

MINUTES
WYOMING CITY COUNCIL
April 18, 2016

The Wyoming City Council met in regular session on April 18, 2016 at 7:30 p.m. in the Council Chambers of the Wyoming Municipal Building. Mayor Porter called the meeting to order. In attendance were:

Council Members:

Barry Porter, Mayor
Al Delgado, Vice Mayor
Keith Desserich
Jennifer Eismeier
Jenni McCauley
Jim O'Reilly

Others:

Lynn Tetley, City Manager
Emily Supinger, City Solicitor

MINUTES:

Mr. O'Reilly moved to approve the minutes of the March 21, 2016 Regular City Council meeting as written. Ms. Eismeier seconded the motion. There being no discussion, the motion to approve the minutes of the March 21, 2016 Regular City Council meeting as written, carried with all voting yes.

SPECIAL REPORTS:

Mayor Porter asked for questions or comments on the Special Reports. None were received.

COMMITTEE REPORTS:

Mayor Porter asked for any Committee reports not otherwise on the agenda. None were received.

CITIZEN PARTICIPATION:

Mayor Porter asked if there were any citizens present that would like to address City Council. No comments were received.

REPORT FROM THE CITY MANAGER:

Ms. Tetley thanked the Wyoming Business Association for sponsoring a document shredding event. Approximately one thousand pounds of paper were collected within three hours.

BUSINESS:

- A. Proclamation Declaring April 29, 2016 as Arbor Day in Wyoming: The celebration and recognition of Arbor Day on an annual basis is one of several criteria that must be met in order to be designated as a Tree City USA. Wyoming will celebrate Arbor Day on April 29 at the Wyoming Middle School on the Worthington Avenue side at 3:15 p.m. The public is invited to attend. Mayor Porter noted that the Proclamation will be read at the Arbor Day celebration.

- B. Report from the Historic Preservation Commission and Architectural Review Board on the Demolition of the house at 215 Grove Avenue: Ms. Statt Blake, Assistant Community Development Director, addressed Council. 215 Grove Avenue is a single-family house located in the Village Historic District. Following the process outlined in Chapter 1336 of the Code, members of the Historic Preservation Commission and the Architectural Review Board met jointly on March 16 and March 30 to review a demolition permit application made by the executor of the estate for the owner of 215 Grove Avenue, and the proposed replacement construction plans submitted by an architect for potential purchasers of the property. Ms. Statt Blake introduced Angela Stiefbold, Chair of the Historic Preservation Commission.

Ms. Stiefbold stated that although the home has evidence of historic significance there is no feasible alternative to the demolition of this home. The home, for many years, has suffered from animal and rodent excrement throughout the home, insect infestation, and significant water damage, to name a few. Given these impediments as well as the size of the home and scale on the lot it is the opinion of the Historic Preservation Commission (HPC) and the Architectural Review Board (ARB) that restoration and/or renovation is not an alternative to demolition. Ms. Stiefbold also noted that the decision of the HPC and ARB was not unanimous. Firm numbers of the cost of renovation were not provided to the Members for consideration. As part of the application for demolition review process, Members are allowed to consider a proposed replaced construction to determine if a new structure will be complimentary to the existing neighborhood.

Ms. Stiefbold stated that the initial new home plan submission showed most of the new home to the rear of the lot with a two-car garage in the front. However with the existing massing of homes on Grove Avenue to the fronts of the lots, the request was that the home be moved closer to the front of the property with a side-entry garage. The majority of the Members felt that this change would meet design standards. Additionally, members felt that by placing the garage in the rear of the home would provide an impractical amount of pavement. As such, Members voted to recommend that the existing curb cut be limited to a single car width until the driveway reaches the side elevation of the home. This driveway plan reduces the amount of concrete and saves a large tree. The proposed porch railings on the front porch will be designed so as to be in line with other homes on the block. Ultimately, the HPC and ARB members voted to recommend that City Council approve the demolition of the home at 215 Grove Avenue and for the proposed replacement home with the caveats recommended by the HPC and ARB.

Mr. Delgado questioned if the HPC and ARB members were providing recommendations for City Council to consider or were there mandates to the approval. Ms. Stiefbold stated that the Members recommend City Council approval of the demolition and proposed replacement construction with caveats pertaining to the driveway apron width, window details, and porch railing.

Mr. Desserich asked for clarification regarding whether the mandated setbacks in the Code today are different from when the house was originally constructed. Ms. Statt Blake confirmed that the house sits closer to the street than today's Code would allow. The proposed replacement home would be placed at the average setback of the homes on the street.

Ms. McCauley stated that she will be abstaining from these discussions as she has a professional conflict of interest in this case. Additionally, Ms. McCauley noted that she has had no discussions about this case with any members of City Council.

There being no additional questions or comments, Mr. Delgado moved to receive the report. Mr. Desserich seconded the motion. By roll call vote, the motion to receive the report from the Historic Preservation Commission and Architectural Review Board on the Demolition of the house at 215 Grove Avenue carried with all voting yes.

- C. Public Hearing on the Demolition of the House at 215 Grove Avenue: Mayor Porter opened the Public Hearing and receiving no comments from the public, Mayor Porter closed the public hearing.

- D. Motion Authorizing the Demolition of the House at 215 Grove Avenue: Mr. Delgado moved to direct the City Manager to issue a permit for the demolition of the home at 215 Grove Avenue. Mr. Desserich seconded the motion. There being no questions or comments, by roll call vote, the motion to direct the City Manager to issue a permit for the demolition of the home at 215 Grove Avenue carried with all voting yes and Ms. McCauley abstaining from the vote.
- E. Report from the Planning Commission on Legislative Changes to Title 13, Chapter 1357, Title 11, Section 1183.10 of the Zoning Code, and Section 302 of the 2012 International Property Maintenance Code Pertaining to Outdoor Storage: Mr. Jon B. Boss, Planning Commission Chairman, read the Commission's report to Council.

The Planning Commission's March 8 memorandum details our unanimous recommendation that Council adopt an ordinance amending Section 302 of the 2012 International Property Maintenance Code and add Section 1183.10 (a) (14) to the City of Wyoming's Zoning Code as recommended by the Administration. As noted in our memorandum, the Administration asked the Planning Commission to review this topic and make recommendations for changes if the Commission felt it was appropriate to do so at this time. After reviewing the pictures of excessively cluttered yards and ordinances elsewhere, particularly in the City of Cincinnati, the Commission developed the purposed changes submitted with our March 8 memorandum. In summary, the Planning Commission recommends City Council adopt the proposed legislative changes to Title 13, Chapter 1357, Title 11, Section 1183.10 of the Zoning Code, and Section 302 of the 2012 International Property Maintenance Code pertaining to Outside Storage.

Mr. Delgado inquired if there are any interpretations of what specifically can or cannot be stored on a property. Mr. Boss explained that in the language of the

proposed amendments specifics are provided as to what is acceptable and what is not. Ms. McCauley commented that for years there have been a number of complaints from residents about a neighbor or community member that may have a piece of 'art' in their front yard that others may not see as 'art' but rather junk however the City could do nothing about it for lack of this legislation. Mr. Boss commented that the proposed language provides some clarity on this issue but will still create questions about whether particular items are permitted. Ms. Supinger added that the proposed revisions provide a level of enforcement to the City and allows the decision to be upheld. Mr. Delgado questioned how the enforcement would work. Mr. Vanderman stated that likely his department will approach a homeowner if a complaint has been received and have a conversation with the homeowner to help them understand what the Code does and does not allow to be stored on their property. Up to this point, definitions of community values have been fairly loose and ill-defined. This legislation will allow the City to point to something specific and give the resident 30 days to tidy up the yard. Generally, this action is successful. If it is not, the City can move into a more formal discussion with a 30 or 60 day notice to clean up the property. If after time, the property owner continues to not follow the orders there would be an opportunity to bring the property owner to Mayor's Court and allow the Magistrate to determine the outcome.

Mr. Delgado moved to receive the report. Ms. Eismeier seconded the motion. There being no further comments, The motion to receive the report from Planning Commission on legislative changes to Title 13, Chapter 1357, Title 11, Section 1183.10 of the Zoning Code, and Section 302 of the 2012 International Property Maintenance Code pertaining to Outdoor Storage carried with all voting yes.

- F. Public Hearing on Amendments to Section 1357.02 of the Codified Ordinances of the City of Wyoming, Which Sets Forth Amendments to the International Property Maintenance Code Applicable to all Properties, Buildings, and Other Structures in the City of Wyoming by Adding Section 1357.02 (c) Entitled “302.1.1 Placement and Storage of Items on Residential Properties” and Amending Section 1183.10 of the Planning and Zoning Code to Provide Regulations for Outdoor Residential Storage: Mayor Porter opened the public hearing. There being no comments received, Mayor Porter closed the public hearing.
- G. First Reading of the Ordinance Amending Section 1357.02 of the Codified Ordinances of the City of Wyoming, Which Sets Forth Amendments to the International Property Maintenance Code Applicable to all Properties, Buildings, and Other Structures in the City of Wyoming by Adding Section 1357.02 (c) Entitled “302.1.1 Placement and Storage of Items on Residential Properties” and Amending Section 1183.10 of the Planning and Zoning Code to Provide Regulations for Outdoor Residential Storage: Mr. O’Reilly moved to suspend the rules. Ms. McCauley seconded the motion. No comments were received, by roll call vote, the motion to suspend the rules carried with all voting yes. Ms. McCauley moved to adopt the Ordinance. Mr. O’Reilly seconded the motion. There being no comments, by roll call vote, the motion to adopt the Ordinance Amending Section 1357.02 of the Codified Ordinances of the City of Wyoming, Which Sets Forth Amendments to the International Property Maintenance Code Applicable to all Properties, Buildings, and Other Structures in the City of Wyoming by Adding Section 1357.02 (c) Entitled “302.1.1 Placement and Storage of Items on Residential Properties” and Amending Section 1183.10 of the Planning and Zoning Code to Provide Regulations for Outdoor Residential Storage carried with all voting yes.

H. First Quarter Financial Report: Mr. Jeremiah Caudill, Finance Director, presented the report in a PowerPoint presentation. The first quarter report reflects the financial activity as of March 31, 2016.

- General Fund Revenue:
 - \$2,516,941 total revenues which are comprised of:
 - Real Estate taxes of \$1,040,000
 - Income Tax receipts of \$1,228,670
 - Local Government Fund of \$24,697
 - Estate Tax receipts-\$135
 - Charges for services of \$26,134
 - Permits-\$4,618
 - Court costs/fines/forfeits of \$9,386
 - Interest of \$9,518
 - Other Revenue of \$173,784

- General Fund Expenditures:
 - \$2,000,722 total expenditures comprised of:
 - Police Department/Mayor's Court expenditures-\$453,003
 - Other Operating expenditures-\$515,536
 - Public Works/Facilities expenditures-\$379,244
 - Fire/EMS expenditures-\$126,915
 - Administrative/Legislative/Communication-\$101,351
 - Customer Service/Finance expenditures-\$75,128
 - Legal expenditures-\$16,461
 - Community Development expenditures-\$45,585
 - Transfers/Debt Service-\$287,500

- General Fund Highlights:
 - Income tax receipts up 53.6% compared to 2015
 - Property tax receipts \$1,040,000
 - Expenses of \$2,000,722 20.34% of budgeted amount compared to 25% of year complete
 - Transfer to Health/Life Fund: \$87,500
 - Transfer to CIP Fund: \$200,000

- Recreation Fund Revenues:
 - Total Recreation Fund revenues: \$145,831
 - Major Revenue Sources:
 - Recreation-\$61,707
 - Civic Center-\$22,615
 - Aquatic Center-\$4,830
 - Parks & Fields-\$56,679

- Recreation Fund Expenditures:
 - Total Recreation Fund Expenditures-\$220,972
 - Recreation-\$145,270
 - Civic Center-\$35,169
 - Aquatic Center-\$28,563
 - Parks & Fields-\$11,971

- Capital Improvement and Water Works Capital Improvement Program Funds:
 - Total CIP Fund expenses-\$87,468
 - OPWC SFP Engineering-\$35,830
 - Street Improvements-\$16,625
 - Debt Service-\$34,867

- Total WW CIP Fund expenses-\$12,240
- Ohio EPA Grant-\$5,997
- Waterworks Master Plan-\$4,773
- GIS Development-\$1,470

- Water Revenue Fund:
 - 2014 Water Revenues (at end of first quarter)-\$379,417
 - 2014 Water Expenditures (at end of first quarter)-\$262,626
 - 2015 Water Revenues (at end of first quarter)-\$373,431
 - 2015 Water Expenditures (at end of first quarter)-\$411,452
 - 2016 Water Revenues (at end of first quarter)-\$371,279
 - 2016 Water Expenditures (at end of first quarter)-\$225,608

- Non-Major Funds:
 - Street Construction Fund
 - Total Revenue-\$95,864
 - Total Expenses-\$88,001
 - State Highway Fund
 - Total Revenue-\$7,918
 - Total Expenses-\$3,054

Mr. O'Reilly commented that through election campaigning, one hears what a great job Ohio has done in balancing its budget and with respect to the reduction in the Local Government Fund that Governor Kasich instituted; he asked how much the City used to receive before this fund was eliminated. Mr. Caudill speculated that the City was receiving about \$240,000 per year from this State fund. Currently, the City receives less than half of that amount. Mr. Delgado questioned the amount of aquatic center revenue received in the first quarter if this amount is directly related

to pre-season membership sales. Mr. Caudill stated that there were some memberships sold in the fourth quarter as a joint Recreation Center membership combination offer. Mr. Delgado commented that this revenue is a good result for the first quarter. Ms. Rachel Leininger, Recreation Director, was present and added that the majority of the aquatic center membership revenue will be reflected in the second quarter. Mr. Delgado inquired about the revenue from the SilverSneakers program and how that has helped the Recreation Department's budget. Ms. Leininger stated that providing SilverSneakers opportunity has helped revenue with about \$500 per month in revenue. There is no cost to the City to provide the SilverSneakers program. Mr. Delgado asked if the SilverSneakers will impact the pool revenue. Ms. Leininger explained that the SilverSneakers membership provides exercise and fitness benefits and the pool is not part of that package. Mr. Porter asked Mr. Caudill for clarification as to why the expenditures are down for the first quarter. Mr. Caudill stated that expenses were reduced as much as possible and simply the City is spending less money in this first quarter than last year; however, there were more street projects last year in the first quarter.

Mr. Delgado moved to adopt the report. Ms. Eismeier seconded the motion. There being no further comments, the motion to adopt the first quarter financial report carried with all voting yes.

MISCELLANEOUS:

The City must consider its position to renew or not renew pending liquor licenses in the community. Ms. Tetley stated that the City has the option to provide comments regarding liquor permits that are up for renewal due to their expiration. There have been no reported issues or concerns to the Police Department regarding any of the establishments in the City that hold a liquor license. Councilmembers had no objections.

Therefore, the City will respond to the request for comments that it has no objections with the renewal of the licenses.

Mr. O'Reilly reported that preliminary discussions have been held between Glendale, CSX, and the Ohio Rail Commission regarding railroad noise. An increase in the number of northbound and southbound trains will be increasing and until signaling and barriers improve there will be an increase in the number of complaints from residents of all communities that adjoin the tracks. Mr. O'Reilly commented the he was disappointed that the City of Cincinnati did not aggressively support the City of Wyoming in 2013. The City will continue to work towards creating a quiet zone, however it may take at least a year or so before any action is seen. Mr. O'Reilly thanked the Water Department for helping him with a plumbing/water emergency on Sunday evening.

Mayor Porter asked Mr. O'Reilly regarding railroad traffic and how much additional time will a person have to sit at a crossing with the proposed increase in train traffic. Mr. O'Reilly explained that a time/wait study was not completed at the time the noise testing was done.

Mayor Porter welcomed Councilmember Mary Hill from the Village of Woodlawn in attendance to observe. The Village of Woodlawn is working with a consultant to update various policies and procedures.

EXCUSAL OF ABSENT MEMBERS

Mr. O'Reilly moved to excused Ms. Kamm. Ms. McCauley seconded the motion. There being no discussion, by roll call vote, the motion to excuse Ms. Kamm carried with all voting yes.

EXECUTIVE SESSION

Mayor Porter reported that there will be no Executive Session this evening.

ADJOURN

Mr. Delgado moved to adjourn the meeting. Mr. O'Reilly seconded the motion. There being no discussion, the motion to adjourn the meeting carried with all voting yes. The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

APPROVED:

Barry S. Porter, Mayor

Clerk of Council