

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, January 30, 2018, in the Forum of City Hall, was called to order.

Roll call was answered by Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. 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 Dr. Estrop, members approved the minutes of the January 2, 2018, organizational and regular meeting as presented.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. 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:

**27-18** Confirming purchases and the obtaining of services for the City and providing for payments therefor.

**28-18** Providing for the issuance and sale of Notes in the maximum aggregate principal amount of \$8,540,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of (a) improving the municipal sewage facilities, including the rehabilitation and replacement of existing sewer lines and deteriorating manholes, together with all necessary appurtenances thereto, (b) improving and expanding the municipal sewage facilities, including but not limited to the construction of a bridge to provide long-term access for construction, management, maintenance and repair of components of the City sewage facilities, and the purchase of real estate and access easement, together with all necessary appurtenances thereto, (c) improving the municipal sewage facilities, including rehabilitating the City's wastewater treatment plant final settling basin, constructing the Buck Creek interceptor line, mitigating inflow and infiltration, and replacing primary effluent pumps and valves, together with all necessary appurtenances thereto and (d) improving the municipal water system facilities, including replacement of water lines on Drexel Avenue, East Euclid Avenue and Lawnview Avenue, each between certain termini, and the installation of high service pumps, together with all necessary appurtenances thereto.

**29-18** Providing for the issuance and sale of Notes in the maximum principal amount of \$1,146,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the municipal sewage facilities, including C-MAS sewer pump upgrades, Kensington Place storm sewer replacement, Merritt Street sewer line construction, combined sewer overflow projects and realignment of existing sewer lines, together with all necessary appurtenances thereto.

**30-18** Providing for the issuance and sale of Notes in the maximum principal amount of \$814,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the municipal water system facilities, by rehabilitating the filter structure and filter basin and installing a switchgear mechanical relay, all at the water treatment plant, together with all necessary appurtenances thereto.

**31-18** Authorizing the City Manager to enter into a contract with PVS Chemical Solutions, Inc., for the purchase of Liquid Sodium Bisulfite for use by the City's Wastewater Treatment Plant for a period of one (1) year with an option to renew for two (2) additional one-year periods, for an amount not to exceed \$52,000.00.

**32-18** Authorizing the City Manager to enter into a contract with Chemical Services, Inc., for the purchase of Sodium Hypochlorite for use by the City's Wastewater Treatment Plant for a period of one (1) year with an option to renew for two (2) additional one-year periods, for an amount not to exceed \$80,280.00.

**33-18** Authorizing the City Manager to enter into a contract for the purchase of sand and gravel with Enon Sand and Gravel, LLC, for an amount not to exceed \$124,722.50.

**34-18** Authorizing the City Manager to enter into a contract for the purchase of sand and gravel with Mechanicsburg Sand and Gravel, Inc., for an amount not to exceed \$135,530.00.

**35-18** Authorizing the City Manager to enter into a contract for the purchase of street materials with HEI-WAY LLC for an amount not to exceed \$66,080.00.

**36-18** Authorizing the City Manager to enter into a contract for the purchase of street materials with A & B Asphalt Corporation for an amount not to exceed \$339,612.50.

**37-18** Authorizing the City Manager to enter into a contract for the purchase of street materials with Shelly Materials, Inc. for an amount not to exceed \$315,125.00.

☞☞☞ Next regular City Commission meeting: February 13, 2018. ☞☞☞

### **SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**11-18** An Ordinance No. 18-24 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 the amendment of various sections to prohibit discrimination based on sexual orientation."

Mr. Rue stated that he would like to make a motion to amend the wording of Item #11-18. Mr. Copeland agreed to allow a motion for amendment. Mrs. Chilton stated that an amendment of a second reading would not be appropriate.

Mayor Copeland called for a vote on Mrs. Chilton's challenge of allowing a motion to amend the ordinance.

On a vote of 4-1, the motion to amend the ordinance was permitted.

Yeas, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Nays, Mrs. Chilton. Yeas 4, Nays 1.

Mr. Rue made a motion to amend Item #11-18 by adding "parachurch organizations" to Section 171.01(j)(8) and a definition of "Parachurch organization" as Section 101.02(k) and re-lettering the following subsections. A written version of the proposed amended ordinance was available for Commissioners. The motion was seconded by Dr. Estrop.

On a vote of 3-2, the motion carried to amend Item #11-18 as proposed.

Yeas, Dr. Estrop, Mr. Rue, and Mr. Copeland. Nays, Mrs. Chilton and Mr. O'Neill. Yeas 3, Nays 2.

On motion of Dr. Estrop, seconded by Mr. Rue, the ordinance passed as amended.

Yeas, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Nays, Mrs. Chilton. Yeas 4, Nays 1.

**12-18** An Ordinance No. 18-25 titled, "Authorizing the City Manager to enter into a Grant Agreement with the Turner Foundation for a grant to partially support CultureFest 2018 in an amount up to \$1,000.00; and authorizing the City Manager, Finance Director and Director of Community Development to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant and to comply with all relevant local, state and federal legal requirements."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Yeas 5, Nays 0.

**13-18** An Ordinance No. 18-26 titled, "Authorizing the City Manager to enter into a Community Housing Development Organization Agreement [FY 2016] with Neighborhood Housing Partnership of Greater Springfield, Inc. in connection with the 2016 HOME Program for an amount not to exceed \$19,588.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Yeas 5, Nays 0.

### **EMERGENCY ORDINANCES**

The following emergency legislation was presented for the first time:

**38-18** An Ordinance No. 18-27 titled, "Authorizing the City Manager to enter into a Contract of Sale and Purchase with Mental Health Services for Clark and Madison Counties, Inc., for the sale of certain real property located at 225 North Jackson Street, and declaring an emergency."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Yeas 5, Nays 0.

**43-18** An Ordinance No. 18-28 titled, "Authorizing the City Manager to enter into an Agreement by and between The City of Springfield, Ohio and the Fraternal Order of Police, Ohio Labor Council, Inc. (Command Officers Unit); directing the implementation and performance of the provisions of such agreement; and declaring an emergency."

On motion of Mr. Rue, seconded by Dr. Estrop, the ordinance passed.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Yeas 5, Nays 0.

### **EMERGENCY RESOLUTION - DEFEATED**

The following legislation was presented for the first time and not adopted by a vote of 3-2 as a resolution presented as emergency legislation requires a super majority vote for adoption.

**39-18** A Resolution No. 5994 titled, "Declaring the necessity of an election on the question of enacting an ordinance requiring the fluoridation of the Springfield City water supply system, and declaring an emergency."

On motion of Dr. Estrop, seconded by Mrs. Chilton, the resolution was defeated.

Yeas, Dr. Estrop, Mr. Rue, and Mr. Copeland. Nays, Mrs. Chilton and Mr. O'Neill.

Yeas 3, Nays 2.

### **RESOLUTIONS**

The following legislation was presented for the first time:

**40-18** A Resolution No. 5995 titled, "Consenting to the appointment of Greg Rogers to the Clark County Convention Facilities Authority Board of Directors."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland.

Yeas 5, Nays 0.

**41-18** A Resolution No. 5996 titled, "Consenting to the appointment of Wes Babian to the Board of the Springfield Metropolitan Housing Authority."

On motion of Dr. Estrop, seconded by Mr. Rue, the resolution was adopted.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland.

Yeas 5, Nays 0.

### **MOTIONS**

**53-17** On motion of Mrs. Chilton, seconded by Mr. O'Neill, authorization was given to publish tentative assessments for the 2017 Sidewalk, Curb & Gutter Program.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland.

Yeas 5, Nays 0.

**83-17** On motion of Mrs. Chilton, seconded by Mr. O'Neill, authorization was given to publish tentative assessments for the South Limestone Street Sidewalk, Curb & Gutter Program.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland.

Yeas 5, Nays 0.

### **COMMUNICATIONS**

The following communications were ordered received and filed:

**108-16** Correspondence from the Government Finance Officers Association pertaining to the 2016 Comprehensive Annual Finance Report (CAFR) earning a Certificate of Achievement for Excellence in Finance Reporting.

**85-17** Minutes of the December 11, 2017, meeting of the City Planning Board.

**148-17** Minutes of the December 13, 2017, meeting of the Board of Zoning Appeals.

**224-17** File-stamped copies of the recorded Titus Road annexation.

**42-18** Correspondence from David Andre of Econopia LLC pertaining to a new composting operation at 256 Linden Avenue.

### **COMMENTS ON AGENDA ITEMS**

**31-18 and 32-18** Mrs. Chilton asked the order of chemical application at the Wastewater Treatment Plant. Service Director Moore stated that the Liquid Sodium Bisulfite is applied early in the treatment process and the the Liquid Sodium Hypochlorite is applied at a later time.

**33-18 and 34-18** Dr. Estrop asked for clarification on the various sand and gravel purchases. Mr. Moore stated that some grades are used for concrete and some are for filling holes.

**35-18, 37-18, and 36-18** Dr. Estrop asked for clarification on the multiple contracts for street materials. Mr. Moore stated that the contracts are nearly duplicate allowing for purchase of materials from either company if one is not operating on a particular day due to product availability.

**11-18** Mrs. Chilton stated that citizens in Springfield are protected by the Title VII of the Civil Rights Act of 1964 which is a federal law prohibiting employers from discriminating against employees on the basis of sex, race, color, national origin, and religion and is also adopted by the State of Ohio. Sexual orientation has been added to the City of Springfield's employment policy. Mrs. Chilton stated that she feels that Springfield should not create additional protected classes not adopted at the state and federal level. She stated that the local Chamber of Commerce has not made a public comment on this issue. She suggested a study of small local businesses to determine economic impact of passage of the subject ordinance as well as the impact and expenses related to legal cases as a result.

Dr. Estrop stated his opposition to any type of discrimination. He indicated that he supports the proposed ordinance because it is the right thing to do. He commented that some churches are opposed to the change, but his church does not. He added the he would be willing to exempt religious organizations. Dr. Estrop added that a speaker at

the previous meeting was from Columbus, and the economic development of the Columbus area does not appear to be hindered. He also added that although the local Chamber of Commerce has been silent on the issue, the Ohio Chamber of Commerce has endorsed proposed legislation prohibiting sexual orientation discrimination.

Mr. Rue proposed an amended version of the ordinance as read as a first reading on January 16, 2018, that adds parachurch organizations to the definitions section and to the list of exempted organizations.

Mr. O'Neill requested an example of a parachurch organization. Mr. Rue stated that an example would be like the Young Life organization that is considered a religious organization not directly affiliated with a particular church.

Mr. Doug Andrews, 6147 Mills Road, urged commissioners to vote for the ordinance and commented on positive impact on economic development and businesses of the area.

Ms. Amanda Richardson, 1810 Charles Street, spoke on fairness and positive economic impact.

Mr. Jack Legge, 126 West Mulberry, commented on the Human Relations Board's report in 2011 listing cases of discrimination, and the updated reports showing documented evidence of discrimination based on sexual orientation in Springfield.

Ms. Denise Williams, 1121 Apollo, President of the local NAACP Chapter, stated that discrimination exists in Springfield and requested commissioners to support the ordinance change.

Mr. Fred Stegner, 2540 Rebecca, and Executive Director of Springfield Soup Kitchen, spoke about clients who have been physically assaulted based on their sexual orientation and referenced a local citizen who recently had a slur written on their home.

Mr. Jeff Kursman of EF Hutton, One Main Street, spoke of the impact on businesses and potential costs of enforcement. He asked that commissioners consider waiting until state legislation is considered.

Ms. Tina Siebond, 404 East Madison, stated that consideration should not be rushed as the subject has been discussed previously.

Ms. Jenny Stevens, 1735 Northpoint Lane, spoke on religious beliefs and referenced several Bible verses.

Ms. Loretta Hazelton, 543 Cookston, stated that she cared for sexual abuse victims as a nurse and spoke on the responsibility to care for each other.

Mr. Christian Victor, German Township, asked for the definition of a parachurch organization. Law Director Strozdas read the definition from the proposed ordinance.

Mr. Kevin Gray, 1629 Maiden Lane, commented that problem of decimation should be addressed now instead of waiting for state legislation.

Ms. Janice Tullis, North Fountain Avenue, stated that the workforce is changing and amending the discrimination policy shows inclusiveness for businesses.

Mr. Bradford Bogen, 839 Rogers Drive, stated that commissioners are deciding what is right for all citizens, not debating religion.

Ms. Kathleen Harbaugh, 2041 East Mile, stated that she worked in the healthcare education field and there is no correlation between a person's sexual orientation and inclination to be a sexual abuser. She added that this proposed change has been discussed for eight years.

Ms. Allie Mazey, 1801 Stratford Place, spoke on her efforts to join people together as young clergy member.

Mr. Raymond Upshaw, 325 West Liberty, spoke on all groups being treated equally.

Ms. Cynthia Dunlavy, 10828 Kendig Road, New Carlisle, spoke on living outside of the city but choosing to shop within the city. She stated that the city should be welcoming to all.

Mr. Rue stated that he campaigned for the city commissioner position as a representative of the city and community. He researched the issue and looked at both sides. He stated that the amended legislation will not force people to feel a certain way, but hopefully bridge the gap between different groups.

Mr. Copeland stated that he voted in favor previously, and believes that the community must be inclusive and protect those who feel they are not treated fairly.

Mr. O'Neill stated that there were many people present at the meeting who feel they could be discriminated against and have no protection. He stated his hope that they feel they received the protection they need.

Mr. Copeland urged citizens to contact the city's Community Development Department for investigation of any type of discrimination.

**43-18** Mr. Copeland commented that he was pleased the city and the Command Officers reached an agreement on the labor contract. Dr. Estrop agreed and asked Finance Director Beckdahl if the new contract creates a deficit in the 2018 budget or a deficit for the duration of the contract. Mr. Beckdahl answered no to each question.

**39-18** Dr. Estrop commented that the fluoridation of the water issue should go to the ballot to allow the citizens to make the decision for themselves.

Mr. O'Neill asked who initiated the current request for fluoridation. Health Commissioner Charles Patterson explained that the Community Health Improvement Plan sought input from different people and found dental care issues to be the number one health complaint at the local emergency department. The Board of Health passed a resolution supporting fluoridation. Mr. Patterson stated that 75% of United States citizens have fluoridated water, but Springfield does not.

Mr. O'Neill stated his opposition for the city's responsibility to pay the \$17,000 fee for putting the issue on the ballot for the third or fourth time. Mr. O'Neill explained that it was voted down in 1970 during a special election and again in 2005. Mr. O'Neill stated that he was not opposed to putting it on the ballot, but opposed to the city having to pay for it again. He also stated concern for the city's sales of water to commercial customers who use city water for their products. He indicated the issue could be tabled for further discussion for the November ballot instead of the May ballot.

Mr. Rue stated he had contacted staff about the expenses related to fluoridating water. Mr. Patterson explained the Ohio Department of Health has grants available to help with the building expenses and liquid fluoride additive. He cited the City of Wilmington who recently paid \$315,200 for a pre-fabricated building to house the fluoride process where it is added to the water. Clark County estimates spending \$0.70 per capita per year for fluoride to be added to their water system. Mr. Patterson added there is future dental health care savings for communities with fluoride.

Mr. Rue asked about total expenditures for this project which could be nearly \$1.5 million. Mr. Patterson replied that the grants from the Ohio Department Health are available for all parts of the projects except for the expense of a new building for housing the fluoride. It covers 100 percent of the equipment, the first year of fluoride additive, and 20 percent of the engineering costs. Future replacement of equipment would be covered at 50 percent.

Dr. Estrop asked if the resolution were to be voted down at this meeting, could it be considered at a later date. Mr. Strozdas replied that if the commission chose to not pass the resolution at this meeting, the issue would not go to the May ballot. However, a different resolution could be considered for the November ballot.

Mrs. Chilton stated that she received many calls on both sides of the issue. She indicated that waiting until the November ballot would give citizens more time to make an informed choice.

Mr. Rue commented that three to four months would be plenty of time to decide at the May election.

Mr. Ken McWade, 1843 West Main Street, stated his opposition to spending money fluoridating water that is not ingested such as water used for dishwashing and showering. Many people drink bottled water and would not receive the fluoride. He also cited related health issues from fluoride.

Ms. Debbie Catrow, 95 Fifth Street, stated that the citizens voted twice against fluoride and equated the issue to medicating without informed consent. She stated that the dosage cannot be controlled and many foods are prepared with fluoride-treated water.

Ms. Joan Elder, 912 South Fountain, stated that the Community Health Foundation passed a resolution in favor of fluoride.

Mr. David Gerbert, spoke against fluoride citing toothpaste containers containing advisories to call poison control if ingested. He suggested that citizens become educated on fluoride.

Ms. Christine Beach, 321 South Arlington, stated that fluoride is a chemical, not a natural product. She spoke on dental care and diet. She stated that Yellow Springs has removed fluoride from their water process.

Mrs. Herbert, 2613 Rebecca Drive, spoke on economic motives behind fluoride such as chemical companies, pesticides, fertilizer and aluminum. She also spoke on the effects of fluoride on health and bones.

Mr. Peter Noonan, 440 Wildwood Drive, stated that Springfield is largest city in Ohio without fluoridated water. He indicated that the citizens should look at the facts and make an informed decision.

Ms. Lindsey Evans, Urbana, stated that she owns a business in Springfield and drinks the local water. She indicated that there is no study that shows fluoridated water to be a benefit.

Mr. Mark Bear, 1715 Midvale Road, spoke on the expense of putting the issue on the ballot and the expenses to build the facilities. He stated that the commissioners and citizens need to spend the money wisely.

Dr. Estrop stated that the public deserves to vote on the issue. He added that he hoped the speakers at this meeting speak to the community on the issue.

Mrs. Chilton stated that she would like to bring the issue back at a later date. Mr. Copeland stated that a no vote at this meeting would essentially postpone the issue until it could come back later in the year.

**183-17** Dr. Estrop spoke on updating the city's Landlord-Tenant Handbook and asked the Law Director to draft an ordinance referencing a Rights and Responsibilities of Tenants and Landlords booklet as there are rights and responsibilities for each party. He stated that landlords should present the document to the tenant either in booklet form

or via the website keeping the \$100 fine that would not add to the court system's case load. He also suggested creating one booklet in cooperation with the county to share expenses and create a balanced viewpoint between both agencies.

Mrs. Chilton stated that she still opposes the \$100 fee for landlords not providing the booklet to tenants.

**COMMENTS FROM THE AUDIENCE**

**25-18** Mr. Douglas Brown, 1401 Malden, spoke on Ohio Highway Patrol officers targeting Uber drivers within the city limits. He had been told they were hired to assist the Springfield Police.

Mr. Copeland clarified that the Highway Patrol had not been contracted by the city, and he added that there had been a series of complaints regarding state officers patrolling city streets.

Mr. Rue stated that this is indeed a problem and the local NAACP has talked with them.

Dr. Estrop asked if Police Chief Graf could have a conversation with the Ohio Highway Patrol. Chief Graf indicated that he would contact them.

Ms. Amanda Richardson, 1810 Charles Street, stated that she is affiliated with the Highway Patrol, and they have jurisdiction anywhere in Ohio.

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue, and Mr. Copeland.

Yeas 5, Nays 0.

*Kathleen R. Copeland*

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PRESIDENT OF THE CITY COMMISSION

*Jill R. Pierce*

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CLERK OF THE CITY COMMISSION