Glover asked Council to review the pictures she forwarded to their email to see if they could identify any of the attendees of the Business Fest. The art collaborative is putting together a slide show of the event. The next MCAC meeting is August 23, 2007 at 5:30 p.m. at the Kennedy Heights Arts Center.

3. Councilwoman Hackett  
Design Review Board – Mrs. Hackett reported that the final design of the Scratching Post was approved at the last Design Review Board Meeting.

Urban Forestry Board – Mrs. Hackett reported that the UFB will meet on Thursday, August 23, 2007 at 4:00 p.m. Steve Stanford from the City of Cincinnati will be present, as well as Steve Studt from the Silverton Service Department. The UFB will also be present at the Block Watch Yard Sale to pass out information and promote the urban forestry program.

4. Councilman Morthorst  
Tax Review Board – Mr. Morthorst reported that a new case had been referred to the TRB and the board will be meeting in September.

5. Councilman Quarry  
HCSWD – Mr. Quarry reported HCSWD has an executive committee meeting scheduled for August 23, 2007.

OKI – No report.

#### **OPEN DISCUSSION / NEW ISSUES BY ELECTED OFFICIALS:**

Mrs. Glover asked how the census challenge was coming along. Mr. Wendling reported that Joanna Brown has the work almost complete. Ms. Brown has confirmed that we have not lost population. If anything, we have grown slightly. The materials will be coordinated with other municipalities in Hamilton County and sent in simultaneously.

Mr. Quarry reported that the Dan Varner Band performed in the final concert of the 2007 Summer Concert Series and put on an excellent show.

**INTRODUCTION OF NEW LEGISLATION:**

Mr. Wendling introduced 07-3243 An Ordinance to Levy Special Assessments on Property for the Total Cost of Mitigating Noxious Weeds and High Grass Pursuant to Sections 91.70 – 91.73 of the Municipal Code of Ordinances and Declaring an Emergency.

Mr. Wendling introduced 07-3244 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency.

Mr. Wendling introduced 07-3245 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency.

Mr. Wendling introduced 07-3246 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency.

Mr. Wendling introduced 07-3247 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency.

Mr. Wendling introduced 07-526 A Resolution Designating Tilia Tomentosa, commonly known as the Silver Linden, as the Official Tree of the City of Silverton.

Mr. Wendling introduced 07-527 A Resolution Authorizing a Professional Services Agreement with VonLehman and Company, Inc., and Mary Taylor, Auditor of State of Ohio, to Perform Audits of the City of Silverton, Ohio for Fiscal Years Beginning January 1, 2005 through December 31, 2005 and January 1, 2006 through December 31, 2006.

**READING OF PENDING LEGISLATION:**

Mrs. George gave the reading of 07-3243 An Ordinance to Levy Special Assessments on Property for the Total Cost of Mitigating Noxious Weeds and High Grass Pursuant to Sections 91.70 – 91.73 of the Municipal Code of Ordinances and Declaring an Emergency. Mrs. Thompson motioned for passage and was seconded by Mr. Quarry. A roll call vote was taken. All present voted aye. Motion carried. Mrs. Thompson motioned to suspend the rules and was seconded by Mr. Morthorst. A roll call vote was taken. All present voted aye. Motion carried.

Mrs. George gave the reading of 07-3244 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency. Mrs. Glover motioned for passage and was seconded by Mrs. Hackett. A roll call vote was taken. All present voted aye. Motion carried. Mrs. Glover motioned to suspend the rules and was seconded by Mrs. Thompson. A roll call vote was taken. All present voted aye. Motion carried.

Mrs. George gave the reading of 07-3245 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency. Mrs. Hackett motioned for passage and was seconded by Mr. Glover. A roll call vote was taken. All present voted aye. Motion carried. Mrs. Thompson motioned to suspend the rules and was seconded by Mr. Quarry. A roll call vote was taken. All present voted aye. Motion carried.

Mrs. George gave the reading of 07-3246 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency. Mr. Quarry motioned for passage and was seconded by Mrs. Thompson. A roll call vote was taken. All present voted aye. Motion carried. Mrs. Glover motioned to suspend the rules and was seconded by Mrs. Hackett. A roll call vote was taken. All present voted aye. Motion carried.

Mrs. George gave the reading of 07-3247 An Ordinance Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of Silverton, Ohio designating a Housing Officer to Administer the Program and Creating a Community Reinvestment Housing Council and Tax Incentive Review Council and Declaring an Emergency. Mrs. Thompson motioned for passage and was seconded by Mr. Quarry. A roll call vote was taken. All present voted aye. Motion carried. Mrs. Thompson motioned to suspend the rules and was seconded by Mr. Morthorst. A roll call vote was taken. All present voted aye. Motion carried.

Mr. Wendling introduced 07-526 A Resolution Designating Tilia Tomentosa, commonly known as the Silver Linden, as the Official Tree of the City of Silverton. Mrs. Hackett motioned for passage and was seconded by Mrs. Glover. A roll call vote was taken. All present voted aye. Motion carried.

Mr. Wendling introduced 07-527 A Resolution Authorizing a Professional Services Agreement with VonLehman and Company, Inc., and Mary Taylor, Auditor of State of Ohio, to Perform Audits of the City of Silverton, Ohio for Fiscal Years Beginning January 1, 2005 through December 31, 2005 and January 1, 2006 through December 31, 2006. Mrs. Glover motioned for passage and was seconded by Mrs. Hackett. A roll call vote was taken. All present voted aye. Motion carried.

**MOTION TO ADJOURN MEETING:**

Motion to adjourn was made by Mrs. Glover and seconded by Mrs. Hackett. All present were in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

---

Meredith L. George  
Clerk of Council

---

John A. Smith  
Mayor

---

Mark T. Wendling  
City Manager