

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, March 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. Rue, seconded by Mrs. Chilton, members approved the minutes of the February 13, 2018, regular meeting, as well as the February 16 and 17, 2018, Commission Retreat minutes 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:

**76-18** An Ordinance titled, "Authorizing the City Manager to enter into a Scrap Material Agreement with Franklin Iron & Metal Corp. for the sale of certain scrap materials no longer needed by the City."

**77-18** An Ordinance titled, "Authorizing the purchase of five 2018 Ford Interceptor SUVs from Lebanon Ford, Inc., for an amount not to exceed \$142,085.00, 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."

**78-18** An Ordinance titled, "Authorizing the purchase of one Ford F550 Cab and Chassis with Stake Body from Valley Ford Truck, Inc., for an amount not to exceed \$73,954.68, 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."

☞☞☞ Next regular City Commission meeting: March 27, 2018. ☞☞☞

### **FIRST READING—RESOLUTION**

The following legislation was presented for the first time and requires presentation at a second regular meeting before vote on passage:

**79-18** A Resolution titled, "Declaring it necessary to require the construction or reconstruction of curbs, gutters and sidewalks at the points identified as Section No. 1 of Streets of the 2018 Sidewalk, Curb and Gutter Program."

☞☞☞ Next regular City Commission meeting: March 27, 2018. ☞☞☞

### **SECOND READING—ORDINANCE DEFEATED**

The following legislation was presented for a second time:

**24-18** An Ordinance No. 18-65 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."

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

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

Yeas 0, Nays 5.

### **SECOND READINGS—ORDINANCES PASSED**

The following legislation was presented for a second time:

**27-18** An Ordinance No. 18-66 titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor."

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.

**57-18** An Ordinance No. 18-67 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")."

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.

**58-18** An Ordinance No. 18-68 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."

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.

**59-18** An Ordinance No. 18-69 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."

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.

**60-18** An Ordinance No. 18-70 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."

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:

**14-18** An Ordinance No. 18-71 titled, "Providing for Supplemental Appropriations within various funds, 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.

**80-18** An Ordinance No. 18-72 titled, "Authorizing the City Manager to enter into a Lease Agreement and related Project Fund Agreement with Branch Banking and Trust Company in the principal amount of \$679,326.09 to finance the purchase of a 2018 John Deere 410L Backhoe Loader with accessories and three Frazer Type III 14' Modules with 2018 Chevy G4500 Gas Chassis; authorizing the City Manager, Finance Director, City Treasurer, Law Director and Deputy Law Director to do all things they deem necessary to enter into and complete the subject lease transaction, 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.

**81-18** An Ordinance No. 18-73 titled, "Authorizing the City Manager to formulate and implement a policy with regard to participation by Minority Business Enterprises and Disadvantaged Business Enterprises applicable to programs governed by Federal Transit Administration grant requirements, 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.

**259-15** An Ordinance No. 18-74 titled, "Authorizing the City Manager to enter into the First Amendment to the Market Square Bus Center Lease Agreement between the City and First Transit, Inc. to modify the premises leased, 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, and Mr. Rue. Yeas 4, Nays 0.

**82-18** An Ordinance No. 18-75 titled, "Authorizing the City Manager to execute a Right of Entry to Topre America for placing clean fill material, and declaring an emergency."

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

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

**272-00** An Ordinance No. 18-76 titled, "Authorizing the City Manager to enter into Amendment No. 5 to the Radio Maintenance and Tower Construction Agreement with Michael Wolf dba WS Electronics to extend the contract period through December 31, 2018 for an amount not to exceed \$130,000.00, 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.

**83-18** An Ordinance No. 18-77 titled, "Designating an amended enterprise zone, authorizing the City Manager to file a certification application to the Director of the State of Ohio, Department of Development, to amend the area included in the City's Urban Jobs and Enterprise Zone, 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.

**162-17** An Ordinance No. 18-78 titled, "Confirming and approving Change Order No. 2 to the contract between the City and Moody's of Dayton, Inc. for the Well/Pump Cleaning and Rehabilitation Project, to increase the contract in an amount not to exceed \$15,599.00, for a total amount not to exceed \$1,600,277.00; authorizing the City Manager to execute said Change Order No. 2, 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.

**195-16** An Ordinance No. 18-79 titled, "Authorizing the City Manager to enter into Amendment No. 3 to the Timber Removal Agreement between the City and Greg Myers, dba Myers Logging, aka Gregory Myers, dba Myers Logging to extend the contract completion date to March 31, 2019, 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.

**84-18** An Ordinance No. 18-80 titled, "Authorizing the City Manager to enter into a Development Incentive Agreement (Single Family Residential Development) with Michael G. Estep and Catherine R. Estep to provide for water and sewer services to real property outside the City limits, 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.

**127-15** An Ordinance No. 18-81 titled, "Authorizing the City Manager to enter into the Second Amendment to the Agreement for Professional Engineering Consulting Services between the City and Strand Associates, Inc. in connection with the Combined Sewer Overflow Long Term Control Plan to extend the project completion date to December 31, 2018; and confirming and approving related expenditures incurred from January 1, 2018 to the effective date of this Ordinance, 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.

**110-17** An Ordinance No. 18-82 titled, "Authorizing the City Manager to enter into Amendment No. 1 to the Subrecipient Funding Agreement [Small Business Development Center 2017-2018] between the City and SBDC, Inc. in an amount not to exceed \$15,000.00 for a total agreement amount not to exceed \$80,000.00, 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.

**53-17** An Ordinance No. 18-83 titled, "Levying special assessments for the improvement of streets by the construction of sidewalks, curbs and gutters in the 2017 Sidewalk, Curb and Gutter Program, 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.

**83-17** An Ordinance No. 18-84 titled, "Levying special assessments for the improvement of streets by the construction of sidewalks, curbs and gutters in the South Limestone Street Sidewalk, Curb and Gutter Program, 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.

**85-18** An Ordinance No. 18-85 titled, "Authorizing the City Manager to enter into a contract with Miller Pipeline, LLC for the Miscellaneous Sanitary Sewer Lining Phase 2 Project for an amount not to exceed \$625,565.30, 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.

**4-17** An Ordinance No. 18-86 titled, "Authorizing the City Manager to enter into Agreement No. 31843 with Crawford, Murphy & Tilly, Inc. for the CLA McCreight Avenue Project, PID No. 104831 for an amount not to exceed \$319,415.00, 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.

**86-18** An Ordinance No. 18-87 titled, "Authorizing the City Manager to enter into an Agreement by and between The City of Springfield, Ohio, and the International Union of Police Associations (Police Clerks, et al); 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.

### **LIQUOR PERMIT**

**68-18** On motion of Mrs. Chilton, seconded by Dr. Estrop, the administration's report relative to notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from Shree Gurudev Inc, dba Marathon Springfield, 2001 East Main Street, Springfield, OH 45503 to Ambalica LLC, 18 Buxton Avenue, Springfield, OH 45503, was ordered received and filed with the City Clerk and the City Clerk was directed to not request a hearing, as any concerns or issues that the City might have will be addressed through the building permit and Certificate of Occupancy processes.

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

Yeas 5, Nays 0.

### **COMMENTS ON AGENDA ITEMS**

**79-18** Mrs. Chilton asked for a brief explanation of the sidewalk, curb, and gutter process. City Engineer Shanayda explained that certified letters are sent to the property owners with an option of completing the repairs themselves, hiring a licensed contractor, or having the city's contractor complete the work within 45 days. If the city's contractor is used, the property owner can choose to pay the expense in full the following year or pay it with their property taxes over a five-year period. A list of licensed contractors is available from the Engineering Department.

**24-18** Mrs. Chilton asked for clarification on the rezoning request for 2440 East High Street. Planning, Zoning and Code Administrator Thompson explained that the Commission would be voting on the requested change of the underlying zoning from Commercial Office District to Community Commercial District. If rezoned, the property owner would still be required to obtain a conditional use permit from the Board of Zoning Appeals to use the property as the proposed used car lot which is prohibited in the existing Commercial Office District.

Mr. Ed Leinasars, 2220 East High Street, stated that he has lived in this neighborhood for 25 years and spoke on the encroachment of commercial uses into the residential neighborhood and subsequent changes to the land uses. He stated that the area is owner-occupied housing and additional commercial properties are not beneficial.

Ms. Anna Husted, owner of an office building and a residential property on both sides of the subject property, spoke on parking issues, the single entrance/exit, the local historic district nearby, potential theft, and traffic issues.

Mr. Jim Smith, 228 South Belmont Avenue, spoke on the excessive traffic speeds and cars parked along the street near the subject property. Mr. Smith indicated that houses have been hit in the area because of these issues. He added that a similar property use on South Burnett Road has many cars parked on the lot with rumors of vagrants sleeping in the cars.

Mr. O'Neill commented that the South Burnett Road property is on a much larger street with multiple traffic lanes.

Mr. Ryan Gould, owner of the subject property, stated that his proposed car lot would generate less traffic than the former doctor's office use, he plans to improve the existing building that is empty and deteriorating, and 3,000 square feet of lot space would be set aside for parking and driveway use.

Mr. Copeland stated that he would vote against rezoning as it does not fit in the neighborhood.

Dr. Estrop also stated that he would vote no to protect the residential neighborhood, but added that staff would be willing to work the property owner to identify a property with the proper zoning.

Mr. O'Neill stated that an office is an appropriate use with the current zoning at that location.

Mrs. Chilton encouraged the applicant to find a different use for the property that would be suited to the existing zoning.

**59-18 and 60-18** Dr. Estrop asked if two weed-cutting contracts were necessary to keep up with demand. Mr. Thompson stated that often two contractors are needed during the busy growing season.

**14-18** Mr. David Sanford, 528 South Yellow Springs Street, asked for details on the supplemental appropriations ordinance. Finance Director Beckdahl offered a copy of the account list for review.

**80-18** Dr. Estrop asked for information on the proposed lease agreement. Mr. Beckdahl explained the five-year capital lease agreement is required for the financing of the John Deere Backhoe Loader and three medic unit modules with chasses that were approved for purchase at the previous commission meeting.

**81-18** Mrs. Chilton asked if the policy regarding Minority Business Enterprises and Disadvantaged Business Enterprises for the FTA grant had been completed. Mr. Beckdahl stated that the policy is in progress and would be completed in time for the grant submittal.

**259-15** Dr. Estrop asked about the Market Square Bus Center lease agreement modification. Assistant City Manager and Economic Development Administrator Franzen explained that one space located in the former Myers Market parking lot as well as the care of one planting bed was part of the agreement with First Transit for the bus company. Those two items will be removed from the agreement allowing the sale of the Myers Market building to SpringFORWARD.

**83-18** Dr. Estrop asked for information on the location of the City's Urban Jobs and Enterprise Zone. Deputy City Manager Heck explained the area includes the property recently annexed for Sifex and a lot across the street adjacent to the Dole Foods property.

**195-16** Dr. Estrop asked for clarification of the timber removal agreement with Myers Logging. City Manager Bodenmiller explained that ash trees have been removed from the Reid Golf Course area. Work is nearly completed by the logging company.

**110-17** Dr. Estrop asked for an explanation of the amendment to the Small Business Development Center agreement. Mr. Bodenmiller stated that of the original \$80,000 budgeted, only \$50,000 had been appropriated thus far. An additional \$15,000 appropriation is requested at this time.

Dr. Estrop suggested the rezoning case applicant may wish to work with the Small Business Development Center to help start his business. Mr. Bodenmiller agreed and explained that their function is to assist existing small businesses and those wanting to start a business with guidance in doing so.

**85-18** Dr. Estrop asked for additional information on the sanitary sewer lining project. Mr. Shanayda explained that trenchless technology is used to line the sewer which strengthens the pipes without digging into the street. The manholes are also sprayed with waterproofing. The project is funded with a low interest loan from the State of Ohio.

**4-17** Mr. O'Neill asked for the areas involved in the McCreight Avenue Project. Mr. Shanayda indicated the project would be McCreight Avenue from North Limestone to Cedarview. The area between Limestone and Murray is a reconstruction project and Murray to Cedarview is a shave/pave only.

Mrs. Chilton asked if the Cedarview neighborhood streets would be included, but Mr. Shanayda stated the project includes McCreight Avenue only.

**86-18** Dr. Estrop asked Mr. Beckdahl if the proposed contract between the City and the International Union of Police Associations representing the Police Clerks would create a deficit in the 2018 budget or a deficit for the duration of the contract. Mr. Beckdahl answered no to each question. Dr. Estrop thanked the city union members for their efforts in agreeing to a new contract.

### **COMMENTS FROM COMMISSIONERS**

Mr. Copeland presented a proclamation proclaiming the week of March 11 to March 18, 2018, as Girl Scout Week in Springfield. Accepting the proclamation was Julia Rodgers, a Girl Scout Ambassador from the Shawnee OakWind Service Unit.

Dr. Estrop stated that he would like for the commission to take formal action at the next meeting adopting the goals established at the annual retreat along with the five-year financial forecast. He also would like for the executive staff members to create their own goals as they relate to the commission goals for the following meeting. Mr. O'Neil and Mr. Rue agreed with Dr. Estrop. Mr. Copeland suggested staff may need longer than two weeks to prepare.

Dr. Estrop also stated that he would like for the commission to consider changing the timeline to set commission goals prior to the budget development. Mrs. Chilton suggested talking with the City Manager on the current practice of adopting the budget as prepared by the Finance staff and the goals during Retreat. Mr. Rue agreed with Dr. Estrop that the change should be considered.

Dr. Estrop announced that he would participate in a Big Brothers/Big Sisters fundraiser on March 15, 2018, by jumping into the Clark County Fairground's lake in the Polar Plunge.

Mr. Rue announced that he would participate in a basketball game for the Development Disabilities March Madness game on March 21, 2018.

Mr. Chilton thanked the kind citizen who turned in her cell phone that she dropped recently in a parking lot.

### COMMENTS FROM THE AUDIENCE

**25-18** Mr. Jim Oliver, 336 South Tecumseh Road, asked the Commission to adopt a resolution backing efforts to ban assault rifles. He stated that such weapons should only be available for military and public safety uses. Mr. Oliver added that marches would be held on March 24, 2018, in Washington, D.C. as well as Dayton and Columbus. He indicated that he would be marching on that day from 11 a.m. to 12 noon in front of Springfield City Hall.

Mr. Mike Lowe, 1537 Brookhollow Drive, stated that he supported the sale of the former Myers Market building to SpringFORWARD, but the building should have been offered for sale to the public. Mr. Lowe asked for information pertaining to the sale price, appraisal value, consultant name and fee, the appraisal company name, as well as tax incentive or abatement information. Mr. Copeland stated that staff would provide the information to Mr. Lowe.

Mr. Ray Upshaw, 325 West Liberty Street, stated that 7,000 children have been killed since the Sandy Hook event and spoke on gun violence. He stated that he requested information from the Community Development Department was treated very courteously by the staff. He also spoke on equality issues in business.

Mr. David Sanford, 528 South Yellow Springs, spoke on the empty property located on West Pleasant that is not secured and is a potential hazard to children and adults. He also spoke on property line discrepancies.

### COMMUNICATIONS

The following communications were ordered received and filed:

**70-18** Notification from the Ohio Division of Liquor Control of a new liquor permit for Ohio Village Restaurant LLC, 1805 West First Street.

**71-18** Notification from the Ohio Division of Liquor Control of a liquor permit transfer from Michael A. Brooks, 706 South Burnett Road, to 706 South Burnett Inc., dba Beverage Depot, 706 South Burnett Road.

**72-18** Minutes from the February 26, 2018, meeting of the Human Relations Board.

**73-18** Notification from the Ohio Division of Liquor Control of a new liquor permit for Ohio CVS Stores LLC, dba CVS Pharmacy 6186, 2565 East Main Street.

**74-18** Minutes from the January 8, 2018, and January 10, 2018, meetings of the National Trail Parks and Recreation District Board.

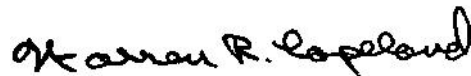
**88-18** Minutes from the January 17, 2018, meeting of the Board of Zoning Appeals.

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There being no further business, on motion of Mr. Rue, 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.



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PRESIDENT OF THE CITY COMMISSION



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CLERK OF THE CITY COMMISSION