

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, August 16, 2016, 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. Martin, seconded by Mrs. Duncan, members approved the minutes of the July 19, 2016, regular meeting as presented.

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

Yeas 5, Nays 0.

### **FIRST READING—ORDINANCES**

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

**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 \$52,632."

**203-16** An Ordinance titled, "Authorizing the City Manager to enter into a contract with Waste Management of Ohio, Inc., for trash pick-up at various City facilities for a period of three years, with an option to renew for two additional one-year periods, for an amount not to exceed \$35,062.56."

**204-16** An Ordinance titled, "Authorizing the City Manager to enter into a contract with Rumpke of Ohio, Inc., for trash pick-up at various City facilities for a period of three years, with an option to renew for two additional one-year periods, for an amount not to exceed \$24,012."

**205-16** 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 196.051(B)(1) and 196.091(I) within Chapter 196, titled *Municipal Income Tax on Earned Income*, and repealing existing Sections 196.051(B)(1) and 196.091(I)."

~~~~~ Next regular City Commission meeting: August 30, 2016. ~~~~~

### **SECOND READING—ORDINANCES**

The following legislation was presented for the second time:

**178-16** An Ordinance No. 16-221 titled, "Approving an amendment to the existing CC-2A District Development Plan for 13.06 acres located at 2960-2990 Derr Road, comprised of parcel 3400300025200067, to allow for the construction of a retail store on the subject development."

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.

**179-16** An Ordinance titled, "Amending the Zoning Map of Springfield, Ohio, by rezoning 0.61 acres at 730 Sherman Avenue, Springfield, Ohio, from RS-8, Medium-Density, Single-Family Residence District, to CI-1, Intensive Commercial District."

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

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

Yeas 0, Nays 5.

**110-16** An Ordinance No. 16-222 titled, "Accepting the application for annexation of certain territory containing 0.461 acres, more or less, in Moorefield Township and commonly known as the Crosby Annexation Area to The City of Springfield, Ohio."

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.

**174-01** An Ordinance No. 16-223 titled, "Authorizing the City Manager to enter into Addendum No. 3 to the City's Lease Agreement with Elderly United of Springfield and Clark County, Ohio, Inc., dba United Senior Services, to provide for a termination date of October 31, 2016."

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.

**195-16** An Ordinance No. 16-224 titled, "Authorizing the City Manager to enter into a contract with Myers Logging, Inc., for the disposal of designated trees from Reid Golf Course as property not needed for a municipal purpose, pursuant to Section 149.03 of the Codified Ordinances of The City of Springfield, Ohio."

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.

**82-15** An Ordinance No. 16-225 titled, "Authorizing the City Manager to enter into LPA Agreement No. 26991, Amendment No. 1, between the City and the Ohio Department of Transportation in connection with the CLA East Street Reconstruction Project, PID No. 94806, to reflect a revised method of how the Prime Contractor will supply DBE firms for ODOT's approval."

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.

**267-14** An Ordinance No. 16-226 titled, "Authorizing the City Manager to enter into LPA Agreement No. 26848, Amendment No. 4, between the City and the Ohio Department of Transportation in connection with the CLA Bechtle Signals Project, PID No. 98859, to reflect a revised method of how the Prime Contractor will supply DBE firms for ODOT's approval."

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

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

Yeas 5, Nays 0.

**181-15** An Ordinance No. 16-227 titled, "Authorizing the City Manager to enter into LPA Agreement No. 26853, Amendment No. 1, between the City and the Ohio Department of Transportation in connection with the CLA North Murray/Mount Vernon Project, PID No. 99555, to reflect a revised method of how the Prime Contractor will supply DBE firms for ODOT's approval."

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

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

Yeas 5, Nays 0.

**29-12** An Ordinance No. 16-228 titled, "Authorizing the City Manager to enter into LPA Agreement No. 23992, Amendment No. 3, between the City and the Ohio Department of Transportation in connection with the CLA-Villa Road Project, PID No. 89421, to reflect a revised method of how the Prime Contractor will supply DBE firms for ODOT's approval."

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.

**72-15** An Ordinance No. 16-229 titled, "Authorizing the City Manager to enter into LPA Agreement No. 26856, Amendment No. 2, between the City and the Ohio Department of Transportation in connection with the CLA Trail Maintenance Project, PID No. 99562, to reflect a revised method of how the Prime Contractor will supply DBE firms for ODOT's approval."

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.

### **EMERGENCY ORDINANCES**

The following emergency legislation was presented for the first time:

**135-16** Emergency Ordinance No. 16-230 titled, "Approving the transfer of appropriations within various funds, 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.

**26-16** Emergency Ordinance No. 16-231 titled, "Providing for supplemental appropriations within various funds, and declaring an emergency."

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

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

Yeas 5, Nays 0.

**206-16** Emergency Ordinance No. 16-232 titled, "Providing an interim-fund cash advance from the 904 CD Housing Rehab Rotary Fund to the 526 CDBG Grant 2016 Fund in the amount of \$50,000, and from the 904 CD Housing Rehab Rotary Fund to the 566 Emergency Solutions Grant 2016 Fund in the amount of \$6,000, and declaring an emergency."

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

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

Yeas 5, Nays 0.

**59-15** Emergency Ordinance No. 16-233 titled, "Authorizing the City Manager to enter into Amendment No. 1 to the Temporary Indefeasible Right-of-Use Metropolitan Dark Fiber Agreement with Miami Valley Educational Computer Association Regional Council of Governments ("MVECA") to extend the term of the agreement an additional twelve months and to increase the monthly rate; 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.

**207-16** Emergency Ordinance No. 16-234 titled, "Authorizing the acceptance of a donation from the United States Marshals Service of a Ford F150 XL 4x4 to be utilized by the Police Division in conjunction with the Southern Ohio Fugitive Apprehension Strike Team (SOFAST); and declaring an emergency."

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

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

Yeas 5, Nays 0.

**89-99** Emergency Ordinance No. 16-235 titled, "Authorizing the City Manager to enter into Amendment No. 2 to the April 29, 1999, Fellows Terrace Limited Partnership Housing Project Loan Agreement (HOME-funded) by and among Fellows Terrace Limited Partnership and Robert L. Hellmuth to allow for a change in repayment terms, and declaring an emergency."

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.

**169-16** Emergency Ordinance No. 16-236 titled, "Confirming and approving a grant agreement with the Federal Aviation Administration in an amount up to \$359,820 for Master Planning Services at the Springfield-Beckley Municipal Airport; authorizing the City Manager, City Engineer, and Finance Director to do all things necessary for the execution of the grant and to comply with all relevant local, state, and federal legal requirements; and declaring an emergency."

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

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

Yeas 5, Nays 0.

**142-16** Emergency Ordinance No. 16-237 titled, "Confirming and approving Change Order No. 1 to the contract between the City and Inland Waters Pollution Control, Inc., for the 2016 Miscellaneous Sanitary Sewer Lining Project to increase the contract amount by \$23,000, for a total contract amount not to exceed \$642,748; authorizing the City Manager to execute said Change Order No. 1; 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.

**208-16** Emergency Ordinance No. 16-238 titled, "Authorizing the City Manager to enter into a contract for the CSO Backwater Valve Project with J & J Schlaegel, Inc. for an amount not to exceed \$147,362.50; and declaring an emergency."

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.

**121-15** Emergency Ordinance No. 16-239 titled, "Confirming and approving Change Order No. 1 to the contract between the City and The Shelly Company for the crack repair of Taxiway B and rehab of Taxiway F to decrease the contract amount by \$21,154.28, for a total contract amount not to exceed \$368,436.52; authorizing the City Manager to execute said Change Order No. 1; 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.

**81-16** Emergency Ordinance No. 16-240 titled, "Authorizing the City Manager to enter into a grant agreement with the Ohio Development Services Agency for a Local Government Safety Capital Grant in an amount of \$100,000 to be used for a facilities expansion project for Fire Station No. 3; authorizing an expenditure of up to \$301,500 to be used as local matching funds; authorizing the City Manager, Finance Director, and Fire Chief to do all things necessary for the

execution of the grant agreement and to comply with all relevant local, state, and federal legal requirements; 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.

### **LIQUOR PERMITS**

**201-16** On motion of Mr. O'Neill, seconded by Mrs. Duncan, the administration's report relative to notification from the Ohio Department of Liquor Control of a change in stockholders for Walgreen Company, dba Walgreen's, 1140 North Limestone Street, was ordered received and filed with the City Clerk.

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

Yeas 5, Nays 0.

**209-16** On motion of Mrs. Chilton, seconded by Mr. Martin, the administration's report relative to notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit to Joyclyn, Inc., dba Main Street BP, 2598 East Main Street, was ordered received and filed with the City Clerk.

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

Yeas 5, Nays 0.

### **COMMUNICATIONS**

The following communications were ordered received and filed:

**34-16** Minutes of the July 7, 2016, meeting of the Community Beautification Committee.

**86-16** Minutes of the June 13, 2016, meeting of the City Planning Board.

**98-16** Minutes of the June 20, 2016, meeting of the National Trail Parks and Recreation District Board.

**209-16** Notification from the Ohio Division of Liquor Control of a request to transfer a liquor permit to Joyclyn, Inc., dba Main Street BP, 2598 East Main Street.

**216-16** Notification from the Ohio Division of Liquor Control of a request to transfer a liquor permit Eat N Park Hospitality Group, Inc., dba Wittenberg University, 737 North Fountain Avenue and 734 Woodlawn Avenue.

### **COMMENTS ON AGENDA ITEMS**

**179-16** City Commissioners spoke in opposition to the request to rezone property located at 730 Sherman Avenue to an Intensive Commercial District. The request was problematic due to the adjacent residential district. The automotive business owner did not follow proper procedures with regard to establishing his business. If he had, he would not have been allowed to open. Therefore, the business should not be allowed to go forward at this time by granting the necessary zoning. The building's appearance is one of disrepair while the residential structures are nicely maintained.

**195-16** Service Director Moore reported that the largest majority of the trees to be removed from Reid Park Golf Course are dead or dying ash trees. Other trees have lightning damage or are in wooded areas. There is no cost to the City for the removal service. Myers Logging, Inc., will accept the lumber in lieu thereof.

**59-15** Assistant City Manager Franzen reported that the City will enter into an amendment to the Temporary Infeasible Right-Of-Use Metropolitan Dark Fiber Agreement with Miami Valley Educational Computer Association Regional Council of Governments. Said lease will benefit the local STEM Academy.

### **COMMENTS FROM THE COMMISSION**

**70-16** Mrs. Duncan stated that People For Safe Water will hold a meeting and celebration on August 20, 2016, the purpose of which was to update the community on the Tremont City Barrel Fill cleanup efforts and continuing negotiations with EPA. Mrs. Duncan indicated that the chairwoman for People For Safe Water has also updated Springfield's federal political representatives.

### **COMMENTS FROM THE AUDIENCE**

**179-16** Mr. James Cultice, 730 Sherman Avenue, stated that he entered the process necessary to get his business at 730 Sherman Avenue properly zoned, but was denied the Intensive Commercial District required. He stated that the owner of a neighboring business at 744 Sherman Avenue performs work not permitted in the zoning district.

City Manager Bodenmiller stated that a representative of the City Manager's office would assist Mr. Cultice in identifying the location of districts properly zoned for Mr. Cultice's business. He noted that staff members have

already begun discussions concerning the business at 744 Sherman Avenue. In addition to performing work not permitted in the assigned district, this business owner operates without a certificate of occupancy.

Mr. Bruce Williams, 226 Corlington Drive, stated he understood the City's concerns with regard to the businesses on Sherman Avenue. He particularly felt the City should assist Mr. Cultice by advising him of areas properly zoned for his automotive work.

**20-16** Mr. Jacob Victor Miskell, 1112 Highland Avenue, addressed the City Commission with concerns for health and safety violations, which were allowed to go unabated at the Sweetbriar Apartments. The violations centered around lead-based paint.

Mr. Copeland thanked Mr. Miskell for bringing the information to the City's attention and asked him to speak with the City's Community Development director.

Mr. Raymond Upshaw, 325 West Liberty Street, stated that he was a nonviolent person. He spoke on the issues of racial discrimination, the black church as an aggressor, a call he received from a Clark County authority concerning cars on South Limestone Street, being run out of business, and being denied equality.

Mr. David Sanford, 514 Fremont Avenue, stated that he received confirmation of underground storage tanks on South Yellow Springs Street.

Ms. Melissa Tuttle, 930 South Fountain Avenue, commented that she received a "boil notice" with regard to water consumption at her residence. She asked about electronic delivery of such notices.

Mr. Moore stated that the City is currently required to hand-deliver boil notices.



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

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

Yeas 5, Nays 0.

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PRESIDENT OF THE CITY COMMISSION

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CLERK OF THE CITY COMMISSION