

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, January 29, 2019, 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 Dr. Estrop, seconded by Mrs. Chilton, members approved the minutes of the January 2, 2019, public hearing 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:

008-16 An Ordinance titled, "Authorizing the mutual rescission of the Community Reinvestment Area Agreement with Community Gardens, L.P."

022-19 An Ordinance titled, "Authorizing the acceptance of an EMS Priority 1 Training and Equipment Grant in an amount up to \$3,790.00 from the Ohio Department of Public Safety, Division of Emergency Medical Services, and authorizing the City Manager, Finance Director, Law Director and the Chief of the Fire Division 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."

023-19 An Ordinance titled, "Authorizing the City Manager to enter into a Community Housing Development Organization Agreement [FY 2017] with Neighborhood Housing Partnership of Greater Springfield, Inc. in connection with the 2017 HOME Program for an amount not to exceed \$19,656.00."

024-19 An Ordinance 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."

025-19 An Ordinance 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 \$336,050.00."

026-19 An Ordinance 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 \$331,987.50."

027-19 An Ordinance titled, "Authorizing the City Manager to enter into a contract for the purchase of street materials with Valley Asphalt Corporation for an amount not to exceed \$408,850.00."

028-19 An Ordinance 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."

029-19 An Ordinance 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 \$145,350.00."

030-19 An Ordinance 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 \$127,821.25."

~~~~~ Next regular City Commission meeting: February 12, 2019. ~~~~~

### **SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**5-19** An Ordinance No. 19-15 titled, "Authorizing a reduction in the 2018 rent of the Berner Farms Cropland Lease Agreement in the amount of \$2,067.22."

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.

**19-11** An Ordinance No. 19-16 titled, "Authorizing the City Manager to enter into a Neighborhood Stabilization Program Homeownership Housing New Construction Loan Agreement (NSP2 Funded) [Amendment No. 3] with Clark County Community Habitat for Humanity, Inc. nka Fuller Center for Housing, Inc. ("Fuller Center") to permit Fuller Center to retain all program income received under the NSP2 program."

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.

**318-09** An Ordinance No. 19-17 titled, "Authorizing the City Manager to enter into a Neighborhood Stabilization Program Homeownership Housing New Construction Loan Agreement (NSP1 Funded) (2010-2011 Scattered Site Project) Amendment No. 4 with Clark County Community Habitat For Humanity, Inc. nka Fuller Center for Housing, Inc. ("Fuller Center") to permit Fuller Center to retain all program income received under the NSP1 program."

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.

**6-19** An Ordinance No. 19-18 titled, "Authorizing the City Manager to enter into an LPA Federal Local-LET Project Agreement No. 33109 between the City and the Ohio Department of Transportation to provide the City with eligible costs of up to a maximum sum of \$1,836,821.00 for the CLA Yellow Springs Street Reconstruction, Phase 1, PID No. 109491; authorizing the City Manager, Law Director and Finance Director to do all things they deem necessary to implement said agreement; and authorizing an expenditure up to \$342,288.00 to be used as matching funds in connection with the agreement to be entered into with the Ohio Department of Transportation."

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.

**7-19** An Ordinance No. 19-19 titled, "Authorizing the City Manager to enter into an LPA Federal Local-LET Project Agreement No. 33107 between the City and the Ohio Department of Transportation to provide the City with eligible costs of up to a maximum sum of \$444,000.00 for the CLA Sidewalk project, PID No. 109478; authorizing the City Manager, Law Director and Finance Director to do all things they deem necessary to implement said agreement; and authorizing an expenditure up to \$73,500.00 to be used as matching funds in connection with the agreement to be entered into with the Ohio Department of Transportation."

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.

**266-14** An Ordinance No. 19-20 titled, "Authorizing the City Manager to enter into LPA Agreement No. 26851 - Amendment No. 6 between the City and the Ohio Department of Transportation in connection with the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, to reflect a revised cost recovery method."

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.

**8-19** An Ordinance No. 19-21 titled, "Authorizing the City Manager to enter into an LPA Federal Local-LET Project Agreement No. 33108 between the City and the Ohio Department of Transportation to provide the City with eligible costs of up to a maximum sum of \$252,000.00 for the CLA Trail Maintenance, Phase 2, PID No. 109480; authorizing the City Manager, Law Director and Finance Director to do all things they deem necessary to implement said agreement; and authorizing an expenditure up to \$63,000.00 to be used as matching funds in connection with the agreement to be entered into with the Ohio Department of Transportation."

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.

**9-19** A Fiscal Officer's Certificate was presented in connection with the proposed issuance of notes in the maximum principal amount of \$645,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of improving the municipal water system facilities, including replacing water lines, and improving the water treatment plant by installing a substation air break and constructing a liquid ferric building, together with all necessary appurtenances thereto (the "Improvement"). 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 at least thirty (30) 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. 19-22 titled, "An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$645,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the municipal water system facilities, including replacing water lines, and improving the water treatment plant by installing a substation air break and constructing a liquid ferric building, together with all necessary appurtenances thereto."

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.

The Fiscal Officer's Certificate was presented January 10, 2019, prior to the commencement of the City Commission meeting and prior to passage of this ordinance.

**10-19** A Fiscal Officer's Certificate was presented in connection with the proposed issuance of notes in the maximum principal amount of \$2,305,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of improving the municipal sewer system facilities, including but not limited to constructing and installing sanitary and storm sewer lines, rehabilitating the City's wastewater treatment plant by replacing

a primary effluent pump and substation, post aeration gates and sludge pumps, installing combined sewer overflow mitigation and inflow/infiltration elimination projects, and purchasing real estate and related interests therein, together with all necessary appurtenances thereto (the "Improvement"). 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 at least thirty (30) 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, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds. The maximum maturity of the Notes is two hundred forty (240) months.

An Ordinance No. 19-23 titled, "An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$2,305,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the municipal sewer system facilities, including but not limited to constructing and installing sanitary and storm sewer lines, rehabilitating the City's wastewater treatment plant by replacing a primary effluent pump and substation, post aeration gates and sludge pumps, installing combined sewer overflow mitigation and inflow/infiltration elimination projects, and purchasing real estate and related interests therein, together with all necessary appurtenances thereto."

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.

The Fiscal Officer's Certificate was presented January 10, 2019, prior to the commencement of the City Commission meeting and prior to passage of this ordinance.

**28-18, 29-18, 30-18** A Supplemental Fiscal Officer's Certificate was presented in connection with the proposed issuance of notes in the maximum principal amount of \$9,150,000 (the "Bonds"), to be issued for the purpose of paying the costs of improving the (a) municipal sewer system facilities, including (i) the rehabilitation and replacement of existing sewer lines and deteriorating manholes, (ii) the construction of a bridge to provide long-term access for construction, management, maintenance and repair of components of the municipal sewer system facilities, and the purchase of real estate and access easement, (iii) 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 and (iv) 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, each together with all necessary appurtenances thereto and (b) municipal water system facilities, including (i) replacement of water lines on Drexel Avenue, East Euclid Avenue and Lawnview Avenue, each between certain termini, and the installation of high service pumps and (ii) rehabilitating the filter structure and filter basin and installing a switchgear mechanical relay, all at the water treatment plant, each together with all necessary appurtenances thereto (collectively, the "Improvement"). The estimated life or period of usefulness of each component purpose of the Improvement is at least five (5) years. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is forty (40) years.

An Ordinance No. 19-24 titled, "An ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of \$9,150,000, for the purpose of paying the costs of improving the (a) municipal sewer system facilities, including (i) the rehabilitation and replacement of existing sewer lines and deteriorating manholes, (ii) the construction of a bridge to provide long-term access for construction, management, maintenance and repair of components of the municipal sewer system facilities, and the purchase of real estate and access easement, (iii) 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 and (iv) 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, each together with all necessary appurtenances thereto and (b) municipal water system facilities, including (i) replacement of water lines on Drexel Avenue, East Euclid Avenue and Lawnview Avenue, each between certain termini, and the installation of high service pumps and (ii) rehabilitating the filter structure and filter basin and installing a switchgear mechanical relay, all at the water treatment plant, each together with all necessary appurtenances thereto."

The Supplemental Fiscal Officer's Certificate was presented January 10, 2019, prior to the commencement of the City Commission meeting and prior to passage of this ordinance.

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.

**11-19** An Ordinance No. 19-25 titled, "Authorizing the acceptance of a donation of real property from SpringForward for the development of townhomes in downtown Springfield."

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:

**13-19** An Ordinance No. 19-26 titled, "Confirming purchases and the obtaining of services for the City and providing for payments therefor; 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.

**14-19** An Ordinance No. 19-27 titled, "Providing for Supplemental Appropriations within various funds; 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.

**31-19** An Ordinance No. 19-28 titled, "Authorizing the City Manager to enter into an Engineering Agreement with Korda/Nemeth Engineering, Inc. for the Broadway Street Reconstruction Project for an amount not to exceed \$171,775.00; 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.

**32-19** An Ordinance No. 19-29 titled, "Authorizing the Finance Director to purchase two 29' Gillig Low Floor Heavy-Duty Buses from Gillig LLC for an amount not to exceed \$883,118.00, under a contract of the Greater Dayton Regional Transit Authority, to acquire two 29' Gillig Low Floor Heavy-Duty Buses, in accordance with the provisions of Section 9.48 of the Ohio Revised Code; authorizing the City Manager, Finance Director, City Treasurer and Law Director to do all things they deem necessary to enter into and complete the subject purchase transaction; 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.

**33-19** An Ordinance No. 19-30 titled, "Confirming and approving the acceptance of a 2018-2019 Selective Traffic Enforcement Program Grant in an amount up to \$16,407.81 and a 2018-2019 Impaired Driving Enforcement Program Grant in an amount up to \$22,361.72, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects; authorizing the City Manager, Finance Director, Law Director and Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grants and to comply with all relevant local, state and federal legal requirements; 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.

**34-19** An Ordinance No. 19-31 titled, "Providing for the appointment of Regina E. Jeffers to the position of Deputy City Clerk; 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.

**127-15** An Ordinance No. 19-32 titled, "Authorizing the City Manager to enter into the Third 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, 2019; and confirming and approving related expenditures incurred from January 1, 2019 to the effective date of this Ordinance; 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.

### **MOTION**

**79-18** On motion of Mrs. Chilton, seconded by Mr. Rue, publication of tentative assessments for the 2018 Sidewalk, Curb & Gutter Program was authorized.

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

Yeas 5, Nays 0.

### **COMMUNICATIONS**

The following communications were received and filed:

**277-18** File-stamped copy of Ordinance No. 18-325 filed with the Clark County Auditor.

**278-18** File-stamped copy of Ordinance No. 18-326 filed with the Clark County Auditor.

**36-19** Notification from the Ohio Division of Liquor Control relative to a liquor permit transfer from Infusions Fine Dining & Spirits LLC dba Infusions Fine Dining & Spirits, 42 North Fountain, Springfield, Ohio, to Arthur E. Wilson dba Pub, 42 North Fountain Avenue, Springfield, Ohio..

**COMMENTS ON AGENDA ITEMS**

**25-19, 26-19, 27-19, 28-19, 29-19, 30-19** Dr. Estrop asked if the city has previously done satisfactory business with the various street materials vendors, and also asked why two sand and gravel vendors are necessary. Service Director Moore confirmed that all of the suppliers are existing vendors for the city who can deliver their product as bid. Each of the sand and gravel suppliers provide specific product grades.

**24-19** Mrs. Chilton stated the acquisition of non-productive properties relates to the Mow to Own Program. Community Development Director Meadows confirmed the city plans to acquire 27 properties for the Mow to Own Program. Program applications have been filed by the citizens maintaining the properties.

**22-19** City Manager Bodenmiller spoke on the EMS Priority 1 Training and Equipment Grant which will reimburse costs related to new equipment purchased as a result of available tax levy dollars. Fire Chief Miller described a recent incident at an elderly apartment building where a new monitor immediately detected a high level of carbon monoxide inside the building. Evacuation of 117 residents was swiftly carried out due in part to new equipment available. Mr. Bodenmiller thanked the Fire personnel for their actions.

**266-14** Dr. Estrop asked for details of a revised cost recovery method related to the Belmont Avenue Reconstruction Project. City Engineer Shanayda explained the amended agreement allows 80 percent of costs related staff time spent on the project to be recovered.

**10-19** Dr. Estrop stated that he previously asked Finance Director Beckdahl for the portion of the subject issuance and sale of Notes that directly relate to expenses required by the USEPA. Mr. Beckdahl stated that roughly 40 percent of all Bonds for water and sewer expenses can be tied to the EPA's mandated requirements.

**13-19** Mrs. Chilton asked if the recent federal government shutdown impacted the bus operations. Mr. Beckdahl stated draws submitted to the Federal Transit Authority (FTA) were not processed during the shutdown. Mr. Beckdahl added that additional funding was included in the supplemental appropriations ordinance to cover operational expenses until the FTA resumes normal processing.

**127-15** Dr. Estrop asked for additional information related to the agreement with Strand Associates for the Combined Sewer Overflow Long Term Control Plan. Mr. Moore explained the EPA was delayed in providing the city's permit by one year, so the amended contract extends the project completion date.

Mrs. Chilton spoke on the informational brochure explaining the combined sewer overflow system that was sent to utility customers with their statements.

**COMMENTS FROM THE AUDIENCE**

**4-19** Mr. David Sanford, 528 Yellow Springs Street, spoke on the need to hire Springfield citizens for projects to keep the wages in the city, not other communities. Mr. Sanford also addressed nepotism in hiring practices.

Mr. Copeland stated that he would like to address hiring and require a percentage of employees to come from the community.

Ms. Michelle Orr, 400 South Limestone Street, spoke on the proposed Downtown Outdoor Refreshment Area (DORA), and the impact of open containers as they relate to trash and emergency services.

Mr. Bodenmiller explained the State's DORA program is heavily regulated with required trash and public safety plans. Deputy City Manager Heck agreed to meet with Ms. Orr after the meeting to discuss the DORA requirements.

Dr. Estrop spoke on the need for property owners to clear snow and ice from sidewalks. Children walking to school may walk in the streets if the sidewalks are not passable.

**COMMENTS FROM COMMISSIONERS**

**4-19** Mr. Copeland presented a proclamation to retiring City Manager Jim Bodenmiller and proclaimed February 1, 2019, as Jim Bodenmiller and Family Day in Springfield. Mr. Bodenmiller also received an etched glass award honoring his 32 years of service at the City of Springfield.

Mr. Bodenmiller thanked the Commissioners, employees, citizens, and his family for their support.

Each commissioner thanked Mr. Bodenmiller for his service.



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.

  
PRESIDENT OF THE CITY COMMISSION

  
CLERK OF THE CITY COMMISSION