

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, February 13, 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 Mr. Rue, members approved the minutes of the January 16, 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:

**44-18** To amend 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 Responsibilities*, and repealing existing Chapter 1324.

**45-18** To amend the Codified Ordinances of The City of Springfield, Ohio, by enacting new Section 139.11 titled *Police Chief Authorized to Dispose of Property*.

**46-18** Amending the Codified Ordinances of The City of Springfield, Ohio, by the amendment of certain sections of Chapter 1301, Building Code, and Chapter 1317, Gas Piping Code, relative to the adoption of the Ohio Building Code, 2017 Edition; the National Electrical Code, 2017 Edition; the Ohio Mechanical Code, 2017 Edition; the 2015 International Fuel Gas Code; and repealing existing sections containing previous code editions.

**47-18** Authorizing the purchase of one Bobcat Compact Track Loader and accessories from Bobcat Company, for an amount not to exceed \$89,556.76, through the Ohio Department of Administrative Services, pursuant to Ohio's Cooperative Purchasing Act in accordance with the provisions of Section 125.04 of the Ohio Revised Code.

**80-16** Authorizing the City Manager to enter into Amendment #1 to the contract with Republic Services of Ohio Hauling LLC for the removal of catch basin debris/trash and grit, to increase the contract in an amount not to exceed \$44,861.52, for a total contract amount not to exceed \$241,781.52.

**48-18** Confirming and approving a Development Incentive Agreement (Single Family Residential Development) with Nathan P. & Chelsea R. Warner to provide for sewer services to real property outside the City limits.

**49-18** Authorizing and directing the City Manager to select certain identified parcels of real estate that constitute non-productive 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.

**50-18** Authorizing the City Manager to enter into a Contract for Purchase and Sale of Real Estate with SpringFORWARD, for the sale of certain real property located at 101 South Fountain Avenue.

~~~~~ Next regular City Commission meeting: February 27, 2018. ~~~~~

### **SECOND READINGS—ORDINANCES**

**27-18** An Ordinance No. 18-29 titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor."

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

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

Yeas 5, Nays 0.

**28-18** A Fiscal Officer's Certificate was presented in connection with the proposed issuance of notes in the maximum principal amount of \$8,540,000, to be issued 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. The estimated life or period of usefulness of each component purpose of the Improvement is at least five (5) years. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is forty (40) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes for any of the component purposes of the Improvement, the period in excess of those five years shall be deducted from the maximum maturity of the Bonds to be issued for that component purpose. The maximum maturity of the Notes to

be issued for the component purpose described in clause (a) above is August 4, 2036 as to \$1,875,000 of the principal amount, August 3, 2037 as to \$34,091 of the principal amount and two hundred forty (240) months as to \$34,578 of the principal amount, in clause (b) above is October 15, 2034 as to \$1,790,000 of the principal amount, December 9, 2035 as to \$175,000 of the principal amount, August 4, 2036 as to \$10,000 of the principal amount, August 3, 2037 as to \$35,909 of the principal amount and two hundred forty (240) months as to \$36,422 of the principal amount, in clause (c) above is August 3, 2037 as to \$1,495,000 of the principal amount and two hundred forty (240) months as to \$1,165,000 of the principal amount, and in clause (d) above is August 3, 2037 as to \$1,855,000 of the principal amount and two hundred forty (240) months as to \$34,000 of the principal amount.

An Ordinance No. 18-30 titled, "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."

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.

The Fiscal Officer's Certificate was presented January 23, 2018, prior to the commencement of the City Commission meeting and prior to passage of the ordinance.

**29-18** A Fiscal Officer's Certificate was presented in connection with the proposed issuance of notes in the maximum principal amount of \$1,146,000, to be issued 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. The estimated life or period of usefulness of the Improvement is at least five (5) years. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is forty (40) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of the notes, the period in excess of those five years shall be deducted from that maximum maturity of Bonds. The maximum maturity of the Notes is two hundred forty (240) months.

An Ordinance No. 18-31 titled, "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."

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

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

Yeas 5, Nays 0.

The Fiscal Officer's Certificate was presented January 23, 2018, prior to the commencement of the City Commission meeting and prior to passage of the ordinance.

**30-18** A Fiscal Officer's Certificate was presented in connection with the proposed issuance 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. The estimated life or period of usefulness of the Improvement is at least five (5) years. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is forty (40) years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of the notes, the period in excess of those five years shall be deducted from that maximum maturity of Bonds. The maximum maturity of the Notes is two hundred forty (240) months.

An Ordinance No. 18-32 titled, "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."

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.

The Fiscal Officer's Certificate was presented January 23, 2018, prior to the commencement of the City Commission meeting and prior to passage of the ordinance.

**31-18** An Ordinance No. 18-33 titled, "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."

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.

**32-18** An Ordinance No. 18-34 titled, "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."

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.

**33-18** An Ordinance No. 18-35 titled, "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."

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.

**34-18** An Ordinance No. 18-36 titled, "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."

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

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

Yeas 5, Nays 0.

**35-18** An Ordinance No. 18-37 titled, "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."

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

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

Yeas 5, Nays 0.

**36-18** An Ordinance No. 18-38 titled, "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."

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.

**37-18** An Ordinance No. 18-39 titled, "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."

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.

### **EMERGENCY ORDINANCES**

The following emergency legislation was presented for the first time:

**51-18** An Ordinance No. 18-40 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 Phase 2 Sewer Linings Project; 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, and declaring an emergency."

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

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

Yeas 5, Nays 0.

**148-16** An Ordinance No. 18-41 titled, "Authorizing the City Manager to enter into an Accord Agreement with The Apostolos Group, Inc. dba Thomarios, and declaring an emergency."

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

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

Yeas 5, Nays 0.

**52-18** An Ordinance No. 18-42 titled, "Authorizing an expenditure to assist property owners on South Kensington Place and North Kensington Place, between Fountain Avenue and Limestone Street, to attach their properties to an existing, more accessible water main to enable the City to abandon an obsolete three-inch water main now serving those properties, and declaring an emergency."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland. Abstain, Mr. O'Neill. Yeas 4, Nays 0, Abstain 1.

**53-18** An Ordinance No. 18-43 titled, "Authorizing the City Manager and the Chief of Police to enter into a Federal Equitable Sharing Agreement with the United States Government, Department of Justice and Department of Treasury, for the period January 1, 2018 through December 31, 2018; confirming and approving all transactions up until the passage of this Ordinance, and declaring an emergency."

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

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

**96-13** An Ordinance No. 18-44 titled, "Authorizing the City Manager to enter into LPA Agreement No. 25724 - Amendment No. 5 between the City and the Ohio Department of Transportation in connection with the CLA Middle Urbana Rehab, PID No. 94768 to reflect the revision of funding allocation between phases of the project and additional right of way acquisition funding, and declaring an emergency."

On motion of Mr. Rue, 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.

**72-15** An Ordinance No. 18-45 titled, "Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the CLA Trail Maintenance Project Rebid, PID No. 99562, for an amount not to exceed \$378,649.11, and declaring an emergency."

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

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

**20-18** An Ordinance No. 18-46 titled, "Authorizing the City Manager to enter into an Amendment to the Contract with Windstream to revise the monthly rates for various City facilities, and declaring an emergency."

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

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

**229-17** An Ordinance No. 18-47 titled, "Amending the Zoning Map of Springfield, Ohio by rezoning 24.62 acres on Titus Road, Springfield, Ohio from Springfield Township A, Agricultural District, to M-1, General Manufacturing District, 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.

### **COMMUNICATIONS**

The following communications were ordered received and filed:

**54-18** Notification from First Energy related to the East Springfield-London #2 138kV Transmission Line Extensions to North Titus Project; Case No. 18-0086-EL-BLN.

**55-18** Correspondence from Opportunity Gardens pertaining to rehabilitation of an existing senior multi-family residence facility at 1275 South Plum Street.

### **COMMENTS ON AGENDA ITEMS**

**50-18** Mr. Rue commented on the proposed sale of the former Myers Market at 101 South Fountain and stated his pleasure in helping people with vision for vacant buildings.

**44-18** Mrs. Chilton asked for an explanation of the differences between the previous version of Codified Chapters 1324 and 701 previously proposed and defeated and the proposed version. Law Director Strozdas replied that the proposed changes to Chapter 1324 addressing the administration of civil fines and penalties related to the Fire Code was identical to previous versions. Language changes were made to a new Chapter 701 where landlords are still required to provide the retitled booklet "Rights and Responsibilities of Landlords and Tenants" to their tenants, but failure to do so would result in a warning for the first violation and a second violation within a 12-month period would result in a \$100 civil fine.

Mr. O'Neill commented that the existing \$100 penalty had never been imposed and also stated that he was in favor of a warning for the first offense. Mr. Strozdas stated that landlords may comply with the regulation by providing the free booklets directly to the tenant or refer them to the city's website at the time of signing a lease.

**28-18** Dr. Estrop asked if the various projects to be funded by the proposed issuance and sale of Notes and Bonds were required by the Federal Environmental Protection Agency. Mr. Copeland stated that the vast majority of the projects directly relate to required improvements at the wastewater treatment plant that are unfunded mandates. Dr. Estrop added that the recent increase of water and sewer rates are also necessary to fund the required improvements.

**29-18** Mrs. Chilton asked when the sewer facility projects would begin as details in the Notes and Bonds ordinances. Service Director Moore stated that all three projects related to the issuance and sale of Notes and Bonds were either completed and partially under construction. Finance Director Beckdahl explained that the final step in funding these projects is selling the bonds.

**33-18** Dr. Estrop spoke on having multiple contracts for sand, gravel, and street materials. City Manager Bodenmiller stated that having a backup source is important during the construction season to prevent work stoppages.

**148-16** Mrs. Chilton asked for an explanation for the Accord Agreement with The Apostolos Group. Mr. Moore explained that the contractor did not adequately complete the contracted work. Staff hired a different contractor to finish the job at a lower price. The contractor will be paid for the work that was finished but not for the incomplete portion.

**52-18** Mr. Rue asked if the proposed assistance of \$2,500 per property owner along South Kensington Place to connect to a new water main would be sufficient. Mr. Moore explained that the \$2,500 is a good estimate for the expense per owner to connect to a new water line. If more, then the property likely requested additional services from the contractor. Replacement of the existing 3" water line would be more expensive for everyone involved. Homeowners will submit their receipts for reimbursement.

**53-18** Dr. Estrop asked about the Federal Equitable Sharing Agreement. Police Chief Graf stated that assets forfeited as a result of criminal arrests are shared between agencies.

**72-15** Dr. Estrop asked about the trail maintenance project rebid. City Engineering Shanayda stated that sufficient funding was not available at the time of the first bid. ODOT provided additional funding, so the project was rebid.

**229-17** Mr. Rue asked if the concerns of the property owner near the recently annexed Titus Road property had been addressed. Mr. Bodenmiller stated that Assistant City Manager Franzen spoke to the property owner and to representatives of Silfex who plan to meet with the owner to discuss the concerns.

#### **COMMENTS FROM THE COMMISSION**

**25-18** Mrs. Chilton spoke on traffic flow issues at the local elementary schools. Mr. Moore stated that the schools are currently working with the state and the local Transportation Coordinating Committee to study the traffic flows near their buildings.

Mr. Rue stated his appreciation for the snow plowing efforts of city staff.

Dr. Estrop asked about the street salt supply. Mr. Moore indicated that there is approximately 2,100 tons on hand which is sufficient for another big snow event with funding available to buy more if needed.

Mr. Bodenmiller spoke on the loss of two police officers recently killed in the line of duty in Westerville, Ohio. He stated that this is a reminder of the daily dangers to public safety officers. Condolences have been sent via their City Manager.

#### **COMMENTS FROM THE AUDIENCE**

**25-18** Mr. David Sanford, 528 South Yellow Springs Street, spoke on inspections of concrete work and hiring practices. Mr. Copeland stated that administration is working to have a staff member from the Personnel Department more involved in recruitment of new employees.

Chief Graf thanked the commissioners and staff for kind words in respect to the officers killed in Westerville. He indicated that a delegation from Springfield would be attending the memorial services, and uniform staff would be wearing mourning bands during the month.



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

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

Yeas 5, Nays 0.

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PRESIDENT OF THE CITY COMMISSION

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CLERK OF THE CITY COMMISSION