

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, September 1, 2015, 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, the members approved the minutes of the August 4, 2015, 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:

196-15 An Ordinance titled, "Amending the Zoning Map of Springfield, Ohio, by rezoning 0.5 acre at 237 North Race Street and 617 Cedar Street, Springfield, Ohio, from CC-2, Community Commercial District, to RS-8, OPD-H, Medium-Density Single-Family Residential District, Planned Development Housing Overlay District."

212-15 An Ordinance titled, "Authorizing the City Manager to enter into a contract with Polydyne Inc. for the purchase of liquid polymer for an amount not to exceed \$50,568."

213-15 An Ordinance titled, "Authorizing and directing the City Manager to select certain identified parcels of real estate that constitute nonproductive lands and to notify the Prosecuting Attorney or the County Auditor of Clark County, Ohio, as the case may be, pursuant to Sections 5722.03 and 5722.04 of the Ohio Revised Code that the City wishes to acquire said parcels pursuant to the provisions of Ohio Revised Code Chapter 5722 and Ordinance No. 98-293, passed August 25, 1998, and to do all things necessary to acquire said parcels."

214-15 An Ordinance titled, "Consenting to the overlay of US Route 68 straight-line mile 7.66-12.39, more or less, with part residing within the City of Springfield, by the Ohio Department of Transportation (identified as CLA US 68 7.66, and further identified by PID No. 101168); providing for the maintenance of the right-of-way; and authorizing the City Manager to enter into agreements with the Director of Transportation of the State of Ohio necessary to complete the project."

215-15 An Ordinance titled, "Consenting to the microsurfacing of State Route 72 straight-line mile 0.00-6.50, more or less, State Route 334 straight-line mile 0.59-4.24, more or less, and US Route 68 straight-line mile 5.76-7.66, more or less, with part residing within the City of Springfield, by the Ohio Department of Transportation (identified as CLA MICRO FY18, and further identified by PID No. 100923); providing for the maintenance of the right-of-way; and authorizing the City Manager to enter into agreements with the Director of Transportation of the State of Ohio necessary to complete the project."

163-14 An Ordinance titled, "Consenting to the smooth sealing of the existing roadway on State Route 41, between straight-line mile 12.05-14.86, with part residing within the City of Springfield, by the Ohio Department of Transportation (identified as CLA-SR 41/369 12.05/0.00; State Route 41; further identified by PID No. 97956); providing for the maintenance of the right-of-way; authorizing the City Manager to enter into agreements with the Director of Transportation of the State of Ohio necessary to complete the project; and repealing Ordinance No. 14-185."

129-94 An Ordinance titled, "Authorizing the City Manager to enter into Amendment No. 1 to the April 1994 Cooperation Agreement with The Springfield Conservancy District to extend the duration of the agreement."

Next regular City Commission meeting: September 15, 2015.

SECOND READINGS—ORDINANCES

The following legislation was presented for a second time:

197-15 Ordinance No. 15-229 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 paragraph (a) and the enactment of paragraph (l) to Section 195.05 titled *Return and Payment*."

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.

18-15 An Ordinance No. 15-230 titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor."

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.

206-15 An Ordinance No. 15-231 titled, "Authorizing the City Manager to enter into a contract with Waste Management of Ohio, Inc., for the City's 2015 Collection of Fall Bagged Leaves Program for an amount not to exceed \$57,000."

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

Yeas, Mrs. Chilton, Messrs. Martin, O'Neill, and Copeland; Nays, Mrs. Duncan. Yeas 4, Nays 1.

207-15 An Ordinance No. 15-232 titled, "Authorizing the issuance of a purchase order for the purchase of a sewer vacuum truck from Best Equipment Co., Inc., for an amount not to exceed \$155,271."

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.

208-15 An Ordinance No. 15-233 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 Section 1323.08, titled *Abatement of Nuisances by Community Development Director*; and repealing existing Section 1323.08."

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.

209-15 An Ordinance No. 15-234 titled, "Authorizing the implementation of an employee incentive program to induce participation in the community's United Way Campaign; and authorizing the City Manager and Finance Director to do all things necessary to implement the employee incentive program."

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.

210-15 An Ordinance No. 15-235 titled, "Accepting dedication of public water and sewer improvements for the Prime Ohio II project."

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.

SECOND READING—RESOLUTION

The following legislation was presented for the first time:

73-15 A Resolution No. 5894 titled, "Repealing Resolution No. 5889, which declared it necessary to require the construction or reconstruction of curbs, gutters, and sidewalks at the points identified as Section No. 2 of *SELECTED LOCATIONS* of the 2015 Sidewalk, Curb, and Gutter Program."

On motion of Mr. O'Neill, seconded by Mrs. Duncan, 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:

204-15 Emergency Ordinance No. 15-236 titled, "Vacating the first alley south of North Street from Foster Street west to the first north-south alley and the first alley west of Foster Street from North Street south to Columbia Street; 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.

22-15 Emergency Ordinance No. 15-237 titled, "Providing for Supplemental Appropriations within various funds, 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.

216-15 Emergency Ordinance No. 15-238 titled, "Confirming and approving 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; 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.

274-10 Emergency Ordinance No. 15-239 titled, “Authorizing the City Manager to execute Amendment No. 5 to the City’s Engineering Agreement (Veterans Bridge Replacement Project, PID No. 88484) with Jones-Stuckey Ltd, Inc., to provide the City with additional consulting services for an amount not to exceed \$10,000; 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.

120-15 Emergency Ordinance No. 15-240 titled, “To appropriate the interests in real property hereinafter described for the purpose of providing necessary rights in real estate needed for the public purpose of constructing, reconstructing, operating, and maintaining sewer infrastructure in relation to the Erie Interceptor Express Sewer Project; 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.

120-15 Emergency Ordinance No. 15-241 titled, “To appropriate the interests in real property hereinafter described for the purpose of providing necessary rights in real estate needed for the public purpose of constructing, reconstructing, operating, and maintaining sewer infrastructure in relation to the Erie Interceptor Express Sewer Project; 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.

253-14 Emergency Ordinance No. 15-242 titled, “To appropriate the interests in real property hereinafter described for the purpose of providing necessary rights in real estate needed for the public purpose of constructing, reconstructing, operating, and maintaining sewer infrastructure in relation to the Erie Interceptor Express Sewer Project; 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.

259-14 Emergency Ordinance No. 15-243 titled, “To appropriate the interests in real property hereinafter described for the purpose of providing necessary rights in real estate needed for the public purpose of constructing, reconstructing, operating, and maintaining sewer infrastructure in relation to the Erie Interceptor Express Sewer Project; and declaring an emergency.”

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

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

Yeas 5, Nays 0.

217-15 Emergency Ordinance No. 15-244 titled, “Authorizing the City Manager to enter into a Community Reinvestment Area Agreement by and between The City of Springfield, Ohio, and 109 West North Street Realty LLC, 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.

121-15 Emergency Ordinance No. 15-245 titled, “Amending Ordinance No. 15-126 by increasing the grant amount to be applied for from the Ohio Department of Transportation, Aviation Division, for additional taxiway repair, and by increasing the authorized expenditure to be used as local matching funds, and declaring an emergency.”

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

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

Yeas 5, Nays 0.

218-15 Emergency Ordinance No. 15-246 titled, “Authorizing the City Manager to enter into a Donation Agreement with Wells Fargo to accept the donation of real property located at 1411 Selma Road; 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.

EMERGENCY RESOLUTION

The following emergency legislation was presented for the first time:

219-15 Emergency Resolution No. 5895 titled, "Consenting to the reappointment of Charles Clark to the City Planning Board; and declaring an emergency."

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

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

Yeas 5, Nays 0.

LIQUOR PERMIT

211-15 On motion of Mr. Martin, seconded by Mr. O'Neill, the report from the Administration relative to notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from Nirami, Inc., dba Jim's To Go, 2808 East Main Street, to Dhanya Nirami, LLC, dba Jim's To Go, 2808 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:

122-15 Minutes of the July 20, 2015, meetings of National Trail Parks and Recreation District Board of Directors.

220-15 Notification from the Ohio Division of Liquor Control of a request to transfer a liquor permit to Seema, Inc., 961 Selma Road.

COMMENTS ON AGENDA ITEMS

215-15 Concerning the Ohio Department of Transportation's project to microsurface portions of State Route 72, City Engineer Shanayda stated crews would mill one-quarter-to-one-half inch of the existing surface before overlaying the highway with asphalt.

213-15 Mrs. Duncan spoke to the acquisition of nonproductive lands pursuant to Ohio Revised Code Chapter 5722 and stated that the parcels the City wishes to acquire are related to the successful Mow-To-Own Program. She requested a final report on program results once the program year concluded.

129-94 City Manager Bodenmiller stated that the amendment of the April 1994 Cooperation Agreement with The Springfield Conservancy District relates to obtaining maintenance funds, via a grant, for the bike path located on the district's property. Extending the length of the agreement makes the City eligible for grant funding.

206-15 Mrs. Duncan commented on entering into a contract with Waste Management of Ohio, Inc., for the collection of fall bagged leaves. She stated she would vote against the contract as a symbolic gesture because Waste Management is one of the potentially responsible parties dragging its heels regarding the cleanup of the Tremont City Barrel Fill. The barrel fill contains barrels leaking hazardous wastes and sits over the Mad River aquifer from which Springfield receives its drinking water. The toxic materials buried in the barrel fill should be removed to a landfill designed for hazardous wastes.

208-15 Community Development Director Meadows described the amendment of Codified Ordinance Section 1323.08 as an effort to reduce the amount of time between demolishing a structure determined to be a public nuisance and assessing the property owner for the cost of that demolition.

120-15, 253-14, 259-14 Discussion centered around the need to appropriate property for the public purpose of constructing, reconstructing, operating, and maintaining sewer infrastructure in relation to the Erie Interceptor Express Sewer Project. Law Director Strozdas advised that the necessity to pursue the City's eminent domain rights in the courts is not entirely an adversarial one. In some cases, the deeds to needed parcels remain in the name of deceased owners as estates were not probated. Ownership of other parcels may have become fractured over time. Properties may be mortgaged for more than they are worth. There may be housekeeping or lack of communication issues. In some instances, there are disputes concerning value. With regard to property appraisal, Mr. Strozdas indicated that the appraisal process is part of the design contract with Black and Veatch. City employees do not appraise the properties.

217-15 Deputy City Manager Heck stated that the Community Reinvestment Area Agreement with 109 West North Street Realty, LLC, will allow for the redevelopment of an existing structure at 109 West North Street for the establishment of a microbottling business. Earlier in the year, the Codified Ordinances were amended to provide for microbottlers in the downtown area. Abatement limits are sixty percent for ten years.

218-15 City Manager Bodenmiller noted that Wells Fargo will demolish the structure at 1411 Selma Road before it donates the land to the City. The property is adjacent to the City's fire station on Selma Road.

COMMENTS FROM THE COMMISSION

221-15 Discussion ensued on the topic of legalizing marijuana in Ohio. The issue will appear on the November ballot. Messrs. Martin and Copeland spoke in opposition to the issue. If passed, a portion of the revenue generated will be given to cities. Currently, no groups or organizations, such as the Ohio Municipal League, have taken a stance against the measure. Mr. Martin felt the City Commission should pass a resolution in opposition.

COMMENTS FROM THE AUDIENCE

13-15 Mr. Raymond Upshaw, 325 West Liberty Street, commented on how neighborhood shootings endanger children. He addressed justice inadequacies and noted that marijuana profits would go to businesses, of which he was not in favor.

Mr. David Sanford, 514 Fremont Avenue, spoke to neighborhood nuisances resulting from a convenience store at the intersection of West Pleasant and South Yellow Springs streets. He also addressed large dogs located in an alleyway frequented by children.



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.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION