

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, December 19, 2017, in the Forum of City Hall, was called to order.

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

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

On motion of Mrs. Duncan, seconded by Mr. Martin members approved the minutes of the November 14 and November 15, 2017, budget meetings; November 14, 2017, regular meeting; and the November 21, 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:

72-13 Authorizing the City Manager to enter into a Plat Agreement – Derby Glen Village Subdivision – July 2013 - Amendment #1 between the City and Derby Glen, LLC to extend the completion date for the developer to construct the public improvements; authorizing the City Manager, Law Director and Finance Director to do all things necessary to implement the said Plat Agreement – Derby Glen Village Subdivision – July 2013 - Amendment #1.

~~~~~ Next regular City Commission meeting: January 2, 2018. ~~~~~

### **SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**223-17** An Ordinance No. 17-301 titled, "Confirming and approving a Temporary Indefeasible Right of Use Metropolitan Dark Fiber Agreement with The Ohio State University to provide fiber cable access in support of the unmanned aerial systems research activity occurring at the Springfield Beckley Municipal Airport and to obtain internet service for the benefit of the City."

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.

**219-16** An Ordinance No. 17-302 titled, "Authorizing the City Manager to enter into LPA Agreement No. 27881 - Amendment No. 2 between the City and the Ohio Department of Transportation in connection with the CLA 40-16.82, PID No. 103791, also known as the traffic signal at Bird Road and Route 40, to move funding from Preliminary Engineering to Ongoing Services During Construction."

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:

**1-17** An Ordinance No. 17-303 titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor; 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.

**9-17** An Ordinance No. 17-304 titled, "Amending Ordinance No. 17-05 to revise the transfer of monies authorized; 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.

**19-17** An Ordinance No. 17-305 titled, "Providing for Supplemental Appropriations within various 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.

**83-17** An Ordinance No. 17-306 titled, "Confirming and approving Change Order No. 1 to the contract between the City and Performance Site Development for the South Limestone Street Sidewalk, Curb and Gutter Program Rebid, to decrease the contract in an amount not to exceed \$7,817.84, for a total amount not to exceed \$185,502.16, and to extend the project completion date to December 1, 2017; 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.

**53-17** An Ordinance No. 17-307 titled, "Confirming and approving Change Order No. 1 to the contract between the City and Sterling Quality Concrete, LLC for the 2017 Sidewalk, Curb and Gutter Program, to decrease the contract in an amount not to exceed \$10,661.12, for a total amount not to exceed \$163,922.38; 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.

**231-17** An Ordinance No. 17-308 titled, "Authorizing the City Manager to enter into a Shelter Plus Care 2 Grant Agreement (Grant #OH0295L5E071608) with the United States Department of Housing and Urban Development in an amount not to exceed \$32,883.00; authorizing the City Manager and the Director of Finance to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant agreement and to comply with all relevant local, state and federal legal requirements; authorizing the City Manager to enter into a Subrecipient Funding Agreement (Shelter Plus Care 2 Sponsor Based Rental Assistance) by and among the City, Springfield Metropolitan Housing Authority and the District Council of Springfield, Ohio of St. Vincent DePaul, Inc. to conduct a Shelter Plus Care 2 funded Sponsor Based Rental Assistance and Administration Program in an amount not to exceed \$30,792.00; confirming and approving related expenditures occurring from December 1, 2017 to the date of this ordinance; 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.

### **SECOND READINGS—ORDINANCES DEFEATED**

**183-17** An Ordinance No. 17-309 titled, "To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by enacting new Chapter 1324 titled Code Compliance and Hearings, new Chapter 701 titled Landlord-Tenant Rights, and repealing existing Chapter 1324."

A motion for adoption was made by Mrs. Duncan, seconded by Mr. Martin.

Discussion followed the motion. Mrs. Chilton moved that the proposed Chapter 701 contained in Item No. 183-17 be amended by deleting proposed Section 701.02 and renumbering proposed Sections 701.03 and 701.04. A copy of the ordinance in amended form has been prepared and is available to the Commission, seconded by Mr. O'Neill.

An Ordinance No. 17-310 titled, "To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by enacting new Chapter 1324 titled Code Compliance and Hearings, new Chapter 701 titled Landlord-Tenant Rights, and repealing existing Chapter 1324."

Yeas, Mrs. Chilton and Mr. O'Neill. Nays, Mrs. Duncan and Mr. Copeland. Abstain, Mr. Martin.

Yeas 2, Nays 2,  
Abstain 1.

The motion for Ordinance No. 17-310 failed.

A roll call vote for the original motion for Ordinance No. 17-309 was taken.

Yeas, Mrs. Duncan and Mr. Copeland. Nays, Mrs. Chilton and Mr. O'Neill. Abstain, Mr. Martin.

Yeas 2, Nays 2,  
Abstain 1.

The motion for Ordinance No. 17-309 failed.

### **EMERGENCY RESOLUTION**

The following emergency legislation was presented for the first time:

**234-17** A Resolution No. 5989 titled, "Appointing David Cotto to the Human Relations Board, and declaring an emergency."

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

### **COMMUNICATIONS**

The following communications were ordered received and filed:

- 77-17** Minutes from the November 20, 2017, National Trail Parks and Recreation District Board meeting.
- 230-17** Notification from the Ohio Division of Liquor Control of a request for a liquor permit for Yamato YE Inc, dba Yamato, 3457 East National Road, Springfield, Ohio 45505.
- 233-17** Notification from the Ohio Division of Liquor Control of a request for a liquor permit for Springfield Lanes LLC, dba Shamrock Lanes, 1051 East Main Street, Springfield, Ohio 45503.

### **COMMENTS ON AGENDA ITEMS**

- 223-17** Mrs. Chilton asked about the services included in the Metropolitan Dark Fiber Agreement.
- Assistant City Manager Tom Franzen explained that the agreement between The Ohio State University (OARnet) and the city will establish a fiber network at the airport related to unmanned aerial activities. OARnet will lease the city's existing fiber in exchange for internet service at no charge.
- 183-17** Mrs. Chilton asked if the revised ordinance prepared for this meeting pertaining to Landlord-Tenant Rights removed the fine for inspections of rental properties.
- Law Director Strozdas replied that the proposed revised ordinance language removes the obligation of landlords informing tenants of their rights by offering the city's booklet or referencing the city's website. Currently, failure to inform is a civil offense with related fines. There are no fees associated with inspection of rental properties.
- Mrs. Chilton moved that the proposed Chapter 701 contained in Item No. 183-17 be amended by deleting proposed Section 701.02 and renumbering proposed Sections 701.03 and 701.04. A copy of the ordinance in amended form has been prepared and is available to the Commission, seconded by Mr. O'Neill.
- Mr. O'Neill commented that Section 701.02 states that the City gives written notice to the landlord when violations exist. Mr. O'Neill asked if complaints are required to be in writing which is his preference.
- Mr. Strozdas stated that any code violation complaint (including junk and trash, weeds, and rentals) are not required to be in writing. Tenants have the right of usage of the property. Notices to repair if violations exist are also in writing to the owner.
- Mr. Martin stated that the proposed ordinance language removes the requirement of the handbook which is now available online in addition to the printed book. Mr. Martin added that the availability is easier with Internet access that was not as readily available ten years ago.
- Community Development Director Meadows stated that the handbook is currently on the city's home page as well as under housing program information.
- Mr. Copeland stated that not all tenants have Internet access.
- An audience member requested that the handbook requirement remain as many tenants do not have Internet access as well as older citizens who do not know how to use it.
- Another audience member stated that the organization JAM originally worked to have the handbook requirement added to the code.
- Mr. Wes Babian, 705 South Fountain, stated that the expectation for a landlord to provide the landlord-tenant rights to a tenant is simple. A compromise of informing the tenant that the information is available from the city or on the city's website in their lease is a good solution.
- Mr. Brad Minerd, 2220 South Hadley, stated that handing over a booklet to a tenant and requiring that they sign a document that it was received is not difficult.
- Mr. Jack Legge, 125 West Mulberry, stated that tenants should be informed of their rights and asked that the requirement remain in the code.
- Ms. Winkie Mitchell, 2828 Argonne, stated that she recently became renter and was given a copy of the booklet. Not every landlord and tenant have a good relationship, so the booklet is valuable.

Mr. Martin asked if staff had received any feedback from legal aid staff who work with tenants and the eviction process.

Mrs. Meadows stated that since the code amendment discussions began, the feedback has not been in favor of the amendment removing the booklet requirement.

Mr. Copeland added that when this requirement was originally added to the code, it was a compromise to not require inspections of every rental property at the time of lease.

Mrs. Chilton stated that she was opposed to the fines imposed on landlords not providing the booklet, not the booklet itself.

Mr. Strozdas stated the obligation to provide the booklet was removed as requested along with the fines.

**83-17** Mrs. Chilton asked when the South Limestone Street reconstruction project would begin.

Mr. Shanayda stated that ODOT would begin the bid process in the spring. Work would likely begin around April 15, 2018.

### **COMMENTS FROM THE COMMISSION**

**15-17** Mrs. Duncan thanked fellow commissioners, city staff, and citizens for supporting her for 12 years in office.

Mr. Martin spoke on his experiences as a commissioner for 20 years. He mentioned several projects that he was proud to be involved with including the two new hospitals in the downtown. Mr. Martin also thanked staff, current and former commissioners, family and friends.

### **COMMENTS FROM THE AUDIENCE**

**15-17** Mr. Raymond Upshaw, 325 West Liberty Street, spoke on prescription drug issues and his recent completion of a business management degree.

Mr. Mark Allen, 160 Folsom Drive, Dayton, complimented the Springfield community's efforts working together for safe water. He stated that he retired from the Ohio Environmental Protection Agency, and hoped the community will continue to maintain the cohesive efforts.

Mr. Copeland praised Mr. Allen's efforts in identifying the problems with the barrel fill while working for the OEPA.

Mrs. Marilyn Welker, 3538 West U.S. Highway 36, Urbana, thanked Commissioners Duncan and Martin for their support and work with People for Safe Water.

Mr. Bradley Miner, 2220 South Hadley Road, and representatives from Equality Springfield presented Mrs. Duncan their 2017 Ally Award.

City Manager Bodenmiller thanked retiring Fire Chief Heimlich for his many years of service and compassion to the citizens of the Springfield.

Mr. Copeland presented Mrs. Duncan and Mr. Martin with engraved service awards and recognized their years of service to the community.



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