

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, February 27, 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 Mrs. Chilton, seconded by Dr. Estrop, members approved the minutes of the January 30, 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:

024-18 An Ordinance, titled "Amending the Zoning Map of Springfield, Ohio by rezoning 0.5 acres at 2440 East High Street, Springfield, Ohio from CO-1, Commercial Office District, to CC-2, Community Commercial District."

027-18 An Ordinance titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor."

057-18 An Ordinance titled, "Authorizing the City Manager to enter into an Enterprise Zone Agreement by and between The City of Springfield, Ohio ("City") and New Method Packaging ("The Company")."

058-18 An Ordinance titled, "Authorizing the purchase of three 2019 International 7400 Cab and Chassis for an amount not to exceed \$221,208.54, from Rush Truck Incorporated, through the Ohio Department of Transportation Cooperative Purchasing Program in accordance with the provisions of Section 5513.01(B) of the Ohio Revised Code."

059-18 An Ordinance titled, "Authorizing the City Manager to enter into a contract with Miller's Property Service, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$80,000.00."

060-18 An Ordinance titled, "Authorizing the City Manager to enter into a contract with Gary Gilbert, Jr. dba Gilbert's Lawn Service for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$80,000.00."

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

SECOND READINGS—ORDINANCES

044-18 Ordinance No. 18-48 titled, "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."

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.

045-18 Ordinance No. 18-49 titled, "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*."

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.

046-18 An Ordinance No. 18-50 titled, "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."

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

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

Yeas 5, Nays 0.

047-18 An Ordinance No. 18-51 titled, "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."

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.

080-16 An Ordinance No. 18-52 titled, "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."

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.

048-18 An Ordinance No. 18-53 titled, "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."

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.

049-18 An Ordinance No. 18-54 titled, "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."

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

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

050-18 An Ordinance No. 18-55 titled, "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."

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.

EMERGENCY ORDINANCES

The following emergency legislation was presented for the first time:

157-16 An Ordinance No. 18-56 titled, "Authorizing the City Manager to enter into a Grant Agreement to amend the FY2016 Bus and Bus Facilities Grant Agreement with the Federal Transit Administration to move funding from the replacement of transit vehicles to the purchase of farebox equipment; authorizing the City Manager, Law Director and the Director of Finance to do all things 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; 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.

061-18 An Ordinance No. 18-57 titled, "Authorizing the purchase of 3 Frazer Type III 14' Modules with 2018 Chevy G4500 Gas Chassis from Frazer, Ltd., for an amount not to exceed \$567,764.62, through the H-GAC Cooperative Purchasing Program in accordance with the provisions of Section 9.48 of the Ohio Revised Code; 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.

062-18 An Ordinance No. 18-58 titled, "Authorizing the purchase of a John Deere 410L Backhoe Loader with accessories from Murphy Tractor & Equipment, for an amount not to exceed \$111,561.47, 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; 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.

172-16 An Ordinance No. 18-59 titled, "Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the Buck Creek Trail Realignment Project for an amount not to exceed \$323,918.36; and declaring an emergency."

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.

065-17 An Ordinance No. 18-60 titled, "Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the 2017 Miscellaneous Sewer Replacement Project for an amount not to exceed \$338,866.60; and declaring an emergency."

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.

030-17 An Ordinance No. 18-61 titled, "Confirming and approving Change Order No. 1 to the contract between the City and J & J Schlaegel, Inc. for the 2017 Miscellaneous Water Replacement Project, to increase the contract in an amount not to exceed \$17,490.69, for a total amount not to exceed \$691,565.19; authorizing the City Manager to execute said Change Order No. 1; and declaring an emergency."

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.

029-12A An Ordinance No. 18-62 titled, "Authorizing the City Manager to enter into LPA Agreement No. 23992 - Amendment No. 5 between the City and the Ohio Department of Transportation in connection with the CLA-Villa Road Project, PID No. 89421 to reallocate project funding among project phases; 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.

063-12 An Ordinance No. 18-63 titled, "Consenting to an improvement by the pavement planing and resurfacing of the existing roadway on State Route 72 from Leffel Lane to Miller Street, lying within the City of Springfield (project identified as CLA SR 72 6.77, PID No. 92876), said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement; requesting cooperation of the Director of Transportation of the State of Ohio in the planning, design and construction of such improvement; providing for the maintenance of said improvement; authorizing the City Manager to enter into agreements with the Director of Transportation of the State of Ohio necessary to complete the planning and construction of this improvement; 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.

029-12B An Ordinance No. 18-64 titled, "Authorizing an additional expenditure in the amount of \$12,595.01 for the Pipeline Relocation Agreement between the City and Columbia Gas of Ohio, Inc., for a total expenditure not to exceed \$84,404.01; and declaring an emergency."

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

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

Yeas 5, Nays 0.

RESOLUTIONS

The following legislation was presented for the first time and becomes effective 14 days after adoption:

063-18 A Resolution No. 5997 titled, "Consenting to the reappointment of Dorwilda R. Willis to the Mediation Board."

On motion of Mrs. Chilton, 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.

064-18 A Resolution No. 5998 titled, "Consenting to the reappointment of Mark Brown and James Burkhardt to the Board of Zoning Appeals."

On motion of Mr. O'Neill, 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.

065-18 A Resolution No. 5999 titled, "Consenting to the reappointment of Richard E. Bierley to the Board of Building Appeals."

On motion of Mr. O'Neill, 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.

066-18 A Resolution No. 6000 titled, "Consenting to the reappointment of Charlene Roberge to the City Planning Board."

On motion of Mrs. Chilton, 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.

069-18 A Resolution No. 6001 titled, "Consenting to the reappointment of Marianne Potina to the Board of Health of the Clark County Combined Health District."

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

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

Yeas 5, Nays 0.

MOTION

On motion of Dr. Estrop, seconded by Mr. O'Neill, Terry L. Smith was appointed to the Community Beautification Committee with no term expiration.

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

Yeas 5, Nays 0.

COMMENTS ON AGENDA ITEMS

057-18 Mrs. Chilton asked for clarification of an Enterprise Agreement. Deputy City Manager Heck explained that Enterprise Zone Agreements allow for tax abatements when a business is expanding such as the proposed building expansion of New Method Packaging.

A representative from New Method Packaging stated they are currently the third generation of the family-owned business. He stated there were 12 employees in 2012, 29 employees currently, and hope to continue the growth. The business manufactures corrugated bakery boxes and pizza boxes.

058-18 Mrs. Chilton thanked staff for purchasing equipment from Navistar.

044-18 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 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 asked if the current code for fining landlords had ever been imposed, and Mr. Strozdas stated that he did not believe it had. Mr. O'Neill also asked if landlords would be violation if they had not provided the booklet prior to adoption of the proposed ordinance. Mr. Strozdas stated that existing agreements would not be subject to the new code if enacted prior to adoption.

Dr. Estrop stated his support for the proposed amendment as it states the responsibilities of both parties.

Mr. David Sanford, 528 South Yellow Springs Street, asked if existing leases are subject to the new legislation. Mr. Copeland confirmed that existing leases would not be subject to the new requirements, but landlords would be required to notify new tenants by presenting the booklet available for free from the Community Development Department or directing them to the city's webpage.

047-18 Dr. Estrop inquired about the Ohio Cooperative Purchasing Act. Finance Director Beckdahl explained that this program allows the city to take advantage of state-negotiated purchasing contracts.

048-18 Dr. Estrop asked for an explanation of the Development Incentive Agreement for sewer services. City Manager Bodenmiller stated that the property owners have a failing septic system and are in close proximity to existing sewer service. Upon signing the agreement, property owners agree to annex their property when it becomes contiguous to the corporation limit. Property owners also pay an annual fee for the service until annexed.

049-18 Dr. Estrop asked for staff to explain the Mow to Own program to citizens unaware of the program. Mr. Bodenmiller stated that four of the 16 properties on the acquisition list are also on the abandoned lot list that requires maintenance by the city. Planning, Zoning and Code Administrator Thompson explained that the Mow to Own program is intended to give abandoned properties to neighboring property owners who maintain the properties for seven months. A \$100 application fee is required to participate. Citizens may contact the Community Development Department for more information. After the property is transferred to the adjoining owner, the subject property is combined with their existing property to create one property.

050-18 Mr. Copeland wished SpringFORWARD well with the potential market space inside the former Myers Market building.

Mr. O'Neill inquired of the sale price of the property and its appraisal value. Mr. Bodenmiller stated the property will be sold for \$100,000 and was appraised near \$600,000. The property was offered for lease, and there were several interested parties. Mr. O'Neill stated his support for the sale, but suggested the market for city-owned properties be widened in the future. Mr. O'Neill also commented about Health Department control issues for small home-based businesses using a shared commercial kitchen.

Mr. Copeland added that there were no other offers for the properties, and sale of the property eliminates the building maintenance by the city.

Mr. Rue inquired on the proposed investment in the property. Assistant City Manager and Economic Development Administrator Franzen replied that the proposed buyer, SpringFORWARD, plans to make a \$1.2 to \$1.5 million investment in the property; additional economic development benefits should also be considered.

Mr. Michael Greitzer, SpringFORWARD, indicated that the plan for the building includes 20 retail stalls, seven to eight retail spaces on the outside of the building, and a commercial kitchen available for rent. The organization is already working with the Health Department to provide training prior to use of the kitchen.

Dr. Estrop added his support for the project.

061-18 Dr. Estrop asked for clarification that the Chevrolet truck chassis were manufactured by Navistar under the General Motors contract and are gasoline instead of diesel. Mr. Bodenmiller confirmed that the chassis for the new medic units are made partially by Navistar and would be shipped to Texas for completion. The new medic units are part of the tax levy commitments made in 2017. Gasoline engines were chosen over diesel because of the stop/start nature of their use.

172-16 Mr. Copeland noted that the majority of the funding for the Buck Creek Trail Realignment Project is from the state. Mr. Bodenmiller added that the subject trail is near the Topre site and will be moved because the creek is eroding the bank along the trail.

029-12a Mr. O'Neill asked if the line of sight along Villa Road will be corrected. Mr. Bodenmiller stated that the requested amendment is changing the distribution of funding for the project, but the project will be completed and the sight problem resolved.

063-12 Mrs. Chilton asked about the reconstruction of South Limestone Street. Mr. Bodenmiller explained that South Limestone Street from Miller Street to Leffel Lane would be paved at night which is noisy to neighbors but less disruptive to daytime traffic. The sidewalks, curb and gutter portion of the project are already completed ahead of the paving. Mr. Heck added that the project should be fully completed by the end of July depending on weather. Service Director Moore added that citizens will also see city workers in the same area who are removing old water lines ahead of the paving project.

COMMENTS FROM THE COMMISSION

Mrs. Chilton announced that the City in cooperation with other agencies is sponsoring a tenant education class to be held on Thursday, March 15, from 11:00 a.m. to 1:30 p.m. at Mulberry Terrace. Lunch is provided.

Mrs. Chilton also suggested visiting the Springfield Health Resource Center at 1343 North Fountain for blood pressure checks or minor illnesses instead of visiting an overcrowded emergency room.

Dr. Estrop thanked Mel Marsh of Acorn Consulting for facilitating the productive annual City Commission Retreat held on February 16 and 17, 2018. Dr. Estrop suggested the goals established at the retreat be brought to the commissioners as a resolution for adoption along with the five-year financial forecast. He also suggested the three appointed staff members create their own goals as they relate to the commission goals. Dr. Estrop asked if the annual retreat could be held before the budget is adopted rather than after.

Mr. Rue announced the next First Friday event at the Hatch Studios would be held on Friday, May 1, 2018, from 5 to 9 p.m.

COMMENTS FROM THE AUDIENCE

025-18 Mr. Ray Upshaw, 325 West Liberty Street, spoke on recent school shootings, raising children, and technology.

Mr. David Sanford, 528 South Yellow Springs Street, provided photographs of a dilapidated property on West Euclid Avenue and spoke on procedures for survey submittals. Mr. Sanford suggested adding barricades near the Euclid Avenue property to prevent entry into the building.

Mr. Bodenmiller stated the former Euclid Elements property is an issue where the city has had difficulty determining ownership for repairs. Mr. Strozdas explained the procedures followed thus far on the property following a fire where orders were issued. A letter has been sent to the Attorney General's office asking them to care for property that has been to Auditor's Sale with no bids.

Mrs. Chilton added that the Land Bank may be helpful for commercial properties.

COMMUNICATIONS

The following communications were ordered received and filed:

039-18 Chamber of Commerce Resolution No. 20 supporting placement of fluoridation on the ballot for the electorate.

068-18 Notification from the Division of Liquor Control of a request to transfer a liquor permit to Ambalica LLC, 18 Buxton Avenue, Springfield, from Shree Gurudev Inc. dba Marathon Springfield, 2001 East Main Street, Springfield.

075-18 Chamber of Commerce Resolution No. 19 supporting issuance of tax abatements on new housing construction and/or rehabilitation/remodeling of existing residential structures in the amount of 100 percent for 15 years from completed construction.



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

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

Yeas 5, Nays 0.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION