

CITY COMMISSION AGENDA

March 26, 2019

The Honorable City Commission
The City of Springfield, Ohio

The City Commission will meet in the City Commission Forum at 7:00 p.m. on Tuesday, March 26, 2019.

PUBLIC HEARINGS

052-19 At 6:50 PM, a public hearing will be held in the City Commission Forum relative to a request to consider the proposed change in zoning for 0.27 acres at 1303 South Yellow Springs Street, from RS-5, Low-Density, Single-Family Residence District, to CI-1, Intensive Commercial District.

270-18 At 6:55 PM, a public hearing will be held in the City Commission Forum relative to a request to consider the application of Codified Ordinance Section 1175.01 of the City's Zoning Code to a proposed annexation area commonly known as the 1721 Thrawn Drive Annexation Area consisting of approximately 0.503 acres now located in Moorefield Township.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

FIRST READINGS – ORDINANCES

The following legislation is being presented for the first time and requires presentation at a second meeting before vote on passage. The City Manager recommends passage on April 9, 2019:

052-19 Amending the Zoning Map of Springfield, Ohio by rezoning 0.27 acres at 1303 South Yellow Springs Street, Springfield, Ohio from RS-5, Low-Density, Single-Family Residence District to CI-1, Intensive Commercial District.

270-18 Accepting the application for annexation of certain territory containing 0.503 acres, more or less, in Moorefield Township and commonly known as the 1721 Thrawn Drive Annexation Area to The City of Springfield, Ohio.

082-19 Authorizing the issuance of a purchase order for the purchase of one Stainless Steel Dump Body from Kaffenbarger Truck Equipment for an amount not to exceed \$81,690.00.

083-19 Adopting a policy to assist owners of certain residential property needing to replace their private lead service lines currently connected to the City's public water system.

SECOND READING – ORDINANCE

The City Manager recommends passage of the following legislation, presented for a second time:

071-19 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.

RESOLUTIONS

The following legislation is presented for the first time. The City Manager recommends passage:

084-19 Adopting the goals discussed at the 2019 City Commission Retreat.

085-19 Consenting to the reappointment of Trish George to the City Planning Board.

086-19 Appointing Katalina Remusat to the Human Relations Board.

087-19 Appointing Gracie Hemphill to the Community Grant Advisory Board.

088-19 Appointing Carolyn Young to the Historic Landmarks Commission.

EMERGENCY ORDINANCES

The following emergency legislation is being presented for the first time. The City Manager recommends passage upon approval:

013-19 Confirming purchases and the obtaining of services for the City and providing for payments therefor.

073-19 Amending Ordinance No. 19-82 to revise the purchase amount for a 55' Aerial Tree Unit from Utility Truck Equipment to \$95,890.00.

089-19 Providing for the issuance and sale of notes in the maximum aggregate principal sum of \$238,400 in anticipation of the issuance of bonds to pay the cost of constructing sidewalks, curbs and gutters comprised in the 2019 Sidewalk, Curb and Gutter Program at various locations throughout the City.

152-17 Authorizing the City Manager to enter into Amendment A to the Engineering Services Agreement with Black & Veatch Corporation for the Buck Creek Interceptor Assessment project, to increase the contract for an amount not to exceed \$365,588.00, for a total amount not to exceed \$414,540.00; and to extend the completion date to November 30, 2019.

032-18 Authorizing the exercise of the City's option to renew the contract with Chemical Services, Inc. for the purchase of Sodium Hypochlorite for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$82,800.00.

031-18 Authorizing the exercise of the City's option to renew the contract with PVS Chemical Solutions, Inc. for the purchase of Liquid Sodium Bisulfite for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$56,400.00.

080-16 Confirming and approving the exercise of the City's option to renew the contract with Republic Services of Ohio Hauling LLC, for the removal of catch basin debris/trash and grit, for an amount not to exceed \$93,888.00.

090-19 Authorizing the City Manager to enter into a Development Incentive Agreement (Single Family Residential Development) with Noah Sebastinas to provide for sewer services to real property outside the City limits.

267-14a Authorizing the City Manager to enter into LPA Agreement No. 26848 - Amendment No. 7 between the City and the Ohio Department of Transportation in connection with the CLA Bechtel Signals, PID No. 98859 to increase funding limits for construction costs.

267-14b Confirming and approving Change Order No. 4 to the contract between the City and Bansal Construction, Inc. for the CLA Bechtel Signals - Rebid, PID No. 98859 to increase the contract amount by \$379.72, for a total contract amount not to exceed \$780,094.84, and to extend the contract completion date to May 31, 2019; and authorizing the City Manager to execute said Change Order No. 4.

044-19 Authorizing the City Manager to enter into a contract with Sterling Quality Concrete, LLC for the 2019 Sidewalk, Curb & Gutter Program for an amount not to exceed \$338,370.00.

274-18 Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the Lagonda Ave. and James St. Combined Sewer Replacement Project for an amount not to exceed \$182,876.30.

079-18 Levying special assessments for the improvement of streets by the construction of sidewalks, curbs and gutters in the 2018 Sidewalk, Curb and Gutter Program.

091-19 Authorizing the City Manager to enter into a Project Engineering Agreement with Crawford, Murphy & Tilly, Inc. for the North Street Sewers Project for an amount not to exceed \$101,455.00.

092-19 Reappointing Samina Ahmed to the Human Relations Board.

EMERGENCY RESOLUTION

The following emergency legislation is being presented for the first time. The City Manager recommends passage upon approval:

093-19 Reappointing Charles Harris to the City Planning Board.

LIQUOR PERMIT

The City Manager recommends that this report be received and filed with the City Clerk and that the Clerk is directed to not request a hearing with regard to this notice.

053-19 Notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from ESOG LLC, 5474 W. Third Street, Dayton, OH 45427 to Gayatri LLC, dba Jim's to Go, 2808 E. Main Street, Springfield, OH 45503.

NEW ITEMS ON THE AGENDA

REMARKS FROM THE AUDIENCE

Respectfully submitted,



Bryan Heck
City Manager

AN ORDINANCE NO. _____

Amending the Zoning Map of Springfield, Ohio by rezoning 0.27 acres at 1303 South Yellow Springs Street, Springfield, Ohio from RS-5, Low-Density, Single-Family Residence District to CI-1, Intensive Commercial District.

...oooOOOooo...

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the Zoning Map of Springfield, Ohio, referred to in Subsection 1173.02(a) of the Springfield Zoning Code, is hereby amended by rezoning 0.27 acres at 1303 South Yellow Springs Street, Springfield, Ohio, described as Parcel No. 3400600003200022, from RS-5, Low-Density, Single-Family Residence District to CI-1, Intensive Commercial District.

Section 2. That the Clerk shall be directed to record the above amendment by filing this Ordinance together with schematic maps diagramming the effect of the amendment with the original master zoning map in the office of the Clerk, in the office of the Planning and Zoning Administrator, and in the fireproof vault provided for that purpose.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this _____ day _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

_____, 2019)

I do hereby certify that the foregoing Ordinance No. _____ was duly published in the Springfield News-Sun on _____, 2019.

CLERK OF THE CITY COMMISSION



052-19
CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

MOTION SHEET

DATE: February 13, 2019

TO: City Commission

FROM: City Planning Board

SUBJECT: CPB-REZONING 19-Z-02

REQUEST: Rezone from RS-5, Low-Density, Single-Family Residence District to CI-1, Intensive Commercial District

RECOMMENDED ACTION: 14 Day Ordinance

The following motion was made at the regular February 11, 2019 City Planning Board meeting:

MOTION: Motion by Mr. Smith to approve Case # 19-Z-02 Rezoning Request from Dorwilda Willis to rezone 1303 S Yellow Springs St from RS-5, Low-Density, Single-Family Residence District to CI-1, Intensive Commercial District. Seconded by Mr. Harris.

VOTE: YEAS: Mr. Harris, Ms. Lewis-Campbell, Ms. Anderson, Mr. Smith, Mr. Wendt, Mr. Shankar, and Ms. Roberge. NAYS: None. Motion approved.

cc: Tom Franzen
Jill Pierce

Respectfully submitted,


Stephen Thompson
Planning Zoning and Code Administrator

Attachments:

1. Staff Report
2. Application and Attachments

Staff Report

TO: City Planning Board

DATE: January 2, 2019

PREPARED BY: Stephen Thompson

SUBJECT: Rezoning Case #19-Z-02

GENERAL INFORMATION:

Applicant: Dorwilda Willis, 111 W Auburn Ave., Springfield, OH
45506

Owner: Dorwilda Willis, 111 W Auburn Ave., Springfield, OH
45506

Requested Action: Rezoning from RS-5, Low-Density, Single Family
Residence District to CI-1, Intensive Commercial District

Location: 1303 S Yellow Springs St.

Size: 0.27 acre

Existing Land Use and Zoning: Commercial, RS-5

Surrounding Land Use and Zoning: North: Residential, RS-5
East: Commercial, CI-1
South: Church, RS-5
West: Residential, RS-5

Applicable Regulations: Chapter 1174 Amendments

File Date: December 31, 2018

BACKGROUND:

The applicant seeks to rezone the property to operate a commercial business. The structure has historically been used for automotive related uses. This area of S Yellow Springs St. contains several automobile and truck oriented uses.

ANALYSIS:

Land Use Plan and Zoning:

The Connect Clark County Comprehensive Plan shows this future character area as "Traditional Neighborhood, Low Intensity."

CI-1 allows for the following uses:

Staff Report

Principal Uses

- (a) Automobile and truck oriented use.
- (b) Club.
- (c) Carpet and rug cleaning establishment.
- (d) Contractor, special trade--office, yard, and pre-assembly yard.
- (e) Consignment shop.
- (f) Equipment rental agency.
- (g) Farm implement dealer.
- (h) Floor covering store.
- (i) Hardware and building supply store.
- (j) Lumber yard.
- (k) Marine equipment and supply.
- (l) Meeting hall.
- (m) Museum and art gallery.
- (n) Office use allowed in the CO-1 District.
- (o) Plant nursery and florist shop.
- (p) Repair shop.
- (q) Restaurant.
- (r) Storage building.
- (s) Storage for commercial vehicles and equipment.
- (t) Personal service establishment.
- (u) Wholesale trade and warehouse establishment.

Provisional Uses

- (a) Funeral home subject to the requirements of Chapter 1135.
- (b) Veterinary clinic and animal hospital, provided they shall comply with the requirements of Chapter 1135.
- (c) Manufacturing use engaged in light manufacturing, including compounding, assembly and/or processing of articles, provided:
 - (1) The floor area of the principal use shall not exceed 5,000 square feet,
 - (2) The lot on which the use is located shall not be contiguous to a lot with a use owned or operated by the same person,
 - (3) A person intending to establish such use can demonstrate compliance with the performance standards of Chapter 1161 through certification by a registered professional engineer or other qualified person, and
 - (4) The following uses shall be prohibited:
 - A. Chemicals and allied products, manufacture of.
 - B. Disposal, reduction or dumping of dead animals or offal.
 - C. Explosives, manufacture of.
 - D. Grain processing.
 - E. Leather tanning.
 - F. Meat packing.
 - G. Radioactive waste storage or disposal.
 - H. Rubber and plastics, manufacture of.
 - I. Sawmills.

Staff Report

- (d) Retail establishment, other than listed, when associated with the uses allowed in this district and provided that not more than 40 percent of the total ground floor area shall be devoted to the retail display of merchandise.

Conditional Uses

- (a) Adult business, provided it shall not be located within 500 feet of an R district, public park, religious institution, or school nor within 100 feet from a bar, cocktail lounge or tavern or another adult business. No alcoholic beverage shall be served on the premises.
- (b) Commercial recreational use.
- (c) Dwelling located above the ground floor of another principal use permitted in this district, provided the density shall not exceed one (1) dwelling unit per 1,800 square feet of lot area.
- (d) Manufacturing use engaged in light manufacturing, including compounding, assembly and/or processing of articles, where the floor area of the principal use exceeds 5,000 square feet but not more than 15,000 square feet.
- (e) Laundry, cleaning, and garment services, including dry-cleaning plants, carpet and upholstery cleaning establishments, and other uses listed in Industry Group 721 of the Standard Manufacturing Classification Manual.
- (f) Public utility or public use.
- (g) Schools, specialized private instruction.

Surrounding Land Use:

Uses are compatible with the surrounding area.

Thoroughfare Plan:

S Yellow Springs St. is classified as a Primary Arterial Street.

STAFF RECOMMENDATION:

Approval of the request to rezone 1303 S Yellow Springs St from RS-5 to CI-1.

ATTACHMENTS:

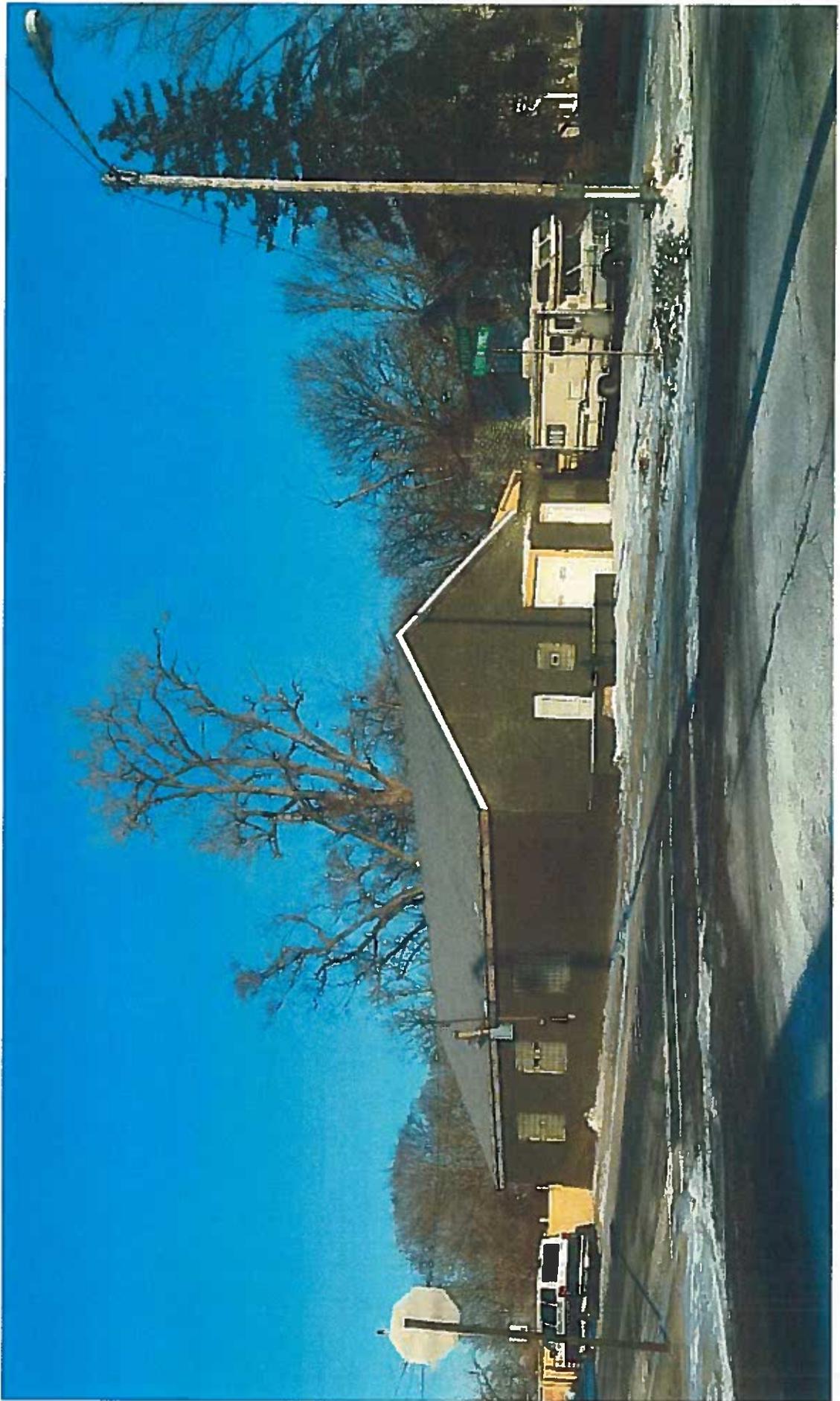
1. Vicinity and zoning map
2. Application



Rezoning Case # 19-Z-02



Rezoning Case # 19-Z-02





FOR OFFICE USE ONLY
 Case #: 19-2-02
 Date Received: 12/31/18
 Received by: ST
 Application Fee: \$ 285
 Review Type:
 Admin CPB BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (attach additional information, if necessary):

Re-zoning

2. Address of Subject Property: 1303 S. Yellow Springs St.

3. Parcel ID Number(s): _____

4. Full legal description attached? yes no

5. Size of subject property: _____

6. Current Use of Property: Auto/Car Wash/Body Repair

7. Current Zoning of Property: R255

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization) Owner

Agent (agent authorization required) Tenant (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): Dorwilda R Willis

Mark Willis

Title: _____

Company (if applicable): _____

Mailing address: 111 W. Auburn Ave., Springfield / 140 W Liberty

City: Springfield State: Ohio ZIP: 45506-3401

Telephone: (937) 408-1152 Fax: () _____

Email 937 624-9678

3. If the applicant is agent for the property owner:

Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE

Dorwilda R. Willis
Signature of Applicant

Signature of Co-applicant

Dorwilda R. Willis
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 31st day of December, 2019

by Dorwilda R Willis (name of person acknowledged).

(seal)

Rebecca A Carden
Notary Public Signature

My commission expires: 7-25-20



REBECCA A CARDEN
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 07-25-20



■ Planning & Zoning

REZONING APPLICATION

Date 12/31/15
Property address 1303 S Yellow Springs

The undersigned petitions that the following described property be rezoned from a(n) RS-5 District to a(n) C1-1 District: containing _____ acres.

Please submit the following Exhibits with this rezoning application:

EXHIBIT A

Attach either a metes and bounds legal description or subdivision and lot number description (this can be obtained at the A. B. Graham Building).

EXHIBIT B

Attach a site plan of the petitioned lands and all other properties within 200 feet (this can be obtained at the A. B. Graham Building Tax Map Dept.).

EXHIBIT C

Two (2) sets of mailing labels with the names and tax mailing addresses of all property owners within 200 feet of any part of the petitioned property and a label with the applicant's mailing address.

Directions for obtaining a list of Tax Mailing Addresses:

- Go to the Tax Map Department at the A. B. Graham Building – 31 N Limestone Street, Springfield, OH 45502

Do not list tenants of properties or banks holding a loan on the property.

EXHIBIT D

Rezoning request statement: Attach a sheet listing your reasons for the zoning district amendment.

EXHIBIT E

1. Is the requested zone compatible to existing zoning and land use in the area?

yes

2. Does it conform to the City's adopted Land Use Plan and the best overall Community Development?

yes

3. Does the proposed change in zoning conform to City's adopted Thoroughfare Plan? Will it adversely affect the capacity of the present road system in the area?

yes

4. Are adequate sanitary sewer, water and storm drainage facilities available?

yes

The undersigned deposes and states that I am the owner or authorized agent of the property involved in this petition.



Signature

| | | |
|--|---------------------------|-----------------------|
| BALLARD WILLIE | 5606 MIDDLE URBANA RD | SPRINGFIELD, OH 45502 |
| BERRIEN ADRIAN T & EVELYN R | 7 E AUBURN AVE | SPRINGFIELD, OH 45506 |
| BRAY THELMA T | 1200 REBERT PIKE | SPRINGFIELD, OH 45506 |
| BROWN CONNIE E | 1503 CENTER BLVD | SPRINGFIELD, OH 45506 |
| CLAY ROBERT | 1261 S YELLOW SPRINGS ST | SPRINGFIELD, OH 45506 |
| COMPTON ANNA MAY SMITH & CHARLES E | 2560 KENTON ST | SPRINGFIELD, OH 45505 |
| DANIELS JAMES N | 815 W JOHNNY LYTLE AVE | SPRINGFIELD, OH 45506 |
| DERR KEVIN TRUSTEE | 2071 N BECHTLE AVE | SPRINGFIELD, OH 45504 |
| DN GREEN ASSET MANAGEMENT LLC | 1776 S LIMESTONE ST | SPRINGFIELD, OH 45505 |
| FOSTER NEWTON W | 5430 SPRINGFIELD XENIA RD | SPRINGFIELD, OH 45506 |
| HAMILTON MICHAEL R & CHERYL L | 2437 HOME ORCHARD DR | SPRINGFIELD, OH 45503 |
| JESUS CHRISTS HOUSE OF PRAYER REFUGE & | 1403 S YELLOW SPRINGS ST | SPRINGFIELD, OH 45506 |
| KELLY DANNY I SR & LINDA L BURTON | 805 W STATE ST | SPRINGFIELD, OH 45506 |
| MAGA BABY LLC | 18 N BECHTLE AVE | SPRINGFIELD, OH 45504 |
| NIER RODNEY E | 2841 S TECUMSEH RD | SPRINGFIELD, OH 45502 |
| NIER RODNEY E | 2841 S TECUMSEH RD | SPRINGFIELD, OH 45502 |
| RENAISSANCE CHILD KARE INC | 215 HORACE ST | DAYTON, OH 45407 |
| SMITH ANNA MAE & CHARLES E COMPTON | 1269 S YELLOW SPRINGS ST | SPRINGFIELD, OH 45506 |
| WILLIAMS DEBORAH D HEADEN | PO BOX 893144 | TEMECULA, CA 92589 |
| WILLIS DORWILDA R | 111 W AUBURN AVE | SPRINGFIELD, OH 45506 |

BERRIEN ADRIAN T & EVELYN
R
7 E AUBURN AVE
SPRINGFIELD, OH 45506

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WILLIAMS DEBORAH D
HEADEN
PO BOX 893144
TEMECULA, CA 92589

**NOTICE OF PUBLIC HEARING
PROPOSED REZONING**

Notice is hereby given that a public hearing will be held on Tuesday, March 26, 2019, at 6:50 P.M. (local time) in the City Commission Forum, City Hall, 76 East High Street, Springfield, Ohio, to consider the proposed change in zoning for 0.27 acres at 1303 South Yellow Springs Street, from RS-5, Low-Density, Single-Family Residence District, to CI-1, Intensive Commercial District.

By Order of the City Commission of The City of Springfield, Ohio.

JILL R. PIERCE

CLERK OF THE CITY COMMISSION

NEWS-SUN: MONDAY, February 18, 2019

Request for Commission Action City of Springfield, Ohio

Item Number: 270-18

Agenda Date: March 26, 2019

Today's Date: January 23, 2019

Subject: 1721 Thrawn Drive Annexation Area – 0.503 acres, Moorefield Township, Expedited Type 2

Submitted By: Jill Pierce, City Clerk

Department: City Clerk's Office

Contact:

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

The petition for annexation of 0.5035 acres of land, more or less, located in Moorefield Township, Clark County, Ohio, has been held by the Clerk for 60 days as required by the statutes of the State of Ohio and is being presented to you at this time for action thereon.

Prior to your consideration of the annexation petition, a public hearing must be held to consider the application of floodplain regulations for the land to be annexed. This hearing will be held on March 26, 2019, at 6:55 p.m. Notice of this hearing has been advertised in the Springfield News-Sun.

The petition was filed by Bryan Heck, agent for Jack and Nancy Williamson.

Justification for Emergency Action: *(use reverse side if needed)*

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

Total Cost:

AN ORDINANCE NO. _____

Accepting the application for annexation of certain territory containing 0.503 acres, more or less, in Moorefield Township and commonly known as the 1721 Thrawn Drive Annexation Area to The City of Springfield, Ohio.

...oooOOOooo...

WHEREAS, a petition for the annexation of certain territory in Moorefield Township was duly filed by Bryan Heck, agent for Jack and Nancy Williamson; and

WHEREAS, on January 9, 2019, the Board of County Commissioners of Clark County, Ohio, approved the annexation of the territory to The City of Springfield, Ohio, as hereinafter described; and

WHEREAS, the Board of County Commissioners of Clark County, Ohio, certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the City Clerk who received the same on January 23, 2019; and

WHEREAS, sixty (60) days from the date of filing have now lapsed in accordance with the provisions of Ohio Revised Code Section 709.04; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio

Section 1. That the proposed annexation as applied for in the petition of Jack and Nancy Williamson, and filed with the Board of County Commissioners of Clark County, Ohio, praying for annexation to The City of Springfield, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to The City of Springfield, Ohio by the Board of County Commissioners on January 9, 2019, is hereby accepted. The territory is described in "Exhibit A" attached hereto and made a part hereof.

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are on file with the City Clerk and have been for more than sixty (60) days.

Section 2. That the City Clerk is hereby authorized and directed to make three (3) copies of this Ordinance to each of which shall be attached a copy of the map relating to the annexation proceeding, a copy of the transcript of proceedings

of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The City Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all of the things required by law.

Section 3. In accordance with Section 1175.01 of the City's Codified Ordinances, the zoning regulations in effect within the above-described annexation area on the date the annexation becomes effective shall be administered and enforced by the Director of Community Development or her authorized representative. Further, the provisions of Chapter 1127 "Flood Plain Overlay District" shall also become effective and enforceable within the above-described annexation territory on the date the annexation becomes effective.

Section 4. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*

_____, 2019)

I do hereby certify that the foregoing Ordinance No. _____ was duly published in the *Springfield News-Sun* on _____, 2019.

CLERK OF THE CITY COMMISSION

EXHIBIT A

Situated in the Township of Moorefield, County of Clark and State of Ohio:

Being part of the southwest quarter section 19, Township 5, Range 10. Being Lot Number One Hundred Six (106) as the same is numbered and designated on the plat of Eastview Heights Subdivision No. 2, which plat is recorded in Volume 10, Page 75, Plat Records of Clark County, Ohio. Containing an area of 0.5034 acres.

Request for Commission Action City of Springfield, Ohio

Item Number: 082-19

Agenda Date: 03/26/19

Today's Date: 03/20/19

Subject: Dump Body Purchase

Submitted By: Mark Beckdahl, Finance Director

Department: Service Department

Contact: Jim Crews, Fleet Supt.

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

It is respectfully requested that the City Commission authorize the City Manager to purchase one (1) Stainless Steel Dump Body from Kaffenbarger Truck Equipment, 10100 Ballentine Pike, New Carlisle, OH 45344 for use by the Service Department. The total cost shall not exceed \$81,690.00 This purchase is based on the lowest and best of one bid received.

Justification for Emergency Action: *(use reverse side if needed)*

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
| Service Department | 401 Street Maintenance | 910950-6030 | \$81,690.00 |

Total Cost: \$81,690.00

AN ORDINANCE NO. _____

Authorizing the issuance of a purchase order for the purchase of one Stainless Steel Dump Body from Kaffenbarger Truck Equipment for an amount not to exceed \$81,690.00.

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WHEREAS, the City's Purchasing Division has advertised for and received a bid for the purchase of one Stainless Steel Dump Body for use by the City's Service Division; and

WHEREAS, after receiving and reviewing the only bid submitted, the City's Purchasing Division has recommended the purchase of one Stainless Steel Dump Body from Kaffenbarger Truck Equipment for an amount not to exceed \$81,690.00: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That the issuance of a purchase order is hereby authorized for the purchase of one Stainless Steel Dump Body from Kaffenbarger Truck Equipment, 10100 Ballentine Pike, New Carlisle, Ohio 45344, for an amount not to exceed \$81,690.00.

Section 2. That the purchase made by the City shall incorporate the specifications prepared by the Purchasing Division, which are hereby approved, and made available to providers submitting bids to the City, and shall conform to the recommendations of the City's Purchasing Division as made to this Commission.

Section 3. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 083-19

Agenda Date: March 26, 2019

Today's Date: March 20, 2019

Subject: Authorize the Lead Service Line Replacement and Financial Assistance Program

Submitted By: Chris Moore

Department: Service

Contact: Leslie McDermott, 525-5848

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| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

Respectfully request City Commission to authorize a policy to assist owners of certain residential properties needing to replace their private lead service lines currently connected to the City's public water system and approve expenditures of up to fifty percent of the project costs with a maximum of \$1,500.00 per qualifying residential property.

Justification for Emergency Action: *(use reverse side if needed)*

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
| Service/Water Admin | Water Fund | 221127-6050 | \$10,000.00 |

Total Cost: \$10,000.00

AN ORDINANCE NO. _____

Adopting a policy to assist owners of certain residential property needing to replace their private lead service lines currently connected to the City's public water system.

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WHEREAS, there exists in the City a number of residential properties, typically built prior to 1950, with privately owned lead service lines, which are currently connected to the City's public water system and the City desires to help home owners replace these private lead service lines to protect the public health and safety; and,

WHEREAS, this Commission finds that protection of the public health and safety will be facilitated by assisting the owners of such dwellings to remove and replace private lead service lines with new non-lead water service lines; and,

WHEREAS, this Commission further finds that the full cost of this service line(s) replacement in the above mentioned connections would impose an oppressive and unreasonable burden on the residential property owners; and,

WHEREAS, this Commission wishes to encourage residential property owners to safely access the City's public water system through non-lead service lines, thereby protecting the public health and safety, through sharing the cost of installing such improvements so that the cost is not overly burdensome to the residential property owners; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of the City of Springfield, Ohio:

Section 1. That in view of the findings stated in the foregoing recitals, this Commission hereby establishes a policy for assisting owners of residential properties with private lead service lines in obtaining the benefits of non-lead water service lines to connect to the City's public water system. Residential property owners whose homes maintain private lead service lines may petition the Service Director in writing on a form provided by the Service Director, for participation in this lead service line replacement and financial assistance program. Upon receipt of a petition in proper form from the property owner(s), the Service Director shall perform an investigation to determine whether the property for which assistance is requested is a qualifying residential property, whether the petitioner(s) are proper persons to make such petition, and whether the property maintains a private lead service line. If the Service Director is able to determine that the petitioner(s) are proper persons to make such petition and that the property maintains qualifying private lead services lines and that the property for which benefit of the program assistance is requested is a qualifying residential property, then the Service Director shall tender a Lead Service Line Replacement and Financial

Assistance Agreement ("Agreement") to the petitioner(s). Upon proper execution of the tendered Agreement, the Service Director shall approve the request for assistance through the program and shall authorize the installation of a new private water service line to the benefiting residence. The City will be responsible for repairs to portions of the City-owned water service line located between the City's public water main and the curb box located in the City right of way or easement.

Section 2. The petitioner(s) owning each property for which an Agreement is entered into shall be responsible for contracting with a properly licensed plumbing contractor to install a new privately owned service line from the curb stop to the benefiting structure. If the petitioner(s)' water meter is located within the residence, petitioner(s) plumbing contractor shall be required to install a meter box in the City's right of way or easement. The City will provide the meter box and associated components. Upon completion of the new water service installation, the City will relocate the water meter from the residence to the newly installed meter box.

Section 3. That the Agreement described in Sections 1 and 2 shall include the following provisions in addition to such other provisions as the Law Director determines are in the City's best interest:

- a) the petitioner(s)' agreement to construct the new water service line and if applicable install a new meter box as described in Sections 1 and 2.
- b) the petitioner(s)' representation that they understand that the responsibility to install and to maintain the new private water service line from the benefiting structure to the designated point of connection in the City's public right of way or easement (i.e. the meter box) as described in Sections 1 and 2 and that payment of all costs related to such installation and maintenance is entirely the responsibility of the petitioner(s) and not a responsibility of the City except that the City will provide a new meter box and associated components;
- c) the petitioner(s)' grant of permission to the City to enter on to the subject property, at no cost to the City, for purposes of inspecting to determine whether improvements have been properly installed;
- d) an acknowledgment and representation that the petitioner(s) are the owners of the qualifying and benefiting residential property;
- e) an acknowledgement that the petitioner(s) are fully responsible to acquire any and all needed plumbing connections and any other personal property necessary for the installation of the new water service line except the new meter box and associated components, which will be provided by the City;
- f) an acknowledgement that the petitioner(s) are fully responsible to acquire any and all need plumbing permits related to the installation of the new water service line;
- g) such indemnification provisions as the Law Director may deem appropriate;
- h) provide that the provisions of the Agreement shall be binding upon the petitioner(s), the heirs, successors and assigns;

Section 4. For purposes of this Ordinance, the following terms shall have the meanings given herein.

- a) "Residential Property" means a tax parcel on which is situated one single family or one two or three family residential structure.
- b) "Private Lead Service Line" means a customer-owned water service line that runs from the curb stop in the City's public right of way or easement to the home's internal plumbing and contains lead pipe.
- c) "Petitioner(s)" means a home owner or homeowners making a formal written request to the City to replace their privately owned lead service line(s).

Section 5. That expenditures up to fifty percent of the project costs with a maximum of One Thousand Five Hundred Dollars (\$1,500.00) per qualifying residential property are hereby authorized to be expended to replace private lead service lines and to defray the costs to petitioners to replace these lead lines that connect to the City's public water system, all pursuant to the terms of this Ordinance. The Finance Director, with the recommendation of the City Manager or his designee, may reimburse costs incurred by petitioners participating in the program adopted in this Ordinance; provided that no disbursement to a petitioner shall exceed fifty percent of the project costs up to a maximum of One Thousand Five Hundred Dollars (\$1,500.00) per qualifying residential property.

Section 6. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 071-19

Agenda Date: March 12, 2019

Today's Date: March 6, 2019

Subject: Sexually Oriented Business Ordinance

Submitted By: Shannon Meadows

Department: Community Development

Contact: Shannon x7380

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| <input checked="" type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

Respectfully requesting the City Commission to approve creating an ordinance regulating sexually oriented businesses and amending zoning code sections 1102.02, 1122.04(a), 1124.04(f), and 1125.04(i). See attached memos.

Justification for Emergency Action: *(use reverse side if needed)*

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

Total Cost:

An Ordinance No. _____

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.

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WHEREAS, at the direction of the City Commission, the Community Development Director and the Planning, Zoning and Code Enforcement Administrator with the assistance of the Law Director has presented to the City Commission a report concerning sexually oriented businesses; and

WHEREAS, the report presents to the City Commission research and publications surrounding the subject of sexually oriented businesses; and

WHEREAS, the research show that sexually oriented business establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the research contains evidence that sexually oriented business establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values; and

WHEREAS, communities throughout the country have found that sexually oriented business establishments require special supervision from the public safety agencies in the community in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Springfield; and

WHEREAS, communities throughout the country have found that the adverse secondary effects of sexually oriented businesses demands that they be subject to reasonable regulation in order to protect the health and well-being of their citizens; and

WHEREAS, the City Commission finds and determines that:

1. Sexually oriented business establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
2. Have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.
3. Current local zoning and other regulations do not adequately control these adverse secondary effects of sexually oriented businesses and therefore do not adequately

protect the health, safety, and general welfare of the people of the City of Springfield and that additional regulation of sexually oriented businesses is necessary.

4. The regulations being enacted by the City of Springfield are legitimate and reasonable means to ensure that operators of sexually oriented business establishments comply with reasonable regulations and to ensure that operators do not allow their establishments to be used as places of illegal sexual activity or solicitation.
5. By minimizing and controlling these adverse effects, the City of Springfield will protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve property values and the character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, the City Commission recognizes that the First Amendment to the Constitution of the United States protect the right to produce, distribute and perform and access material that it is not obscene materials and performances; and

WHEREAS, it is not the intent of the City of Springfield in enacting this legislation to suppress or authorize the suppression of any expression protected by the First Amendment, but rather to enact regulations that address the secondary effects of sexually oriented businesses that the Commission has found; and

WHEREAS, the proposed amendment to the City Zoning Code has been referred to the Clark County-Springfield Township-City of Springfield, Springfield Township CEDA Regional Planning Commission (commonly called the Central CEDA Regional Planning Commission of Clark County) and the City Planning Board, both of which have recommended adoption of the amendment; and NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the enactment of Chapter 707 to read as follows:

CHAPTER 707 Sexually Oriented Businesses

707.01 PURPOSE AND INTENT.

(a) It is the intent of this Chapter to regulate sexually oriented businesses, to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, and to regulate their operation, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses.

(b) It is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

707.02 DEFINITIONS.

As used in this Chapter and in Part Eleven – Zoning Code:

- (a) "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (b) "Adult cabaret" means a nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - (1) persons who appear nude or semi-nude or in a state of nudity or semi-nudity;
 - (2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (3) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (c) "Adult motel" means a motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio, television, internet or social media.
- (d) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- (e) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the

general public during such features because it excludes minors by reason of age.

- (f) "Applicant" means any person who signs an application for a license to operate a sexually oriented business under Section 707.03.
- (g) "Conviction" or "convicted" means a finding of guilt by a court of law, but shall not include convictions overturned on appeal prior to the date of application under this Chapter.
- (h) "Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business, or a person who receives any form of remuneration, tips of any kind or gratuities from the operator or customers of said business.
- (i) "Entertainer" means any person who provides sexually oriented adult entertainment in an adult cabaret or sexual encounter establishment whether or not an employee of the operator and whether or not a fee is charged or accepted for such entertainment.
- (j) "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately appear in the state of nudity or semi-nudity for another person.
- (k) "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (l) "Establishment" means and includes any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this Chapter;
 - (3) The addition of any of the sexually oriented businesses defined in this Chapter to any other existing sexually oriented business; or
 - (4) The relocation of any such sexually oriented business.
- (m) "Independent contractor" means a person who contracts with a sexually oriented business establishment to provide services on behalf of the sexually oriented business to the patrons of such business, whether or not the individual receives any remuneration, gratuity or tips of any kind, or pays the owner or operator for the right to perform or entertain in the sexually oriented business. The intention of this paragraph is to exclude those persons who are not employees and who are not reasonably expected to have contact with customers or patrons of the sexually oriented business, including, but not limited to, persons on the licensed premises performing repair or maintenance services or delivering goods to the licensed premises.
- (n) "License holder" means a person or entity in whose name a license to operate a sexually oriented business has been issued.
- (o) "Licensed premises" means any premises on which a business that holds a license issued under this Chapter is located.

- (p) "Manager" means any person who participates directly in the day-to-day management of the sexually oriented business.
- (q) "Massage parlor" means any place where, for any form of consideration massage, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas.
- (r) "Nude, nudity or state of nudity" means a live person exhibiting: (a) the anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover the anus, male or female genitals, pubic region or areola or nipple of the female breast.
- (s) "Operate or cause to be operated" means to cause to function or to put or keep in operation.
- (t) "Operator" means and includes any persons on the licensed premises of a sexually oriented business who are authorized to exercise overall operational control of the business or who cause to function or put or keep in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or license holder of the business.
- (u) "Owner" includes any person or entity listed as an owner on the application for a license to operate a sexually oriented business and the manager, operator or person in charge of the business.
- (v) "Physical contact" means deliberately touching another person or another person's clothing.
- (w) "Regularly features" or "regularly shown" means, with respect to an adult theatre or adult cabaret, that as a consistent course of conduct, the business displays films or performances containing the depiction or description of specified sexual activities or specified anatomical areas.
- (x) "Semi-nude model studio" means any place where a person regularly appears in a state of nudity or semi-nudity or displays specified anatomical areas for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.
- (y) "Semi-nude, semi-nudity or a state of semi-nudity" means a state of dress in which opaque clothing covers no more than the genitals, pubic region and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.
- (z) "Sex Store" means a retail business offering goods for sale or rent and that meet any of the following tests:
 - (1) More than ten percent (10%) of the stock in trade or more than ten percent (10%) of the gross public floor area of the business consists of "sexually- oriented novelties or toys";
 - (2) It offers for sale items from any two (2) of the following categories: "adult media," "sexually-oriented novelties or toys," lingerie, or apparel or other items marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such

- items constitutes more than ten percent (10%) of the stock in trade of the business or occupies more than ten percent (10%) of the gross public floor area of the business; or
- (3) Which advertises or holds itself out in any forum as a sexually oriented business by use of such terms as "sex toys," "marital aids," "X-rated," "XXX," "adult," "sex," "nude," or otherwise advertises or holds itself out as a sexually oriented business.
 - (4) "Sex store" shall not include any establishment which, as a substantial portion of its business, offers for sale or rental to persons employed in the medical, legal or education professions anatomical models, including representations of human genital organs or female breasts, or other models, displays, and exhibits produced and marketed primarily for use in the practice of medicine or law or for use by an educational institution.
- (aa) "Sexual encounter establishment" means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (a) a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. A "sexual encounter establishment" does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized therapy.
 - (bb) "Sexually oriented adult entertainment" means a live performance at an adult cabaret.
 - (cc) "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter establishment, sex store, escort agency or semi-nude model studio, as the terms are defined in this Chapter.
 - (dd) "Simulate" means to assume the mere appearance of something, without the reality; to imitate or pretend.
 - (ee) "Specified anatomical areas," means and includes any of the following:
 - (1) Less than completely and opaquely covered human genitals, pubic region, anus, or areolas or nipple of female breasts; or
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - (ff) "Specified criminal act," means sexual crimes against children, sexual abuse, rape or the following crimes connected with another sexually oriented business: distribution of material harmful to minors, prostitution or tax violations.
 - (gg) "Specified sexual activities," means and includes any of the following:
 - (1) The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (3) Masturbation, actual or simulated;
 - (4) Human genitals in a state of sexual stimulation, arousal or tumescence; or
 - (5) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (4) of this definition.
- (hh) "Transfer of ownership or control," shall mean any of the following:
- (1) The sale, lease or sublease of the business;
 - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (ii) "Viewing room" means the room, booth or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video or other video reproduction.

707.03 OPERATOR'S LICENSE REQUIREMENTS.

(a) Any person who wishes to operate a sexually oriented business within the City must make application for a license under this Section. A person operating a sexually oriented business prior to the effective date of this ordinance must apply for such a license within sixty (60) days of the effective date.

(b) An application for a license must be made on a form provided by the City. An individual who wishes to operate a sexually oriented business shall sign the application for a license. An entity that wishes to operate a sexually oriented business shall file an application for a license signed by an authorized representative of the entity.

(c) The completed application shall contain the following information and shall be accompanied by the documents indicated:

- (1) If the applicant is:
 - A. An individual, the individual shall state his or her legal name and any aliases;
 - B. A partnership, the applicant shall state the partnership's complete name, provide a copy of the legal document establishing the organization, the name and address of the statutory agent or other agent authorized to accept service of process, and the legal name and any aliases of each general partner;
 - C. A corporation, the applicant shall state the corporation's complete name, provide a copy of the legal document establishing the organization all trade names used by the corporation and the name and address of the statutory agent;
 - D. A limited liability company or limited liability partnership, the applicant shall state the name of the limited liability company or limited liability partnership, provide a copy of the legal document

establishing the organization, the name and address of the agent for service of process, and the legal name and all trade names used by the limited liability company or limited liability partnership.

- (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, the applicant must state the sexually oriented business's fictitious name and evidence that the fictitious name has been registered with the Ohio Secretary of State.
- (3) A sworn statement as to whether the applicant, or any officer, director, member or general partner of the applicant has, within the five-year period immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the name of the pertinent applicant or manager, the specified criminal act involved, the date of the conviction and the place of conviction.
- (4) A sworn statement as to whether the applicant, or any officer, director, member or general partner of the applicant has had a previous license under this Chapter or other similar sexually oriented business regulations from another city, county, township or state denied, suspended or revoked within a five-year period immediately preceding the date of the application, including the name of the pertinent applicant or officer, director, member or general partner of the applicant, the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, reason for the same and length of suspension.
- (5) A sworn statement as to whether the applicant or any officer, director, member or general partner of the applicant holds any other permits and/or licenses under this Chapter or other similar sexually oriented business from another city, county, township or state and, if so, the name of the pertinent applicant, officer, director, member or general partner and the names and locations of such other licensed businesses.
- (6) The type of sexually oriented business for which the applicant is filing a license application.
- (7) The proposed location of the sexually oriented business, including a legal description of the licensed premises, and street address.
- (8) Written proof of date of birth of any individual applicant.
- (9) A sketch or diagram showing the configuration of the licensed premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus one foot.
- (10) Written authorization for the completion of a criminal background check for each owner, operator, manager, officer, director, member or general partner of the applicant.

- (11) A list of the names of all employees and independent contractors require to hold a permit under Section 707.09(a) to be employed upon the opening of the business.
- (12) The application shall be sworn to be true and complete.

(d) In the event that the City Manager determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, or that information within the application is inaccurate, the City Manager shall promptly notify the applicant of such fact and allow the applicant ten days to properly complete or correct the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

(e) The applicant shall pay a non-refundable application fee of three hundred dollars (\$300.00) at the time of filing an application pursuant to this Chapter to defray the administrative expenses associated with processing the application, including, but not limited to, any reasonable investigations associated therewith.

(f) The fact that a person possesses other types of State or City permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business license or qualify that person for a sexually oriented business license.

(g) Names and residential addresses gathered pursuant to the above provisions constitute protected private information. As such and in accordance with , *Déjà Vu of Nashville, Inc. v. Metropolitan Government of Nashville*, 274 F.3d 377 (Sixth Circuit, 2001), they are exempt from Ohio's Public Records Act.

707.04 PROCESSING APPLICATIONS FOR SEXUALLY ORIENTED BUSINESS LICENSES.

(a) The City Manager is responsible for granting, denying, revoking, renewing and suspending sexually oriented business operator's licenses. The City Manager may delegate these responsibilities to another person or office by entry in the City Manager's Journal.

(b) In the event that the City Manager determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, or that information within the application is inaccurate, the City Manager shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete or correct the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

(c) The City Manager may delegate the duties assigned to the City Manager under this Chapter by an entry in the City Manager's Journal.

(d) Upon receipt of an application properly filed with the City and upon payment of the application fee, the City Manager shall promptly evaluate the application in accordance with this Chapter.

- (e) The City Manager shall grant the application unless:
- (1) Any applicant, or any officer, director, member or general partner of the applicant is under 18 years of age;
 - (2) Any applicant or any officer, director, member or general partner of the applicant is overdue on his or her payment to the City of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business;
 - (3) Any applicant or any officer, director, member or general partner of the applicant has failed to comply with Section 707.03;
 - (4) Granting of the application would violate a court order;
 - (5) An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient;
 - (6) Any applicant or any officer, director, member or general partner of the applicant has a license under this Chapter which has been suspended more than three times or revoked during the five-year period preceding the application; or
 - A. Any applicant or any officer, director, member or general partner of the applicant has been convicted of a specified criminal act for which less than five years have elapsed since the date of conviction, the date of completion of probation, or the date of release from confinement, for the specified criminal acts.
 - B. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.
 - (7) The location of the proposed sexually oriented business fails to satisfy the criteria set forth in the applicable provisions of Part 11 – Zoning Code, unless the sexually oriented business was lawfully operating in its present location on the effective date of this ordinance.
 - (8) The application fee has not been paid.

(f) If the City Manager fails to act with respect to a properly filed application within ten (10) days of its submission, the application shall be deemed granted.

(g) If the City Manager denies the application, the City Manager shall promptly notify the applicant of the denial in writing and state the reasons(s) for the denial.

(h) If granted, the license shall state on its face the name of the person or persons to whom it is granted, the expiration date, the type of sexually oriented business approved and the address of the sexually oriented business. The license shall be posted

in a conspicuous interior location at or near the entrance to the sexually oriented business so that it can be read easily at any time by a reasonable person.

707.05 EXPIRATION AND RENEWAL OF OPERATOR'S LICENSE.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 707.03 and paying the renewal fee.

(b) The annual license renewal fee for a sexually oriented business license is one hundred dollars (\$100.00). A license shall not be issued until the annual license renewal fee is paid. The annual license renewal fee shall be due each year for which the application for a renewal of the license for the business is received.

(c) The City Manager shall grant the renewal application unless one of the conditions in 707.04(e) above applies.

707.06 SUSPENSION AND REVOCATION OF OPERATOR'S LICENSE.

(a) The City Manager may suspend an operator's license issued under this Chapter upon finding any of the following:

- (1) The operator or any officer, director, member or general partner or manager of the operator:
 - A. Violated any section of this Chapter; or
 - B. Has been under the influence of alcoholic beverages or controlled substances while working in or on the sexually oriented business premises; or
 - C. Tolerated or allowed illegal gambling by any person on the sexually oriented business premises; or
 - D. Engaged in the transfer of a license contrary to Section 707.07(a)(b)(c); or
 - E. Operated the sexually oriented business in violation of the hours of operation in Section 707.16(a)(3)(4); or
 - F. Employed a person who does not have a valid permit as required in Section 707.09.

(b) A suspension shall be for a period of no less than thirty (30) days nor more than ninety (90) days.

(c) The City Manager shall revoke an operator's license issued under this Chapter upon finding any of the following:

- (1) An Operator's License has been granted based upon false information; or
- (2) An operator or manager knowingly allowed possession, use or sale of controlled substances in or on the premises; or
- (3) An operator or manager knowingly allowed prostitution on the licensed premises; or

- (4) An operator or manager knowingly operated the sexually oriented business during a period of time when the license was suspended; or
- (5) A License Holder or any officer, director, member or general partner of the License Holder has been convicted of a specified criminal act for which the time period required in Section 707.04(6)(a) has not elapsed; or
- (6) On three or more occasions within a thirty-six (36) month period, the City Manager has suspended the License Holder's license under this Chapter; or
- (7) On two or more occasions within a thirty-six (36) month period, a person has been convicted of a specified criminal act on the licensed premise. The fact that a conviction is being appealed shall have no effect on the revocation of the license; or
- (8) A License Holder is convicted of tax violations for any taxes or fees related to a sexually oriented business; or
- (9) A License Holder or a manager has knowingly allowed any sexual activity, as defined in either Ohio R.C. 2907.01, or in Section 707.02(gg) above to occur on the licensed premises; or
- (10) A license holder has failed to comply with Section 707.08 on three or more occasions within a twelve (12) month period.

(d) The revocation of an Operator's License is permanent. The holder of an Operator's License that has been revoked shall not be issued a sexually oriented business Operator's License for any other location in the City during the four (4) year period beginning with the effective date of the revocation.

(e) Appeal. The holder of an operator's license that has been suspended or revoked may appeal as provided in Section 707.13.

707.07 TRANSFER OF OPERATOR'S LICENSE.

(a) No person shall operate a sexually oriented business under the authority of an Operator's License at any place other than the address designated in the license.

(b) No license holder shall transfer a license to another person or another sexually oriented business unless and until the proposed transferee has been issued an Operator's License under this Chapter.

(c) No license may be transferred if the City Manager determines that the Operator's License to be transferred is subject to suspension or revocation.

(d) Any attempt to transfer a license either directly or indirectly in violation of this section is hereby declared void and the license shall be deemed revoked.

707.08 RIGHT OF ENTRY.

By applying for or receiving a license under this Chapter all owners and operators of a sexually oriented business grant to the City and its agents and employees

a right of entry to the licensed premises during hours in which it is open for business and during such additional hours as are reasonable in order to allow them to assure continuing compliance with the regulations of this Chapter.

707.09 SEXUALLY ORIENTED BUSINESS EMPLOYEE PERMIT.

(a) All applicants for a sexually oriented business employee permit shall submit an application on a form to be provided by the City Manager containing the following information:

- (1) The individual's name and a personal or business address where mail may be delivered.
- (2) Written proof of date of birth showing that the individual is at least 18 years of age.
- (3) A statement as to whether the applicant has had a similar license, permit, or authorization to do business denied, revoked or suspended in the two years immediately preceding the application. In the event of any such denial, revocation or suspension, the individual shall state the date, the name of the issuing or denying jurisdiction, and describe in full the reasons for the denial, revocation or suspension and the length of the suspension. A copy of any order of denial, revocation or suspension shall be attached to the application if applicable.
- (4) A statement as to whether the individual has been convicted of a specified criminal act as defined in Section 707.02(ff) within five years including the date, place, nature of each conviction, and the court in which the conviction occurred.
- (5) Two identical passport-quality photographs of the individual, approximately two inches in size, taken within the preceding year, for use on the permit and application.

(b) Each applicant for such a permit shall pay a permit fee of twenty-five dollars (\$25.00).

- (c) The City Manager shall issue a permit unless:
- (1) The application is incomplete or inaccurate in any material respect.
 - (2) The applicant is under 18 years of age.
 - (3) The applicant has been convicted of a specified criminal act as defined in Section 707.02(ff).
 - (4) The applicant has had a sexually oriented business employee and independent contractor's permit revoked by the City within two (2) years of the date of the current application or suspended three or more times within three (3) years of the date of the current application.
 - (5) The applicant has had a similar license, permit, or authorization to do business issued by another jurisdiction denied, revoked or suspended in the two (2) years immediately preceding the application.

(d) If the City Manager fails to act with respect to a properly filed application within ten (10) days of its submission, the application shall be deemed granted.

(e) Names and residential addresses gathered pursuant to the above provisions constitute protected private information. As such and in accordance with , *Déjà Vu of Nashville, Inc. v. Metropolitan Government of Nashville*, 274 F.3d 377 (Sixth Circuit, 2001), they are exempt from Ohio's Public Records Act.

707.10 EXPIRATION AND RENEWAL OF SEXUALLY ORIENTED BUSINESS EMPLOYEE PERMIT.

(a) Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 707.09 and paying the renewal fee.

(b) The annual permit renewal fee for a sexually oriented business employee and independent contractor permit is twenty-five dollars (\$25.00). A permit shall not be issued until the annual permit renewal fee is paid. The annual permit renewal fee shall be due each year for which the application for a renewal of the permit for the business is received.

(c) The City Manager shall grant the renewal application unless one of the conditions in Section 707.09(c) above applies.

707.11 SUSPENSION OR REVOCATION OF A SEXUALLY ORIENTED BUSINESS EMPLOYEE AND INDEPENDENT CONTRACTOR'S PERMIT.

(a) The City Manager may suspend a sexually oriented business employee and independent contractor's permit upon finding any of the following:

- (1) The permit holder's original or any renewal permit application contained a material misstatement; or
- (2) The permit holder was under the influence of alcoholic beverages or controlled substances while working in or on the sexually oriented business premises; or
- (3) The permit holder participated in illegal gambling by any person on the sexually oriented business premises; or
- (4) The permit holder participated in operating the sexually oriented business in violation of the hours of operation in Section 707.16.

(b) A suspension shall be for a period of no less than thirty (30) days nor more than ninety (90) days.

(c) The City Manager may revoke a sexually oriented business employee and independent contractor's permit upon finding any of the following:

- (1) The permit holder participated in the possession, use or sale of controlled substances on the premises,
- (2) The permit holder participated in prostitution on the licensed premises,

- (3) An operator or manager knowingly operated the sexually oriented business during a period of time when the permit was suspended,
- (4) The permit holder was been convicted of a specified criminal act during the term of the permit,
- (5) On three or more occasions within a thirty-six (36) month period, the City Manager has suspended the holder's permit under this Chapter,
- (6) The permit holder has allowed or attempted to allow another person to use the holder's permit,
- (7) The permit holder has participated in any sexual activity, as defined in either Ohio R.C. 2907.01, or in Section 707.02(gg) above on the licensed premises,
- (8) A permit holder has violated any provision of Section 707.16 on three (3) or more occasions within a twelve (12) month period.

(d) The revocation of a sexually oriented business employee and independent contractor's permit is permanent.

(e) Appeal. The holder of a sexually oriented business employee permit that has been suspended or revoked may appeal as provided in Section 707.13.

707.12 NOTICES.

Any notices required pursuant to this Chapter not otherwise specified herein shall be sufficient if served by certified mail, return receipt requested, or by personal delivery to the applicants and permit holders affected at the business or residential address listed on the application and addressed to the business or applicant. If the permit is issued to an entity, service of notice as provided above to the service agent listed on the application shall be sufficient.

707.13 APPEAL.

(a) If the City Manager issues a denial, suspension, or revocation of a license or permit or application for a license or a permit under this Chapter, the City Manager shall notify the applicant, permit holder or license holder in writing of the denial, suspension or revocation of the permit or application, including the grounds therefor, within three business days of such decision. The notification shall be directed as provided in Section 707.04.

(b) When a decision to deny, suspend or revoke a permit has been appealed and that decision becomes final, the applicant or license holder whose application for a permit has been denied or whose permit has been suspended or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to the Ohio R.C. 2506.

707.14 STANDARDS OF CONDUCT AND OPERATION APPLICABLE TO ADULT CABARETS.

(a) A person who operates or causes to be operated an adult cabaret regardless of whether or not a license has been issued to the business under this Chapter shall comply with the following requirements:

- (1) No entertainer shall be permitted to have any physical contact with any other entertainer, employee or customer on the premises during any performance.
- (2) No customer at an adult cabaret shall be permitted to have any physical contact with any entertainer or employee appearing in a state of semi-nudity during a performance.
- (3) The portion of the adult cabaret in which sexually oriented adult entertainment is performed shall be on a stage or platform at least eighteen (18) inches above the immediate floor level and that is separated from all patron seating areas by at least six (6) feet.
- (4) A sign in lettering at least ¾ inch high shall be conspicuously displayed in the public area of the business stating the following: THIS ADULT CABARET IS REGULATED BY THE CITY OF SPRINGFIELD, OHIO. CUSTOMERS ARE NOT PERMITTED TO ENGAGE IN PHYSICAL CONTACT WITH ENTERTAINERS. DURING THE COURSE OF A PERFORMANCE. ENTERTAINERS ARE NOT PERMITTED TO ENGAGE IN PHYSICAL CONTACT WITH ANY OTHER ENTERTAINER, EMPLOYEE OR CUSTOMER DURING A PERFORMANCE. AT ALL TIMES DURING A PERFORMANCE, THE ENTERTAINER MUST MAINTAIN AT LEAST A SIX (6) FOOT BUFFER ZONE FROM ALL CUSTOMERS.

707.15 REGULATIONS REGARDING MINORS AND SEXUALLY ORIENTED BUSINESSES.

(a) No person who operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business, shall authorize, suffer or allow:

- (1) Admittance of a person under 18 years of age to the business premises.
- (2) A person under 18 years of age to remain at the business premises.
- (3) A person under 18 years of age to purchase goods or services at the business premises.
- (4) A person who is under 18 years of age to work at the business premises as an employee, contractor, subcontractor or employee of a contractor or subcontractor.

(b) It shall be the duty of the license holder to obtain such documentation as is necessary to assure that this section is not violated.

707.16 BUSINESS OPERATIONS STANDARDS

(a) No person who operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business, shall authorize, suffer or allow:

- (1) Any portion of the interior premises to be visible from outside the premises nor allow any activity conducted on the premises to be

visible from any location outside of the building in which the sexually oriented business is conducted.

- (2) Any employee, independent contractor or other person in a state of nudity or semi-nudity to be visible from outside of the building in which the sexually oriented business is conducted.
- (3) A business operating under a liquor permit issued by the State of Ohio to remain open or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service beyond the hours of operation authorized by the liquor permit.
- (4) A business not operating under a liquor permit issued by the State of Ohio to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service, before 8:00 a.m. or after 12:00 midnight.

(b) A person who operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business, shall furnish to the City Manager, the name of each person working as an employee or independent contractor at the business premises prior to such person beginning work.

707.17 PROHIBITIONS.

(a) No person shall operate more than one license of a sexually oriented business at any one licensed premises.

(b) No person shall cause or permit the establishment or operation of any sexually oriented businesses, as defined under this Chapter, within the City, on any premises contrary to the applicable provisions of Part 11 of these codified ordinances - Zoning Code.

(c) No person shall establish or operate a sexually oriented business except as authorized by a license issued under in this Chapter.

(d) No person shall employ another person as a sexually oriented business employee or independent contractor who is not authorized to work or perform services pursuant to this Chapter.

(e) No person who does not hold a permit issued under Section 707.09 above shall work as a sexually oriented business employee or independent contractor.

(f) No employee of an adult cabaret shall have physical contact with any other entertainer, employee, independent contractor or customer on the premises during any performance.

(g) No person shall engage in any specified sexual activities while on the premises of a sexually oriented business.

(h) No owner or operator of a sexually oriented business shall violate Section 707.15, Regulation Regarding Minors and Sexually Oriented Businesses.

(i) No owner or operator of a sexually oriented business shall violate Section 707.16, Business Operations Standards.

(j) No person shall make any false statement with regard to any license or permit required by this Chapter 707.

(k) A violation of Section 707.17(a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) above is a misdemeanor of the first degree.

707.18 INJUNCTION AND OTHER REMEDIES

(a) The operation of a sexually oriented business other than as authorized by a license issued under this Chapter is a public nuisance. The Law Director is authorized to seek injunctive or other relief to abate such a nuisance. If any injunctive relief must be sought, reasonable attorneys' fees and related costs and expenses shall be assessed at the discretion of the court against the sexually oriented business, its owners and operators.

(b) All remedies and penalties provided for in this section shall be cumulative and independently available to the City and the City shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

Section 2. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the enactment of Section 1102.02(a)(7) to read as follows:

- (a) (7) **Adult arcade, Adult cabaret, Adult motel, Adult motion picture theater, Adult store and Adult theater.** Each term shall each have the meaning assigned to them by Section 707.02 of the Codified Ordinances.

Section 3. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the repeal of Section 1102.02(a)(13) in its entirety:

~~(13) **Anatomical areas.** Such areas on a human as the bare buttocks, anus, male genitals, female genitals, female breasts, or pubic region.~~

Section 4. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the enactment of Section 1102.02(s)(7) to read as follows:

- (s) (7) **Sexual encounter establishment, Sexually oriented adult entertainment, and Sexually oriented business.** Each term shall each have the meaning assigned to them by Section 707.02 of the Codified Ordinances.

Section 5. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the enactment of Section 1122.04 to read as follows:

1122.04 CONDITIONAL USES PERMITTED.

A lot or building may be occupied by the following conditional uses:

- (a) Sexually oriented business provided it shall not be located within 500 feet of an R district, public park, religious institution, or school nor within 100 feet from a bar, cocktail lounge or tavern or another adult business. No alcoholic beverage shall be served on the premises.
- (b) Commercial recreational use.
- (c) Dwelling located above the ground floor of another principal use permitted in this district, provided the density shall not exceed one (1) dwelling unit per 1,800 square feet of lot area.
- (d) Manufacturing use engaged in light manufacturing, including compounding, assembly and/or processing of articles, where the floor area of the principal use exceeds 5,000 square feet but not more than 15,000 square feet.
- (e) Laundry, cleaning, and garment services, including dry-cleaning plants, carpet and upholstery cleaning establishments, and other uses listed in Industry Group 721 of the *Standard Manufacturing Classification Manual*.
- (f) Public utility or public use.
- (g) Schools, specialized private instruction.

Section 6. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the enactment of Section 1124.04 to read as follows:

1124.04 CONDITIONAL USES PERMITTED.

A lot or building may be occupied by the following conditional uses:

- (a) Cementitious concrete batch/mix plant.
- (b) Heliport and helistop.
- (c) Public utility or public use.
- (d) School, specialized private instruction.
- (e) Solid waste transfer station (except a rock or aggregate crushing or recycling plant), provided the operation is totally enclosed within a building.
- (f) Sexually oriented business, provided it shall not be located within 500 feet of an R district, public park, religious institutions, or school nor within 100 feet from a bar, cocktail lounge or tavern or another adult business. No alcoholic beverage shall be served on the premises.
- (g) Automobile-oriented use.

Section 7. That Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, is hereby amended by the enactment of Section 1125.04 to read as follows:

1125.04 CONDITIONAL USES PERMITTED.

A lot or building may be used for the following conditional uses:

- (a) Alcohol plant.
- (b) Animal food plant.
- (c) Extraction subject to the requirements of Chapter 1135.
- (d) Salvage yard subject to the requirements of Chapter 1135.
- (e) Production of stone, clay, and glass material.
- (f) Rock and aggregate crushing and recycling plant.
- (g) Stockyard or slaughter house.
- (h) Tannery.
- (i) Sexually oriented business, provided it shall not be located within 500 feet of an R district, public park, religious institutions, or school nor within 100 feet from a bar, cocktail lounge or tavern or another adult business. No alcoholic beverage shall be served on the premises.

Section 8. That existing Sections 1102.02(a)(7), 1102.02(a)(13), 1102.02(s)(7), 1122.04, 1124.04, and 1125.04 of the Codified Ordinances of The City of Springfield, Ohio, are hereby repealed in their entirety.

Section 9. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*)

_____, 2019)

I do hereby certify that the foregoing Ordinance No. _____ was duly published in the *Springfield News-Sun* on _____, _____, 2019.

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 084-19

Agenda Date: 3/20/19

Today's Date: 3/26/19

Subject: RESOLUTION to adopt 2019 goals as discussed at the recent City Commission Retreat

Submitted By: Bryan Heck, City Manager

Department: City Manager's Office

Contact: Bryan Heck, x7300

| | | |
|--|--|---|
| <input type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input checked="" type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

Respectfully request City Commission pass a Resolution adopting 2019 goals as discussed at the recent City Commission Retreat.

Justification for Emergency Action: *(use reverse side if needed)*

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

Total Cost:

A RESOLUTION NO. _____

Adopting the goals discussed at the 2019 City Commission Retreat.

...oooOOOooo...

WHEREAS, this City Commission participated in an annual retreat on March 5-6, 2019; and

WHEREAS, various goals for the 2019 calendar year were discussed at the annual retreat; NOW, THEREFORE:

BE IT RESOLVED by the City Commission of The City of Springfield, Ohio:

Section 1. That this City Commission hereby adopts the attached goals for the 2019 calendar year as discussed at the 2019 City Commission Retreat.

Section 2. That this Resolution shall take effect and be in force from and after fourteen (14) days from the date of its passage.

ADOPTED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

**CITY COMMISSION
GOALS AND OBJECTIVES
2019-2020**

I. STRONG CITY OPERATIONS

- A. Improve communications within the city, and between the city and its residents and partners. Enhance collaboration among and between city departments.
- B. Work on attracting and retaining a qualified & diverse workforce by examining and developing more competitive employment packages.
- C. Update technology infrastructure for Police, Fire, Dispatch and Financial Management Systems.
- D. Work on staff development and succession planning for all positions in order to have smooth transitions as vacancies occur.
- E. Develop a 5-year forecast for the City's general fund operations to be presented on an annual basis.
- F. City should engage in intentional collaboration with various government partners in an effort to achieve the most efficient and effective delivery of government services.
 - a. Reach a decision on future of combined 911 dispatching.

II. ECONOMIC DEVELOPMENT

- A. Continue efforts to attract jobs to the community that offer higher wages and that diversify the city's economic base. Support key job growth through a variety of mechanisms.
- B. Continue collaboration with community partners, including but not limited to the County, Chamber, CIC, School Systems, Foundations, Colleges, Universities and private businesses to promote Springfield, improve workforce skills and expand economic opportunities.
- C. Continue to develop strategies that lead to the strengthening and growth of the I-70/South Limestone corridor.
- D. Continue to promote the community's economic development sites including Airpark, Nextedge, and Prime Ohio.

III. IMPROVED QUALITY OF LIFE

A. Community Development.

1. Continue housing and neighborhood development with deliberate focus on areas we can substantively impact and continue this program using the information from the housing market analysis, and continue to develop different strategies for other neighborhoods.
 2. Support new housing development using a variety of tools such as residential TIF's, housing incentives, CRA's and more.
 3. Continue neighborhood Code Enforcement and housing demolition programs.
- B. Operate the Police Safe Streets Task Force per our levy commitments to help combat illegal drugs and violent crime in the community through enforcement, education and prevention. Enhance and expand the Police Division's Community Policing philosophy and programs.
- C. Continue street improvements per our levy commitments. Plan, bid, and manage the Neighborhood Street Paving Projects; explain the factors that impact future priorities and solicit input from residents through forums and other means about their priorities.
- D. Continue investing in new and existing public infrastructure (water, sewer, storm water, public utilities, etc.) Plan, develop, bid and manage ODOT, OPWC, water, sewer and storm water projects.
- E. Collaboratively explore best practices in alternative energy sources including options to re-use vacant areas.

IV. MORE VIBRANT DOWNTOWN

- A. Improve available parking in downtown.
- B. Encourage and promote Downtown activities (events, retail, plaza and playground) as well as businesses wanting to locate downtown. Encourage and support downtown residential living options.

V. IMPROVE CORRIDORS

- A. Initiate preliminary design plans for the recently completed S. Limestone corridor study.
- B. Create a Code Enforcement strategy using a combination of recognition and enforcement for private property, paying particular attention to corridors and gateways and to neighborhoods immediately adjacent to major corridors.
- C. Evaluate gateway signage size and location on N. Limestone or on W. Main using funding previously donated for this purpose.

A RESOLUTION NO. _____

Consenting to the reappointment of Trish George to the City Planning Board.

...oooOOOooo...

BE IT RESOLVED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Commission hereby consents to the reappointment of Trish George to the City Planning Board for a term beginning April 14, 2019 and ending April 14, 2022.

Section 2. That the Clerk of the City Commission is directed to certify copies of this Resolution to Trish George and the City Planning Board.

Section 3. That this Resolution shall take effect and be in force from and after fourteen (14) days from the date of its passage.

ADOPTED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

A RESOLUTION NO. _____

Appointing Katalina Remusat to the Human Relations Board.

...oooOOOooo...

BE IT RESOLVED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Commission hereby appoints Katalina Remusat to the Human Relations Board for a term ending April 9, 2022.

Section 2. That the Clerk of the City Commission is directed to certify copies of this Resolution to Katalina Remusat and the Human Relations Board.

Section 3. That this Resolution shall take effect and be in force from and after fourteen (14) days from the date of its passage.

ADOPTED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

A RESOLUTION NO. _____

Appointing Gracie Hemphill to the Community Grant Advisory Board.

...oooOOOooo...

BE IT RESOLVED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Commission hereby appoints Gracie Hemphill to the Community Grant Advisory Board for a term ending April 9, 2022, serving as a member employed or providing services in qualified low-to-moderate-income census tracts.

Section 2. That the Clerk of the City Commission is directed to certify copies of this Resolution to Gracie Hemphill and the Community Grant Advisory Board.

Section 3. That this Resolution shall take effect and be in force from and after fourteen (14) days from the date of its passage.

ADOPTED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

A RESOLUTION NO. _____

Appointing Carolyn Young to the Historic Landmarks Commission.

...oooOOOooo...

BE IT RESOLVED by the City Commission of The City of Springfield, Ohio:

Section 1. That the City Commission hereby appoints Carolyn Young, serving in the capacity of an at-large member, to the Historic Landmarks Commission for a term ending April 9, 2022.

Section 2. That the Clerk of the City Commission is directed to certify copies of this Resolution to Carolyn Young and to the Historic Landmarks Commission.

Section 3. That this Resolution shall take effect and be in force from and after fourteen (14) days from the date of its passage.

ADOPTED this ____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 013-19

Agenda Date: 3/26/19

Today's Date: 3/20/19

Subject: Moral Obligations

Submitted By: Mark Beckdahl, Finance Director

Department: Finance / Accounting

Contact: Katie Eviston

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

It is respectfully requested that legislation be scheduled for inclusion on the regularly scheduled City Commission agenda on March 26, 2019, confirming purchases and the obtaining of services for the City.

Justification for Emergency Action: *(use reverse side if needed)*

An emergency ordinance has been requested in order to make timely payment to vendors and preserve vendor relationships.

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

Total Cost:

AN ORDINANCE NO. _____

Confirming purchases and the obtaining of services for the City and providing for payments therefor; and declaring an emergency.

...oooOOOooo...

WHEREAS, certain supplies and services have heretofore been obtained for the use and benefit of the City without purchase orders having been previously issued therefor; and

WHEREAS, other supplies and services have heretofore been obtained for the use and benefit of the City and certain payments made without proper Commission authorization having been obtained therefor; and

WHEREAS, it is the determination of the City Commission that such supplies and services have been received and furnished to the use and benefit of the City and that the City is under moral, if not legal, obligation to make payment therefor: and

WHEREAS, it is necessary that this Ordinance become effective immediately to prevent unreasonable delay in the payment for work performed and/or services provided and to preserve the City's relationship with its vendors, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Commission does hereby approve and confirm the obtaining of the supplies and services hereinafter set forth and the Director of Finance is hereby authorized to make payment of the respective amounts hereinafter indicated from proper items of appropriation. Such supplies and services and the respective amounts of such payments hereby authorized are attached hereto as **Exhibit A**.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

EXHIBIT A

Moral Obligation Listing for 3/26/19

| Department | Vendor | Invoice # | Amount of Moral Ob. | Account # | Invoice Amount |
|---------------------------------------|----------------------------------|----------------|---------------------|--------------------|----------------|
| Community Dev. - Inspections | International Code Council | 1000984876 | \$ 297.00 | 730705-4316 | \$ 297.00 |
| PO was not in place. | | | | | |
| CSC - Sewer Admin. | Treasurer State of Ohio | Rev ID 1214787 | \$ 2,446.44 | 331322-4211 | \$ 2,446.44 |
| Prior year fee; PO was not in place. | | | | | |
| CSC - Fleet | Buckeye Oil Equipment | 120468 | \$ 607.50 | 950378-4030 | \$ 607.50 |
| PO was not in place. | | | | | |
| | Grismer Tire & Auto Service | 450117612 | \$ 100.00 | 950378-4501 | \$ 100.00 |
| PO was not in place. | | | | | |
| Economic Dev. | Dugan & Meyers LLC | App. No. 01 | \$ 3,571.43 | 020263-4070 PR5187 | \$ 10,000.00 |
| PO was not in place prior to service. | | | | | |
| | Clark Co. Community & Econ. Dev. | 010419 | \$ 500.00 | 020263-4211 | \$ 500.00 |
| PO was not in place. | | | | | |
| Engineering | Bowser Morner | 18727503 | \$ 790.00 | 140012-4030 | \$ 790.00 |
| PO was not in place prior to service. | | | | | |
| | FirstEnergy (Ohio Edison) | OE108479 | \$ 1,239.16 | 210450-4014 | \$ 1,239.16 |
| | FirstEnergy (Ohio Edison) | OE158836 | \$ 3,231.63 | 210450-4014 | \$ 3,231.63 |
| Prior year invoice; PO depleted. | | | | | |
| Finance | First Transit, Inc. | 52660-0219 | \$ 5,449.95 | 210450-4070 PR8300 | \$ 133,696.78 |
| PO was not in place. | | | | | |

Request for Commission Action City of Springfield, Ohio

Item Number: 073-19

Agenda Date: 3/26/2019

Today's Date: 3/20/2019

Subject: Amend Ordinance #19-82

Submitted By: Mark Beckdahl, Finance Director

Department: Finance

Contact: Emily Adamson, Buyer

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution: 19-82

Date of Prior Ordinance/Resolution: 3/12/2019

Summary:

It is respectfully requested that the City Commission authorize the amendment of Ordinance #19-82 for the purchase of (1) 55' Aerial Tree Unit from Utility Truck Equipment, 23893 U.S. 23 South, P.O. Box 130, Circleville, OH, 43113 through The State of Ohio Department of Administrative Services (ODAS) Contract #800463. The original Ordinance states that the amount is \$88,945.00. The correct amount is \$95,890.00.

Justification for Emergency Action: (use reverse side if needed)

Emergency legislation is requested in avoid delay in the purchase, thereby providing for the usual daily operation of the City's Service Division.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|--------------------------|--------------|
| Forestry | | Lease/Purchase Financing | \$181,849.00 |
| Sewer Maintenance | Vehicles | 33120700603000 | \$ 6,945.00 |

Total Cost: \$188,794.00

AN ORDINANCE NO. _____

Amending Ordinance No. 19-82 to revise the purchase amount for a 55' Aerial Tree Unit from Utility Truck Equipment to \$95,890.00; and declaring an emergency.

...oooOOOooo...

WHEREAS, in Ordinance No. 19-82, the City Commission authorized the Director of Finance to purchase, including installation, a 55' Aerial Tree Unit from Utility Truck Equipment, for an amount not to exceed \$88,945.00 and now wishes to revise said amount to \$95,890.00; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to avoid delay in the purchase, thereby providing for the usual daily operation of the City's Service Division, which this Commission finds creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section A. That Section 2 of Ordinance No. 19-82 is hereby amended to read as follows:

Section 2. That the Director of Finance is hereby authorized to purchase, including installation, a 55' Aerial Tree Unit from Utility Truck Equipment, 23893 U.S. 23 South, P.O. Box 130, Circleville, OH 43113, for an amount not to exceed \$95,890.00, 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.

Section B. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 089-19

Agenda Date: 3/26/2019

Today's Date: 3/18/2019

Subject: Authorization to issue Special Assessment Bond Anticipation Note for the 2019 Sidewalk, Curb & Gutter Program

Submitted By: Mark Beckdahl, Finance Director

Department: Finance/Treasury

Contact: Bob Mauch ext 7329

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

I hereby respectfully request emergency legislation authorizing the issuance of a special assessment bond anticipation note in an amount not to exceed \$238,400 to fund the currently-unfunded estimated property owners' share of the 2019 Sidewalk, Curb & Gutter Program.

Justification for Emergency Action: (use reverse side if needed)

The property owners' share of the 2019 Sidewalk, Curb & Gutter Program is currently unfunded/unappropriated. In order for the construction contract to be certified and the contractors to begin work, an emergency ordinance is necessary to authorize the issuance of a one-year special assessment note in an amount not to exceed \$238,400.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

Total Cost:

AN ORDINANCE NO. _____

Providing for the issuance and sale of notes in the maximum aggregate principal sum of \$238,400 in anticipation of the issuance of bonds to pay the cost of constructing sidewalks, curbs and gutters comprised in the 2019 Sidewalk, Curb and Gutter Program at various locations throughout the City, and declaring an emergency.

...oooOOOooo...

WHEREAS, the Finance Director, as fiscal officer, has certified to this City Commission of The City of Springfield, Ohio that the estimated life or usefulness of the improvement described in Section 1 herein is at least five (5) years, that the maximum maturity of the bonds referred to in Section 1 herein is twenty (20) years, and that the maximum maturity of the notes referred to in Section 3 herein, to be issued in anticipation of said bonds, is five (5) years or one (1) year if sold at private sale; and

WHEREAS, it is the determination of the City Commission that the sale and issuance of notes as hereinafter provided occur at the earliest possible moment to provide funds to enable the City to enter into contracts for and proceed with the construction of said improvements, which creates an emergency to preserve the public peace, health, safety and property, necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That it is deemed necessary to issue bonds of the City in the maximum aggregate principal sum of \$238,400 (the "*Bonds*"), to pay the property owners' portion, in anticipation of the levy and collection of special assessments, of the cost of constructing sidewalks, curbs and gutters comprised in the 2019 Sidewalk, Curb and Gutter Program, together with all necessary appurtenances thereto (the "*Improvements*") at various locations throughout the City.

Section 2. That said Bonds shall be dated approximately April 1, 2020, shall bear interest at the now estimated rate of four percent (4.00%) per annum, payable semi-annually until the principal sum is paid; and shall mature in five (5) substantially equal annual installments.

Section 3. That it is necessary and this Commission hereby determines that notes in the maximum aggregate principal sum of \$238,400 (the "*Notes*") shall be issued in anticipation of the issuance of said Bonds for the purpose described in Section 1 and to pay the costs of the improvements and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be

determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to pay the costs of the improvements and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than five years following the date of issuance; provided that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed two percent (2.25%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 herein.

Section 4. That the principal of and interest on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the original purchaser. The principal of and interest on the Notes shall be payable at the office of the City Treasurer. The Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Paying Agent, by certified or registered mail to the original purchaser of the Notes not less than seven days prior to the date of that deposit, unless that notice is waived by the original purchaser of the Notes. If money for prepayment is on deposit with the Paying Agent on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Director of Finance the original purchaser of the Notes shall arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment and surrender and cancellation.

Section 5. The Notes shall be signed by the Mayor and Finance Director, in the name of the City and in their official capacities, provided that one of such signatures may be a facsimile signature. The Notes shall be issued in the numbers and denominations as may be requested by the original purchaser and approved by the Finance Director, provided that the entire principal amount may be represented by a single note; shall not have coupons attached; shall be numbered as determined by the Finance Director; and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. That the Notes are offered at par and accrued interest, if any, to the Treasurer, or officer in charge of the Bond Retirement Fund of the City. Notes not purchased for the Bond Retirement Fund shall be offered to the Treasury Investment Board for purchase, and if any notes are not taken by the Bond Retirement Fund or the Treasury Investment Board for purchase, then the notes not so taken shall be sold at

private sale by the Finance Director in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, City Manager, Finance Director, Law Director and Clerk of the City Commission and other officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary and appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. That the proceeds from the sale of the notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund to be applied to the payment of the principal of and interest on the notes in the manner provided by law.

Section 8. The par value to be received from the sale of the Bonds or any renewal notes and any excess funds resulting from the issuance of the notes shall, to the extent necessary, be used to pay the principal of and interest on the notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the notes or the Bonds when and as the same fall due.

In each year to the extent money from the municipal income tax is available for the payment of the principal of and interest on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefore under the Constitution and laws of the State of Ohio and Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7), Ohio Revised Code, to

appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith, credit and property taxing power of the City to the prompt payment of the debt charges on the Notes and Bonds.

Section 10. That the City covenants that it will restrict the use of the proceeds of the notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of and payment for the notes, so that the notes will not constitute arbitrage bonds under Section 103(c) of the Internal Revenue Code and the applicable regulations prescribed under that Section. The Finance Director, as the fiscal officer, or any other officer having responsibility for issuing the notes, shall, alone or with any other officer or employee of or consultant to the City, give an appropriate certificate of the City for inclusion in the transcript of proceedings for the notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the facts and estimates on which they are based, all as of the date of delivery of and payment for the notes.

Section 11. That the Clerk of the City Commission is hereby authorized and directed to forward a certified copy of this Ordinance to the Auditor of Clark County, Ohio.

Section 12. That the City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith, credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the principal of and interest on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the notes.

Section 13. That the City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 14. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

_____, 2019)

I do hereby certify that the foregoing Ordinance No. 19-_____ was duly published in the Springfield News-Sun on _____, _____, 2019.

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 152-17

Agenda Date: March 26, 2019

Today's Date: March 19, 2019

Subject: Authorize Amendment A to the Engineering Services Agreement with Black & Veatch Corporation for the Buck Creek Interceptor Assessment

Submitted By: Chris Moore

Department: Service

Contact: Tim Weaver, 525-5805

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

Respectfully request City Commission authorization to approve the execution of Amendment A to the Engineering Services Agreement with Black & Veatch Corporation for the Buck Creek Interceptor Sewer Assessment. The first task in the original agreement has been completed. Amendment A includes authorization of additional tasks, including inspection of the sewer and recommendations for repairs, extending the completion date to November 30, 2019, and increasing the budget by \$365,588 for a total not-to-exceed amount of \$414,540.

Justification for Emergency Action: *(use reverse side if needed)*

Respectfully request approval for an Emergency Ordinance on the March 26th agenda because the Buck Creek Interceptor Sewer is the backbone of the City's sewer system and this assessment is necessary to identify deficiencies in the sewer and comply with the City's National Pollutant Discharge Elimination System (NPDES) Permit with the Ohio Environmental Protection Agency.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|---------------------|-------------|
| Service/Sewer Admin | Sewer Fund | 140637-6050 PR 7025 | \$365,588 |

Total Cost: \$365,588

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into Amendment A to the Engineering Services Agreement with Black & Veatch Corporation for the Buck Creek Interceptor Assessment project, to increase the contract for an amount not to exceed \$365,588.00, for a total amount not to exceed \$414,540.00; and to extend the completion date to November 30, 2019; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City and Black & Veatch Corporation entered into an Engineering Services Agreement for the Buck Creek Interceptor Assessment project on September 24, 2018; and

WHEREAS, the City has requested additional work be completed by Black & Veatch Corporation; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to identify deficiencies in the City sewer at the earliest possible time, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into Amendment A to the Engineering Services Agreement with Black & Veatch Corporation for the Buck Creek Interceptor Assessment project, a copy of which is attached hereto and is hereby approved, to increase the contract for an amount not to exceed \$365,588.00, for a total amount not to exceed \$414,540.00; and to extend the completion date to November 30, 2019.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

**ENGINEERING SERVICES AGREEMENT BUCK
CREEK INTERCEPTOR ASSESSMENT**

"AMENDMENT A"

THIS AMMENDMENT A entered into this __ day of _____ 2019 by and between **THE CITY OF SPRINGFIELD, OHIO**, an Ohio municipal corporation ("OWNER"), whose mailing address is 76 East High Street, Springfield, Ohio 45502 and **BLACK & VEATCH CORPORATION** ("ENGINEER"), whose mailing address is 4449 Easton Way, Suite 150, Columbus, Ohio 43219: WITNESSETH:

WHEREAS, OWNER operates a Waste Water Treatment Plant ("WWTP") at 965 Dayton Avenue in Springfield, Ohio pursuant to National Pollutant Discharge Elimination System Permit No. IPE00007*RD ("NPDES Permit") and will comply with a long term combined sewer overflow control plan and needs professional assistance for the inspection of the Buck Creek Interceptor Sewer ("BCIS") and design for necessary repairs to the BCIS and,

WHEREAS, the subject Project will begin at the OWNER's Wastewater Treatment Plant (965 Dayton Avenue) and end prior to the point that the interceptor transitions to (3) 6'6" x 1'9" rectangular channels that are located below Buck Creek near Plum St.

WHEREAS, ENGINEER has designed numerous improvements to sewage systems in years gone by and is familiar with OWNER'S sewage system and WWTP infrastructure and operations.

WHEREAS, ENGINEER's service includes but is not limited to a review of the collection system details and existing operation data.

WHEREAS, on September 24, 2018, the parties entered into an Engineering Services Agreement for the furnishing of professional services by ENGINEER regarding the City of Springfield, Buck Creek Interceptor Assessment (the "Project"); and,

WHEREAS, OWNER is desirous to authorize Task A2, A3, and A4 as defined in the Engineering Services Agreement; and;

WHEREAS, OWNER during the Project the OWNER may be desirous of an additional tasks to be performed by the ENGINEER as defined in Task A5 in the Engineering Services Agreement; and,

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I – CONDITION ASSESSMENT SCOPE OF SERVICE

This article describes the work required to conduct a condition assessment of the BCIS. The work shall include inspection of the interior of the BCIS and exposed portions where accessible, a summary of the sewer condition assessment findings, and data analysis for the development of a Technical Memorandum (“TM”). The TM shall document findings, provide recommendations for rehabilitation techniques, and provide a recommended plan for conducting the required work based on the prioritization.

Background

The BCIS is a large diameter sewer that provides combined collections for many residential, commercial, and critical services within the City of Springfield. The combined flow within the sewer contains sanitary flow, surface run-off during wet weather, and ground water infiltration. Constructed in 1935 using cast-in-place concrete methods, the sewer is exhibiting signs of degradation, joint failure, and the City has observed large quantities of grit and sediment accumulating throughout portions of the sewer.

The portion of the BCIS to be evaluated by this Project includes the following:

- 9,425 LF ± of 84” Diameter Concrete Pipe
- 4,190 LF ± of 78” Diameter Concrete Pipe
- 33 Manholes

Inspection Information

The BCIS is a combined sewer system which may surcharge during wet weather events. Inspection services by ENGINEER shall be limited to periods of dry weather flow and optimal visibility.

Average dry weather flow and grit accumulation depths for each reach of the sewer shall be provided by OWNER.

Types of Inspections to be utilized by the Contractor, are as follows,

- Closed-Circuit Television (CCTV) Inspection
- Sonar Profiling
- Laser Scanning
- Man-Entry of Manholes
- Exterior Pipe Inspection

ENGINEER shall provide the inspection results in a format that conforms to OWNER'S requirements for the report development, including the Sewer Inspection Report, Manhole Inspection Report, Field Survey, and other documents.

Contract Structure

Work to be completed by the ENGINEER shall include the following Tasks:

TASK A2 – Sewer Condition Assessment

ENGINEER shall select and retain a Contractor for the inspection of the BCIS. The Contractor shall inspect the 84-inch piping, 78-inch piping and manholes. The Contractor will be subcontracted by ENGINEER following approval from the OWNER. The ENGINEER shall be onsite for the inspection and coordinate with the Contractor to finalize the locations for access, and establish a schedule for the completion of the sewer assessment.

It should be noted that no sewer cleaning shall be provided by OWNER as part of this Project. The Contractor shall not be required to clean pipe segments for this Project and shall document locations and attempts to inspect from each direction. The ENGINEER shall include unit pricing for cleaning in the scope of services to be used when required to complete inspection services deemed necessary by OWNER. These areas will be cleaned as directed by the OWNER.

The scope of services shall include a provision for inspection of manholes in accordance with NASSCO level 1, non-entry inspection format. The OWNER shall have the option for inspection of the manholes based upon the price bid by the contractor. These shall be performed using the NASSCO Manhole Assessment Certification Program (MACP).

Any manhole or sewer entries performed shall meet the minimum requirements as presented in the OSHA Standard, Title 29 CFR 1910.146, Permit Required Confined Spaces. Upon conclusion of the Project, copies of all confined space entry permits must be submitted to OWNER.

ENGINEER shall assist OWNER with Right of Entry and easement acquisition if required to obtain access to the BCIS for the condition assessment.

ENGINEER shall require all sub-consultants to provide OWNER with certificates of insurance naming OWNER an additional insured in accordance with the requirements of the Professional Services Agreement.

TASK A3 – Data Analysis & Technical Memorandum

ENGINEER shall analyze data from Task A2 and develop a Technical Memorandum (TM) to document the findings. The TM shall include a summary of inspections, risk analysis, and provide a schedule of projects for necessary corrective action.

- A. Summary of Inspections- A narrative portion of the TM shall describe the location and conditions observed within the sewers. This narrative shall be of sufficient detail to describe the structural and operational conditions of the sewer and develop a risk analysis. The narrative section shall include GIS & Aerial exhibits illustrating Pipeline Assessment Certification Program, structural and O&M scoring, photos of significant observations from within the sewer, identification of major surface features obstructions and sewer air monitoring results. Adequate description and detail shall be included to allow the OWNER to determine corrective action if necessary. The ENGINEER shall notify the OWNER of any utility conflicts discovered within the sewers as part of the inspections and provide a summary.
- B. Risk Analysis Evaluation- These sections will be developed as part of the TM and shall include at a minimum:
 - a. Identify the failure factors, both probability and consequence, and assign a rating associated with each factor as the basis for the risk analysis.
 - b. Hydraulic or structural analysis to support any conclusions regarding the structural or operational integrity of the sewers.
 - c. The calculation of the Likelihood and Consequence of Failure Scores for each section of the BCIS, the overall prioritization shall be based on both factors and be determined by multiplying them to arrive at a Risk Index. $\text{Risk Index} = \text{Likelihood of Failure} \times \text{Consequence of Failure}$. Rank sections of the sewer based on likelihood of failure and consequences of failure. A comprehensive prioritization methodology shall be developed to aggregate the physical characteristics, performance records, service level, environmental impact and alignment of the pipeline assets into a numerical risk indicator.
 - d. A systematic approach to maximize the life of the existing sewer will be developed to minimize the potential for failure. The approach will be categorized in sewer sections for planning inspections and resource allocation to the pipeline. The highest risk section will be prioritized.
- C. Recommendations- Based on the risk analysis the ENGINEER shall develop a program for future work which may include: cleaning, further inspections, spot repairs, full replacement or trenchless rehabilitation alternatives. ENGINEER shall include preliminary concept of design and

budgetary construction cost estimates for these rehabilitation alternatives. This section will include lessons learned to improve future operations and maintenance.

- D. Scope of Services – ENGINEER shall develop a budget and scope of services for recommended future work. The work may require easement acquisition by OWNER for future work.
- E. Appendices- Appendices will be prepared which contain copies of all inspections on disk, along with the associated video logs, top sheets, and photos, as well as all manhole inspection reports, logs, and photos, or any other information obtained during the condition assessment.
- F. All Tables, charts, graphs, etc. as necessary to summarize the sewer condition scoring and attributes observed, or to highlight/identify any significant observations from the investigations.
- G. In addition to the above described items, ENGINEER shall include on the disks provided, all copies of shapefiles, *.dwg files, SWMM files, or any other electronic data in its original form used to generate the Technical Memorandum.

TASK A4 – Progress Meetings, Reports and Schedules

The ENGINEER shall attend the kick-off meeting and coordinate the progress meeting each month. The ENGINEER shall include all pertinent information in the monthly progress reports and minutes of the progress meetings to the OWNER. Within fourteen (14) days of contract award, the ENGINEER shall prepare a schedule of activities showing task duration, deliverables, and project milestones for the study effort. The schedule shall specifically show all information to and/or from others necessary to complete the work. The schedule shall be updated monthly and submitted with the progress report. Updates should reflect the project schedule as of the last day of the month in which it is prepared.

TASK A5 – If Authorized

Tasks Task A5.1 –

Contingency

The amount of contingency included in ENGINEER's proposed fee for services provided under this agreement shall be \$10,000. This contingency may be utilized for sewer cleaning required by the inspection Contractor, or for unidentified tasks that may be required to be performed by the ENGINEER throughout the course of the work. ENGINEER will not proceed with any such tasks without written authorization from OWNER.

Any supplemental services outside of the original scope of services may be contracted for directly by OWNER or subcontracted by ENGINEER and shall include, but not be limited to, archaeologists, environmentalists, photogrammetry and topographic mapping, field or laboratory tests not associated with the condition assessment. If ENGINEER elects to utilize subcontract services, OWNER shall review for approval the sub-agreement and subcontractor. All supplemental services provided to the prime ENGINEER by subcontractors shall be subject to the requirements of the Professional Services Agreement.

ARTICLE III - PERFORMANCE

Section 1. ENGINEER shall perform all services described above to meet the following schedule:

| Task | Completion Date |
|--|------------------------|
| A2 – Sewer Condition Assessment | August 31, 2019 |
| A3 – Data Analysis & Technical Memorandum A4 – Progress Meetings, Reports and Schedules | November 30, 2019 |

Section 2. All work performed by ENGINEER and by any subcontractors of ENGINEER shall be performed to the satisfaction of OWNER'S Service Director.

Section 3. At OWNER'S request, ENGINEER shall meet with OWNER'S Service Department, Operations Engineer, or his designee, to review the progress being made on design of the Project. Meetings will be held at a location chosen by OWNER.

ARTICLE IV - COMPENSATION TO THE ENGINEER

Section 1. The additional work described in this Amendment A has an established budgetary fee of \$365,588. This budgetary fee includes \$10,000 for Task A5, If Authorized Tasks which may be authorized by the OWNER. With approval of Amendment A, the total compensation shall be increased from \$48,952.00 to \$414,540 in consideration for services performed under the Article I Task A1 through A5. Compensation for this Amendment shall be payable in the same manner as other payments under the Agreement.

ENGINEER shall submit invoices for services on approximately a monthly basis to coincide with ENGINEER'S standard financial accounting periods. Invoices shall cover the incremental work performed in the period and shall be accompanied by

supporting information providing summaries of ENGINEER'S staff effort in hours on the project and major expense items including sub consultants, but in no event to exceed the amounts as set forth in the schedule entitled "Fee Schedule & Labor Hours" attached here to as Exhibit A, which is incorporated herein by reference as though fully rewritten herein. ENGINEER shall invoice the OWNER for each of the above payments in order for the payment to become due.

Section 2. Sums to be paid, in every case, are subject to receipt of an invoice for payment specifying the work performed. The invoice shall be in a form acceptable to OWNER'S Finance Director. Payment will be made to ENGINEER no later than thirty (30) days after OWNER receives the invoice for payment. Final payment shall be made to ENGINEER within thirty (30) days after submission of a final invoice and OWNER'S Operations Engineer certifies that all work required of ENGINEER under this Agreement has been satisfactorily completed.

Section 3. It is agreed that the compensation described in this Article IV shall constitute the entire consideration to ENGINEER for all services (including expenses incurred and subcontracting costs) performed by ENGINEER pursuant to Article I. In no event shall the consideration paid to ENGINEER for Article I, Section I services exceed the maximum sum of FOUR HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FORTY DOLLARS (\$414,540) without further legislative authorization by OWNER'S City Commission. In the event, and to the extent that a change in the law; changed or unexpected site condition; an act or omission of OWNER or OWNER's suppliers and contractors; an error or change in OWNER-provided information; or any event beyond the reasonable control of the affected party, affects the work, increases ENGINEER's costs, or adversely affects ENGINEER's ability to meet the schedule, ENGINEER shall be entitled to request a change to the work and an equitable adjustment in its fee and schedule, as appropriate; however, OWNER is not obligated to make any expenditure beyond the above mentioned maximum unless an additional expenditure is authorized by OWNER'S City Commission in advance.

OTHER MATTERS

All provisions of the Contract not specifically modified herein shall remain in effect. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all signatures delivered by facsimile and/or electronically shall be as effective as original signatures. Each party warrants that the individuals signing this Agreement on behalf of such party has the authority to enter into this Agreement and to bind the principal on whose behalf he or she signs. Further, each party agrees and affirms that the undersigned possesses all requisite right and authority of his or her principal to order or provide, and to obligate his or her principal to pay for, or to deliver

the product described herein.

IN WITNESS WHEREOF, OWNER and ENGINEER have executed this agreement by their duly authorized representatives on the date first above written.

APPROVED AS TO FORM:
Jerome Strozdas
Law Director

By:

Jill N. Allen
Asst. Law Director

Date:

THE CITY OF SPRINGFIELD

BY: _____
Bryan. Heck, City Manager

BLACK & VEATCH CORPORATION

BY: S Sengupta
Sid Sengupta
Associate Vice President

Request for Commission Action City of Springfield, Ohio

Item Number: 032-18

Agenda Date: 03/26/19

Today's Date: 03/14/19

Subject: Contract Renewal for Sodium Hypochlorite

Submitted By: Mark Beckdahl, Finance Director

Department: Wastewater Treatment Plant

Contact: Shawn Spiller x7624

- | | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution: 18-34

Date of Prior Ordinance/Resolution: 02/13/2018

Summary:

It is respectfully requested that the City Commission authorize the City Manager to exercise the first renewal option for the contract with Chemical Services, Inc for sodium hypochlorite for an amount not to exceed \$82,800.00 for contract year 2019/2020 expiring March 2, 2020. This represents a 3% increase over the intital bid.

Justification for Emergency Action: (use reverse side if needed)

Emergency action has been requested for the renewal to avoid interruption of delivery of product. The expiration for this contract was March 2, 2019. Chemicals will need to be ordered by the first of April.

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
| WWTP | 630 Sewer | 351304-4313 | \$82,800.00 |

Total Cost: \$82,800.00

AN ORDINANCE NO. _____

Authorizing the exercise of the City's option to renew the contract with Chemical Services, Inc. for the purchase of Sodium Hypochlorite for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$82,800.00; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City and Chemical Services, Inc. entered into a one-year contract dated February 27, 2018, for the purchase of Sodium Hypochlorite for use by the City's Wastewater Treatment Plant; and

WHEREAS, the February 27, 2018 contract provides the City with an option to renew the contract for two (2) additional one (1) year periods; and

WHEREAS, this Commission finds it in the best interest of the City that said contract be renewed for the first renewal option for the purchase of Sodium Hypochlorite for use by the City's Wastewater Treatment Plant, for a total amount not to exceed \$82,800.00; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to avoid an interruption in services, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Commission hereby authorizes the exercise of the City's first option to renew the contract with Chemical Services, Inc. the purchase of Sodium Hypochlorite for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$82,800.00.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 031-18

Agenda Date: 03/26/19

Today's Date: 03/14/19

Subject: Contract Renewal for Liquid Sodium Bisulfite

Submitted By: Mark Beckdahl, Finance Director

Department: Wastewater Treatment Plant

Contact: Shawn Spiller x7624

- | | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution: 18-33

Date of Prior Ordinance/Resolution: 02/13/2018

Summary:

It is respectfully requested that the City Commission authorize the City Manager to exercise the first renewal option for the contract with PVS Chemical Solutions, Inc for liquid sodium bisulfite for an amount not to exceed \$56,400.00 for contract year 2019/2020 expiring March 2, 2020. This represents an 8.5% increase over the intital bid.

Justification for Emergency Action: (use reverse side if needed)

Emergency action has been requested for the renewal to avoid interruption of delivery of product. The expiration for this contract was March 2, 2019. Chemicals will need to be ordered by the first of April.

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
| WWTP | 630 Sewer | 351304-4313 | \$56,400.00 |

Total Cost: \$56,400.00

AN ORDINANCE NO. _____

Authorizing the exercise of the City's option to renew the contract with PVS Chemical Solutions, Inc. for the purchase of Liquid Sodium Bisulfite for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$56,400.00; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City and PVS Chemical Solutions, Inc. entered into a one-year contract dated February 27, 2018, for the purchase of Liquid Sodium Bisulfite for use by the City's Wastewater Treatment Plant; and

WHEREAS, the February 27, 2018 contract provides the City with an option to renew the contract for two (2) additional one (1) year periods; and

WHEREAS, this Commission finds it in the best interest of the City that said contract be renewed for the first renewal option for the purchase of Liquid Sodium Bisulfite for use by the City's Wastewater Treatment Plant, for a total amount not to exceed \$56,400.00; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to avoid an interruption in services, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Commission hereby authorizes the exercise of the City's first option to renew the contract with PVS Chemical Solutions, Inc. for the purchase of Liquid Sodium Bisulfite for use by the City's Wastewater Treatment Plant, for an amount not to exceed \$56,400.00.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 080-16

Agenda Date: 03/26/19

Today's Date: 03/14/19

Subject: Contract Renewal for Removal of Catch Basin Debris/Trash and Grit

Submitted By: Mark Beckdahl, Finance Director

Department: Wastewater Treatment Plant

Contact: Shawn Spiller x7624

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution: 16-73
18-52

Date of Prior Ordinance/Resolution: 03/15/2016
02/27/2018

Summary:

It is respectfully requested that the City Commission authorize the City Manager to exercise the first renewal option for the contract with Republic Services of Ohio Hauling, LLC for removal of catch basin debris for an amount not to exceed \$93,888.00 for contract year 2019/2020 expiring March 14, 2020. This represents no increase over last year.

Justification for Emergency Action: *(use reverse side if needed)*

In order to avoid interruption of service, it is recommended that City Commission confirm and approve this renewal by emergency. The expiration for this contract was March 14, 2019.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
| WWTP | 630 Sewer | 351304-4070 | \$93,888.00 |

Total Cost: \$93,888.00

AN ORDINANCE NO. _____

Confirming and approving the exercise of the City's option to renew the contract with Republic Services of Ohio Hauling LLC, for the removal of catch basin debris/trash and grit, for an amount not to exceed \$93,888.00; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City and Republic Services of Ohio Hauling LLC entered into a three-year contract dated March 15, 2016, for the removal of catch basin debris/trash and grit; and

WHEREAS, the March 15, 2016 contract provides the City with an option to renew the contract for two (2) additional one (1) year periods; and

WHEREAS, this Commission finds it in the best interest of the City that said contract be renewed for the first renewal option for the removal of catch basin debris/trash and grit, for a total amount not to exceed \$93,888.00; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to avoid an interruption in services, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the exercise of the City's first option to renew the contract with Republic Services of Ohio Hauling LLC for the removal of catch basin debris/trash and grit, for an amount not to exceed \$93,888.00, is hereby confirmed and approved.

Section 2. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 090-19

Agenda Date: March 26, 2019

Today's Date: March 20, 2019

Subject: Approve a Development Incentive Agreement with Noah Sebastinas

Submitted By: Chris Moore

Department: Service

Contact: Leslie McDermott, 525-5848

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

**Prior
Ordinance/Resolution:**

**Date of Prior
Ordinance/Resolution:**

Summary:

Respectfully request City Commission authorization to approve the execution of a Development Incentive Agreement (DIA) with Noah Sebastinas for sewer service to his residential property located at 2933 Troy Road (State Route 41) in German Township.

Justification for Emergency Action: (use reverse side if needed)

Respectfully request approval for an Emergency Ordinance on the March 26th agenda. The homeowner has stated that the Clark County Combined Health District is requiring him to abandoned his home sewage treatment system and connect to public sewer. The City's public sewer is available in the right of way of Troy Road (State Route 41) adjacent to the property. It is suitable for public health purposes to allow this property to connect to a central collection system as soon as possible.

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

Total Cost: \$ 0.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a Development Incentive Agreement (Single Family Residential Development) with Noah Sebastinas to provide for sewer services to real property outside the City limits; and declaring an emergency.

...oooOOOooo...

WHEREAS, Noah Sebastinas owns certain real property which is currently located outside the City limits; and

WHEREAS, Noah Sebastinas desires the privilege of obtaining sewer services from the City; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to help the property owner prevent unhealthy sewer conditions, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into a Development Incentive Agreement (Single Family Residential Development), a copy of which is attached hereto and is hereby approved, with Noah Sebastinas to provide for sewer services to real property outside the City limits.

Section 2. That because the Development Incentive Agreement authorized by this ordinance constitutes a covenant running with the land, the City Manager is hereby authorized to execute such agreements and documents the City Manager deems necessary to document that the terms of this Development Incentive Agreement remain in effect upon change in the ownership of the property described in the Development Incentive Agreement.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

DEVELOPMENT INCENTIVE AGREEMENT
(Single Family Residential Development)

THIS AGREEMENT entered into this _____ day of _____, 2018, by and among **THE CITY OF SPRINGFIELD, OHIO** (hereinafter called CITY) whose mailing address is 76 East High Street, Springfield, Ohio 45502 and **NOAH SEBASTINAS** (hereinafter called OWNER) whose mailing address is 3016 Eastham St., Springfield, OH 45503.

WITNESSETH:

WHEREAS, OWNER wishes to use and/or develop certain real property, described in **Exhibit A** attached hereto and incorporated herein by reference (hereinafter called premises), for residential purposes only; and

WHEREAS, the premises is currently located outside the CITY'S corporation limits; and,

WHEREAS, OWNER desires the privilege of obtaining sewer services from CITY.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

Section 1. After OWNER has tapped available sewer pipe in a manner approved by the CITY and has paid all applicable connection fees, the CITY shall allow OWNER to discharge waste into the tapped pipe subject to the sewer use laws and rules as currently and hereafter established by the CITY. OWNER agrees to pay the usual and customary sewer charges, as currently and hereafter established by the CITY provided, however, that for as long as the premises remain outside the CITY'S corporation limits, OWNER shall pay sewer charges at the prevailing rates for users located outside the CITY'S corporation limits. OWNER shall comply with all constitutional and charter provisions, statutes, ordinances, rules and regulations currently and hereafter applicable to the CITY'S water distribution and sewage collection systems.

Section 2. OWNER shall construct or otherwise make available, in accordance with the CITY'S specifications, the facilities necessary to connect the CITY'S sewer system to the premises. The cost of providing the above described facilities shall be the responsibility of OWNER. The CITY shall provide initial service within a reasonable time, but not later than five (5) days after OWNER has provided the facilities and requested inspection and received approval by the CITY. The City will use its reasonable best efforts to maintain sewer service to the premises as long as this agreement is in effect.

Section 3. OWNER agrees to fully cooperate in any proceedings to annex the premises to the CITY'S corporate limits. Said cooperation shall be defined as (i) appointing an individual designated by the City to be the OWNER'S attorney in fact to furnish applications, petitions, affidavits and other documents necessary to the annexation process, (ii) signing annexation petitions and providing supporting affidavits, (iii) furnishing representatives to testify in favor of annexation at hearings, (iv) providing information concerning the benefits of annexation, (v) remaining as a party in annexation proceedings through the appellate process, (vi) not encouraging opposition to annexation, (vii) preparing an annexation petition and map and (viii) such other assistance in furtherance of annexation as the CITY shall reasonably request. OWNER shall provide such cooperation in annexation proceedings either alone or in concert with other property owners seeking annexation.

Section 4. OWNER further agrees that the sewer services provided by CITY pursuant to this agreement are for the sole benefit of OWNER and its tenants. OWNER shall not assign its interest and rights under this agreement to any other entity without the consent of CITY in writing. In the event the OWNER conveys any portion of its interest in the premises to any other entity without providing for such assumption and OWNER has not cured such failure within (30) days after notice from the CITY thereof, the CITY may, at its option, terminate the sewer services provided pursuant to this agreement.

Section 5. In consideration of CITY allowing to OWNER the privilege to receive sewer services for the premises located outside the CITY'S corporate limits, OWNER agrees to make payment to CITY as follows:

- a. On the fifteenth (15th) day of April of each year OWNER shall pay to the CITY the sum of Two Hundred Fifty Dollars (\$250.00) for each residential unit located on the premises during the calendar year immediately preceding the year in which the April payment is to be made.
- b. A residential unit is defined as a dwelling designed to be occupied by an individual or group of individuals living together in common living quarters.

- c. Payments under this section shall be made to the CITY until annexation of the premises to the CITY'S corporate limit has been completed. Obligations under this section shall begin as of the date that sewer services are commenced by the CITY.
- d. Sums due to the CITY pursuant to this Section 5 and remaining unpaid after the due date shall bear interest at the rate of eighteen percent (18%) per annum.

Section 6. On the date the premises become annexed to CITY'S corporation limits, OWNER, its successors and assigns and its tenant's obligations under Sections 4 and 5 shall cease. However, all previous payments made by OWNER to CITY pursuant to Sections 1 and 5 shall be retained by CITY and payments pursuant to Sections 1 and 5 shall be made to CITY for that portion of the year of annexation during which the premises was not within CITY'S corporation limit.

Section 7. Should the use of the premises change from a single family residential use as a single family structure or condominiums to another use, the parties agree that this Development Incentive Agreement shall terminate and that another Development Incentive Agreement shall be entered into containing a payment system consistent with the new use to which the premises is put.

Section 8. OWNER shall indemnify and hold CITY harmless from any liability of any nature which may result from the acts or omissions of OWNER, in entering into this agreement or performing its obligations under this agreement. Further, OWNER shall pay all attorney's fees and court costs incurred by CITY in defending itself against any such liability. **WARNING: It is unlawful for officials and employees of CITY to receive gratuities.**

Section 9. CITY'S failure to complain of any act or omission on the part of OWNER, no matter how long a time the same may continue, shall not be deemed to be a waiver of any right hereunder. No waiver by CITY at any time, express or implied, or any breach of any provision of this agreement shall be deemed a breach of any other provision of this agreement or a consent to any subsequent breach of the same or any other provision.

Section 10. Any judicial action involving any controversy or claim arising out of, or relating to, this agreement or the breach thereof, shall be filed only in the Common Pleas Court Clark County, Ohio.

Section 11. All notices required or permitted to be given by either OWNER or the CITY under the terms of this agreement shall be in writing and sent by certified mail, return receipt requested, by courier service, or delivered in person to the above mentioned

addresses. Mailed notices shall be effective upon delivery.

Section 12. This agreement may not be modified or amended except by a subsequent agreement in writing signed by the parties hereto. The parties may waive any of the conditions contained herein or any of the obligations of the other party hereunder, but any such waiver shall be effective only if in writing and signed by the party waiving such condition or obligation.

Section 13. This agreement, including the exhibits attached hereto, constitutes the entire agreement and understanding between the parties hereto and supersedes all prior and contemporaneous agreements and understandings of the parties in connection therewith. No statements, agreements or understandings, representations, warranties or conditions not expressed in this agreement shall be binding upon the parties hereto, or shall be effective to interpret, change or restrict the provisions of this agreement unless such is in writing signed by both parties hereto and is by reference made a part hereof.

Section 14. This agreement is binding upon and inures to the benefit of the parties hereto, their respective legal representatives, successors and assigns. This Agreement shall be recorded in the office of the Recorder of Clark County, Ohio and constitutes a covenant running with the land.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands to duplicate originals as of the date first above written.

APPROVED AS TO FORM
AND CORRECTNESS:
Jerome M. Strozdas, Law Director

THE CITY OF SPRINGFIELD, OHIO

By: _____
Assistant Law Director

Bryan Heck, City Manager

Noah Sebastinas

STATE OF OHIO)
COUNTY OF CLARK) SS:

Before me, a Notary Public, in and for said County, personally appeared Bryan Heck, City Manager of The City of Springfield, Ohio who acknowledged that he did execute the foregoing instrument as the fully authorized officer of The City of Springfield, Ohio and that the same is its free act and deed and his free act and deed respectively, as

such officer and individually.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal at Springfield, Ohio this ___ day of _____, 2019.

Notary Public

STATE OF OHIO)
COUNTY OF CLARK) SS:

Before me, a Notary Public, in and for said County, personally appeared Noah Sebastinas who acknowledged that they did execute the foregoing instrument and that the same is their free act and deed and who further swore to and subscribed the said instrument.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal at Springfield, Ohio this ___ day of _____, 2019.

Notary Public

This instrument was prepared by The City of Springfield, Ohio.

EXHIBIT A

Being Lot No. One (1) as the same is numbered and designated on the Plat of Bexley, Subdivision Number One, to the Township of German, which Plat is recorded in Volume 9, Page 10 of the Plat Records, Clark County Ohio.

**Commonly known as: 2933 Troy Road, Springfield, Ohio 45504
Parcel ID: 0500200013100014**

Request for Commission Action

City of Springfield, Ohio

Item Number: 267-14a

Agenda Date: 3/26/19

Today's Date: 3/20/19

Subject: Amendment No. 7 to LPA Project Agreement No. 26848 for Project CLA – Bechtel Signals, PID No. 98859

Submitted By: Leo Shanayda, City Engineer

Department: Engineering

Contact: Leo Shanayda, City Engineer

| | |
|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Emergency Resolution |
| | <input checked="" type="checkbox"/> Contract |

Prior Ordinance/Resolution: 15-6
 15-115
 16-77
 16-107
 16-226
 17-134
 18-129

Date of Prior Ordinance/Resolution: 1/6/15
 4/28/15
 3/15/16
 4/12/16
 8/6/16
 6/6/17
 5/8/18

Summary:

Amendment is needed to amend section 3 to add \$1,000 to the project construction costs that need to be increased due to Change Order No. 4 with the general contractor.

Justification for Emergency Action: (use reverse side if needed)

It is the recommendation of this office that City Commission authorize the City Manager to execute the Amendment to this LPA Federal Project Agreement by emergency ordinance in order for accurate funding to be in place to prevent any delay in construction of this project.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
|---------------------|------------------|----------------|-------------|

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into LPA Agreement No. 26848 - Amendment No. 7 between the City and the Ohio Department of Transportation in connection with the CLA Bechtle Signals, PID No. 98859 to increase funding limits for construction costs; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City and the State of Ohio have entered into LPA Agreement No. 26848 pursuant to Ordinance No. 15-6, and amended pursuant to Ordinance Nos. 15-115, 16-77, 16-107, 16-226, 17-134 and 18-129, in connection with the CLA Bechtle Signals; and

WHEREAS, ODOT has tendered an LPA Agreement Amendment No. 7 to increase funding limits for construction costs; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to avoid delay with the project, which this Commission finds creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into LPA Agreement No. 26848 - Amendment No. 7 between the City and the Ohio Department of Transportation in connection with the CLA Bechtle Signals, PID No. 98859 to increase funding limits for construction costs.

Section 2. That LPA Agreement No. 26848 - Amendment No. 7, a copy of which is attached hereto, is hereby approved.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

CFDA 20.205

LOCAL-LET PROJECT AMENDMENT No. 7

Amend SECTION 3, to reflect the change cost and funding.

3. FUNDING

3.1 The total cost for the PROJECT is estimated to be \$ 896,874.52 as set forth in Attachment 1. ODOT shall provide to the LPA 100 percent of the eligible costs, up to a maximum \$ 83,065 in Federal funds (4TB7) for preliminary engineering. ODOT shall provide to the LPA 100 percent of \$ 563,920.51 in Federal funds (4TB7) for construction and construction engineering and 100 percent of eligible costs, up to a maximum of \$ 226,979.40 in (4HJ7) Federal funds for construction. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the detailed design, the actual construction of the transportation project improvements and construction engineering/inspection activities.

SECTION 15.9 - Signatures

This section is amended to acknowledge the changes were made to Section 3, Funding.

15.9 *Signatures:* Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: **CITY OF SPRINGFIELD**

STATE OF OHIO
OHIO DEPARTMENT OF TRANSPORTATION

By: _____

By: _____

Title: _____

Jerry Wray
Director

Date: _____

Date: _____

Approved as to form and correctness

Deputy Law Director

Attachment 1

PROJECT BUDGET – SOURCES AND USES OF FUNDS

| USES | SOURCES | LPA FUNDS | | | FHWA FUNDS | | | STATE FUNDS | | | TOTAL |
|------|---|--------------|-----|------|--------------|-----|------|-------------|---|-----|--------------|
| | | Amount | % | SAC | Amount | % | SAC | Amount | % | SAC | |
| | PRELIMINARY DEVELOPMENT | | | | \$41,448 | 100 | 4TB7 | | | | \$41,448 |
| | FINAL DESIGN, CONSTRUCTION PLANS & SPECIFICATIONS | | | | \$41,617 | 100 | 4TB7 | | | | \$41,617 |
| | ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION | | | | | | | | | | |
| | PROJECT CONSTRUCTION COSTS | | | | \$559,125.01 | 100 | 4TB7 | | | | \$559,125.01 |
| | INSPECTION | \$ 17,369.06 | 100 | LNTP | | | | | | | \$ 17,369.06 |
| | ONGOING SERVICES DURING CONSTRUCTION | | | | \$ 4,795.50 | 100 | 4TB7 | | | | \$ 4,795.50 |
| | PROJECT CONSTRUCTION COSTS | | | | \$226,979.40 | 100 | 4HJ7 | | | | \$226,979.40 |
| | INSPECTION | \$ 5,540.55 | 100 | LNTP | | | | | | | \$ 5,540.55 |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | TOTALS | \$ 22,909.61 | | | \$873,964.91 | | | | | | \$896,874.52 |

Request for Commission Action City of Springfield, Ohio

Item Number: 267-14b

Agenda Date: 3/26/19

Today's Date: 3/6/19

Subject: Change Order No. 4 with Bansal Construction, Inc. for the CLA - Bechtel Signals Project, PID 98859

Submitted By: Leo Shanayda, City Engineer

Department: Engineering

Contact: Leo Shanayda

| | |
|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |
| | <input type="checkbox"/> Emergency Resolution |

Prior

Ordinance/Resolution: 17-136
17-218
18-128
18-229

Date of Prior

Ordinance/Resolution: 6/6/17
9/12/17
5/8/18
8/28/18

Summary:

A change order is needed to match field measurement quantities, and in order to allow enough time for completion and the switch upgrade, the contract completion date should be extended from June 8, 2018 to May 31, 2019, therefore, a contract change order must be authorized by City Commission.

Justification for Emergency Action: *(use reverse side if needed)*

In order to compensate the contractor for these changes to the project, it is the recommendation of this office that City Commission confirm and approve and authorize the City Manager to execute this change order in the amount of \$379.72 by emergency ordinance at their March 12th meeting.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|-------------|
| Engineering | ODOT | | \$ 379.72 |

Total Cost: \$ 379.72

AN ORDINANCE NO. _____

Confirming and approving Change Order No. 4 to the contract between the City and Bansal Construction, Inc. for the CLA Bechtel Signals - Rebid, PID No. 98859 to increase the contract amount by \$379.72, for a total contract amount not to exceed \$780,094.84, and to extend the contract completion date to May 31, 2019; and authorizing the City Manager to execute said Change Order No. 4; and declaring an emergency.

...oooOOOooo...

WHEREAS, it is necessary that this Ordinance become effective immediately in order to compensate Bansal Construction, Inc. for work previously completed, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That this Commission hereby confirms and approves Change Order No. 4 to the contract between the City and Bansal Construction, Inc. for the CLA Bechtel Signals - Rebid, PID No. 98859 to increase the contract amount by \$379.72, for a total contract amount not to exceed \$780,094.84, and to extend the contract completion date to May 31, 2019.

Section 2. That the City Manager is hereby directed and authorized to endorse upon Change Order No. 4, a copy of which is attached, his approval on behalf of the City.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

CONTRACT CHANGE ORDER

NUMBER (4) Four

DATE February 28, 2019

TYPE OF PROJECT: CLA - Bechtel Signals, PID 98859

CONTRACTOR: Bansal Construction, Inc., 3264 Homeward Way, Fairfield, OH 45014

The following changes are hereby made to the contract plans and specifications:

| ITEM NO. | DESCRIPTION OF CHANGE | Contract Cost | |
|-----------------------|---|---------------------|-------------------|
| | | DECREASE | INCREASE |
| 625 | Trench (9) FT @ \$9.80 | (\$88.20) | |
| 632 | Loop Detector Lead-In Cable (1,200) FT @ \$1.50 | (\$1,800.00) | |
| 625 | Conduit, Jacked or Drilled, 725.052 4" 10 FT @ \$31.66 | | \$316.60 |
| SPEC | Video System Analog Switch Upgrade 1 LS @ \$1,951.32 | | \$1,951.32 |
| TOTAL INCREASE | | | \$2,267.92 |
| TOTAL DECREASE | | (\$1,888.20) | |

The sum of \$379.72 is hereby added to, deducted from the total. Therefore, the adjusted contract price to date is \$780,094.84.

The time provided for completion in the contract has been extended to **May 31, 2019.** This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

ACCEPTED BY: _____
Contractor

Date

RECOMMENDED BY: _____
Engineer

Date

APPROVED BY: _____
City Manager

Date

Request for Commission Action

City of Springfield, Ohio

Item Number: 068-19

Agenda Date: 3/26/19

Today's Date: 3/20/19

Subject: Award of Contract to Sterling Quality Concrete, LLC for the 2019 Sidewalk, Curb & Gutter Program

Submitted By: Leo Shanayda, City Engineer

Department: Engineering

Contact: Leo Shanayda

| | |
|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract |
| | <input type="checkbox"/> Emergency Resolution |

Prior Ordinance/Resolution: 6039

Date of Prior Ordinance/Resolution: 2/26/19

Summary:

Bids were received on March 8, 2019, for the above referenced project. The following is a list of the bidders and their bids:

| | |
|--------------------------------|---------------|
| Sterling Quality Concrete, LLC | \$ 338,370.00 |
| A & B Asphalt Corporation | \$ 418,029.00 |
| Engineer's Estimate | \$ 388,437.50 |

The contractor for this work will be required to perform concrete work on sidewalks, curbs and gutter within the city right-of-ways. This work will be performed on street sections, which are the responsibility of the City, and on sections where property owners have received notice to replace concrete work but have failed to do so within the 30-day period of time allotted for the property owner to perform this work.

Justification for Emergency Action: *(use reverse side if needed)*

This office is recommending that City Commission authorize the City Manager to enter into a contract with Sterling Quality Concrete, LLC, for this program at their March 26th meeting. This authorization should be granted as an emergency so that the contractor can begin working.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|--------------------------|-------------------|---------------|
| Engineering | 401 Fund | 140012-6070 (613) | \$ 100,000.00 |
| Engineering | 499 Fund (2019 S, C & G) | 140541-6072 | \$ 238,370.00 |

Total Cost: \$ 338,370.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with Sterling Quality Concrete, LLC for the 2019 Sidewalk, Curb & Gutter Program for an amount not to exceed \$338,370.00, and declaring an emergency.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the 2019 Sidewalk, Curb & Gutter Program; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended award of contract to Sterling Quality Concrete, LLC for the 2019 Sidewalk, Curb & Gutter Program for an amount not to exceed \$338,370.00, which was the lowest and best bidder; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to expedite the start of construction, which this Commission finds creates an emergency to provide for the usual daily operation of the Engineering Department, necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into a contract with Sterling Quality Concrete, LLC for the 2019 Sidewalk, Curb & Gutter Program for an amount not to exceed \$338,370.00.

Section 2. That the contract entered into by the City shall incorporate the specifications prepared by the Purchasing Division, which are hereby approved, and made available to providers submitting bids to the City, and shall conform to the recommendations of the City's Purchasing Division as made to this Commission.

Section 3. The City Manager is authorized to approve change orders with respect to the contract so long as the scope of the work is not materially changed and the amount hereby authorized is not exceeded.

Section 4. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 274-18

Agenda Date: 3/26/19

Today's Date: 3/20/19

Subject: Award of Contract to J & J Schlaegel, Inc. for the Lagonda Avenue and James Street Combined Sewer Replacement project

Submitted By: Leo Shanayda, City Engineer

Department: Engineering

Contact: Leo Shanayda, City Engineer

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

Bids were received on March 15, 2019, for the above referenced project. The following is a list of the bidders and their bids:

| | |
|------------------------------|---------------|
| Performance Site Development | \$ 179,276.80 |
| J & J Schlaegel, Inc. | \$ 182,876.30 |
| Sunesis Construction Co. | \$ 200,000.00 |
| Majors Enterprises, Inc. | \$ 239,790.01 |
| Engineer's Estimate | \$ 169,000.00 |

Based on past experience with the low bidder, it is the recommendation of this office to award to the next low bidder, J & J Schlaegel, Inc.

Justification for Emergency Action: (use reverse side if needed)

This project consists of the replacement of approximately 300 lineal feet of 18" sewer as well as approximately 70 lineal feet of 10" waterline lowering.

This office is recommending that City Commission authorize the award of a contract to the J & J Schlaegel, Inc., in the amount of \$182,876.30 at their March 26th meeting as an emergency ordinance. This authorization should be granted as an emergency in order to expedite the start of construction of this project.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|----------------|---------------|
| Engineering | Sewer | | \$ 182,876.30 |

Total Cost: \$ 182,876.30

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the Lagonda Ave. and James St. Combined Sewer Replacement Project for an amount not to exceed \$182,876.30; and declaring an emergency.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the Lagonda Ave. and James St. Combined Sewer Replacement Project; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended award of contract to J & J Schlaegel, Inc., for an amount not to exceed \$182,876.30, which was the lowest and best bidder; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to expedite the start of construction, which creates an emergency to preserve the public peace, health, safety and property necessitating the immediate effectiveness of this Ordinance; NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into a contract with J & J Schlaegel, Inc. for the Lagonda Ave. and James St. Combined Sewer Replacement Project for an amount not to exceed \$182,876.30.

Section 2. That the contract entered into by the City shall incorporate the specifications prepared by the Purchasing Division, which are hereby approved, and made available to providers submitting bids to the City and shall conform to the recommendations of the City's Purchasing Division as made to this Commission.

Section 3. The City Manager is authorized to approve change orders with respect to the contract so long as the scope of the work is not materially changed and the amount hereby authorized is not exceeded.

Section 4. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 079-18

Agenda Date: 3/26/19

Today's Date: 3/13/19

Subject: 2018 Sidewalk, Curb & Gutter Program Assessments

Submitted By: Leo Shanayda, City Engineer

Department: Engineering

Contact: Leo Shanayda, City Engineer

- | | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

The tentative assessments for the 2018 Sidewalk, Curb and Gutter program were published in the February 4, February 11 and February 18, 2019 editions of the Springfield News-Sun. An additional two-week period has been allowed for comments or protests.

It is the recommendation of this office that City Commission accept these assessments for a total assessed amount of \$259,219.27. This acceptance will allow the City to begin collecting these assessments.

Justification for Emergency Action: (use reverse side if needed)

This office is recommending that City Commission accept the assessments for the 2018 Sidewalk, Curb and Gutter program at their March 26th meeting by emergency ordinance. This acceptance should be an emergency in order to facilitate bonding requirements.

| <u>Department/Division</u> | <u>Fund Description</u> | <u>Account Number</u> | <u>Actual Cost</u> |
|----------------------------|-------------------------|-----------------------|--------------------|
|----------------------------|-------------------------|-----------------------|--------------------|

Total Cost:

AN ORDINANCE NO. _____

Levying special assessments for the improvement of streets by the construction of sidewalks, curbs and gutters in the 2018 Sidewalk, Curb and Gutter Program, and declaring an emergency.

...oooOOOooo...

WHEREAS, it is the determination of the City Commission that the need to provide for the immediate preservation of the public peace, property, health and safety and the need to facilitate bonding requirements require that assessments for the 2018 Sidewalk, Curb and Gutter Program be levied at the earliest possible moment, causing an emergency to exist which requires that this Ordinance take effect and be in force from and after the time hereinafter specified: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the list of estimated assessments for the construction of sidewalks, curbs and gutters within the City and on file with the City Treasurer's Office is hereby adopted and confirmed. The total cost and expense of such construction amounts to Two Hundred Fifty-Nine Thousand Two Hundred Nineteen Dollars and Twenty-Seven Cents (\$259,219.27). Notice of the list of estimated assessments has been given as required by law and no written objection thereto has been timely filed with the City Treasurer's Office.

Section 2. That there is hereby levied and assessed upon the lots and lands enumerated in the adopted list of estimated assessments the amounts applicable to such lots and lands as set forth on such list and determined by this Commission to be proper. The assessments are not in excess of the special benefits to said abutting lots and lands and are not in excess of any statutory limitations.

Section 3. That the total assessment against each lot or parcel of land shall be payable in cash within thirty (30) days from and after the effective date of this Ordinance, or, at the option of the owners, in five (5) annual installments with interest at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the same. All cash payments shall be made to the Treasurer of The City of Springfield, Ohio. All assessments and installments thereof remaining unpaid at the expiration of the thirty (30) days shall be certified by the Clerk of this Commission to the County Auditor, as provided by law, to be by him placed on the tax duplicate and collected as other taxes are so collected.

Section 4. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun
_____, 2019)

I do hereby certify that the foregoing Ordinance No. _____ was duly
published in the Springfield News-Sun on _____,
2019.

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 091-19

Agenda Date: 3/26/19

Today's Date: 3/20/19

Subject: Authorization to enter into agreement with Crawford, Murphy & Tilly, Inc., for Design and Engineering Services for North Street Sewers

Submitted By: Leo Shanayda, City Engineer

Department: Engineering

Contact: Leo Shanayda

| | | |
|---|---|---|
| <input type="checkbox"/> 14-Day Ordinance | <input checked="" type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input type="checkbox"/> 14-Day Resolution (2 Readings) | <input type="checkbox"/> Emergency Resolution |
| <input type="checkbox"/> Motion | <input checked="" type="checkbox"/> Contract | |

Prior Ordinance/Resolution:

Date of Prior Ordinance/Resolution:

Summary:

Engineering proposals were received and reviewed by City staff for the above referenced project. Upon conclusion of the review, it was determined that the best proposal was submitted by Crawford, Murphy & Tilly, Inc.

Justification for Emergency Action: (use reverse side if needed)

This agreement will be for providing all the necessary engineering services to develop a complete plan set and specifications for the replacement and design of sewers in the North Street and Water Street areas.

It is the recommendation of this office that City Commission authorize the City Manager to enter into this agreement with Crawford, Murphy & Tilly, Inc. in the amount of \$101,455.00 by emergency ordinance in order to expedite design.

| Department/Division | Fund Description | Account Number | Actual Cost |
|---------------------|------------------|--------------------|---------------|
| Engineering | Sewer | 331207-4030 (7202) | \$ 101,455.00 |

Total Cost: \$ 101,455.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a Project Engineering Agreement with Crawford, Murphy & Tilly, Inc. for the North Street Sewers Project for an amount not to exceed \$101,455.00, and declaring an emergency.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received proposals for professional engineering and design services for the North Street Sewers Project; and

WHEREAS, after receiving and reviewing the proposals submitted, the City's Purchasing Division has recommended award of contract to Crawford, Murphy & Tilly, Inc. for the North Street Sewers Project for an amount not to exceed \$101,455.00; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to expedite the start of design of this project, which this City Commission finds creates an emergency to preserve the public peace, health, safety, welfare and property, necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Manager is hereby authorized to enter into a Project Engineering Agreement with Crawford, Murphy & Tilly, Inc. for the North Street Sewers Project for an amount not to exceed \$101,455.00.

Section 2. That the Project Engineering Agreement with Crawford, Murphy & Tilly, Inc. for the North Street Sewers Project, a copy of which is attached hereto, is hereby approved.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

PROJECT ENGINEERING AGREEMENT
NORTH STREET SEWER
INFRASTRUCTURE IMPROVEMENTS -- 2019
SURVEY, DESIGN AND ENGINEERING SERVICES

THIS AGREEMENT entered into this ___ day of _____, 2019 by and between **THE CITY OF SPRINGFIELD, OHIO**, a municipal corporation (hereinafter "CITY") whose mailing address is 76 East High Street, Springfield, Ohio 45502 and **CRAWFORD, MURPHY & TILLY, INC.** (hereinafter "ENGINEER"), a Delaware corporation and firm of engineers whose mailing address is 84 Remick Blvd., Springboro, Ohio 45066: WITNESSETH:

WHEREAS, CITY intends to replace the sewers in the area of North Street and Water Street (altogether the "Project"); and,

WHEREAS, the Project area is depicted on the drawing attached as **EXHIBIT A** hereto: and,

WHEREAS, ENGINEER holds itself out as a firm of surveying and design professionals experienced and competent in the design of sewer infrastructure; and,

WHEREAS, CITY and ENGINEER have negotiated a mutually acceptable Agreement to accomplish the herein described surveying and design services in furtherance of the Project.

NOW, **THEREFORE**, the parties hereto agree as follows:

ARTICLE I – KICKOFF MEETING

Section 1. ENGINEER shall conduct kick-off meeting at 76 E. High St. in Springfield, Ohio to discuss Project opportunities and constraints, traffic considerations, specific Project requirements, and generalized location of the above described sewer infrastructure. If record plans are provided to ENGINEER in advance of the meeting, ENGINEER will bring a sketch of proposed sewer infrastructure locations for discussion.

ARTICLE II – SURVEYING AND DESIGN SERVICES

Section 1. Surveying – ENGINEER shall perform the necessary topographic survey for the Project to locate existing features that may affect the sewer infrastructure design; including, but not limited to, locating existing utility locations including manhole depths and water valve operating nut depths and meter pit depths within the Project area, planimetric features within the Project area, drive approaches, water service locations, sewer lateral locations, other utility infrastructure, monumentation and property pins within the Project area and the topography in the vicinity of the project area to prepare a detailed set of construction drawings for the Project. The survey work scope includes:

- ENGINEER shall notify OUPS to have existing underground utilities located within project area. CITY will mark existing municipal water and sewer utilities,

including sewer laterals and water services, in advance of survey.

- ENGINEER shall conduct a field survey of Project area that includes existing utility locations and depths, planimetric features within the project area, topography, drive approaches, and sewer laterals and water service locations. Survey boundary is anticipated to be within 10 feet on either side of the road right-of-way.
- The ENGINEER will conduct the research that, in its professional opinion, is necessary with respect to identification of assumed locations of existing underground improvements. Such services by the ENGINEER will be performed in a manner consistent with the ENGINEER's professional standard of care. The CITY recognizes, however, that identification of existing utility locations relies on information provided by the CITY and OUPS and such research may not identify all underground improvements and that the information upon which the ENGINEER reasonably relies may contain errors or may be incomplete.

Section 2. ENGINEER shall obtain all necessary plat mapping and GIS data for Project area. Right-of-way resolution has not been included.

Section 3. ENGINEER must notify, in writing, all property owners within the Project limits prior to starting work.

Section 4. Design Work -- ENGINEER shall:

- a) Perform all drainage calculations necessary to size the storm sewer appropriately for the areas defined in the project description; and
- b) Prepare preliminary storm sewer alignment based on the location of existing utility infrastructure and submit ENGINEER'S proposals to CITY for informal review; and
- c) Prepare a proposed storm and sanitary sewer profile plans for the Project; and
- d) Prepare one set of 50% plans (1" = 20' plan and profile 22" x 34" base drawings based on field survey and property maps / GIS data, with the vertical drawing scale to be 1" = 5' and including estimated quantities) of pipe routings and specifications showing pipe alignments and deliver it to CITY for review and comment; and
- e) Deliver the 50% submittal to CITY for review and comment; and
- f) Furnish 50% drawings to utility companies for confirmation of underground utility locations shown and to CITY for CITY'S review and comments; and
- g) Prepare a written disposition to CITY'S review comments on the 50% submittal and submit the written disposition to CITY for CITY'S concurrence; and
- h) Based on CITY'S comments on the 50% drawings and specifications, prepare necessary detailed 85% construction drawings and specifications and an estimate of construction cost and deliver them to CITY and to utility

companies for review and comment; and

- i) Deliver the 85% submittal to CITY for review and comment; and
- j) Furnish 85% drawings to utility companies for confirmation of underground utility locations shown and to CITY for CITY'S review and comments; and
- k) Prepare a written disposition to CITY'S review comments on the 85% submittal and submit the written disposition to CITY for CITY'S concurrence; and
- l) Prepare construction quantities/bid items (in Excel format) for insertion into the CITY'S standard bidding and front end documents; and
- m) Prepare and deliver to CITY the ENGINEER'S final estimate of probable construction costs in PDF format; and
- n) Deliver to CITY electronic versions of Final 100% construction drawings and specifications (sized 11" x 17" and 22" x 34" in both pdf and dwg versions on CD) and ten copies of 11" x 17" hard copies and three copies of 22" x 34" hard copies of final construction drawings and specifications (to consist of 22" x 34" size plan and profile drawings at a horizontal scale of 1" = 20' and vertical scale 1" = 5'); and
- o) Submit the Final 100% plans to relevant utility companies for their information.

Section 5 Utility coordination -- ENGINEER shall coordinate with the utility companies and other entities for the exposing and/or identifying known utilities by said entities. In addition, ENGINEER will provide technical assistance to the CITY to coordinate and obtain approvals with public utility authorities, as required, prior to the final construction plans, specifications and estimates of cost being submitted. ENGINEER will identify potential utility conflicts with the Project through coordination with utilities and other entities, verify potential conflicts and assist the CITY to resolve the same. ENGINEER shall supply utility companies, which are known to have facilities within the limits of the Project, with construction plans for the Project and coordinate relocation work necessary for implementation of the Project.

ARTICLE III – RESPONSIBILITIES OTHER THAN ENGINEER'S

Section 1. It is mutually understood and agreed that CITY will furnish, as required for the Project work and not at the expense of ENGINEER, the following items:

- a) All maps, drawings, records, electronic files and other data that are available in the files of CITY and which may be useful in the work involved under this Agreement.
- b) Access to public property within Springfield, as necessary, when required in conduct of field investigations.
- c) Pay all application fees to regulatory agencies when approvals are needed for the Project.
- d) Field locate and mark existing water valves, water meters, and water service

connections prior to the site visit by ENGINEER'S survey crews.

- e) Provide ENGINEER with an electronic copy of the CITY'S existing topographic and GIS mapping information.

ARTICLE IV - PERFORMANCE

Section 1. ENGINEER shall deliver the following items to CITY and perform all services described above so as to meet the following schedules:

| | |
|--|--|
| Complete Survey & Data Collection | 5 weeks from the date of the CITY signature |
| Deliver 50% drawings and specifications | 15 weeks from the date of the CITY signature |
| Deliver 85% drawings and specifications | No later than October 11, 2019 |
| Deliver Final drawings specifications bidding package and construction cost estimate | No later than November 15, 2019 |

“Deliver” and “Submit” shall mean depositing the item in the mail, with first class postage, addressed to CITY, e-mail to CITY at an e-mail address specified by CITY or personal delivery to CITY'S City Engineer. Delivery dates are subject to adjustments due to causes beyond ENGINEER'S control.

Section 2. All work performed by ENGINEER and by any subcontractors of ENGINEER shall be performed to the satisfaction of CITY'S City Engineer. ENGINEER shall provide necessary supplemental technical specifications that will be incorporated into CITY'S standard bid documents.

Section 3. At CITY'S request, ENGINEER shall meet with CITY'S City Engineer, or his designee, at 76 East High Street, Springfield, Ohio to review the progress being made on the Project.

ARTICLE V - COMPENSATION TO THE ENGINEER

Section 1. The CITY shall pay ENGINEER compensation for the complete performance of Article I and Article II work at ENGINEER'S usual and customary rates, but in the amounts not to exceed Ninety Thousand Six Hundred Seventy-Five Dollars (\$90,675.00) in consideration for services performed under Article I and Article II, to be invoiced for work performed, but in no event to exceed the amounts as follows:

| | |
|---|-------------------|
| At delivery of 50% submittal | Up to \$45,000.00 |
| At delivery of 85% submittal | Up to \$80,000.00 |
| Upon proper completion of all Article II work | Up to \$90,675.00 |

ENGINEER shall invoice the CITY for each of the above payments in order for the payment to become due.

Section 2. Sums to be paid, in every case, are subject to receipt of an invoice for payment specifying the work performed. The invoice shall be in a form acceptable to CITY'S Finance Director. Payment will be made to ENGINEER no later than thirty (30) days after CITY receives the invoice for payment. Final payment shall be made to ENGINEER within thirty (30) days after submission of a final invoice and CITY'S City Engineer certifies that all work required of ENGINEER under this Agreement has been satisfactorily completed.

Section 3. "If-authorized" tasks will be completed by ENGINEER at the direction of CITY's City Engineer. ENGINEER will invoice CITY for "if-authorized" tasks upon completion. Payment for each "if-authorized" item will be made no later than thirty (30) days after CITY receives the invoice for payment and CITY'S City Engineer certifies that all work required of ENGINEER under the "if-authorized" task has been satisfactorily completed.

- a) Line 1 Scope (Sewer Lining from ST-7841 north to ST-8696).....\$1,060.00
- b) Easement Legal Descriptions & Exhibits (\$1,620/parcel).....\$9,720.00

Section 4. It is agreed that the compensation described in this Article V shall constitute the entire consideration to ENGINEER for all services (including expenses incurred) performed by ENGINEER pursuant to Article I and Article II. In no event shall the consideration paid to ENGINEER for Article I services, Article II services and "if-authorized" tasks exceed the maximum sum of \$101,455.00.

ARTICLE VI

Section 1. The CITY may, at any time prior to the completion of full performance by ENGINEER of the engineering services under this Agreement, terminate this Agreement by giving written notice not less than ten (10) calendar days prior to the effective date of termination. If the termination is for CITY'S convenience, payment to ENGINEER will be made promptly for the amount of fees earned and all reimbursable expenses then due to the effective date of termination, less any payments previously made. ENGINEER shall make no claim for any additional compensation or lost profits, or damages of any kind against CITY by reason of such termination, in the amount herein provided for will be the total compensation to which ENGINEER will be entitled in the event of such termination.

ARTICLE VII

Section 1. All reviews and approvals to be done on behalf of CITY under this Agreement shall be performed by CITY'S City Engineer.

Section 2. It is agreed that CITY shall have the right, title and interest in the copyright for all materials prepared by ENGINEER for CITY in performing its responsibilities under this Agreement. All documents, including drawings, computer files and diskettes prepared by ENGINEER, pursuant to this Agreement, are instruments of service and respect to the Project. The ENGINEER, shall provide to CITY, sets of reproducible copies of reports, surveys, drawings,

sketches, field notes, calculations, plans, specifications and other documents when requested by CITY. All reports, designs, plans, specifications, estimates, and field notes, after approval and acceptance, shall become the property of CITY. Said documents are not intended or represented by ENGINEER to be suitable for reuse or alteration by CITY or others on the Project, or extensions thereof, or on any other Project. Any such reuse or alteration, including alteration during construction, without the express written verification of adaptation of ENGINEER, shall be a risk and without liability or legal exposure to ENGINEER. Any such verification of the adaptation relative to said reuse or alteration shall entitle ENGINEER to further compensation as mutually determined by CITY and ENGINEER. In the event of discrepancies between the disk files and the sealed mylar original drawings, the sealed mylar original drawings shall govern.

Section 3. It is agreed that ENGINEER shall have the status of an independent contractor under this Agreement. ENGINEER shall pay and make all required filings in connection with state, city and federal payroll taxes, social security contributions and workers' compensation and unemployment insurance premiums or any other required payments or filings in connection with the engagement of any persons or firms ENGINEER may use in performing its responsibilities under this Agreement.

Section 4. ENGINEER agrees to exercise usual and customary professional care in performance of services by or pursuant to this Agreement in its effort to comply with applicable federal, state and local constitutions, charters, statutes, ordinances, rules and regulations of whatever nature. Warning: It is unlawful for officials and employees of CITY to receive gratuities. Discrimination by ENGINEER on grounds of race, religion, color, ancestry, nature origin, or sex is unlawful and shall subject ENGINEER to forfeiture.

Section 5. ENGINEER shall maintain in effect throughout the term of this Agreement professional errors and omissions insurance with a liability limit of no less than \$2,000,000. Upon execution of this document ENGINEER shall deliver to CITY a certificate certifying to CITY that such insurance is in effect and that it will not be cancelled without at least fifteen (15) days advance notice to CITY.

Section 6. Except as otherwise provided herein, ENGINEER agrees to indemnify CITY from any liability and to save CITY harmless from any damage which CITY may suffer as a result from the negligent or intentionally wrongful acts or omissions of ENGINEER or any employee or agent of ENGINEER. ENGINEER shall maintain in effect throughout the term of this Agreement commercial general liability insurance, including contractual coverage, with a liability limit of no less than \$500,000 combined single limit coverage. Upon execution of this document ENGINEER shall deliver to CITY a certificate certifying to CITY that such insurance is in effect and that it will not be cancelled without at least fifteen (15) days advance notice to CITY.

Section 7. Failure of CITY to complain of any act or omission on the part of ENGINEER no matter how long the same may continue, shall not be deemed to be a waiver by CITY of any of its rights hereunder. No waiver by CITY at any time, express or implied, of any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or consent to a subsequent breach of the same or any other provision. This section is not intended as a waiver of rights accorded under a statute of repose.

Section 8. This Agreement constitutes the entire understanding of the parties and shall not be altered, changed, modified, or amended except by similar instruments in writing, executed by the parties hereto.

Section 9. It is agreed that none of the parties shall have the right at any time to assign its interest in and to this Agreement without the written consent of the other party.

Section 10. This Agreement is binding upon and inures to the benefit of the parties hereto, their respective legal representatives, successors and assigns.

APPROVED AS TO FORM
AND CORRECTNESS:
Jerome M. Strozdas
LAW DIRECTOR

By: _____
Jill N. Allen, Assistant Law Director

Date _____

I hereby certify that the money required for payment of the above obligation in the sum of \$_____ at the time of the making of this contract or order, was lawfully appropriated for such purpose and was in the treasury or in process of collection to the credit of the proper item of appropriation free from any previous encumbrance.

Finance Director

THE CITY OF SPRINGFIELD, OHIO

By: _____
Bryan Heck, City Manager

Date: _____

CRAWFORD, MURPHY & TILLY, INC.

By: _____
Scott A. Knebel, P.E., Ohio Group
Manager

Date: _____



Exhibit A

ST-8696

Line 1

Area 3

ST-7841

Area 2

Area 1

0 50 100 200 Feet

AN ORDINANCE NO. _____

Reappointing Samina Ahmed to the Human Relations Board, and declaring an emergency.

...oooOOOooo...

WHEREAS, it is the determination of the City Commission that Samina Ahmed should be reappointed to the Human Relations Board at the earliest possible moment to help ensure that the Human Relations Board has a quorum of its membership available to conduct the business of the Board, thereby providing for the usual daily operation of the Community Development Department, which creates an emergency necessitating the immediate effectiveness of this Ordinance: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Commission hereby reappoints Samina Ahmed to the Human Relations Board for a term ending March 26, 2022.

Section 2. That this Commission finds that Samina Ahmed holds particular expertise needed for the Human Relations Board, and hereby waives the term limit requirements of Codified Ordinance Section 171.02(a).

Section 3. That the Clerk of the City Commission is directed to certify copies of this Ordinance to Samina Ahmed and the Human Relations Board.

Section 4. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

A RESOLUTION NO. _____

Reappointing Charles Harris to the City Planning Board, and declaring an emergency.

...oooOOOooo...

WHEREAS, it is the determination of the City Commission that Charles Harris should be reappointed to the City Planning Board at the earliest possible moment to help ensure that the City Planning Board has a quorum of its membership available to conduct the business of the Board, thereby providing for the usual daily operation of the Community Development Department, which causes an emergency to exist, necessitating the immediate effectiveness of this Resolution: NOW, THEREFORE

BE IT RESOLVED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That the City Commission hereby consents to the reappointment, made by its President, of Charles Harris to the City Planning Board for a term beginning March 30, 2019 and ending March 30, 2022.

Section 2. That the Clerk of the City Commission is directed to certify copies of this Resolution to Charles Harris and the City Planning Board.

Section 3. That by reason of the emergency set forth and defined in the preamble hereto, this Resolution shall take effect and be in force immediately.

ADOPTED this _____ day of _____, A.D., 2019.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: February 20, 2019

APPLICANT'S NAME: Gayatri LLC dba Jim's To Go

ADDRESS OF PERMIT PREMISE: 2808 E. Main Street Springfield OH 45503

RETURN REPORT BY: March 6, 2019 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF RECEIVED _____

FIRE CHIEF RECEIVED _____

COMMUNITY DEVELOPMENT DIRECTOR RECEIVED _____

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE:

Investigations [Signature] _____
Police Chief [Signature] _____

FIRE: Objection can be addressed through building permit or COO** processes []

Fire Marshal _____
Fire Chief _____

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO** processes []

Zoning* _____
Building _____
Code Enforcement _____
Community Development Director _____

*Map Attached
**Certificate of Occupancy
(ATTACH BACK-UP MATERIAL IF NEEDED)
Rev. 08-06-13

NOTICE TO LEGISLATIVE
AUTHORITY

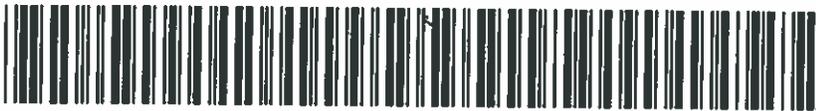
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)844-2360 FAX(614)844-3168

TO

| | | | | |
|--------------|-----|------|----------------------|--|
| 30823680005 | | TREX | GAYATRI LLC | |
| 06 01 2016 | | TYPE | DBA JIMS TO GO | |
| 02 13 2019 | | | 2808 E MAIN ST | |
| C1 C2 | | | SPRINGFIELD OH 45503 | |
| 12 | 099 | A | F21875 | |
| TAX DISTRICT | | | RECEIPT NO. | |

FROM 02/15/2019 SAFEKEEPING.

| | | | | |
|--------------|-----|------|-----------------|--|
| 25810050005 | | | ESOG LLC | |
| 06 01 2016 | | TYPE | 5474 W THIRD ST | |
| 02 13 2019 | | | JEFFERSON TWP | |
| C1 C2 | | | DAYTON OH 45427 | |
| 57 | 924 | | | |
| TAX DISTRICT | | | RECEIPT NO. | |



Extension 4/18/19
03/18/2019

MAILED 02/15/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN.

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A TREX 3082368-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF SPRINGFIELD CITY COUNCIL
POBOX 1208
SPRINGFIELD OHIO 45501**

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

| | SEARCH CRITERIA |
|------------------------------|--|
| Permit Number | <input type="text" value="30823680005"/> |
| Permit Name / DBA | <input type="text"/> |
| Member / Officer Name | <input type="text"/> |

[Search](#)[Reset](#)[Main Menu](#)

| Member/Officer Name | Shares/Interest | Office Held |
|--|-----------------|-------------|
| Permit Number: 30823680005, Name: GAYATRI LLC; DBA: DBA JIMS TO GO, Address: 2808 E MAIN ST SPRINGFIELD 45503 | | |
| RITA P CHOKSHI | MANAGE MEM | |

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

**Springfield Police Division
Intelligence Unit**

From the Office of: Capt. Zawada
To: Investigative Case File
Date: 02-26-19
Re: Liquor Permit Transfer Request

Sir,

I would like to offer the following information regarding the liquor permit transfer request for Gayatri LLC, DBA Jims To Go, 2808 E Main St, Springfield Ohio, 45503. The transfer is from ESOG LLC, 5474 W Third St, Dayton, Ohio, 45427. The permit number for the premises is 30823680005. The liquor permit is for a Class C1 and C2 permit. The C1 liquor permit would allow for Beer only in original sealed container for carry out only. The C2 Wine and mixed beverages in sealed containers for carry out.

Jims To Go is located in a business and residential area. On 02-26-19 and 02-27-19 I went to the business at two different times of the day, and it appeared to be closed. On 02-28-19, I contacted Ritaben Chokshi (937-360-1966), the applicant on the permit request. Ms. Chokshi advised that the business is not yet open, as they are waiting for their tobacco licensure. Ms. Chokshi advised that they have not have hired any employees at this time; however, she is familiar with the state liquor laws. She further advised they will be open from 1000am through 1000pm Sunday through Saturday.

Ms. Chokshi is in our Police records databank with only a speeding ticket. I conducted a records check for calls for service regarding the location of 2808 E Main St. There have been 23 calls for service in the last year. 2 accidents, 4 suspicious activity, 8 alarms, 1 robbery, 2 disorderly, 1 BOLO, 1 call for assistance, 2 911 hang up/open line, 1 property and 1 call for assistance.

Respectfully Submitted,

Detective Anna Wildeman

Emailed 3-11-19

L.IQUOR PERMIT REQUEST REVIEW FORM

DATE: February 20, 2019

APPLICANT'S NAME: Gayatri LLC
dba Jim's To Go

ADDRESS OF PERMIT PREMISE: 2808 E. Main Street
Springfield OH 45503

RETURN/REPORT BY: March 6, 2019 - NOON
April 3, 2019

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED _____

FIRE CHIEF

RECEIVED *2-21-19 D. Hays*

COMMUNITY DEVELOPMENT DIRECTOR

RECEIVED _____

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE:

Investigations

Police Chief

FIRE:

Objection can be addressed through building permit or COO** processes

Fire Marshal

3-8-19 [Signature]

Fire Chief

3-11-19 [Signature]

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO** processes

Zoning*

Building

Code Enforcement

Community Development Director _____

*Map Attached

**Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: February 20, 2019

APPLICANT'S NAME: Gayatri LLC
dba Jim's To Go

ADDRESS OF PERMIT PREMISE: 2808 E. Main Street
Springfield OH 45503

RETURN REPORT BY: March 6, 2019 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF RECEIVED _____

FIRE CHIEF RECEIVED _____

COMMUNITY DEVELOPMENT DIRECTOR RECEIVED _____

RECOMMENDATIONS: NO OBJECTION OBJECTION W/REASONS

POLICE:

Investigations _____

Police Chief _____

FIRE: Objection can be addressed through building permit or COO** processes

Fire Marshal _____

Fire Chief _____

COMMUNITY DEVELOPMENT:

Objection can be addressed through building permit or COO** processes

Zoning* _____

Building _____

Code Enforcement _____

Community Development Director _____

request extension

request extension

*Map Attached

**Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13

Fire asked for extension



2808 E Main St. - Zoned CC-2, Community Commercial District



N FOSTORIA AVE

S FOSTORIA AVE

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