

A regular meeting of the City Commission of The City of Springfield, Ohio, held on Tuesday, March 12, 2019, in the Forum of City Hall, was called to order at 7:15 p.m.

Roll call was answered by Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland. Mr. O'Neill was absent.

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 29, 2019, Executive Session, Work Session, Public Hearings, and Legislative Meeting as presented.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, 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:

**71-19** An Ordinance titled, "To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the enactment of Chapter 707 entitled *Sexually Oriented Businesses* and the amendment of certain sections within Part 11 entitled *Zoning Code* with regard to sexually oriented businesses."

Next regular City Commission meeting: March 26, 2019.

### **SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**17-19** An Ordinance No. 19-65, titled "Amending the Zoning Map of Springfield, Ohio by rezoning 25.42 acres at 1751 Rebert Pike, Springfield, Ohio from RS-5, Low-Density, Single-Family Residence District to A, Agricultural District."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**54-19** An Ordinance No. 19-66 titled, "Amending Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by the amendment of Section 1321.07(d) thereof, relating to Springfield's historic districts and designated properties; and repealing existing Section 1321.07(d)."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**55-19** An Ordinance No. 19-67 titled, "Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Springfield Revitalization Community Reinvestment Area in The City of Springfield, Ohio, and designating a housing officer to administer the program."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**56-19** An Ordinance No. 19-68 titled, "Authorizing the City Manager to enter into a Box 27 Services Agreement with Box 27 Volunteer Fire Department Incorporated to provide assistance to the City's Fire Rescue Division at multiple alarm fires."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**57-19** An Ordinance No. 19-69 titled, "Authorizing the acceptance of a donation from the Police Wives Club of 55 combat application tourniquets valued at \$1,650.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**58-19** An Ordinance No. 19-70 titled, "Dedicating certain real estate owned by the City to the public use and purpose of making and repairing roads which shall be open to the public, without charge, to wit, the roadway extending along the east side of the western section line of Section 5, to between Broadway Street to the south and Overlook Drive to the north, connecting Broadway Street and Overlook Drive."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**59-19** An Ordinance No. 19-71 titled, "Securing to The City of Springfield, Ohio, the benefits of the Sourcewell Contract Purchasing Cooperative Program."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**60-19** An Ordinance No. 19-72 titled, "Authorizing the purchase of a Leeboy 400BT, 3 Ton Towable Steel Drum Asphalt Roller from McLean Company, for an amount not to exceed \$58,581.00, through Sourcewell, pursuant to the Sourcewell Contract Purchasing Cooperative Program, in accordance with the provisions of Section 9.48 of the Ohio Revised Code."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**61-19** An Ordinance No. 19-73 titled, "Authorizing the City Manager to enter into a contract with Stinnett Industries LLC dba Cut-2-Perfection Lawn and Snow Removal Services for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**62-19** An Ordinance No. 19-74 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 \$60,000.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**63-19** An Ordinance No. 19-75 titled, "Authorizing the City Manager to enter into a contract with Prometheus Land Clearing LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**64-19** An Ordinance No. 19-76 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 \$60,000.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**65-19** An Ordinance No. 19-77 titled, "Authorizing the City Manager to enter into a contract with Four Corners Property Management LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**66-19** An Ordinance No. 19-78 titled, "Authorizing the City Manager to enter into a contract with Central Ohio Grass Cutters for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**67-19** An Ordinance No. 19-79 titled, "Authorizing an expenditure for an amount not to exceed \$140,493.89 for the period of April 1, 2019 through March 31, 2020 with Tyler Technologies, Inc. fka New World Systems Corporation, to maintain computer software used by the City's Public Safety Departments."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

## **EMERGENCY ORDINANCES**

The following emergency legislation was presented for the first time:

**14-19** An Ordinance No. 19-80 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. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**72-18** An Ordinance No. 19-81 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 \$181,849.48 to finance the purchase of a 2020 International HV507 SFA truck chassis and appurtenant 55' aerial tree unit ("Hi-Ranger Bucket Truck"); 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 lease transaction; and declaring an emergency."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**73-19** An Ordinance No. 19-82 titled, "Authorizing the purchase of a 2020 HV507 SFA Truck for an amount not to exceed \$92,904.48, from Rush Truck Centers, through the Ohio Department of Transportation Cooperative Purchasing Program in accordance with the provisions of Section 5513.01(B) of the Ohio Revised Code; authorizing the purchase and installation of a 55' Aerial Tree Unit for an amount not to exceed \$88,945.00, from Utility Truck Equipment, 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 Dr. Estrop, seconded by Mrs. Chilton, the ordinance passed.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**74-19** An Ordinance No. 19-83 titled, "Authorizing the City Manager to enter into a Grant Agreement to accept a Fare Collection Equipment Grant from the Federal Transit Administration to secure funding for the purchase of new fare collection equipment for an amount not to exceed \$360,000.00; 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 Mr. Rue, seconded by Dr. Estrop, the ordinance passed.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**75-19** An Ordinance No. 19-84 titled, "Appointing Arlin J. Tolliver Sr. to the Community Grant Advisory Board; and declaring an emergency."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

## **EMERGENCY RESOLUTION**

The following emergency legislation was presented for the first time:

**78-19** A Resolution No. 6040 titled, "Appointing Jill N. Allen as Law Director beginning May 11, 2019; and declaring an emergency."

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

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0

## **MOTION**

**79-19** On a motion by Dr. Estrop, seconded by Mr. Rue, the Amended Guidelines for Citizen Participation in City Commission Meetings (and attached to these minutes) were adopted effective immediately.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

## **LIQUOR PERMITS**

**69-19** 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 new liquor permit for Buckeye Sports Lodge LLC, dba Buckeye Sports Lodge, 1<sup>st</sup> & 2<sup>nd</sup> Floor & Basement & Patio, 126 West High Street, Springfield, Ohio 45502, was ordered received and filed with the City Clerk.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

**49-19** On motion of Dr. Estrop, seconded by Mrs. Chilton, the administration's report relative to notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from 2017 Bechtle LLC, dba El Toro Mexican Restaurant, 2017 Bechtle Avenue, Springfield, Ohio 45504 to 2017 Bechtle LLC, dba El Toro Mexican Restaurant, 1718 North Bechtle Avenue, Springfield, Ohio 45504, was ordered received and filed with the City Clerk.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

### **COMMUNICATIONS**

The following communications were received and filed:

**112-18** Notification from the Ohio Division of Liquor Control acknowledging the city's objection withdrawal pertaining to the liquor permit transfer request for Angela M. Tracy, 1251 North Belmont, Springfield, Ohio 45503.

**51-19** Meeting minutes from the February 11, 2019, National Trail Parks and Recreation District Board.

**69-19** Notification from the Ohio Division of Liquor Control of a new liquor permit for Buckeye Sports Lodge LLC dba Buckeye Sports Lodge, 1<sup>st</sup> & 2<sup>nd</sup> Floor & Basement & Patio, 126 West High Street, Springfield, Ohio 45502.

**70-19** Communication from David Sanford pertaining to a Civil Rights Grievance filing.

**77-19** Notification from the Ohio Division of Liquor Control of a liquor permit transfer request from Sakura Steakhouse and Sushi LLC dba Sakura, 1781 Bechtle Avenue, Springfield, Ohio 45504, to Sakura Steakhouse and Sushi LLC dba Sakura, 1785 Bechtle Avenue, Springfield, Ohio 45504.

### **COMMENTS ON AGENDA ITEMS**

**71-19** Dr. Estrop asked Law Director Strozdas to give an overview of the new Codified Ordinance Chapter 707 pertaining to Sexually Oriented Businesses and the revisions in the Zoning Code. Mr. Strozdas explained the proposed ordinance's preamble (scheduled for second reading and vote at the March 26 meeting) contains language of the city's findings on adverse secondary effects of a sexually oriented business. Such businesses are protected by the First Amendment, and the city may regulate where they may be located. The ordinance includes definitions, operator's license requirements, and employee permit requirements. Three zoning districts allow sexually oriented businesses as regulated by the proposed ordinance and must meet buffer criteria from certain locations such as schools, bars, and churches.

Dr. Estrop stated the city as an organization cannot prohibit these types of businesses based on The Constitution.

Mrs. Chilton asked for the consequences of a business owner not getting an operator's license nor having permits for employees. Mr. Strozdas indicated that the business would not be permitted to operate. Licenses and permits will be regulated by the City Manager and/or his designee.

Mr. Rue stated the city's goal is not to eliminate these businesses but protect citizens and customers.

**54-19** Commissioners thanked the Gammon House board members for their work related to designating the home on the local List of Historic Properties.

Mr. Dale Henry, 1774 South Center Street, thanked the commissioners for their support of the Gammon House which was a stop on the Underground Railroad. Mr. Henry added the house was built the same year that Springfield became a city, and invited the public to the Juneteenth Celebration in June.

**55-19** Dr. Estrop spoke on the creation of one large Springfield Revitalization Community Reinvestment Area (CRA) which encompasses nine smaller CRA areas into one. Dr. Estrop stated the new CRA will help rebuild and rehab existing housing with property tax credits. City Manager Heck reviewed the boundary lines of the proposed CRA area.

Mrs. Chilton stated her appreciation for the emphasis on rehabbing existing housing stock and thanked local banks for their support.

Mr. Copeland explained that new housing options with a higher price range were recently addressed and the commission is also looking at assisting the older neighborhoods.

Mr. Mike McDorman, 20 South Limestone, congratulated the Gammon House board members for their hard work, spoke on the emphasis for revitalizing older residential neighborhoods, thanked the commissioners for their recent approval of a Designated Outdoor Refreshment Area (DORA) and Community Entertainment District, and asked commissioners to support the proposed expansion of the CRA.

Ms. Edith Trowbridge, 2102 Miracle Mile, asked for information on programs for low income home owners who take care of neighboring properties. Mr. Copeland suggested she speak to staff on the Mow to Own program.

**56-19** Dr. Estrop thanked the Box 27 Volunteers for their support of the Fire Division. Fire Chief Miller also thanked Box 27 and described their services to the fire staff.

**57-19** Dr. Estrop thanked the Police Wives Club for their donation of 55 tourniquets to the Police Division. Police Chief Graf thanked the group and described a recently incident where a tourniquet was used by an officer in an emergency situation.

**59-19** Dr. Estrop asked for additional information related to the Sourcewell Contract Purchasing Cooperative Program. Mr. Heck explained the program is an additional opportunity to purchase goods and equipment with good pricing via a purchasing cooperative.

**61-19 to 66-19** Mr. David Sanford, 528 Yellow Springs Street, asked if each contractor will receive \$60,000 for weed cutting. Mr. Copeland stated that multiple contracts will allow for several contractors to work when others are busy. No contract may exceed \$60,000.

**72-19, 73-19** Dr. Estrop asked for clarification on the lease and purchase of a 2020 HV507 SFA Truck and aerial unit. Mr. Heck explained that one ordinance provides for the lease agreement and the other is authorization of the actual acquisition from the vendors.

Mrs. Chilton stated her appreciation for buying equipment locally.

**74-19** Mrs. Chilton asked for clarification that the Fare Collection Equipment Grant would be used for the transit buses, and Assistant Finance Director Ross stated that it would be used for the buses and cover 100 percent of the expense.

Mr. Michael Gilbert appealed to the City Commissioners not to purchase new buses and to consider hiring a new company to operate the buses. Mr. Gilbert described incidents related to unfair treatment to him and his dog on the bus as well as racial and disability discrimination

Dr. Estrop clarified that the subject ordinance in discussion related to acceptance of a grant for bus fare collection equipment.

**78-19** Commissioners welcomed Deputy Law Director Jill N. Allen as the new Law Director effective May 11, 2019, when Mr. Strozdas retires.

**79-19** Dr. Estrop indicated that copies of the amended Guidelines for Citizen Participation in City Commission Meetings should be posted on the city's website and on the podium in the City Forum.

Mr. Sanford asked for confirmation that citizens may speak for three minutes on agenda items and an additional three minutes during the comment period. Mr. Copland stated that he apologized to Mr. Sanford because he had been correct during previous discussions on this subject.

### **COMMENTS FROM COMMISSIONERS**

**4-19** Dr. Estrop said hello to the students he recently met in Mrs. Patterson's class at Reid School.

### **COMMENTS FROM THE AUDIENCE**

**4-19** Mr. Michael Gilbert stated that he has not received responses to his letters and calls related to problems encountered with his service dogs. He indicated that he has not received fair representation and is not satisfied with his treatment thus far.

Mr. Copeland stated that the Human Relations Board listened to Mr. Gilbert's concerns and are working to find a solution for him.

Mr. David Sanford, 538 S. Yellow Springs Street, spoke on problems with filing his civil rights grievance and stated staff should have assisted him with the paperwork process correctly. Mr. Sanford also requested a copy of staff's memo on fence regulations.

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There being no further business, on motion of Dr. Estrop, seconded by Mr. Rue, the meeting adjourned at 8:15 p.m.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. Rue, and Mr. Copeland.

Yeas 4, Nays 0.

  
PRESIDENT OF THE CITY COMMISSION

  
CLERK OF THE CITY COMMISSION

## **GUIDELINES FOR CITIZEN PARTICIPATION IN CITY COMMISSION MEETINGS**

1. These Guidelines apply to regular and special meetings of the City Commission. They shall be enforced by the Mayor. Public Hearings before the City Commission are conducted under separate procedures.

2. Commission work sessions (informal meetings) are primarily for the purpose of staff members or others briefing the City Commission on matters upon which the Commission may later take action. Comments will not be taken from the audience, unless the Commission suspends this guideline for a particular topic as provided in guideline #12 below. When comments are allowed, they shall be limited to one comment per person not exceeding 3 minutes per work session.

3. Citizens may be permitted to speak to any matters on the agenda. The Mayor shall permit comments on matters on the agenda not scheduled to be voted upon at that meeting. The Mayor shall permit comments on matters scheduled to be voted on at that meeting prior to the vote on each such matter. Each Citizen may comment on no more than three agenda items at any one meeting. Each Citizen is limited to a total of three minutes speaking time on all matters on the agenda.

4. Comments on matters not on the agenda may be permitted after all matters on the agenda have been completed. Non-agenda comments may not exceed three minutes. Topics should be limited to matters upon which the City has authority to act.

5. Citizens are asked to speak at the microphones and give their names and addresses for the record. Citizens who submit an audience participation card in advance will be recognized first.

6. Citizens are expected to address the Commission in a courteous and respectful manner.

7. Citizens should make their comments as brief as possible. When a Citizen has consumed two and one half minutes, the Citizen will be advised that thirty seconds remain. At the three minute mark, the Mayor shall direct the Citizen to stop. Citizens who fail to comply with the Mayor's direction are subject to removal from the meeting.

8. Citizens must recognize the role of the Mayor as presiding officer. Citizens are to address their comments to the Commission through the Mayor. Comments should not be directed at other citizens. Rude, vulgar, offensive, disrespectful or disparaging comments will not be permitted.

9. Citizens will not be recognized to speak to the same matter more than once at the same meeting.

10. The Mayor will not recognize requests from citizens to poll the Commission prior to the time when an official vote will be taken. Citizens shall not ask for a show of hands or other expressions of support or opposition from those in attendance. Signs and banners are not permitted.

11. When citizens raise questions or complaints that can be dealt with best by staff members or are not scheduled for immediate action, arrangements will be made for discussion outside of Commission meetings. Citizens can return to a later meeting of the Commission to speak to the subject if they are not satisfied with the response received.

12. The Mayor may interpret these guidelines in order to best achieve the balance necessary between participation and responsibility. A majority of the Commissioners present must vote to suspend or waive these guidelines.