

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, August 15, 2017, in the Forum of City Hall, was called to order.

Roll call was answered by Mmes. Chilton, Duncan, Messrs. O'Neill, and Copeland; Mr. Martin being absent.

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 Mrs. Chilton, members approved the minutes of the July 18, 2017, regular meeting as presented.

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

Yeas 4, 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:

**144-17** An Ordinance titled, "Approving an amendment to the existing CC-2A Shopping Center Plan for 25.63 acres located at 1500 Hillcrest Avenue comprised of parcel 3300600006300015 to allow for construction of a new restaurant on the subject development."

**212-15** An Ordinance titled, "Authorizing the exercise of the City's option to renew the contract with Polydyne, Inc., for the purchase of liquid polymer for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$54,180."

**267-16** An Ordinance titled, "Authorizing the City Manager to enter into Amendment No. 1 to the Agreement for Consulting Engineering Services (Concrete Inspection, Technical Specification Preparation, and Construction Phase Services) with Burgess & Niple, Inc., for an amount not to exceed \$10,300, for a total contract amount not to exceed \$115,750."

**42-14, 43-14** An Ordinance titled, "Authorizing the City Manager to enter into a Cancellation Agreement with HDI Landing Gear USA, Inc., to terminate the Enterprise Zone Agreement and the Employment Incentive Agreement with HDI."

**161-17** An Ordinance titled, "Authorizing the City Manager to enter into a Development Incentive Agreement (Non-Residential Development) with Empire Bank to provide for sewer services to real property outside the City limits; and confirming and approving the acceptance of \$1,500 as payment for past due DIA fees."

**5-17** An Ordinance titled, "Authorizing the City Manager to enter into LPA Agreement No. 800834, Amendment No. 1, between the City and the Ohio Department of Transportation in connection with the CLA Derr Road Project, PID No. 104833, to revise project funding."

Next regular City Commission meeting: August 29, 2017.

### **SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**1-17** An Ordinance No. 17-191 titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor."

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

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

Yeas 4, Nays 0.

**152-17** An Ordinance No. 17-192 titled, "Authorizing the City Manager to apply for, accept, and enter into Water Pollution Control Loan Fund agreement with the Ohio Environmental Protection Agency and Ohio Water Development Authority to borrow funds to finance a portion of the City's 2018 Buck Creek Interceptor Repair Project; and authorizing the City Manager and the Director of Finance to do all things necessary to implement said loan application and to comply with all relevant local, state, and federal legal requirements."

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

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

Yeas 4, Nays 0.

**153-17** An Ordinance No. 17-193 titled, "Amending Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by amending Chapter 901 titled *Excavations in the Right-of-Way* and repealing existing Chapter 901."

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

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

Yeas 4, Nays 0.

**72-15** An Ordinance No. 17-194 titled, "Authorizing the City Manager to enter into LPA Agreement No. 26856, Amendment No. 3, between the City and the Ohio Department of Transportation in connection with the CLA Trail Maintenance, PID No. 99562, to reflect additional funds added to project construction costs and inspection."

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

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

Yeas 4, Nays 0.

**154-17** An Ordinance No. 17-195 titled, "Authorizing the City Manager to enter into an LPA Federal Local-LET Project Agreement No. 30873 between the City and the Ohio Department of Transportation to provide the City with eligible costs of up to a maximum sum of \$500,000 for the CLA 72-06.83, PID No. 106287, and further identified as the Limestone Street Corridor project; and authorizing the City Manager, Law Director, and Finance Director to do all things they deem necessary to implement said agreement."

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

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

Yeas 4, Nays 0.

### **EMERGENCY ORDINANCES**

The following emergency legislation was presented for the first time:

**143-17** An Ordinance No. 17-196 titled, "Amending the Zoning Map of Springfield, Ohio, by rezoning 11.76 acres at 4230 East National Road, Springfield, Ohio, from Springfield Township B-3, General Business District, to CC-2, Community Commercial District; and declaring an emergency."

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

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

Yeas 4, Nays 0.

**19-17** An Ordinance No. 17-197 titled, "Providing for Supplemental Appropriations within various funds, and declaring an emergency."

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

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

Yeas 4, Nays 0.

**8-16** An Ordinance No. 17-198 titled, "Authorizing the City Manager to enter into subordination agreements placing the City's mortgage junior to no more than \$9,000,000 in mortgages from other lenders, and to consent to restrictive-use covenants required by Ohio Housing Finance Agency, all in connection with the Community Gardens Project; authorizing the City Manager, Finance Director, Law Director, and Community Development Director to do all things necessary to implement said agreements to and comply with all relevant local, state, and federal legal requirements; and declaring an emergency."

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

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

Yeas 4, Nays 0.

**162-17** An Ordinance No. 17-199 titled, "Authorizing the City Manager to enter into a five-year contract with Moody's of Dayton, Inc., for the Well and Pump Cleaning and Rehabilitation Project for an amount not to exceed \$1,567,140, and declaring an emergency."

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

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

Yeas 4, Nays 0.

**163-17** An Ordinance No. 17-200 titled, "Authorizing the City Manager to enter into a Cooperation Agreement with The Springfield City School District Board of Education to assist the City and the Board of Education in creating and maintaining safe and orderly schools; confirming and approving services provided up to the passage of this ordinance; and declaring an emergency."

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

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

Yeas 4, Nays 0.

**164-17** An Ordinance No. 17-201 titled, "Authorizing the City Manager to execute an Interlocal Agreement by and between the City and The Board of County Commissioners of Clark County, Ohio, in connection with the 2017 Byrne Justice Assistance Grant Program Award, and declaring an emergency."

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

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

Yeas 4, Nays 0.

**165-17** An Ordinance No. 17-202 titled, "Authorizing the City Manager to apply for a grant through the Federal Aviation Administration in an amount up to \$274,398.00, and for a grant through the ODOT Aviation Division in an amount up to \$15,244, for taxiway construction on hangar row foxtrot and crack sealing on Runways 15 and 33 at the Springfield-Beckley Municipal Airport; authorizing an expenditure of up to \$15,244 to be used as local matching funds; authorizing the City Manager, City Engineer, and Finance Director to do all things necessary for the submission of the applications and to comply with all relevant local, state, and federal legal requirements; and declaring an emergency."

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

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

Yeas 4, Nays 0.

### **EMERGENCY RESOLUTION**

The following emergency resolution was presented for the first time:

**166-17** A Resolution No. 5981 titled, "Appointing Ethel Bronson to the Civil Service Commission, and declaring an emergency."

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

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

Yeas 4, Nays 0.

### **COMMUNICATIONS**

The following communications were ordered received and filed:

**66-17** Minutes of the July, 2017, meeting of the Community Beautification Committee.

### **COMMENTS ON AGENDA ITEMS**

**161-17** In response to Mrs. Chilton's inquiry, Service Director Moore stated that the location for the Empire Bank Development Incentive Agreement formerly housed Jeff Wyler's body shop on Eagle City Road.

**153-17** Law Director Strozdas advised that after the City Commission amended its fee structure in Codified Chapter 901, *Excavations in the Right-of-Way*, AT&T objected. Further study showed that the Ohio Revised Code requires cities to obtain the permission of the PUCO to impose new fees. Mr. Strozdas stated that that Ohio Revised Code requirement is an encroachment of cities' home rule powers. The City of Springfield will not pursue an argument against this encroachment before the Ohio Supreme Court in the near future, but will return to the matter later. In the meantime, it was decided to put the old fee structure back into place.

**154-17** Mr. O'Neill inquired into the amount of matching City funds needed for the South Limestone Street Corridor Project.

City Engineer Shanayda stated that the City is not required to provide matching funds for this project. The \$500,000 in funding provided by the Ohio Department of Transportation will cover engineering costs.

**8-16** The City Commission was provided with a report on the subordination agreement associated with Neighborhood Housing Partnership's Community Gardens Project at the intersection of East High Street and Burnett Road. Other majority lenders' mortgages will be placed in positions before the City's mortgage.

### **COMMENTS FROM THE AUDIENCE**

**160-17** State Representative Kyle Koehler, 4674 Hominy Ridge Road, addressed the issue of beekeeping within the city limits. Currently, beekeeping is prohibited on properties under three acres, pursuant to Codified Section 1135.26(a). Specifically, Mr. Koehler addressed a beekeeper, Steve Chirico, located on South Fountain Avenue. Mr. Koehler stated that Mr. Chirico's honeybees were a very good thing. Mr. Koehler advised the City Commission that a bill is before the statehouse designed to override anything cities wish to do with regard to this issue. The bill will force communities to allow property owners the ability to raise small livestock. He encouraged the City Commission to work with Mr. Chirico. Bees are beneficial to the community.

Mrs. Duncan stated that she supports individuals owning bees. It is important to raise awareness to the value of pollinators.

Mr. Copeland commented that staff members are working with Mr. Chirico. Commissioners plan to evaluate the City's stance on beekeeping. If the Codified Ordinances are to be amended, it must go through the City Planning Board before it returns to the City Commission.

Mr. Strozdas spoke to a greater issue: Cities are given the power of self-government through the Ohio constitution. Springfield has a right to control its land use. Such a bill, if passed by state government, would infringe on cities' constitutional right to home rule.

**5-17** Mr. John Downing, a representative of a retail store on Derr Road, stated he was opposed to the proposed redesign of Derr Road. He stated that early in the process, government entities, including Clark County-Springfield Transportation Coordinating Committee, should approach business owners for their opinions regarding road projects that feed customers to their stores.

**15-17** Mr. Raymond Upshaw, 325 West Liberty Street, commented on gun violence, drug trafficking, and racism.

Mr. David Sanford, 528 South Yellow Springs Street, address the City Commission with regard to the passage of the recent income tax levy, minimum manning limits within the Police Division, and the City's hiring practices.

Mr. Bodenmiller stated that the City has been testing and hiring sworn personnel for the Police and Fire divisions for quite some time. These are civil service positions. Additional information is available through the City's Personnel Department.

Mr. Brad Miner, 2220 South Hadley Road, a representative of Indivisible Springfield, invited City Commissioners and the community to attend a vigil on the esplanade on Wednesday, August 16, related to recent violence in Charlottesville, Virginia.



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

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, and Copeland.

Yeas 4, Nays 0.

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PRESIDENT OF THE CITY COMMISSION

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CLERK OF THE CITY COMMISSION