

## **MT. HEALTHY CITY COUNCIL MEETING October 4, 2011**

The council meeting was called to order by President Don Crank at 7:05 P.M. The invocation was followed by the Pledge of Allegiance.

### **ROLL CALL:**

***Present:*** Mr. Lombardo, Mrs. Lingo, Mr. Wolf, Mrs. Moody, Mr. Bittner, Ms. Brandy, Mrs. Cole

***Absent and Excused:***

### **ALSO IN ATTENDANCE:**

Auditor Jill Claire, Treasurer Judy Petersen, Mayor Joseph Roetting, Safety Service Director Bill Kocher, Law Director Steve Wolf

### **MINUTES:**

A motion to adopt the minutes as printed of the September 20, 2011 Council Meeting was made by Mr. Bittner and seconded by Mrs. Lingo. An aye vote carried the motion.

### **CORRESPONDENCE:**

Sylvia Lawson is here to announce the 3<sup>rd</sup> Annual Mt. Healthy Halloween Kid's Fest on Saturday October 29<sup>th</sup> 2:00 to 4:00

**HAYRIDE, FOOD, FUN, GAMES AND PRIZES!**

- Ages: Toddler to 10 years old
- Costume Parade, wear your Halloween costume!
- Prizes will be given for the Scariest, prettiest, funniest, and most original
- Pumpkin Carving Contest, each family please bring your own pumpkin and carving tools, prizes will be awarded!
- Each child (children) must be accompanied by an adult or legal guardian
- Face painting!

### **PUBLIC INPUT:**

***Dan Glynn;*** On the board of zoning appeals and is here tonight regarding the rezoning of 7272 Hamilton Avenue. The one thing he tries to keep in mind when a decision has to be made is how things might impact the city - Rule of thumb: Will it make the city slightly better, or keep things the same, or could it have a negative impact on the city. Family Dollar's vision statement to be the best small-format convenience and value retailer serving the needs of families in our neighborhoods. That is what Family Dollar wants to be. Does this statement fit into the city's future plan? The average transaction at Family Dollar is \$9.91.

**Kevin Mclorey;** Owner of 7272 Hamilton Avenue for 7 years. Mr. Mclorey would like to clarify some things that have been said at previous meetings. When this property was purchased 7 years ago we didn't have retail use in mind. It was built as a doctor's office. There was an ob/gyn doctor in the building when we bought it and they left after two months, which we knew this when it was purchased. It sat vacant for about 2 years. We were able to market to an urgent care center. They occupied the building for about 13 months. The building has been vacant since then. In the 81 months of ownership we have had tenancy for about 14 months. Not exactly what he had in mind. The broker he has marketing this building has done as much marketing for this site as we can. In the last 3 years the majority of calls on this location have been for daycare centers. Nobody was financially qualified. Price has never been an object. Nobody has been turned down. The transfer price listed on the Auditor's website was listed at \$208,000. When the building was purchased 7 years ago it was part of a 3 building portfolio from Health Alliance. \$208,000 represents about 10% of what we paid – this amount was just a number we assigned to this location. He couldn't tell you why we assigned this number to it, but we negotiated on the 3 building portfolio. The other two have been occupied and this one has not.

Mrs. Moody; There has been graffiti on the back of that property for over a year now, there are tires in the back, there have been bottles and paint cans since the last vacant. The sign has been torn down and still in the parking lot. She respects Mr. Mclorey profession, but if I were trying to sell a building I would get the place cleaned up and have the realtor sign in good shape.

Mr. Mclorey has not marketed the building in the last year because it has been under contract. He is not currently looking for a seller because he has a buyer.

Mr. Wolf has a question regarding the transfer price because that goes into consideration when the auditor does a drive by audit. Are you saying you devalue the property in Mt. Healthy?

Mr. Mclorey; is not devaluing the property - the County does appraisals every three years. In the year 2000 the building sold for \$300,000. Right now it is at \$214,000.

Ben Carroll, Developer for Family Dollar; this project has been presented multiple times. Just would like to see if anybody has questions.

Jim Lowenburg; Towards the end of the last meeting there was a discussion regarding the 7272 Hamilton Avenue the question came up as to what was the intent of trucks not being able to drive through the neighborhood. Was it just Family Dollar trucks or all delivery trucks? My understanding of the zoning process is that the conditions go with the site not with the business. So, down the road if another company moves in their truck could not go through the neighborhood streets.

Julie Turner; There have been quite a few different renditions of the building and at one point the planning commission felt strongly that they wanted a pitched roof rather than a flat roof. If a pitched roof was done where would the HVAC unit go?

Mr. Carroll; it would go on the ground with screening around it. They are not shown in the site plans. They do not have to be set back from the property line.

**SPECIAL PRESENTATIONS:**

None.

**COMMITTEE REPORTS:**

None.

**MAYOR'S REPORTS: Joseph Roetting**

Mr. Roetting would like to request an executive session after his report under section 121.22G3 of the Ohio Revised Code for a conference with the city's attorney regarding disputes involving Mt. Healthy that are the subject of pending or immanent court action.

Mr. Kocher and staff are continuing work on the 2012 budget. It is a work in progress.

October 7<sup>th</sup> is Mt. Healthy's homecoming parade. The lineup is 6:15pm for the parade.

Emmet Kilgore is here as a board member of the schools to ask for your vote on the upcoming operational levy. It is a 7.65mil levy. It would cost a homeowner about \$20 extra per month for a \$100,000 home.

October 8<sup>th</sup> is a concert in the park this. This is a community event. The proceeds go to Honor Flight. Stuck in Time will be performing, food and drinks.

October 25<sup>th</sup> is the concert at the high school with Xavier University symphony.

October 30<sup>th</sup> there is a fund raiser for the Mt. Healthy Alliance at the high school with Fresh Winds Choir at 5:00pm

The planning commission met regarding the Volunteers of America building on Hamilton Avenue. It has been accepted with some conditions. In the landscaping review, there are lights, screening and fencing will be the topics of the review.

***Mr. Lombardo made a motion at 7:45pm to move into executive session to discuss a legal matter. Mr. Wolf seconded the motion. A roll call vote carried the motion 7-0.***

***Back in session at 8:30pm***

**SAFETY SERVICE DIRECTR'S REPORT: Bill Kocher**

Mr. Kocher sent out an email and it's posted on our website and notified Heidi that there will be 2 CDBG meetings this month. They will be held on Wednesday October 19<sup>th</sup> at 6:00pm and Wednesday October 26<sup>th</sup> at 6:00pm to discuss with council and the public the plans for the application of the community development funds for the years 2012, 2013, and 2014. This is a process we go through every three years to talk about what we would like to do with these dollars.

An answer to Mrs. Lingo's question last week regarding the taxes that the Family Dollar is estimated to bring into the city. The net profit is averaging between 1,000 to 2,000, which can vary by store. The taxes currently are 5,800. Payroll taxes are guessed at 2,000 – 3,000.

**LAW DIRECTOR'S REPORT: Steve Wolf**

None.

**AUDITOR'S REPORT: Jill Claire**

There will be a records commission meeting on October 19<sup>th</sup> at 4:30pm.

The auditor's presentation will be after the council meeting on November 1<sup>st</sup> at 7:30.

There will be a finance committee meeting regarding the 2012 budget after the November 15<sup>th</sup> meeting.

**TREASURER'S REPORT: Judy Petersen**

None.

**ORDINANCES:**

**Ordinance 11-1620** . This is a second reading of an ordinance changing the zoning for property at 7272 Hamilton from "D" residential multi-family to "E-1" retail business district.

Mayor Roetting; the city has documents they would like to hand out for discussion. Mr. Kocher is handing out copies of maps which are from the comprehensive plan. The next two documents are from the planning commission and documents from the comprehensive plan. The third document is a letter from Don Hering. These will be submitted into the record.

*At 8:40pm Mrs. Moody would like to be excused from the rest of the council meeting due to the discussion of the Family Dollar. A motion to excuse Mrs. Moody was made by Mr. Wolf and seconded by Mrs. Lingo. An aye vote carried the motion.*

Mr. Wolf would like to have Don Hering come up to council and explain this letter. He is contradicting himself. Mr. Wolf is confused by this letter. Where does the

planning commission stand on this? Council is approving his vote. The president of the planning commission is completely unclear on what his intention is. He voted yes, so that means he is for it. Then there was a petition asking to overturn his vote, which means he is against it. This letter has confused things even more.

Mr. Wolf is presented with the comprehensive plan that only things that are positive for the Family Dollar are hi-lighted. This is position statement from administration. Mr. Wolf believes certain things are being overlooked and that is what makes this such a hard decision. There are good legal arguments that are in the city's comprehensive plan to support retail going into this site. There are also good arguments before and after that oppose Family Dollar.

Mr. Steve Wolf states the purpose of this is now to the point that the public hearing, planning commission has come and gone. It is now in council's hands and it's time for debate.

Mr. Wolf asks is it the administrations recommendation that we pass this. To vote yes.

Mayor Roetting will say you have to vote your own way. I am for it, I am flat out for it and have never wavered from that. I 100% voted for it. Some of his arguments are a young couple with a 3-year old live across the street from me and have engaged in conversation with them regarding Family Dollar and she was not sure if she was for or against it, but she will take her 3-year old to the store if she needs a roll of duct tape and I'm working on my house and we will walk up. I do not have to go out on Colerain Avenue. A handicapped individual said this gives him an opportunity to be able to use his scooter to go up to the Family Dollar once again very walk able. Is it a mom and pop shop? Absolutely not. It's a business and it wants to come into Mt. Healthy. I think this is going to be used just like CVS and Walgreens. We don't know what it is going to be in years to come. The building as it sits right now is not very marketable. The new building if Family Dollar no longer exists will much more marketable. This is what it boils down to. I honestly think it is a benefit to the city. Does it cater to low income? I don't know, I am not low income but I guarantee that I will be getting my Christmas wrapping paper there.

Mr. Kocher, being a member of the planning commission, it's a simple question – should it be zoned retail? It is part of the comprehensive plan because it was discussed many times about how that area with Cross County opening up is going to change that whole area. We realized in the comprehensive planning that we would have to refocus on. That was part of the comprehensive plan and that is what we are trying to show here. It is a question about zoning; it is not a question about Family Dollar. I have heard a lot of people saying they don't have a voice and they haven't been heard and that couldn't be farthest from the truth. If you look at where we were in May and what they were proposing and based on all the feedback and the comments from the meetings this project has changed tremendously for the better. This is a great part of what this process is. We have been criticized the whole way. All we are doing is following the road map that we established in March when we changed the zoning on Martin Street. As soon as

the folks started coming here and talking we slowed the process down and we listened.

Mayor Roetting would like to bring up one thing about hearing the building does not quite fit the site because it's a little over 25%. I have thought about that and most of our businesses on Hamilton Avenue don't have ample parking. The city knows that and we just spent 25,000-40,000 on putting an additional public parking lot last year. I want to say that we are in an older community and you have to work to make things fit. You try hard to get businesses in and it is those business that help pay for our police and help pay for our infrastructure of the city. We just have to make it work.

Mr. Wolf says this is a very tough decision. We have been selective in the past on what businesses we have brought into the city. I do not think it is bad that we are selecting who we support and who we don't support because that is our job as legislatures.

Mayor Roetting; the planning commission made a motion to amend the minutes of the planning commission meeting of August 9, 2011. The change is, the first bullet point under a motion to recommend the approval of council the zoning change. The amendment now reads No tractor and trailer delivery servicing Family Dollar going through residential areas.

Mr. Steve Wolf; that does not change the text of the ordinance. The whereas clause is not a legal part of the ordinance. That is for informational purposes only. It is going to go back to what the planning commission does.

### **RESOLUTIONS:**

**Resolution 11-1025** . A resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor and declaring an emergency. A motion to suspend the Three Reading Rule was made by Mrs. Cole and seconded by Mr. Lombardo. A roll call vote carried the motion 6-0. A motion to adopt the resolution was made by Ms. Brandy and seconded by Mr. Lombardo. A roll call vote carried the motion 6-0.

### **OLD BUSINESS:**

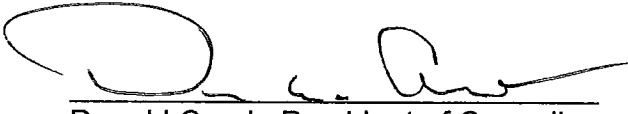
None.

### **NEW BUSINESS:**

None.

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Mr. Bittner and seconded by Mrs. Lingo.  
An aye vote carried the motion and the meeting was adjourned at 9:30 P.M.



Donald Crank, President of Council



Melanie Evenson, Clerk of Council