

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Wednesday, July 5, 2017, in the Forum of City Hall, was called to order.

Roll call was answered by Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and President Copeland.

The invocation was offered by Mr. Copeland, who then led the assembly in the Pledge of Allegiance.

On motion of Mr. O'Neill seconded by Mr. Martin, members approved the minutes of the June 6, 2017, regular meeting as presented.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

### **FIRST READINGS—ORDINANCES**

The following legislation was presented for the first time and requires presentation at a second regular meeting before vote on passage:

**1-17** An Ordinance titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor."

**189-14** An Ordinance titled, "Authorizing the exercise of the City's option to renew the contract with ARAMARK Uniform Services, a division of ARAMARK Uniform & Career Apparel, LLC, for the rental of employee uniforms, for an amount not to exceed \$50,000."

**131-17** An Ordinance titled, "Amending Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the amendment of Sections 1311.03 and 1311.08 and the enactment of Section 1311.22 and paragraphs (b) and (c) to Section 1313.05, all related to the establishment of a re-roofing application fee and an inspection fee, and repealing existing Sections 1311.03 and 1311.08."

☞☞☞ Next regular City Commission meeting: July 18, 2017. ☞☞☞

### **SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**107-17** An Ordinance No. 17-153 titled, "Vacating the first alley west of South Fountain Avenue from Euclid Avenue south to the first intersecting east-west alley."

On motion of Mr. Martin, seconded by Mrs. Duncan, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**108-17** An Ordinance No. 17-154 titled, "Amending the Zoning Map of Springfield, Ohio, by rezoning 0.17 acres at 1322 South Limestone Street, Springfield, Ohio, from RM-12, Low-Density, Multi-Family Residence District, to CN-2, Neighborhood Commercial District."

On motion of Mrs. Chilton, seconded by Mrs. Duncan, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**121-17** An Ordinance No. 17-155 titled, "Authorizing and directing the City Manager to dispose of a 2007 Navistar 7400 chassis with attached sewer-cleaning equipment, being property owned by the City and no longer needed for municipal purposes and should be disposed of pursuant to Codified Ordinance Section 149.03."

On motion of Mr. Martin, seconded by Mrs. Chilton, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

### **SECOND READING—RESOLUTION**

The following legislation was presented for the second time:

**24-17** A Resolution No. 5976 titled, "Acquiescing to the implementation of Modified Plan 9a as a remedy for the hazardous waste at the Tremont City Barrel Fill."

On motion of Mrs. Duncan, seconded by Mrs. Chilton, the resolution was adopted.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

### EMERGENCY ORDINANCES

The following emergency legislation was presented for the first time:

**19-17** An Ordinance No. 17-156 titled, "Providing for Supplemental Appropriations within various funds, and declaring an emergency."

On motion of Mr. Martin, seconded by Mrs. Duncan, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**132-17** An Ordinance No. 17-157 titled, "Authorizing the City Manager to enter into a Fire and EMS Dispatching Services Agreement by and between the City of Springfield, Ohio, and The City of New Carlisle, Ohio, for the purpose of providing dispatching services to The City of New Carlisle effective July 1, 2017; confirming and approving services provided up to the passage of this Ordinance; and declaring an emergency."

On motion of Mr. Martin, seconded by Mr. O'Neill, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**133-17** An Ordinance No. 17-158 titled, "Authorizing the City Manager to execute and deliver an Easement to the Board of County Commissioners of Clark County, Ohio, for public highway and road purposes; and declaring an emergency."

On motion of Mrs. Chilton, seconded by Mr. Martin, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**134-17** An Ordinance No. 17-159 titled, "Authorizing the City Manager to enter into a Subrecipient Funding Agreement (Norm's Place and Hartley House, 2017-2018) with Interfaith Hospitality Network, Inc., to provide funding from Emergency Solutions Grant allocations, in an amount not to exceed \$120,362.00; and declaring an emergency."

On motion of Mrs. Duncan, seconded by Mr. Martin, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**116-17** An Ordinance No. 17-160 titled, "Authorizing the City Manager to enter into Amendment No. 1 to the Loan Agreement with Opportunities Industrialization Center of Clark County, Ohio, Inc., for 327 North Jackson Street; authorizing the City Manager to sign a Municipal Quitclaim Deed conveying certain property to OIC; and declaring an emergency."

On motion of Mrs. Chilton, seconded by Mrs. Duncan, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**82-15** An Ordinance No. 17-161 titled, "Authorizing the City Manager to enter into a contract with The Shelly Company for the CLA East Street Reconstruction Project, PID No. 94806, for an amount not to exceed \$641,170.74, and declaring an emergency."

On motion of Mr. Martin, seconded by Mr. O'Neill, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**278-16** An Ordinance No. 17-162 titled, "Providing for Supplement Appropriations for the Clark County Municipal Court."

On motion of Mr. Martin, seconded by Mrs. Duncan, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

**227-16** An Ordinance No. 17-163 titled, "Extending a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period ending September 27, 2017, in order to allow staff members to review applicable Ohio statutes and the Zoning Code relative to such use."

On motion of Mr. Martin, seconded by Mr. O'Neill, the ordinance passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

### EMERGENCY RESOLUTION

**135-17** Resolution No. 5977 titled, "Reappointing Matthew R. Ryan to the Board of Zoning Appeals."

On motion of Mr. O'Neill, seconded by Mr. Martin, the resolution was adopted.

### **COMMUNICATIONS**

The following communications were ordered received and filed:

- 77-17** Minutes from the May, 2017, National Trail Parks and Recreation District Board meeting.
- 119-17** Ordinance No. 17-142 (2018 Tax Budget), file-stamped by Clark County Auditor.
- 123-17** Ordinance No. 17-145 (Municipal Sewage Facilities), file-stamped by Clark County Auditor.
- 124-17** Ordinance No. 17-146 (Water System Facilities), file-stamped by Clark County Auditor.
- 125-17** Ordinance No. 17-147 (Improving and Expanding Municipal Sewage Facilities), file-stamped by Clark County Auditor.
- 126-17** Ordinance No. 17-148 (2017 South Limestone Street Sidewalk Curb and Gutter Program), file-stamped by Clark County Auditor.
- 136-17** Correspondence from U.S. Department of Housing and Urban Development regarding Fiscal Year 2017 Entitlement.

### **COMMENTS ON AGENDA ITEMS**

**131-17** Community Development Director Meadows addressed an amendment to the Building Code concerning the issue of reroofing. Currently, the property owner or roofing contractor pays a \$35 fee and completes an affidavit in order to proceed with reroofing a residential structure. The State of Ohio Board of Building Standards requires a revision of the process. Codified Ordinance Chapters 1311 and 1313 are proposed to be amended to include into the process an application fee of \$40, a plan review, and an inspection fee of \$45. Multiple inspections may be required; therefore, more than one inspection fee may be collected. Only licensed contractors in Springfield can perform the work. Ms. Meadows noted that the City's inspection officers will climb onto roofs for thorough inspections.

**108-17** Mrs. Chilton spoke to the request to rezone 1322 South Limestone Street to Neighborhood Commercial District. She stated the rezoning was considered spot zoning, but she was willing to do this.

Mrs. Duncan requested an update on the presence of unlicensed cars on the premises.

Ms. Meadows stated that in the last two weeks, a variety of unlicensed cars have been observed behind the structure. Additionally, she spoke to a civil fine pending and follow up by Code Enforcement officers with regard to offenses.

Mr. Copeland asked if the presence of unlicensed vehicles would be illegal after the rezoning, to which Ms. Meadows responded in the affirmative.

Mr. Martin stated that he was encouraged by the applicant and his business partner, who are taking a chance with a small business. He felt mixed uses was acceptable along the South Limestone Street corridor.

Mrs. Duncan stated she was very opposed to spot zoning. Once zoning is changed for a business in a residential neighborhood, then the business moves, and the zoning change stays in effect.

Mr. Copeland asked Mr. James Upshaw, the current property owner, to rezone the property back to residential if he decides to move his business elsewhere.

**24-17** Mr. O'Neill spoke to the legislation acquiescing to the implementation of Modified Plan 9a as a remedy for the hazardous waste at the Tremont City Barrel Fill. The remedy falls short of what the community expects. He promised to continue efforts to have all the hazardous wastes removed from the site. The City Commission is charged with protecting its water source. Springfield's water is its greatest resource. The remedy does not include complete removal of wastes, so the City has not done its job. He will, however, vote to allow the process to proceed.

Mrs. Chilton stated local governments have been given a take-it-or-leave-it proposition by USEPA. The action taken to adopt legislation to accept Modified Plan 9a will begin the cleanup process.

Mr. Martin commented that as work begins, the EPA and local proponents will have a better sense and understanding of the status of the barrel fill. It is difficult to reverse an EPA decision. It might be prudent for the City and its local partners to retain a consulting engineer for advice and assistance throughout the process. An independent engineer could point out if corners were being cut. Mr. Martin did not want the work to proceed at the expense of safety. He thanked those in the community who assisted and supported the needs of the full community.

Mr. Copeland stated he would reluctantly vote in favor of the modified plan.

It was noted that the proposed resolution did not include language requesting Governor Kasich to place

the Tremont City Barrel Fill on the National Priority List. Staff members were directed to prepare a companion resolution requesting placement of the barrel fill on the priority list and that the resolution be available for a Commission vote at its July 18, 2017, meeting.

**82-15** City Engineer Shanayda reported that East Street would be reconstructed from High Street to Grand Avenue in 2017.

**227-16** Law Director Strozdas addressed the timetable associated with applying for state medical marijuana licensing. The deadline for applying for a cultivation license expired in June. The final rules are not set for processing and dispensing licenses. The state will not allow a cultivation license to proceed for a Springfield property if the moratorium is extended again.

Mr. Copeland commented that the City Commission should consider lifting the moratorium if application deadline dates for processing and dispensing occur prior to the expiration of the moratorium. After discussions with local doctors, Mr. Copeland stated they are of the opinion that marijuana can be useful for certain medical conditions. Limited to medical uses, the law makes sense. He stated he was willing to approve certain activities in the community once state regulations were known.

Mr. Strozdas indicated that the moratorium could be rescinded via language present in Section 4 of the resolution.

Mr. Martin stated that the moratorium should remain in place until the rules are final. The state could change something at the last minute. Many zoning locations were involved within the City.

Mrs. Duncan stated that there is very little cultivation space inside the City. She would support extending the moratorium, but there was no advantage to denying businesses the ability to apply for a license.

#### **COMMENTS FROM THE COMMISSION**

Mrs. Chilton encouraged citizens to use sidewalks rather than walking in the streets. Mr. Copeland concurred.

#### **COMMENTS FROM THE AUDIENCE**

**108-17** Mr. James Upshaw, 1322 South Limestone Street, noted his appreciation for the support and encouragement received with regard to rezoning the South Limestone Street property to Neighborhood Commercial District. With regard to the civil fine imposed for code enforcement violations, he stated he was told by a City representative the fine would be waived because all notification of the fine was mailed to an incorrect address.

Mr. David Sanford, 528 South Yellow Springs Street, spoke in favor of rezoning, which would establish a new business on Springfield's south side. He continued, addressing the City policies relating to parking on gravel, concrete, and grass.

**24-17** Mr. David Estrop, 1736 Audubon Park Drive, stated that the local government entities involved with the Tremont City Barrel Fill must move forward immediately. Time is working against the community. He encouraged passage of the resolution implementing Modified Plan 9a.

Mr. Bruce Williams, 226 Corlington Drive, stated that accepting remedy 9a is the correct move. Allow EPA to put the money in place to protect our water.

Health Commissioner Patterson, 529 East Home Road, stated he appreciated the consideration given to this issue. It is one he will continue to work on in the future. Modified Plan 9a is not the best plan, but when money is the issue, it is a temporary plan. Government officials need to look toward pursuing more work in the future. This is the first step. Next, we will get closer to full removal of the hazardous waste.

Mr. Larry Ricketts, 1336 North Fountain Boulevard, spoke on behalf of People For Safe Water. The organization feels very strongly that the City should request Governor Kasich to place the barrel fill on the National Priority List. The City's resolution, as drafted, does not do this.

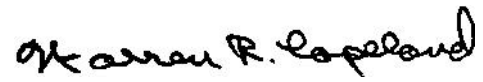
**227-16** Ms. Renee Turner spoke to the medical marijuana moratorium. She stated that if Springfield has a moratorium in place at the time an application is made to the state regarding a Springfield property, the application becomes void.

Mr. Bruce Williams, 226 Corlington Drive, stated that it was possible the use of medical marijuana would prevent users from getting jobs. Drugs cause problems, like alcohol. We should say no.

There being no further business, on motion of Mr. Martin, seconded by Mrs. Duncan, the meeting adjourned.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland.

Yeas 5, Nays 0.

Handwritten signature of Karan R. Copeland in black ink.

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PRESIDENT OF THE CITY COMMISSION

Handwritten signature of Connie J. Chappell in blue ink.

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CLERK OF THE CITY COMMISSION