

CITY COMMISSION AGENDA

February 11, 2020

The Honorable City Commission
The City of Springfield, Ohio

The City Commission will meet in the City Commission Forum at 7:00 PM on Tuesday, February 11, 2020.

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 February 25, 2020:

036-20 An ordinance providing for the issuance and sale of Notes in the maximum aggregate principal amount of \$5,073,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the (a) municipal water system facilities, including replacing water lines, and improving the water treatment plant by installing a substation air break and constructing a liquid ferric building, together with all necessary appurtenances thereto and (b) municipal sewer system facilities, including but not limited to constructing and installing sanitary and storm sewer lines, rehabilitating the City's wastewater treatment plant by replacing a primary effluent pump and substation, post aeration gates and sludge pumps, installing combined sewer overflow mitigation and inflow/infiltration elimination projects, and purchasing real estate and related interests therein, together with all necessary appurtenances thereto.

037-20 An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$1,000,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving City facilities, including the City Hall parking garage and plaza, by improving and replacing concrete and expansion joints, together with related site improvements and necessary appurtenances thereto.

038-20 Authorizing the purchase of eight 2020 Ford Police Interceptors from National Auto Fleet Group, for an amount not to exceed \$305,300.00, through Sourcewell, pursuant to the Sourcewell Contract Purchasing Cooperative Program, in accordance with the provisions of Section 9.48 of the Ohio Revised Code.

039-20 Authorizing and directing the City Manager to select certain identified parcels of real estate that constitute non-productive lands and to notify the Prosecuting Attorney or the County Auditor of Clark County, Ohio, as the case may be, pursuant to Sections 5722.03 and 5722.04 of the Ohio Revised Code that the City wishes to acquire said parcels pursuant to the provisions of Ohio Revised Code Chapter 5722 and Ordinance No. 98-293, passed August 25, 1998 and to do all things necessary to acquire said parcels.

040-20 Authorizing the City Manager to enter into a contract for the purchase of sand and gravel with Enon Sand and Gravel, LLC, for an amount not to exceed \$334,141.25.

041-20 Authorizing the City Manager to enter into a contract for the purchase of street materials with A & B Asphalt Corporation for an amount not to exceed \$340,475.00.

042-20 Authorizing the City Manager to enter into a contract for the purchase of street materials with Shelly Materials, Inc. for an amount not to exceed \$331,987.50.

043-20 Authorizing the City Manager to enter into a contract for the purchase of street materials with Valley Asphalt Corporation for an amount not to exceed \$406,555.00.

044-20 Authorizing the City Manager to enter into a contract for the purchase of street materials with HEI-WAY LLC for an amount not to exceed \$67,060.00.

091-19 Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the North Street Sewers Project for an amount not to exceed \$1,187,698.15.

045-20 Authorizing the City Manager to enter into a contract with The Lawn Guys of Dayton, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

046-20 Authorizing the City Manager to enter into a contract with Gary Gilbert, Jr. dba Gilbert's Lawn Service for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

047-20 Authorizing the City Manager to enter into a contract with Miller's Property Service, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

048-20 Authorizing the City Manager to enter into a contract with Bright Sight, Inc. for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

049-20 Authorizing the City Manager to enter into a contract with Stinnett Industries LLC dba Cut-2-Perfection Lawn and Snow Removal Services for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

FIRST READING RESOLUTION

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 February 25, 2020:

050-20 Declaring it necessary to require the construction or reconstruction of curbs, gutters and sidewalks at the points identified as Section No. 1 of Streets of the 2020 Sidewalk, Curb and Gutter Program.

SECOND READINGS – ORDINANCES

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

021-20 To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by repealing and replacing existing Chapter 775, titled Selling Products from Vehicles with the enactment of new Chapter 775 titled Ice Cream Trucks.

022-20 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 new Part Seven Chapter 776 titled Food Trucks and adopting administrative procedures related thereto; amending Section 1324.02 titled Class A Civil Offenses to include the Food Trucks Section.

023-20 Authorizing the City Manager to enter into a three-year contract with the Greater Springfield Convention and Visitors Bureau, Inc. ("CVB"), for the purpose of establishing a downtown event program position, for an amount not to exceed \$90,000.00.

024-20 Confirming and approving the acceptance of an EMS Priority 1 Training and Equipment Grant in an amount up to \$2,841.00 from the Ohio Department of Public Safety, Division of Emergency Medical Services, and authorizing the City Manager, Finance Director, Law Director and the Chief of the Fire Division to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant and to comply with all relevant local, state and federal legal requirements.

018-17 Authorizing the exercise of the City's option to renew the contract with Dayton Sweeping Service, Inc., dba DSS Sweeping Service, Inc., for the sweeping and cleaning of City streets, for an amount not to exceed \$162,864.00.

017-17 Authorizing the exercise of the City's option to renew the contract with The Endurance Group LLC dba Emerald Green Lawn & Landscape Pros, for the mowing of boulevards, for an amount not to exceed \$37,400.02.

080-16 Authorizing 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.

EMERGENCY ORDINANCES

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

189-11 Authorizing the City Manager to enter into Amendment No. 5 to the Lease and Special Fixed Base Operator Agreement with Middletown Regional Flight Training Institute, LLC, dba Champion City Aviation to allow for the continuation of flight training and aircraft maintenance services at the Springfield-Beckley Municipal Airport.

051-20 Confirming and approving the acceptance of a 2019-2020 Selective Traffic Enforcement Program Grant in an amount up to \$12,807.86 and a 2019-2020 Impaired Driving Enforcement Program Grant in an amount up to \$16,961.79, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects; authorizing the City Manager, Finance Director, Law Director and Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grants and to comply with all relevant local, state and federal legal requirements.

052-20 Authorizing the City Manager to apply for a grant in an amount up to \$29,762.80 from the Firehouse Subs - Public Safety Foundation to be used for the purchase of lifesaving equipment and fire prevention education tools for use by the City of Springfield, Fire Rescue Division; authorizing the City Manager, the Finance Director, Law Director and the Chief of the Fire Division to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant application and to comply with all relevant local, state and federal legal requirements.

266-14a Authorizing the City Manager to enter into LPA Agreement No. 26851 - Amendment No. 6 between the City and the Ohio Department of Transportation in connection with the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, to reallocate funds among project phases; repealing Ordinance No. 19-20.

266-14b Authorizing the City Manager to enter into Modification No. 3 to Agreement No. 19868 with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, to reallocate funds among project phases.

053-20 Authorizing the City Manager to enter into a contract with Kinnison Excavating, Inc. for the 2020 Miscellaneous Water Service Replacement Project for an amount not to exceed \$774,100.00.

054-20 Authorizing the purchase and installation of new access control systems at multiple City-owned facilities from Graybar Electric Company, Inc., for an amount not to exceed \$182,250.60, through Omnia Partners, pursuant to the Omnia Partners Contract Purchasing Cooperative Program, in accordance with the provisions of Section 9.48 of the Ohio Revised Code.

LIQUOR PERMITS

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.

019-20 Notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from Angela M. Tracy, 1251 N. Belmont, Springfield, Ohio 45503 to 3ND LLC, dba Nick's Drive Thru, 1251 N. Belmont, Springfield, Ohio 45503.

020-20 Notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from Noodle Shop Co Colorado Inc., 9719 Colerain Ave., Cincinnati, Ohio 45251 to Sakura Steakhouse and Sushi LLC, dba Sakura, 1795 N. Bechtel Ave., Springfield, Ohio 45504.

027-20 Notification from the Ohio Department of Liquor Control of a request to transfer a liquor permit from Hickory Inn LLC, dba H E Williamson's Hickory Inn, 652 N. Limestone St., Springfield, Ohio 45503 to Brandon S. Tagg LLC, dba Hickory Inn, 652 N. Limestone St., Springfield, Ohio 45503.

NEW ITEMS ON THE AGENDA

REMARKS FROM THE AUDIENCE

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bryan Heck', written over a horizontal line.

Bryan Heck
City Manager

Request for Commission Action City of Springfield, Ohio

Item Number: 036-20

Agenda Date: 2/11/2020

Today's Date: 2/5/2020

Subject: Issuance and sale of a water and sewer bond anticipation note in a maximum amount of \$5,073,000 to refund outstanding water and sewer previously issued and to provide additional funds for improving the water and sewer system facilities

Submitted By: Mark Beckdahl, Finance Director

Department: Finance/Treasury

Contact: Nikki Weber x7382

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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:

An ordinance is requested to provide for the issuance and sale of a Note in the maximum principal amount of \$5,073,000 in anticipation of the issuance of a Bond, for the purpose of paying costs of (1) improving the municipal water system, including replacing water lines, and improving the water treatment plant by installing a substation air break and constructing a liquid ferric building, together with all necessary appurtenances thereto and (2) improving the municipal sewer system, including constructing and installing sanitary and storm sewer lines, rehabilitating the City's wastewater treatment plant by replacing a primary effluent pump and substation, post aeration gates and sludge pumps, installing combined sewer overflow mitigation and inflow/infiltration elimination projects, purchasing real estate and related interests therein, together with all necessary appurtenances thereto.

This new note will be combined with another note authorized by concurrent/separate ordinance so that a single larger note can be competitively bid and issued to a single investor.

Note ordinance to be provided by bond counsel Squire Patton & Boggs.

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>
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Total Cost:

AN ORDINANCE NO. _____

An ordinance providing for the issuance and sale of Notes in the maximum aggregate principal amount of \$5,073,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the (a) municipal water system facilities, including replacing water lines, and improving the water treatment plant by installing a substation air break and constructing a liquid ferric building, together with all necessary appurtenances thereto and (b) municipal sewer system facilities, including but not limited to constructing and installing sanitary and storm sewer lines, rehabilitating the City's wastewater treatment plant by replacing a primary effluent pump and substation, post aeration gates and sludge pumps, installing combined sewer overflow mitigation and inflow/infiltration elimination projects, and purchasing real estate and related interests therein, together with all necessary appurtenances thereto.

...oooOOOooo...

WHEREAS, pursuant to Ordinance No. 19-22 passed January 29, 2019, notes in anticipation of bonds in the principal amount of \$645,000, dated April 17, 2019 (the "*Outstanding Water Notes*"), were issued for the component purpose stated in clause (a) of Section 1, to mature on April 15, 2020; and

WHEREAS, pursuant to Ordinance No. 19-23 passed January 29, 2019, notes in anticipation of bonds in the principal amount of \$2,305,000, dated April 17, 2019 (the "*Outstanding Sewer Notes*" and together with the *Outstanding Water Notes*, the "*Outstanding Notes*"), were issued for the component purpose stated in clause (b) of Section 1, to mature on April 15, 2020; and

WHEREAS, this City Commission finds and determines that the City should retire the *Outstanding Notes* with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$50,800 for the component purpose stated in clause (a) of Section 1 and an additional \$2,072,200 for the component purpose stated in clause (b) of Section 1; and

WHEREAS, this City Commission has requested that the Finance Director, as fiscal officer of this City, certify the estimated life or period of usefulness of each component purpose of the Improvement described in Section 1 and the estimated maximum maturity of the Bonds described in Section 1; and

WHEREAS, the Finance Director has certified to this City Commission that the estimated life or period of usefulness of each component purpose of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least thirty (30) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, for the component purpose described in clause (a) of Section 1 is April 15, 2049 as to \$645,000 of the principal amount and two hundred forty (240) months as to \$50,800 of the principal

amount, and for the component purpose described in clause (b) of Section 1 is April 15, 2049 as to \$2,305,000 of the principal amount and two hundred forty (240) months as to \$2,072,200 of the principal amount; NOW, THEREFORE:

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

Section 1. It is necessary to issue bonds of this City in the maximum aggregate principal amount of \$5,073,000 (the "*Bonds*") for the purpose of paying the costs of improving the (a) municipal water system facilities, including replacing water lines, and improving the water treatment plant by installing a substation air break and constructing a liquid ferric building, together with all necessary appurtenances thereto and (b) municipal sewer system facilities, including but not limited to constructing and installing sanitary and storm sewer lines, rehabilitating the City's wastewater treatment plant by replacing a primary effluent pump and substation, post aeration gates and sludge pumps, installing combined sewer overflow mitigation and inflow/infiltration elimination projects, and purchasing real estate and related interests therein, together with all necessary appurtenances thereto (collectively, the "*Improvement*").

Section 2. The Bonds shall be dated approximately April 1, 2021, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2021.

Section 3. It is necessary to issue and this City Commission determines that notes in the maximum aggregate principal amount of \$5,073,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the component purposes described in Section 1, to retire the Outstanding Notes, to provide additional money for the component purposes described in Section 1 and to pay any financing costs. The aggregate principal amount of Notes to be issued (not to exceed the aggregate of the maximum principal amount authorized for each component purpose) 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 provide for the retirement of the Outstanding Notes, to provide additional money for the component purposes described in Section 1, and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year 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 6.00% 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 of this Ordinance.

Section 4. The debt charges 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 as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the "*Paying Agent*").

The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the City Clerk. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser and/or the Paying Agent in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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 those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Finance Director) and with numbers as requested by the original purchaser and approved by the Finance Director. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or *"book entry system"* means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) 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, the City Manager, the Finance Director, the Law Director, the City Clerk and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, 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 or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Finance Director, the Law Director, the City Clerk or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) 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. The Certificate of Award may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges 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 debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal water system are available for the payment of the debt charges on the portion of the Notes or the Bonds issued for the component purpose described in clause (a) of Section 1 and are appropriated for that component purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent net revenues from the municipal sewer system are available for the payment of the debt charges on the portion of the Notes or the Bonds issued for the component purpose described in clause (b) of Section 1 and are appropriated for that component purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water system or the municipal sewer system, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the 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 three preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from

gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates 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, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers

identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Finance Director is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 12. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the City Clerk. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Certificate of Award, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The services of Bradley Payne Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Certificate of Award, to make appropriate certification as to the availability of funds for those fees and any

reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The City Clerk is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Clark County, Ohio.

Section 15. This 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 general 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 and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges 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 16. This City Commission finds and determines that all formal actions of this City Commission and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission or any of its committees, 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, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law.

PASSED this _____ day of _____, A.D., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

_____, February ___, 2020)

I do hereby certify that the foregoing Ordinance No. 20-_____ was duly published in the *Springfield News-Sun* on _____, February ___, 2020.

CLERK OF THE CITY COMMISSION

CERTIFICATION

This certifies that the foregoing is a true copy of Ordinance No. 20-_____ passed by the Commission of The City of Springfield, Ohio _____, 2020.

Clerk of the City Commission

Request for Commission Action

City of Springfield, Ohio

Item Number: 037-20

Agenda Date: 2/11/2020

Today's Date: 2/5/2020

Subject: Issuance and sale of a permanent improvement bond anticipation note in a maximum amount of \$1,000,000 to improve City facilities

Submitted By: Mark Beckdahl, Finance Director

Department: Finance/Treasury

Contact: Nikki Weber x7382

- | | | |
|--|--|---|
| <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:

An ordinance is requested to provide for the issuance and sale of a Note in the maximum principal amount of \$1,000,000 in anticipation of the issuance of a Bond, for the purpose of paying costs of improving City facilities, including the City Hall parking garage and plaza, by improving and replacing concrete and expansion joints, together with all necessary appurtenances thereto.

This new note will be combined with another note authorized by concurrent/separate ordinance so that a single larger note can be competitively bid and issued to a single investor.

Note ordinance to be provided by bond counsel Squire Patton & Boggs.

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>
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Total Cost:

AN ORDINANCE NO. _____

An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$1,000,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving City facilities, including the City Hall parking garage and plaza, by improving and replacing concrete and expansion joints, together with related site improvements and necessary appurtenances thereto.

...oooOOOooo...

WHEREAS, this City Commission has requested that the Finance Director, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1 and the estimated maximum maturity of the Bonds described in Section 1; and

WHEREAS, the Finance Director has certified to this City Commission that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months; NOW, THEREFORE:

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

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$1,000,000 (the "*Bonds*") for the purpose of paying the costs of improving City facilities, including the City Hall parking garage and plaza, by improving and replacing concrete and expansion joints, together with related site improvements and necessary appurtenances thereto (the "*Improvement*").

Section 2. The Bonds shall be dated approximately April 1, 2021, shall bear interest at the now estimated rate of 5.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2021.

Section 3. It is necessary to issue and this City Commission determines that notes in the maximum principal amount of \$1,000,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to pay the costs of the Improvement 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 Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year 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 6.00% 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 of this Ordinance.

Section 4. The debt charges 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 as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the "*Paying Agent*").

The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the City Clerk. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser and/or the Paying Agent in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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 those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Finance Director) and with numbers as requested by the original purchaser and approved by the Finance Director. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered

securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall

cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) 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, the City Manager, the Finance Director, the Law Director, the City Clerk and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, 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 or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Finance Director, the Law Director, the City Clerk or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) 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. The Certificate of Award may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges 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 debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the 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 and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the

governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates 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, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 11. The Finance Director is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 12. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the

Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the City Clerk. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Certificate of Award, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The services of Bradley Payne Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Certificate of Award, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The City Clerk is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Clark County, Ohio.

Section 15. This 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 general 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 and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges 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 16. This City Commission finds and determines that all formal actions of this City Commission and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission or any of its committees, 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, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law.

PASSED this _____ day of _____, A.D., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun

_____, February ___, 2020)

I do hereby certify that the foregoing Ordinance No. 20-_____ was duly published in the *Springfield News-Sun* on _____, February ___, 2020.

CLERK OF THE CITY COMMISSION

CERTIFICATION

This certifies that the foregoing
is a true copy of Ordinance No.
20-_____ passed by the
Commission of The City of
Springfield, Ohio
_____, 2020.

Clerk of the City Commission

Request for Commission Action

City of Springfield, Ohio

Item Number: 038-20

Agenda Date: 02/11/2020

Today's Date: 02/05/2020

Subject: (8) 2020 Ford Police Interceptors

Submitted By: Mark Beckdahl, Finance Director

Department: Finance

Contact: Emily Adamson, Buyer

<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 purchase of (8) 2020 Ford Police Interceptors from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 for a total amount of \$305,300.00. This purchase is being made through Sourcewell Contract #120716-NAF.

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>
Police	Permanent Improvement	100115-6030	\$305,300.00

Total Cost: \$305,300.00

AN ORDINANCE NO. _____

Authorizing the purchase of eight 2020 Ford Police Interceptors from National Auto Fleet Group, for an amount not to exceed \$305,300.00, through Sourcewell, pursuant to the Sourcewell Contract Purchasing Cooperative Program, in accordance with the provisions of Section 9.48 of the Ohio Revised Code.

...oooOOOooo...

WHEREAS, in Ordinance No. 19-71, the City opted to secure to itself the benefits of the Sourcewell Contract Purchasing Cooperative Program pursuant to Section 9.48 of the Ohio Revised Code to enable purchases through Sourcewell; and

WHEREAS, the City wishes to purchase eight 2020 Ford Police Interceptors, pursuant to the Sourcewell Contract Purchasing Cooperative Program; NOW, THEREFORE:

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

Section 1. That the Director of Finance is hereby authorized to purchase eight 2020 Ford Police Interceptors, from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, for an amount not to exceed \$305,300.00, through the Sourcewell Contract Purchasing Cooperative Program in accordance with the provisions of Section 9.48 of the Ohio Revised Code.

Section 2. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 039-20

Agenda Date: 02/11/2020

Today's Date: 01/31/2020

Subject: Selection of Certain Parcels of Real Estate to be acquired through the Land Reutilization Program

Submitted By: Shannon Meadows

Department: Community Development

Contact: Stephen Thompson, 324-7674

- | | | |
|--|--|---|
| <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 City Commission to approve an ordinance authorizing the City Manager to select certain identified parcels of real estate that constitute non-productive lands and to notify the Prosecuting Attorney and the County Auditor of Clark County, Ohio that the City wishes to acquire said parcels through the City's Land Reutilization Program. These parcels are a part of the Mow to Own program and the applicant has fulfilled seven months of keeping the lots nuisance-free. The parcels are:

520-522 W Pleasant St.	3400600004228027
610 S Center St.	3400700034307004
510 W Pleasant St.	3400600004228029
934 Avondale Ave.	3400700029315010
312-314 N Florence St.	3400700029411005
965 Lagonda Ave.	3400700029313002
135 S Race St.	3400600004212019
1152 Lagonda Ave.	3400700029117038
Tibbetts Ave.	3400700033223008
1746 Tibbetts Ave.	3400700033223007
1744 Tibbetts Ave.	3400700033223006
227 E McCreight Ave.	3400700035201013
1619 Tibbetts Ave.	3400700033220022
Tibbetts Ave.	3400700033220023
1735 Kentucky Ave.	3400700033221019
1735 Kentucky Avea.	3400700033221020
1328 Linden Ave	3400700033202017

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

Department/Division	Fund Description	Account Number	Actual Cost
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Total Cost: \$0.00

AN ORDINANCE NO. _____

Authorizing and directing the City Manager to select certain identified parcels of real estate that constitute non-productive lands and to notify the Prosecuting Attorney or the County Auditor of Clark County, Ohio, as the case may be, pursuant to Sections 5722.03 and 5722.04 of the Ohio Revised Code that the City wishes to acquire said parcels pursuant to the provisions of Ohio Revised Code Chapter 5722 and Ordinance No. 98-293, passed August 25, 1998 and to do all things necessary to acquire said parcels.

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WHEREAS, this City Commission adopted and implemented the procedures set forth in Chapter 5722 of the Ohio Revised Code to establish a Land Reutilization Program to facilitate the effective reutilization of non-productive land situated within the City, by passage of Ordinance No. 98-293, passed August 25, 1998; and

WHEREAS, pursuant to Chapter 5722 of the Ohio Revised Code, the Prosecuting Attorney of Clark County, Ohio has compiled and delivered to the City a list of all delinquent lands within the City with respect to which a foreclosure proceeding has been instituted and is pending; and

WHEREAS, Revised Code Section 5722.03(C) provides that where a city wishes to select from such list delinquent lands that constitute non-productive lands that it wishes to acquire, it must notify the prosecuting attorney, or the county auditor, as the case may be, of its selection prior to the advertisement and sale of the non-productive lands pursuant to such foreclosure proceedings; and

WHEREAS, based upon the recommendation from the City Manager, the City Commission has determined that the parcels of real estate hereafter listed should be acquired by the City pursuant to the provisions of Ohio Revised Code Chapter 5722; and

WHEREAS, the City intends to acquire such non-productive lands in order to foster either the return of such lands to tax revenue generating status or the devotion thereof to public use; and

WHEREAS, the parcels acquired are a part of the City's Mow to Own program;
NOW, THEREFORE:

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

Section 1. That the City Manager is authorized and directed to notify the Prosecuting Attorney or the County Auditor of Clark County, Ohio, as the case may be,

pursuant to Sections 5722.03 and 5722.04 of the Ohio Revised Code, that the City wishes to acquire the following parcels of real estate located within the City, and he is further authorized and directed to do all things necessary to acquire the said parcels pursuant to the provisions of Ohio Revised Code Chapter 5722:

**Parcels Being Requested per ORC 5722.03
(Sheriff Sale)**

<u>STREET ADDRESS</u>	<u>PARCEL NUMBER</u>
------------------------------	-----------------------------

**Parcels Being Requested per ORC 5722.04(A)
(Auditor Sale)**

<u>STREET ADDRESS</u>	<u>PARCEL NUMBER</u>
520-522 W Pleasant St.	3400600004228027
610 S Center St.	3400700034307004
510 W Pleasant St.	3400600004228029
934 Avondale Ave.	3400700029315010
312-314 N Florence St.	3400700029411005
965 Lagonda Ave.	3400700029313002
135 S Race St.	3400600004212019
1152 Lagonda Ave.	3400700029117038
Tibbetts Ave.	3400700033223008
1746 Tibbetts Ave.	3400700033223007
1744 Tibbetts Ave.	3400700033223006
227 E McCreight Ave.	3400700035201013
1619 Tibbetts Ave.	3400700033220022
Tibbetts Ave.	3400700033220023
1735 Kentucky Ave.	3400700033221019
1735 Kentucky Ave.	3400700033221020
1328 Linden Ave.	3400700033202017

Section 2. That certified copies of this Ordinance, upon its passage, shall be promptly delivered to the Auditor, Treasurer, and Prosecuting Attorney of Clark County, Ohio.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 040-20

Agenda Date: 02/11/2020

Today's Date: 02/04/20

Subject: Sand and Gravel

Submitted By: Mark Beckdahl, Finance Director

Department: Service Department

Contact: Shawn Wilson, Operations 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 checked="" 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 enter into a contract with Enon Sand and Gravel, LLC 11641 Mosteller Rd., Cincinnati, OH 45241 for:

Base Bid/Delivery

- 304 Gravel (not-to-exceed 62,100.00)
- 411 Limestone (not-to-exceed \$8,280.00)
- #2 Stone (not-to-exceed \$2,070.00),
- Concrete Sand (not-to-exceed \$877.50),
- 310 Gravel (not-to-exceed \$96,300.00),
- #57 Washed Stone (not-to exceed \$1,930.00),
- Washed Mason Sand (not-to-exceed \$1,227.50),
- Cement Gravel Mix (not-to-exceed \$1,091.25),
- Granular Material for Bedding # 8 Stone (not-to-exceed \$53,850.00)
- Dumped Rock Fill Type A (not-to-exceed \$3,745.00),
- #8 Crushed Limestone (not-to-exceed \$2,170.00)

Alternate Bid/Pick-Up

- #304 Gravel (not-to-exceed \$100,500.00)

The total not-to-exceed purchase price shall be \$334,141.25.

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

Department/Division	Fund Description	Account Number	Actual Cost
Service Department	Various	Various	\$334,141.25

Total Cost: \$334,141.25

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract for the purchase of sand and gravel with Enon Sand and Gravel, LLC, for an amount not to exceed \$334,141.25.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received a bid for the purchase of sand and gravel; and

WHEREAS, after receiving and reviewing the only bid submitted, the City's Purchasing Division has recommended an award of contract to Enon Sand and Gravel, LLC, for 304 Gravel, 411 Limestone, #2 Stone, Concrete Sand, 310 Gravel, #57 Washed Stone, Washed Mason Sand, Cement Gravel Mix, Granular Material for Bedding #8 Stone, Dumped Rock Fill Type A and #8 Crushed Limestone (Base Bid-Delivered) for an amount not to exceed \$233,641.25, and 304 Gravel (Alternate-Pick-Up) for an amount not to exceed \$100,500.00; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract for the purchase of sand and gravel with Enon Sand and Gravel, LLC, for 304 Gravel, 411 Limestone, #2 Stone, Concrete Sand, 310 Gravel, #57 Washed Stone, Washed Mason Sand, Cement Gravel Mix, Granular Material for Bedding #8 Stone, Dumped Rock Fill Type A and #8 Crushed Limestone (Base Bid-Delivered) for an amount not to exceed \$233,641.25, and 304 Gravel (Alternate-Pick-Up) for an amount not to exceed \$100,500.00, for a total contract amount not to exceed \$334,141.25.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 041-20

Agenda Date: 02/11/2020

Today's Date: 02/4/2020

Subject: Street Materials

Submitted By: Mark Beckdahl, Finance Director

Department: Service Department

Contact: Shawn Wilson, Operations 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 checked="" 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 enter into a contract with A&B Asphalt Corp., 1780 Enon Rd, Springfield, OH 45502 as the primary supplier of #448 Type 1 Asphalt/Hot Mix (not-to-exceed \$296,475.00) and being an alternate supplier for AC 20 Liquid Asphalt (not-to-exceed \$37,500.00) and for #301 Asphalt (not-to-exceed \$6,500.00). The total not-to-exceed purchase price shall be \$340,475.00. This recommendation is based on the lowest and best of four bids 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	Various	Various	\$340,475.00

Total Cost: \$340,475.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract for the purchase of street materials with A & B Asphalt Corporation for an amount not to exceed \$340,475.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the purchase of street materials; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to A & B Asphalt Corporation as primary supplier for the purchase of #448 Type 1 Asphalt Hot Mix for an amount not to exceed \$296,475.00 and as an alternate supplier of AC 20 Liquid Asphalt and 301 Asphalt for an amount not to exceed \$44,000.00, for a total contract amount not to exceed \$340,475.00, which was the lowest and best bid: NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract for the purchase of street materials with A & B Asphalt Corporation as primary supplier for the purchase of #448 Type 1 Asphalt Hot Mix for an amount not to exceed \$296,475.00 and as an alternate supplier of AC 20 Liquid Asphalt and 301 Asphalt for an amount not to exceed \$44,000.00, for a total contract amount not to exceed \$340,475.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 042-20

Agenda Date: 02/11/2020

Today's Date: 02/4/2020

Subject: Street Materials

Submitted By: Mark Beckdahl, Finance Director

Department: Service Department

Contact: Shawn Wilson, Operations 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 checked="" 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 enter into a contract with Shelly Materials, Inc., 1700 Fostoria Ave., Findlay, OH 45840 as the primary supplier for the purchase of AC 20 Liquid Asphalt (not-to-exceed \$27,500.00) and for 301 Asphalt (not-to-exceed \$5,800.00) and as an alternate supplier for #448 Type 1 Asphalt/Hot Mix (not-to-exceed \$298,687.50). The total not-to-exceed purchase price shall be \$331,987.50. This recommendation is based on the lowest and best of four bids 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	Various	Various	\$331,987.50

Total Cost: \$331,987.50

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract for the purchase of street materials with Shelly Materials, Inc. for an amount not to exceed \$331,987.50.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the purchase of street materials; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to Shelly Materials, Inc. as primary supplier for the purchase of AC 20 Liquid Asphalt and 301 Asphalt, for an amount not to exceed \$33,300.00, and as alternate supplier for #448 Type 1 Asphalt Hot Mix, for an amount not to exceed \$298,687.50, for a total contract amount not to exceed \$331,987.50, which was the lowest and best bid: NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract for the purchase of street materials with Shelly Materials, Inc. as primary supplier for the purchase of AC 20 Liquid Asphalt and 301 Asphalt, for an amount not to exceed \$33,300.00, and as alternate supplier for #448 Type 1 Asphalt Hot Mix, for an amount not to exceed \$298,687.50, for a total contract amount not to exceed \$331,987.50.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 043-20

Agenda Date: 02/11/2020

Today's Date: 02/4/2020

Subject: Street Materials

Submitted By: Mark Beckdahl, Finance Director

Department: Service Department

Contact: Shawn Wilson, Operations 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 checked="" 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 enter into a contract with Valley Asphalt Corp., 11641 Mosteller Rd., Cincinnati, OH 45241 to be the alternate supplier for AC 20 Liquid Asphalt (not-to-exceed \$37,500.00), #448 Type 1 Asphalt/Hot Mix (not-to-exceed \$296,475.00), 301 Asphalt (not-to-exceed \$6,500.00) and High Performance Mix (not-to-exceed \$66,080.00). The total not-to-exceed purchase price shall be \$406,555.00. This recommendation is based on the lowest and best of four bids 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	Various	Various	\$406,555.00

Total Cost: \$406,555.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract for the purchase of street materials with Valley Asphalt Corporation for an amount not to exceed \$406,555.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the purchase of street materials; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to Valley Asphalt Corporation as alternate supplier of AC 20 Liquid Asphalt, #448 Type 1 Asphalt Hot Mix, 301 Asphalt and HPM (High Performance Mix) for an amount not to exceed \$406,555.00, which was the lowest and best bid: NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract for the purchase of street materials with Valley Asphalt Corporation as alternate supplier of AC 20 Liquid Asphalt, #448 Type 1 Asphalt Hot Mix, 301 Asphalt and HPM (High Performance Mix) for an amount not to exceed \$406,555.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 044-20

Agenda Date: 02/11/2020

Today's Date: 02/4/2020

Subject: Street Materials

Submitted By: Mark Beckdahl, Finance Director

Department: Service Department

Contact: Shawn Wilson, Operations 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 checked="" 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 enter into a contract with Hei-way LLC, 290 North Pike Rd., Sarver, PA 16055 as the primary supplier for the purchase of HPM-High Performance Mix, the total not-to-exceed purchase price shall be \$67,060.00. This recommendation is based on the lowest and best of four bids 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	Various	Various	\$67,060.00

Total Cost: \$67,060.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract for the purchase of street materials with HEI-WAY LLC for an amount not to exceed \$67,060.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the purchase of street materials; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to HEI-WAY LLC for the purchase of HPM (High Performance Mix), primary supplier, for an amount not to exceed \$67,060.00, which was the lowest and best bid: NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract for the purchase of street materials with HEI-WAY LLC for the purchase of HPM (High Performance Mix), primary supplier, for an amount not to exceed \$67,060.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 091-19

Agenda Date: 2/11/2020

Today's Date: 2/4/2020

Subject: Award of Contract to J & J Schlaegel, Inc., for the North Street Sewers Project

Submitted By: Kurt Tyson, Construction Superintendent

Department: Service

Contact: Chris Moore, Service Director

- | | | |
|--|--|---|
| <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 checked="" type="checkbox"/> Contract | |

**Prior
Ordinance/Resolution:** 20-20

**Date of Prior
Ordinance/Resolution:** 1/28/2020

Summary:

Bids were received on January 31, 2020, for the above referenced project. The following is a list of the bidders and their bids:

	Base Bid	Alternate Bid
J & J Schlaegel, Inc.	\$ 1,122,600.15	\$ 65,098.00
Majors Enterprises, Inc.	\$ 1,248,647.50	\$ 89,310.00
Kinnison Excavating, Inc.	\$ 1,331,050.00	\$ 68,430.00
Engineer's Estimate	\$ 1,313,320.00	\$ 68,670.00

The project consists of installing approximately 3,125 Lineal Feet of storm sewer, replacing approximately 157 Lineal Feet of 30" sanitary sewer and performing manhole rehabilitation using Spray Applied Monolithic Liner on North Street. Award both the Base Bid and Alternate Bid.

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

Department/Division	Fund Description	Account Number	Actual Cost
Service/Engineering	OWDA (Loan)		\$ 1,187,698.15

Total Cost: \$ 1,187,698.15

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with J & J Schlaegel, Inc. for the North Street Sewers Project for an amount not to exceed \$1,187,698.15.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the North Street Sewers 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 the North Street Sewers Project, on its Base Bid for an amount of \$1,122,600.15 and Alternate No. 1 Bid for an amount of \$65,098.00, for a total amount not to exceed \$1,187,698.15, which was the lowest and best bidder; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract with J & J Schlaegel, Inc. for the North Street Sewers Project, on its Base Bid for an amount of \$1,122,600.15 and Alternate No. 1 Bid for an amount of \$65,098.00, for a total amount not to exceed \$1,187,698.15.

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 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 045-20

Agenda Date: 02/11/2020

Today's Date: 02/05/2020

Subject: Weed Cutting and Lot Clearing

Submitted By: Mark Beckdahl, Finance Director

Department: Community Development

Contact: Steve Thompson, Code Admin.

- | | | |
|--|--|---|
| <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 checked="" 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 enter into a contract with The Lawn Guys of Dayton LLC, 5171 Mariner Dr., Dayton, OH 45424 for weed cutting and lot clearing. The total not-to-exceed amount shall be \$60,000.00. This recommendation is based on the lowest and best of five bids 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>
Community Development	100 Development/Code Enf.	740001-4070	\$60,000.00

Total Cost: \$60,000.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with The Lawn Guys of Dayton, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for weed cutting and lot clearing services as needed by the City; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to The Lawn Guys of Dayton, LLC for an amount not to exceed \$60,000.00, which was the lowest and best bidder; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract with The Lawn Guys of Dayton, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 046-20

Agenda Date: 02/11/2020

Today's Date: 02/5/2020

Subject: Weed Cutting and Lot Clearing

Submitted By: Mark Beckdahl, Finance Director

Department: Community Development

Contact: Steve Thompson, Code Admin.

<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 checked="" 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 enter into a contract with Gilbert's Lawn Service, 620 Homeview Ave., Springfield, OH 45505 for weed cutting and lot clearing. The total not-to-exceed amount shall be \$60,000.00. This recommendation is based on the lowest and best of five bids received.

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

Department/Division	Fund Description	Account Number	Actual Cost
Community Development	100 Development/Code Enf.	740001-4070	\$60,000.00

Total Cost: \$60,000.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with Gary Gilbert, Jr. dba Gilbert's Lawn Service for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for weed cutting and lot clearing services as needed by the City; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to Gary Gilbert, Jr. dba Gilbert's Lawn Service for an amount not to exceed \$60,000.00, which was the lowest and best bidder; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Gary Gilbert, Jr. dba Gilbert's Lawn Service for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 047-20

Agenda Date: 02/11/2020

Today's Date: 02/05/2020

Subject: Weed Cutting and Lot Clearing

Submitted By: Mark Beckdahl, Finance Director

Department: Community Development

Contact: Steve Thompson, Code Admin.

<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 checked="" 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 enter into a contract with Miller's Property Service, LLC, 3135 Saint Paris Pike, Springfield, OH 45504 for weed cutting and lot clearing. The total not-to-exceed amount shall be \$60,000.00. This recommendation is based on the lowest and best of five bids 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>
Community Development	100 Development/Code Enf.	740001-4070	\$60,000.00

Total Cost: \$60,000.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with Miller's Property Service, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for weed cutting and lot clearing services as needed by the City; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to Miller's Property Service, LLC for an amount not to exceed \$60,000.00, which was the lowest and best bidder; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Miller's Property Service, LLC for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 048-20

Agenda Date: 02/11/2020

Today's Date: 02/5/2020

Subject: Weed Cutting and Lot Clearing

Submitted By: Mark Beckdahl, Finance Director

Department: Community Development

Contact: Steve Thompson, Code Admin.

<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 checked="" 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 enter into a contract with Bright Sights, Inc., 1914 Appian Way, Springfield, OH 45503 for weed cutting and lot clearing. The total not-to-exceed amount shall be \$60,000.00. This recommendation is based on the lowest and best of five bids 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>
Community Development	100 Development/Code Enf.	740001-4070	\$60,000.00

Total Cost: \$60,000.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with Bright Sights, Inc. for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for weed cutting and lot clearing services as needed by the City; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to Bright Sights, Inc. for an amount not to exceed \$60,000.00, which was the lowest and best bidder; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Bright Sights, Inc. for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 049-20

Agenda Date: 02/11/2020

Today's Date: 02/05/2020

Subject: Weed Cutting and Lot Clearing

Submitted By: Mark Beckdahl, Finance Director

Department: Community Development

Contact: Steve Thompson, Code Admin.

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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 checked="" 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 enter into a contract with Stinnett Industries LLC dba Cut -2- Perfection Lawn, 1761 York St., Springfield, OH 45505 for weed cutting and lot clearing. The total not-to-exceed amount shall be \$60,000.00. This recommendation is based on the lowest and best of five bids 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>
Community Development	100 Development/Code Enf.	740001-4070	\$60,000.00

Total Cost: \$60,000.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with Stinnett Industries LLC dba Cut-2-Perfection Lawn and Snow Removal Services for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for weed cutting and lot clearing services as needed by the City; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended an award of contract to Stinnett Industries LLC dba Cut-2-Perfection Lawn and Snow Removal Services for an amount not to exceed \$60,000.00, which was the lowest and best bidder; NOW, THEREFORE:

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Stinnett Industries LLC dba Cut-2-Perfection Lawn and Snow Removal Services for weed cutting and lot clearing services as needed by the City, for an amount not to exceed \$60,000.00.

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. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 050-20

Agenda Date: 2/11/2020

Today's Date: 2/3/2020

Subject: RESOLUTION OF NECESSITY for the 2020 Sidewalk, Curb and Gutter Program, Section No. 1 Streets

Submitted By: Leo Shanayda, City Engineer

Department: Service

Contact: Chris Moore, Service Director

- | | | |
|---|--|---|
| <input type="checkbox"/> 14-Day Ordinance | <input type="checkbox"/> Emergency Ordinance (provide justification below) | |
| <input type="checkbox"/> Resolution (1 Reading) | <input checked="" 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 following is a listing of streets in which this office recommends for inclusion in SECTION No. 1 of Streets for the Resolution of Necessity for the 2020 Sidewalk, Curb and Gutter Program:

Section #1 Streets include:

- Bill Edwards Drive (Plum Street to Fountain Avenue)
- Euclid Avenue (Limestone Street to Yellow Springs Street)
- Fostoria Avenue (Main Street to High Street)
- Maplewood Avenue (Burnett Road to Deadend)
- Florence Street (Main Street to Columbus Avenue)
- Linden Avenue (Selma Road to Monroe Street)
- Oakwood Place (Wittenberg Avenue to End)

This office requests that City Commission pass a Resolution of Necessity for the above list of selected streets in order for them to be included in the 2020 Sidewalk, Curb and Gutter Program.

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>
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Total Cost:

A RESOLUTION NO. _____

Declaring it necessary to require the construction or reconstruction of curbs, gutters and sidewalks at the points identified as Section No. 1 of Streets of the 2020 Sidewalk, Curb and Gutter Program.

...oooOOOooo...

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

Section 1. That it is determined that the City Engineer has prepared and has filed in the office of the Clerk of the City Commission plans, specifications and an estimate of the cost of constructing and reconstructing curbs, sidewalks and gutters at the following locations set forth in Section 3 hereof, including all requisite specifications for the construction or reconstruction, and that the plans, specifications and estimates are approved.

Section 2. That it is determined that the streets to be improved by the construction or reconstruction of sidewalks, curbs and gutters as described in this Resolution are so situated in relation to each other that in order to complete the improvements in the most practical and economical manner, they should be improved at the same time with the same kind of materials and in the same manner.

Section 3. That the City Commission considers it necessary to require that the sidewalks, curbs and gutters at the following locations be constructed or reconstructed, as the case may be, as indicated on and in accordance with the plans and specifications therefor by the owners of the abutting lots and lands:

Section #1 Streets include:

- Bill Edwards Drive (Plum Street to Fountain Avenue)
- Euclid Avenue (Limestone Street to Yellow Springs Street)
- Fostoria Avenue (Main Street to High Street)
- Maplewood Avenue (Burnett Road to Deadend)
- Florence Street (Main Street to Columbus Avenue)
- Linden Avenue (Selma Road to Monroe Street)
- Oakwood Place (Wittenberg Avenue to End)

Section 4. That the work required shall be done by the owners of the abutting lots and lands within thirty (30) days after service of notice thereof has been made upon the owners and that in the event the sidewalks, curbs and gutters are not constructed or reconstructed by the owners in accordance with the plans and specifications and within thirty days, then the City will so construct or reconstruct the sidewalks, curbs and gutters and will assess the cost thereof against the abutting lots and lands.

Section 5. That the Clerk of this Commission is directed to cause notice of the adoption of this Resolution to be served upon the owners in compliance with the requirements of Section 729.03 of the Revised Code of Ohio.

Section 6. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun
_____, 2020)

I do hereby certify that the foregoing Resolution No. _____ was duly published in the Springfield News-Sun on _____, 2020.

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 021-20

Agenda Date: 1/28/2020

Today's Date: 01/22/2020

Subject: Ice Cream Truck Policy

Submitted By: Logan M. Cobbs, Assistant to the City Manager

Department: City Manager's Office

Contact: Logan M. Cobbs, x7300

- | | | |
|--|--|---|
| <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 City Commission approve legislation repealing existing Codified Ordinance Chapter 775 entitled "Selling Products From Vehicles" and replacing it with a new Chapter 775 entitled "Ice Cream Trucks." The purpose of this updated policy is to institute rules for the operation of mobile ice cream trucks in the City of Springfield.

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>
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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 repealing and replacing existing Chapter 775, titled *Selling Products from Vehicles* with the enactment of new Chapter 775 titled *Ice Cream Trucks*.

...oooOOOooo...

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution permits municipalities to adopt local police, sanitary and other similar regulations to promote health, safety and welfare of its citizens; and

WHEREAS, the sale of ice cream from mobile vehicles and the adoption of the 776 Food Truck Ordinances requires the City of Springfield to modify their current ordinances to include specific references to ice cream vendors; and

WHEREAS, regulation and restrictions are required in order to protect the vendors selling from their vehicles, as well as the individuals approaching the vehicles for purchase of ice cream; and

WHEREAS, the lack of regulations and restrictions on ice cream vendors would lead to significant safety and health risks for the citizens of Springfield, specifically children; and

WHEREAS, the City of Springfield further finds that such regulations are needed in order to protect the public health, safety and welfare of the City of Springfield, Ohio; 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 repealing of the existing Chapter 775 titled *Selling Products from Vehicles*; and

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 the new provision of Chapter 775 titled *Ice Cream Trucks*. Included attached as EXHIBIT A and included herein by reference.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*)

_____, 2020)

I do hereby certify that the foregoing Ordinance No. _____ was duly published in
the *Springfield News-Sun* on _____, 2020.

CLERK OF THE CITY COMMISSION

CHAPTER 775
Ice Cream Trucks

- 775.01 Purpose.**
- 775.02 Definitions.**
- 775.03 Registration of Driver or Operator.**
- 775.04 Restrictions and Requirements.**
- 775.99 Penalty.**

CROSS REFERENCES

Power to regulate peddlers - see Ohio R.C. 715.61 et seq.
Power to regulate transient dealers - see Ohio R.C. 715.64
Frozen desserts - see Ohio R.C. 3717.51 et seq.
Displaying vehicles for sale on roadway - see TRAF. 351.06
Loudspeakers - see GEN. OFF. 509.09
Peddlers - see BUS. REG. Ch. 741

775.01 PURPOSE.

The City of Springfield, City Commission finds that vehicles in which ice cream, confections and other frozen dessert products are carried for purposes of retail sale on the public streets pose special dangers to the public health, safety and welfare of children and residents in the City of Springfield, Ohio. It is the purpose and intent of the City of Springfield, in enacting this article, to provide responsible companies and individuals who engage in operation of ice cream trucks with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

775.02 DEFINITIONS.

As used in this Chapter:

- (a) "Ice Cream Truck" means any vehicle or motor vehicle, as that term is defined in the Ohio Revised Code Chapter 4511.01, which is equipped or primarily used for retail sales on any public street, alley or highway within the City of Springfield of ice cream, ice milk, popsicles, sherbets, frozen yogurt, frozen dessert products and confections of any kind. The inventory of these vehicles is not necessarily limited to ice cream, confections or frozen dessert products.
- (b) "Frozen Dessert Product" includes ice cream, ice milk, popsicles, frozen yogurt, confections, and chilled desserts of any kind.
- (c) "Person" means any person, firm, partnership, association, corporation, and stockholder and includes, but is not limited to, owners, operations drivers, lessors and lessees of ice cream trucks.
- (d) "Vend or Vending" means offering frozen dessert products of any kind for sale from a motor vehicle on a street, alley, highway or public place within the City of Springfield and includes the movement or standing of an ice cream truck for the purpose of searching for, obtaining or soliciting retail sales of frozen dessert products.
- (e) "Ice cream vendor" means any person, as defined in this article, who:
 - (1) Conducts or permits or causes the operation of ice cream trucks;

- (2) Owns, operates, controls, manages or leases ice cream trucks; or
- (3) Contracts with persons to drive and vend from ice cream trucks.
- (f) "Operator" means any person who drives, operates or vends from an ice cream truck and shall include the driver and assistant on each ice cream truck.
- (g) "Registration Certificate" means a certificate issued by the chief of police for the City of Springfield subject to the requirements of Section 775.03.

775.03 REGISTRATION REQUIREMENTS.

(a) No person shall drive or operate any vehicle within the City for the purpose of selling, or offering for sale, from such vehicle, frozen dessert product, without having a current certificate of registration obtained, upon application, from the office of the Chief of Police.

(b) Such certificate of registration shall be effective for a period of one year from the date of its issuance, and shall be issued upon payment of a registration fee of twenty-five dollars (\$25.00) and the filing of a written application setting forth the following information:

- (1) Applicant's name, residence, and business address, social security number, and driver's license number.
- (2) A description of the nature of the products to be sold by the applicant.
- (3) A description of any vehicle to be operated by applicant in the course of such selling, or offering for sale, including, if a motor vehicle, the make, model, year, and manufacturer's serial number.

(c) Any person having a current peddler's license issued pursuant to Chapter 741 is hereby exempted from the requirements of this section.

(d) Registration requirements must also adhere to the Mobile Food Service License requirements imposed by the Clark County Combined Health District or any other regulating body that may require licensure in Clark County, Ohio.

775.04 RESTRICTIONS AND REQUIREMENTS.

(a) No person or operator shall stop an ice cream truck for the purpose of selling or offering for sale any frozen dessert products, or to sell or offer for sale such products at such ice cream truck while stopped, or to use any loudspeaker, bell, or other device giving an audible signal to advertise frozen dessert products, on any street or public right-of-way abutting any real estate which is then used as part of the school grounds of any public or private grade or junior high school between the hours of 7:00 a.m. and 4:00 p.m., on days when such school is in session.

(b) No person or operator of any ice cream truck shall use more than one loudspeaker, bell, or other device, and such loudspeaker, bell, or other device shall not have the capability or capacity to emit a signal louder than eighty decibels at full volume measured at any distance from such device for the purpose of advertising to the general public the product, or presence of the ice cream truck.

(c) No person or operator of any ice cream truck from and at which frozen dessert products are being sold shall use any loudspeaker, bell, or other device giving an audible signal to advertise such products or the presence of the vehicle while the ice cream truck is in motion.

(d) No person or operator of any ice cream truck shall stop such ice cream truck for the purpose of selling or offering for sale frozen dessert products without having the following

equipment mounted on the ice cream truck and in operation during the period of selling frozen dessert products:

- (1) There shall be two warning lights. Each warning light shall be double-faced, yellow in color, and not less than six inches in diameter. One light shall be mounted on the roof near the left center of the roof line, and the other light shall be mounted on the roof near the right center of the roof line.
- (2) When operating, the lights shall flash and be clearly visible from both the front and rear at a distance of at least 300 feet.
- (3) The lights shall be operated when the motor vehicle is stopped for the purpose of selling or offering for sale any food products and at no other time.
- (4) There shall be two warning signs. Each warning sign shall carry the legend "CHILDREN" on the top line and "PROCEED WITH CAUTION" on the bottom line in five-inch, black, block letters on a yellow background.
- (5) The signs shall be a minimum of fifty inches in width and twenty inches in height. One sign shall be located on the front end of the vehicle, and the other located on the rear end of the vehicle.
- (6) The signs shall not extend more than two feet above nor two feet below the top roof line of the vehicle.
- (7) The signs shall be located transversely so as not to obstruct the two warning lights.
- (8) The signs shall form a complete warning unit with the two warning lights that can be clearly visible by motorists who approach such vehicle from the front and rear.

(e) No motorist, when approaching a ice cream truck from any direction at a time when such ice cream truck has the yellow warning lights operating, shall fail to proceed with caution to pass such ice cream truck.

(f) No person shall sell or offer for sale any frozen dessert products from an ice cream truck unless that ice cream truck is legally parked, or shall sell or offer for sale from other than the curbside of the legally parked ice cream truck.

(g) No person shall engage in selling or offering for sale frozen desserts from and at an ice cream truck between 9:00 p.m. and 9:00 a.m.

775.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.

Request for Commission Action City of Springfield, Ohio

Item Number: 022-20

Agenda Date: 1/28/2020

Today's Date: 01/22/2020

Subject: Food Truck Policy and Section 1324.02 Class A Civil Offenses

Submitted By: Logan M. Cobbs, Assistant to the City Manager

Department: City Manager's Office

Contact: Logan M. Cobbs, x7300

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|---|--|---|
| <input checked="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 City Commission enact new Chapter 776 entitled "Food Trucks." The purpose of policy is to institute rules for the location and operation of mobile vending units in the City of Springfield. Also request that City Commission amend Section 1324.02 by including Food Truck violations to the existing list of Class A Civil Offenses.

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>
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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 new Part Seven Chapter 776 titled *Food Trucks* and adopting administrative procedures related thereto; amending Section 1324.02 titled *Class A Civil Offenses* to include the Food Trucks Section.

...oooOOOooo...

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution permits municipalities to adopt local police, sanitary and other similar regulations to promote health, safety and welfare of its citizens; and

WHEREAS, The City of Springfield, Ohio has determined that an increase in the popularity and frequency of Mobile Food Vendors in the City of Springfield requires adoption of regulations and restrictions; and

WHEREAS, The City of Springfield, Ohio, has determined that it is necessary to update the Codified Ordinances to include Food Truck Standards for the City of Springfield; and

WHEREAS, the City of Springfield, Ohio has determined that regulation and restrictions on the sale of food from vehicles in the City of Springfield requires adoption of specific standards included herein; and

WHEREAS, the City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address the existence of food trucks in Springfield, Ohio; 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 Part Seven Chapter 776 in accordance with EXHIBIT A, attached hereto and incorporated herein by reference.

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 amendment of Section 1324.02 to read as follows:

1324.02 CLASS A CIVIL OFFENSES.

A person who violates a standard of conduct set forth in a section or chapter of the *Codified Ordinances of The City of Springfield, Ohio*, listed below is liable for the civil fine specified in Section 1324.99 for a Class A Civil Offense.

- (a) Section 1327.03 Contractor License Requirement.
- (b) Section 1327.04 Subcontractor Registration Requirement.
- (c) Chapter 771 Garage Sales.
- (d) Chapter 909 Weeds.
- (e) Section 541.07 Defacing Public Property.

- (f) Section 916.02(b) Dumping/discharge into Public Sewer System.
- (g) Section 916.02(d)(4) Dumping/discharge into Public Sewer System.
- (h) Section 521.08(a) Dumping/discharge onto Public Property.
- (i) Section 521.08(b) Dumping/discharge into Waterways.
- (j) Section 1711.09(d) Grease Traps.
- (k) Section 1380.06 Vacant Property Registration Notice of Foreclosure Filing.
- (l) Chapter 775 Food Trucks.

If a person has previously been found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, within the preceding twelve months the civil fine shall be doubled, and the fine is not subject to reduction for correction of the violation.

If a person has previously been found to have violated the same provision of the *Codified Ordinances of The City of Springfield, Ohio*, on two or more previous occasions within the preceding twelve months that person may be charged as a recalcitrant offender. A person found to be a recalcitrant offender is liable for an additional recalcitrant offender civil fine as specified in Section 1324.99, for each third and subsequent violation occurring within a period of twelve consecutive months. The recalcitrant offender fine shall be in addition to any civil fine imposed under this chapter. Such additional recalcitrant offender civil fine is not subject to reduction for correction of the violation.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

(Published: *Springfield News-Sun*)

_____, 2020)

I do hereby certify that the foregoing Ordinance No. _____ was duly published in the *Springfield News-Sun* on _____, 2020.

CLERK OF THE CITY COMMISSION

**CHAPTER 776
Food Trucks**

- 776.01 Purpose.**
- 776.02 Definitions.**
- 776.03 Registration Requirements.**
- 776.04 General Requirements.**
- 776.05 Product for Sale.**
- 776.06 Exemptions.**
- 775.99 Penalty.**

776.01 PURPOSE.

The Springfield City Commission finds that vehicles in which the production and distribution of food for retail sale on the public streets pose special dangers to the public health, safety and welfare of the residents in the City of Springfield, Ohio. It is the purpose and intent of the City of Springfield, in enacting this article, to provide responsible companies and individuals who engage in the operation of food trucks with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

776.02 DEFINITIONS.

As used in this Chapter:

- (a) "Food" means raw, cooked or processed edible substance, beverage or ingredient intended for use or for sale in whole or part for human consumption.
- (b) "Mobile Food Service License and Mobile Food Establishment License" means the official document issued by the Clark County Combined Health District or any other Health District in the State of Ohio possessing the appropriate licensing authority with allows the operation of a food truck in Clark County.
- (c) "Food Truck" means a vehicle or vehicle and trailer propelled by an engine which has been specifically designated or used for mobile food vending.
- (d) "Vend or Vending" means offering for sale food of any kind for sale from a food truck on a street, alley, highway or public place within the City of Springfield.

776.03 REGISTRATION REQUIREMENTS.

(a) No person shall offer for sale any food from any food truck within the City of Springfield without a current and valid Mobile Food Service or Mobile Food Establishment License issued by the Clark County Combined Health District or other health departments in the State of Ohio possessing the appropriate licensing authority.

(b) A Mobile Food Service or Mobile Food Establishment License must be clearly and conspicuously displayed on the food truck during all times of operation for inspection by the Clark County Combined Health District and City of Springfield officials.

(c) All food trucks shall be subject to inspections during operation by the regulatory departments within the City of Springfield, Ohio, including but not limited to the Fire Department

for code compliance, and the Community Development Department for compliance with local and state code and regulations.

(d) All food trucks must display their Mobile Food License or Mobile Food Establishment license plainly in the view of the public.

776.04 GENERAL REQUIREMENTS.

(a) All food trucks operating in the City of Springfield must keep the surrounding area immediately adjacent to the food truck clean and must dispose of all waste generation from the operation.

(b) No food trucks may discharge waste water, sewage, or grease into the city storm water or sewage drainage system.

(c) No food truck shall utilize loud speakers or other noise-making devices in such way to create a nuisance, or in violation of the City's Ordinances.

(d) No food truck shall operate within 75 feet of a brick and mortar restaurant located in the City of Springfield.

776.05 PRODUCTS FOR SALE.

Food trucks shall only offer food for sale.

776.06 EXEMPTIONS.

(a) This Chapter shall not apply during sanctioned special events occurring in the City of Springfield pursuant to a valid event permit.

(b) This Chapter does not apply to invitations on private property extended by the owner or authorized representative of that property.

776.99 PENALTY.

Whoever violates any provision of this chapter is subject to a Class A Civil Fine.

Request for Commission Action

City of Springfield, Ohio

Item Number: 023-20

Agenda Date: 1/28/2020

Today's Date: 1/22/2020

Subject: Authorize contract between City of Springfield and Greater Springfield Convention and Visitors Bureau to establish a downtown event program position.

Submitted By: Bryan Heck, City Manager

Department: City Manager's Office

Contact: Bryan Heck, x7300

- | | | |
|--|--|---|
| <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 checked="" type="checkbox"/> Contract | |

**Prior
Ordinance/Resolution:**

**Date of Prior
Ordinance/Resolution:**

Summary:

Respectfully request City Commission authorize City Manager to enter into a contract with the Greater Springfield Convention and Visitors Bureau to establish a downtown event program position. This person will be tasked with working with other downtown partners to continue existing and create new events for downtown Springfield. The contract period will be for three years with a cost of \$30,000 per year for a total cost of \$90,000.

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>
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Total Cost: \$90,000.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a three-year contract with the Greater Springfield Convention and Visitors Bureau, Inc. ("CVB"), for the purpose of establishing a downtown event program position, for an amount not to exceed \$90,000.00.

...oooOOOooo...

WHEREAS, the City seeks an organization or individual to create and promote events in downtown Springfield to stir tourism and bolster current event attendance and outreach; and

WHEREAS, the CVB provides an organization devoted to encouraging visitors, tourism and development of the downtown Springfield area; and

WHEREAS, the CVB has proposed to hire an individual who will develop new downtown events, bolster current events, and promote events in downtown Springfield to encourage attendance and tourism; and

WHEREAS, this Commission finds it is the best interest of the City to enter into a three-year contract with CVB for such purpose: NOW, THEREFORE:

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

Section 1. That this Commission hereby adopts the findings set forth in the recitals to this Ordinance and makes them a part hereof.

Section 2. That the City Manager is hereby authorized to enter into a three-year contract with the Greater Springfield Convention and Visitors Bureau, Inc., a copy of which is attached hereto and is hereby approved, for the purpose of establishing a downtown event program position, for an amount not to exceed \$90,000.00.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

CONTRACT
CITY OF SPRINGFIELD, OHIO

This Agreement entered into _____, 2020 between **THE CITY OF SPRINGFIELD, OHIO** (the "City") a municipal corporation whose mailing address is 76 East High Street, Springfield, Ohio 45502 and Greater Springfield Convention and Visitors Bureau, Inc. ("Contractor"), a not for profit corporation, whose mailing address is 20 South Limestone Street, Springfield, OH 45502:

1. Recitals and Background

- a. The City seeks an organization or individual to create and promote events in downtown Springfield to stir tourism and bolster current event attendance and outreach.
- b. Contractor provides an organization devoted to encouraging visitors, tourism, and development of the downtown Springfield area.
- c. Contractor has proposed to hire an individual who will develop new downtown events, bolster current events, and promote events downtown to encourage attendance and tourism.

The City and Contractor have negotiated a mutually acceptable Agreement to accomplish the described Services in furtherance of the Agreement.

Contractor and the City agree as follows:

2. Agreement

- a. Contractor agrees to hire an individual who will:
 - i. Serve as a point person for existing downtown events (i.e. MustardFest, IndieCraft, Marketfest and Holiday in the City);
 - ii. Create and develop new downtown events, with a goal of creating 4 new events within the first twelve months of employment;
 - iii. Establish and manage event committees;
 - iv. Sponsor sales to support events;
 - v. Promote events via social media channels, broadcast and print;
 - vi. Manage the budgets of events, current and new;
 - vii. Assist in the scheduling and booking of speakers for the "Springfield Speaks" presenters;

- viii. Work with the CVB team to expand existing events;
- ix. Work with local downtown merchants and partners to coordinate marketing and promotion of events.

3. **Term**

- a. This Agreement will run from for a term of three (3) years from the signature date.

4. **Fees and Payment**

- a. The City will pay Thirty Thousand Dollars (\$30,000.00) per year for each year of the term.
- b. Payment by the City will be made on the anniversary of the signature date each term year.

5. **Notices and Requests**

- a. Any notice or other communication required or permitted to be given under this Agreement must be in writing. Notices will be deemed to have been duly given if (i) delivered to the party at the address set forth below, (ii) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, (iii) given to a recognized and reputable overnight delivery service, to the address set forth below, or (iv) delivered by facsimile transmission to the number set forth below or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this section.

To the City: City of Springfield, Ohio
76 E. High St.,
Springfield, Ohio 45502
lawdepartment@springfieldohio.gov
Attn: Legal Department

If to Contractor: Great Springfield Convention and Visitors Bureau,
Inc.
20 S. Limestone St.,
Springfield, Ohio 45502
cshutte@greaterspringfield.com
Attn: Chris Schutte

- b. Notices are deemed received (i) when delivered to the party, (ii) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage, (iii) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day, or (iv) when received by facsimile transmission during the normal business hours of the recipient. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date

on which a notice is deemed to have been received by a party will mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

6. Additional Clauses

a. Dispute Resolution

- i. City and Contractor agree to attempt to resolve their disputes through mediation prior to commencing any litigation.
- ii. Venue for mediation will be in Clark County, Ohio.
- iii. City and Contractor agree to equally split the costs of a mutually agreeable mediator.

b. Default and Remedies

- i. Any default under this Agreement would result in termination of the Agreement.
- ii. Failure to meet any of the deliverables described in Section 2(a)(i) through (ix), would result in a notice of default by the City.
- iii. Contractor would have 60 days to correct the default, or provide an explanation as to how it will remedy the default to the sole satisfaction of the City.
- iv. Parties may negotiate acceptable means to remedy a default outside of termination if agreed to by both parties.

c. Termination

- i. The City or Contractor reserves the right to terminate the contract for cause or convenience given sixty (60) days written notice.
- ii. Settlement payment will be based on successful delivery prior to termination.
- iii. The City will pay the aggregate price of delivered service computed in accordance with the prices specified in the contract.

d. Independent Contractor

- i. It is agreed that Contractor shall have the status of an independent contractor under this Agreement. Contractor 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

Contractor may use in performing its responsibilities under this Agreement.

e. Non-Discrimination and Compliance with Local Laws

- i. Contractor 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.
- ii. It is unlawful for officials and employees of the City to receive gratuities.
- iii. Discrimination by Contractor on grounds of race, religion, color, ancestry, nature origin, sexual orientation or sex is unlawful and shall subject Contractor to forfeiture.
- iv. Should any Contractor violate this section, the Contractor shall be subject to the following forfeitures: There shall be deducted from the amount payable to the Contractor by the City under the contract, a forfeiture of One Hundred Dollars (\$100.00) for each person who is discriminated against or intimidated in violation of such contract.

f. Insurance

- i. Before starting any work under this Agreement, the Contractor shall, except as otherwise approved by the City, take out and maintain at his own cost and expense, the following insurance until the work is completed and accepted by the City. Such insurance shall be with companies and with limits satisfactory to the City and not less than required by law.
 1. Workers' Compensation: The Contractor agrees to furnish an official certificate or receipt of the Industrial Commission of Ohio showing payment of necessary premiums into the State Insurance fund when such certificates are required in the Request for Proposal.
 2. Commercial General Liability (to include): Contractual Liability and Personal Injury and Property. Bodily Injury, including Personal Injury, and Property Damage \$500,000 Combined Single Limit.
 3. Certificates of insurance acceptable to the City's Law Director shall be filed with the City with the contract for this project and prior to commencement of any work. These certificates shall contain a provision that coverage afforded under the policies will not be canceled unless a ten (10) day (minimum) prior written notice has been given to the City.

7. Indemnity by Contractor

- a. Except as otherwise provided in this Agreement, Contractor agrees to indemnify City from any liability and to save City harmless from any damage which Contractor or City

may suffer as a result from the negligent or intentionally wrongful acts or omissions of Contractor or any employee or agent of Contractor.

8. Omission and Waiver

- a. No delay or omission to exercise any right, power, or remedy accruing to either City or Contractor upon any breach or default by the other party under this Agreement shall impair any such right or remedy nor shall it be construed to be waiver of any such breach or default, or any acquiescence therein or in any similar breach or default thereafter occurring.

9. Entire Agreement

- a. This Agreement and any attachments hereto constitute 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.

10. Assignment

- a. 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.

11. Binding

- a. This Agreement is binding upon and inures to the benefit of the parties hereto, their respective legal representatives, successors and assigns. Individuals signing this Agreement represent and warrant that they are empowered and duly authorized to bind City and Contractor, as this case may be, to the terms of this Agreement.

12. Rights and Remedies

- a. No provision in this Agreement may be construed, expressly or by implication, as waiver by the City of any existing or future right or remedy available by law in the event of any claim of default or breach of this Agreement. The failure of the City to insist upon the strict performance of any term or condition of this Agreement or to exercise or delay the exercise of any right or remedy provided in this Agreement, or by law, or the City's acceptance of and payment for services, will not release Contractor from any responsibilities or obligations imposed by this Agreement or by law, and will not be deemed a waiver of any right of the City to insist upon the strict performance of this Agreement.

13. Severability

- a. In the event that a court of competent jurisdiction finds any term of clause of this Agreement to be invalid, unenforceable, or illegal, the same will not have an impact on other terms of clauses in the Agreement or the entire Agreement.

14. Electronic Signatures

- a. This Agreement may be executed in counterpart, and may be executed by way of electronic signature, and if so, shall be considered an original.

<p>Approved as to Form and Correctness: Jill N. Allen, Law Director</p> <p>By: _____ Jason T. Irick, Assistant Law Director</p>	<p>The City of Springfield, Ohio</p> <p>By: _____ Bryan Heck, City Manager</p> <p>Date: _____</p>
<p>Date: _____</p> <p>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.</p> <p>_____ Finance Director</p>	<p>Greater Springfield Convention and Visitors Bureau, Inc.</p> <p>By: _____</p> <p>Date: _____</p>

Request for Commission Action City of Springfield, Ohio

Item Number: 024-20

Agenda Date: 1/28/2020

Today's Date: 1/13/2020

Subject: Acceptance of Ohio Department of Public Safety, EMS Grant Award

Submitted By: Brian D. Miller, Fire Chief

Department: Fire Division

Contact: Same, Ext. 7605

- | | | |
|--|--|---|
| <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 confirm and approve the acceptance of a grant in the amount of \$2,841.00 from the Ohio Department of Public Safety, Division of EMS. This is for the 2019 - 2020 Priority One Grant Award Year for Training and Equipment.

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>
Safety Services/Fire Division	279	110015-6020	\$2,841.00

Total Cost: \$2,841.00

AN ORDINANCE NO. _____

Confirming and approving the acceptance of an EMS Priority 1 Training and Equipment Grant in an amount up to \$2,841.00 from the Ohio Department of Public Safety, Division of Emergency Medical Services, and authorizing the City Manager, Finance Director, Law Director and the Chief of the Fire Division to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant and to comply with all relevant local, state and federal legal requirements.

...oooOOOooo...

WHEREAS, the City has received approval for an EMS Priority 1 Training and Equipment Grant in an amount up to \$2,841.00 from the Ohio Department of Public Safety, Division of Emergency Medical Services; and

WHEREAS, this Commission considers it in the best interest of the public that such grant funds be accepted: NOW, THEREFORE:

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

Section 1. That the acceptance of an EMS Priority 1 Training and Equipment Grant in an amount up to \$2,841.00 from the Ohio Department of Public Safety, Division of Emergency Medical Services is hereby confirmed and approved.

Section 2. That the City Manager, Finance Director, Law Director and Chief of the Fire Division are hereby authorized to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant and to comply with all relevant local, state and federal legal requirements.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 018-17

Agenda Date: 01/28/2020

Today's Date: 01/13/2020

Subject: Contract Renewal for Street Sweeping/Cleaning Services

Submitted By: Mark Beckdahl, Finance Director

Department: Service

Contact: Shawn Wilson/Chris Moore

<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 checked="" type="checkbox"/> Contract	

**Prior
Ordinance/Resolution:** 17-21

**Date of Prior
Ordinance/Resolution:** 01/31/2017

Summary:

It is respectfully requested that the City Commission authorize the City Manager to exercise the first renewal option of the contract with Dayton Sweeping Service, Inc. dba DSS Sweeping Service, Inc. for street sweeping/cleaning services for an amount not to exceed \$162,864.00 for the 2020/2021 season. This represents a 1.5% increase over last year's price.

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>
		930680-4030	\$162,864.00

Total Cost: \$162,864.00

AN ORDINANCE NO. _____

Authorizing the exercise of the City's option to renew the contract with Dayton Sweeping Service, Inc., dba DSS Sweeping Service, Inc., for the sweeping and cleaning of City streets, for an amount not to exceed \$162,864.00.

...oooOOOooo...

WHEREAS, the City and Dayton Sweeping Service, Inc., dba DSS Sweeping Service, Inc. entered into a three-year contract dated February 15, 2017, for the sweeping and cleaning of City streets; and

WHEREAS, the February 15, 2017 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 sweeping and cleaning of City streets, for a total amount not to exceed \$162,864.00; NOW, THEREFORE:

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

Section 1. That the City Commission hereby authorizes the exercise of the City's first option to renew the contract with Dayton Sweeping Service, Inc., dba DSS Sweeping Service, Inc. for the sweeping and cleaning of City streets, for an amount not to exceed \$162,864.00.

Section 2. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 017-17

Agenda Date: 01/28/2020

Today's Date: 01/13/2020

Subject: Contract Renewal for Mowing of Boulevards

Submitted By: Mark Beckdahl, Finance Director

Department: Service

Contact: Shawn Wilson/Chris Moore

- | | | |
|--|--|---|
| <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 checked="" type="checkbox"/> Contract | |

Prior
Ordinance/Resolution: 17-20

Date of Prior
Ordinance/Resolution: 01/31/2017

Summary:

It is respectfully requested that the City Commission authorize the City Manager to exercise the first renewal option for the contract with The Endurance Group LLC dba Emerald Green Lawn and Landscaping Pros for Mowing of Boulevards for an amount not to exceed \$37,400.02 for contract year 2020. This represents no increase over last year.

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>
		930630-4070	\$37,400.02

Total Cost: \$37,400.02

AN ORDINANCE NO. _____

Authorizing the exercise of the City's option to renew the contract with The Endurance Group LLC dba Emerald Green Lawn & Landscape Pros, for the mowing of boulevards, for an amount not to exceed \$37,400.02.

...oooOOOooo...

WHEREAS, the City and The Endurance Group LLC dba Emerald Green Lawn & Landscape Pros entered into a three-year contract dated February 15, 2017, for the mowing of boulevards; and

WHEREAS, the February 15, 2017 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 mowing of boulevards, for a total amount not to exceed \$37,400.02; NOW, THEREFORE:

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

Section 1. That the City Commission hereby authorizes the exercise of the City's first option to renew the contract with The Endurance Group LLC dba Emerald Green Lawn & Landscape Pros for the mowing of boulevards, for an amount not to exceed \$37,400.02.

Section 2. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 080-16

Agenda Date: 01/28/20

Today's Date: 01/13/20

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 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 checked="" type="checkbox"/> Contract | |

Prior
Ordinance/Resolution: 16-73
18-52
19-92

Date of Prior
Ordinance/Resolution: 03/15/2016
02/27/2018
03/26/2019

Summary:

It is respectfully requested that the City Commission authorize the City Manager to exercise the second 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 2020/2021 expiring March 14, 2021. This represents no increase over last year.

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

Department/Division	Fund Description	Account Number	Actual Cost
WWTP		351304-4070	\$93,888.00
CSC		340877-4070	

Total Cost: \$93,888.00

AN ORDINANCE NO. _____

Authorizing 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.

...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 second renewal option for the removal of catch basin debris/trash and grit, for a total amount not to exceed \$93,888.00; NOW, THEREFORE:

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

Section 1. That the City Commission hereby authorizes the exercise of the City's second 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.

Section 2. 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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action

City of Springfield, Ohio

Item Number: 189-11

Agenda Date: 2/11/2020

Today's Date: 2/5/2020

Subject: Amendment No. 5 to the Lease and Special Fixed Base Operator Agreement with Middletown Regional Flight Training Institute, LLC dba Champion City Aviation

Submitted By: Tom Franzen, Assistant City Manager and Director of Economic Development

Department: Airport

Contact: Seth Timmerman, ext. 6108

<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: 11-209
13-165
13-223
15-225
17-247

Date of Prior

Ordinance/Resolution: 7/19/2011
6/25/2013
9/03/2013
8/18/2015
10/10/2017

Summary:

Respectfully request City Commission authorize the City Manager to enter into Amendment No. 5 to the Lease and Special Fixed Base Operator Agreement between the City of Springfield, Ohio and Middletown Regional Flight Training Institute, LLC dba Champion City Aviation to allow for the continuation of flight training and aircraft maintenance services.

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

Emergency action is requested in order that the company may continue uninterrupted operations at the airport.

<u>Department/Division</u>	<u>Fund Description</u>	<u>Account Number</u>	<u>Actual Cost</u>
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Total Cost:

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into Amendment No. 5 to the Lease and Special Fixed Base Operator Agreement with Middletown Regional Flight Training Institute, LLC, dba Champion City Aviation to allow for the continuation of flight training and aircraft maintenance services at the Springfield-Beckley Municipal Airport; and declaring an emergency therein.

...oooOOOooo...

WHEREAS, the City and Middletown Regional Flight Training Institute, LLC, dba Champion City Aviation have entered into a Lease and Special Fixed Base Operator Agreement dated August 1, 2011, and wish to extend said agreement to their mutual benefit; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to allow Champion City Aviation to continue operations uninterrupted, 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 No. 5 to the Lease and Special Fixed Base Operator Agreement, a copy of which is attached hereto and is hereby approved, with Middletown Regional Flight Training Institute, LLC, dba Champion City Aviation to allow for the continuation of flight training and aircraft maintenance services at the Springfield-Beckley Municipal Airport.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Lease and Special Fixed Base Operator Agreement

Amendment #5

[Champion City Flight]

This Lease and Special Fixed Base Operator Agreement Amendment #5 (the "Amendment") will modify the Lease and Special Fixed Base Operator Agreement including all Amendments to Date (the "Original Agreement") and will be made effective _____, 2020 between The City of Springfield, Ohio (the "City") and Middletown Regional Flight Training Institute, LLC dba Champion City Aviation ("Champion") whose address is 1707 Run Way, Middletown, Ohio 45042.

1. Background

- a. Champion seeks to extend the Original Agreement end date from July 31, 2019 to an amended end date of July 31, 2020.
- b. The City receives the request for extension and consents to the extension. The City also seeks to stipulate the rental rate for the extension and include a mutual termination clause to the benefit of both parties.
- c. It is necessary that the City and Champion execute this Amendment in good faith to extend the Original Agreement end date from July 31, 2019 to July 31, 2020, address the rental rate increase, and include a mutual termination clause.

The Parties do hereby agree to amend the Original Agreement to include the following terms and conditions, and supersede and previous language regarding the specific areas addressed, more specifically in Section J, Article III in regards to termination, Section K, Article VI in regards to rental term, and Section I, Article X in regards to rental rates:

1. Termination Date:

- a. This Agreement will run from August 1, 2019 (the "Commencement Date") to July 31, 2020 (the "End Date").
- b. Following the End Date, the parties may extend the Lease Agreement by one additional year. Champion must notify the City in writing at the address listed above of their desire to extend the lease within thirty (30) days of the End Date. Alternatively, Champion may satisfy the notification requirement by emailing the Airport Manager, at Stimmerman@spingfielddohio.gov within thirty (30) days of the End Date.
- c. Following Champion's notification, the parties must mutually agree on the terms and conditions of the extension. If negotiations extend beyond the End Date, this

Agreement will become a month-to-month agreement with a rental rate of One Thousand (\$1,000.00) Dollars per month.

- d. Any extension entered by the Parties following the End Date must be in writing and executed by both parties binding authority.

2. Rental Rate

- a. The monthly rental rate for this Agreement (the "Rental Rate") will be Eight Hundred and Twenty-Five (\$825.00) Dollars.
- b. This amount will be due at the start of each month in the form of a check payable to City of Springfield, Ohio.

3. Mutual Termination

- a. Either Party to this Agreement may, effective any time after the Commencement Date and upon at least 30 days' notice provided in writing to the other party, terminate this Agreement.

4. Full Force and Effect

- a. Outside of the modifications specifically addressed in this Amendment, the Original Agreement, and all additions from previous amendments encapsulated therein, remain in full force and effect and will run through the course of this Amendment.

The Parties to this Amendment hereto agree to the amended changes to the Original Agreement and by signing below intend to be bound by their respective signatures below.

Approved as to form and correctness: _____ Assistant Law Director	The City of Springfield, Ohio _____ Bryan Heck, City Manager
	Middletown Regional Flight Training Institute, LLC, dba Champion City Aviation By: _____

Request for Commission Action

City of Springfield, Ohio

Item Number: 051-20

Agenda Date: 2/11/2020

Today's Date: 1/30/2020

Subject: Confirm and Approve the 2019-2020 Selective Traffic Enforcement Program and the Impaired Driving Enforcement Program Grant Awards

Submitted By: Lee Graf, Chief of Police

Department: Police

Contact: 937-324-7720

<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 the City Commission confirm and approve the acceptance of the 2019-2020 Selective Traffic Enforcement Program Award of \$12,807.86 and the Impaired Driving Enforcement Program Award of \$16,961.79 through the Ohio Department of Public Safety, Governor's Highway Safety Office, effective October 1, 2019 through September 30, 2020; and further authorize the City Manager, Finance Director and the Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grants and to comply with all relevant local and state requirements.

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

Emergency action is requested so as not to delay the use of grant funds.

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

Total Cost:

AN ORDINANCE NO. _____

Confirming and approving the acceptance of a 2019-2020 Selective Traffic Enforcement Program Grant in an amount up to \$12,807.86 and a 2019-2020 Impaired Driving Enforcement Program Grant in an amount up to \$16,961.79, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects; authorizing the City Manager, Finance Director, Law Director and Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grants and to comply with all relevant local, state and federal legal requirements; and declaring an emergency therein.

...oooOOOooo...

WHEREAS, the City has applied for and received notification from the Ohio Department of Public Safety, Governor's Highway Safety Office, of an award of funding in the amount of \$12,807.86 for the 2019-2020 Selective Traffic Enforcement Program and \$16,961.79 for the 2019-2020 Impaired Driving Enforcement Program; and

WHEREAS, the grant funds will be used to cover overtime hours worked to address primarily speed, seatbelt violations, and OVI, along with various other traffic violations to achieve grant requirements with a goal to reduce traffic crashes resulting in injuries and fatal accidents for a period from October 1, 2019 through September 30, 2020; and

WHEREAS, it is necessary for this Ordinance to become effective immediately in order to avoid delay utilizing grand funds, which this Commission finds creates an emergency to preserve the public peace, property, health and safety, 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 acceptance of a 2019-2020 Selective Traffic Enforcement Program Grant in an amount up to \$12,807.86 and a 2019-2020 Impaired Driving Enforcement Program Grant in an amount up to \$16,961.79, from the Ohio Department of Public Safety, Governor's Highway Safety Office to reimburse salaries and certain fringe benefits of officers assigned to special overtime projects are hereby confirmed and approved.

Section 2. That the City Manager, Finance Director, Law Director and Chief of Police are hereby authorized to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grants and to comply with all relevant local, state and federal legal requirements. The grants are described in the

letter attached hereto as Exhibit A.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

EXHIBIT A



- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio State Highway Patrol

Mike DeWine, Governor
Thomas J. Stickrath, Director

1970 West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081
(614) 466-3383
www.publicsafety.ohio.gov

August 29, 2019

Chief Lee Graf
Springfield Police Department
130 N. Fountain Ave
Springfield, Ohio 45502

Attention: Lieutenant Brett Bauer

Re: FFY 2020 Grant # IDEP/STEP-2020-Springfield Police Depart-00047

Dear Chief Graf:

The Federal Fiscal Year (FFY) 2020 grant proposal referenced above is approved for \$ 29,769.65. The full PDF of the grant can be accessed on the GRANTS Plus online grant management system by clicking the "Management Tools" link and selecting "Create Full PDF Version". The GRANTS Plus system/PDF version, this letter and any attached Special Conditions comprise the entire executed agreement for this grant.

Modifications to your initial proposal are reflected in this executed agreement. **Concerns regarding your executed agreement must be addressed and resolved prior to the expenditure of grant funds.**

All Expenditure Reports (reimbursement claims and activity reports) for the grant must be accessed and submitted online through the GRANTS Plus system. The "Authorized to Proceed Date" for this agreement is **October 1, 2019**. The "Agreement Termination Date" is **September 30, 2020**. The only costs eligible for reimbursement under this agreement are **approved costs incurred within these dates**.

Before proceeding with this agreement, a representative from your agency must complete the Pre-Claim online. Directions for completing the Pre-Claim begin on page 60 of the Grantee Manual located under the "My Training Materials" link in GRANTS Plus. The representative assigned to this agreement is Kelvin Williams and can be contacted at 614-466-3170.

Note: All sub-recipients must follow the Uniform Guidance, 2 C.F.R. Part 200. This agreement is to be funded under the federal grant program that begins October 1, 2018.

Program	Catalog of Federal Domestic Assistance (CFDA)	Description	Amount	FAIN Number
IDEP	20.608	Repeat Offenders for Driving While Intoxicated (DWI)	\$ 16,961.79	69A37519300001640OHA
STEP	20.600	State and Community Highway Safety	\$ 12,807.86	69A37519300004020OH0

Funding of this agreement is dependent upon the availability of federal funds as appropriated and obligated by the US Department of Transportation for FFY2019. Should any change in federal funding adversely affect the Ohio Traffic Safety Office's (OTSO) ability to implement an approved agreement, the OTSO reserves the right to revise or terminate any approved grant in writing. The OTSO reserves the right to limit grant amounts at any time based on performance and/or available funding.

The staff of the OTSO looks forward to working with you to reduce traffic related fatal and serious injury crashes in Ohio.

Sincerely,

Staff Lieutenant Herbert Homan
Ohio Traffic Safety Office

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."

An Equal Opportunity Employer

Request for Commission Action

City of Springfield, Ohio

Item Number: 052-20

Agenda Date: 2/11/2020

Today's Date: 1/30/2020

Subject: Applying for Firehouse Subs Grant, 2020 Quarter 2 Grant Period

Submitted By: Brian D. Miller, Fire Chief

Department: Fire Division

Contact: Same, Ext. 7605

- | | | |
|---|---|---|
| <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 the City Commission approve an ordinance authorizing the City Manager to apply for a Firehouse Subs Grant, 2020 Quarter 2 Grant Period. There is no match required. Such grants provide lifesaving equipment and prevention education tools to first responders and public safety organizations for an amount not to exceed \$29,762.80.

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

Deadline to apply for Quarter 2 Grant is February 19, 2020.

<u>Department/Division</u>	<u>Fund Description</u>	<u>Account Number</u>	<u>Actual Cost</u>
Safety Services/Fire Division	N/A	N/A	N/A

Total Cost: \$ N/A

AN ORDINANCE NO. _____

Authorizing the City Manager to apply for a grant in an amount up to \$29,762.80 from the Firehouse Subs - Public Safety Foundation to be used for the purchase of lifesaving equipment and fire prevention education tools for use by the City of Springfield, Fire Rescue Division; authorizing the City Manager, the Finance Director, Law Director and the Chief of the Fire Division to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant application and to comply with all relevant local, state and federal legal requirements; and declaring an emergency therein.

...oooOOOooo...

WHEREAS, the City has received notice of a grant opportunity in an amount up to \$29,762.80 from the Firehouse Subs - Public Safety Foundation to be used for the purchase of lifesaving equipment and fire prevention education tools for use by the City of Springfield, Fire Rescue Division; and

WHEREAS, this Commission considers it in the best interest of the public that such grant funds be applied for; and

WHEREAS, it is necessary that this Ordinance become effective immediately in comply with application submission deadlines, 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 apply for a grant in an amount up to \$29,762.80 from the Firehouse Subs - Public Safety Foundation to be used for the purchase of lifesaving equipment and fire prevention education tools for use by the City of Springfield, Fire Rescue Division.

Section 2. That the City Manager, Finance Director, Law Director and Chief of the Fire Division are hereby authorized to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said grant application and to comply with all relevant local, state and federal legal requirements.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 266-14a

Agenda Date: 2/11/2020

Today's Date: 2/3/2020

Subject: Amendment No. 6 to LPA Project Agreement No. 26851 for Project CLA – Belmont Ave.
Recon, Ph. 2, PID 94814

Submitted By: Leo Shanayda, City Engineer

Department: Service

Contact: Chris Moore, Service Director

<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: 15-5

15-114

16-267

17-57

17-151

18-21

19-20

Date of Prior

Ordinance/Resolution: 1/6/15

4/28/15

9/27/16

2/28/17

6/20/17

1/16/18

1/29/19

Summary:

This amends Section 3 - Funding. This amendment reflects the moving of funds from Design to Construction in order to amend the agreement with Korda Nemeth Engineering, Inc.

This change requires an Amendment to the LPA Agreement.

In addition to this amendment, it is requested that we repeal Ordinance 19-20, which authorized the original Amendment No. 6.

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 this Amendment to this LPA Federal Project Agreement by emergency ordinance in order for accurate funding to be in place to prevent any delay in On Going Services by the consultant during construction of this project.

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

Total Cost: \$

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into LPA Agreement No. 26851 - Amendment No. 6 between the City and the Ohio Department of Transportation in connection with the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, to reallocate funds among project phases; repealing Ordinance No. 19-20; and declaring an emergency therein.

...oooOOOooo...

WHEREAS, the City and the State of Ohio have entered into LPA Agreement No. 26851 pursuant to Ordinance No. 15-5, and amended pursuant to Ordinance Nos. 15-114, 16-267, 17-57, 17-151 and 18-21, in connection with the CLA Belmont Avenue Reconstruction Phase 2 Project; and

WHEREAS, ODOT has tendered an LPA Agreement Amendment No. 6 to reallocate funds among project phases; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to ensure accurate funding is in place to prevent any delay in ongoing services, thereby providing for the usual daily operation of the Service Department, which this Commission finds 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 Manager is hereby authorized to enter into LPA Agreement No. 26851 - Amendment No. 6 between the City and the Ohio Department of Transportation in connection with the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, to reallocate funds among project phases.

Section 2. That LPA Agreement No. 26851 - Amendment No. 6, a copy of which is attached hereto, is hereby approved.

Section 3. That Ordinance No. 19-20 is hereby repealed.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

CFDA 20.205

LOCAL-LET PROJECT AMENDMENT No. 6

Amend SECTION 3 to reflect the funding modification to provide for Ongoing Services During Construction transferring PE funds to CO after the award of the project.

3. FUNDING

- 3.1 The total cost for the PROJECT is estimated to be \$ 3,041,248 as set forth in Attachment 1. ODOT shall provide to the LPA 80 percent of the eligible costs, up to a maximum of \$230,929.60 in Federal funds (4TA7) and 20 percent of eligible costs up to a maximum of \$57,732.40 in Toll Revenue Credit for preliminary engineering and detail design. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the design activities. ODOT shall provide to the LPA 80 percent of the eligible costs, up to a maximum of \$280,000 in Federal funds (4TA7) and 20 percent of eligible costs up to a maximum of \$70,000 in Toll Revenue Credit for right of way acquisition and services. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the acquisition of right of way activities. ODOT shall provide to the LPA 80 percent of the eligible costs, up to a maximum of \$1,922,068.80 in Federal funds (4TA7) and 20 percent of the eligible costs up to a maximum of \$ 4,084.60 in Toll Revenue Credit for Construction Engineering. 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 actual construction of the transportation project improvements and construction engineering/inspection activities.
- 3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100 percent Locally-funded work, cost overruns and contractor claims.

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: _____

Jack Marchbanks
Director

Date: _____

Date: _____

Attachment 1

PROJECT BUDGET – SOURCES AND USES OF FUNDS

USES	SOURCES	LPA FUNDS			FHWA FUNDS			STATE FUNDS (TOLL REV. CR)			TOTAL
		Amount	%	SAC	Amount	%	SAC	Amount	%	SAC	
PRELIMINARY DEVELOPMENT					\$ 218,325.57	80	4TA7	\$ 54,581.39	20	LNTP	\$ 272,906.96
FINAL DESIGN, CONSTRUCTION PLANS & SPECIFICATIONS					\$ 12,604.03	80	4TA7	\$ 3,151.01	20	LNTP	\$ 15,755.04
ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION					\$160,000	80	4TA7	\$ 40,000	20	LNTP	\$200,000
RIGHT OF WAY SERVICES					\$ 120,000	80	4TA7	\$ 30,000	20	LNTP	\$150,000
PROJECT CONSTRUCTION COSTS		\$460,113.20	20	LNTP	\$ 1,840,452.80	80	4TA7				\$2,300,566
INSPECTION		\$ 16,319.40	20	LNTP	\$ 65,277.60	80	4TA7				\$ 81,597
ONGOING SERVICES DURING CONSTRUCTION					\$ 16,338.40	80	4TA7	\$ 4,084.60	20	LNTP	\$ 20,423
TOTALS		\$476,432.60			\$2,432,998.40			\$ 131,817			\$3,041,248

Request for Commission Action City of Springfield, Ohio

Item Number: 266-14b

Agenda Date: 2/11/20

Today's Date: 2/4/20

Subject: Consultant Modification No. 19868-3 with Korda Nemeth Engineering, Inc., for the CLA – Belmont Ave Recon Phase 2 project, (PID No. 94814)

Submitted By: Leo Shanayda, City Engineer

Department: Service

Contact: Chris Moore, Service Director

<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: 16-276
17-58
18-22

Date of Prior

Ordinance/Resolution: 9/27/16
2/28/17
1/16/18

Summary:

Additional services are required with Korda Nemeth Engineering, Inc. for On-Going Services During Construction. These costs are outlined in the modification and will be moved from the Design Phase. There will be no change in the original agreement amount. Both the City and ODOT agree with the modification.

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

This authorization should be granted as an emergency in order to prevent the delay of construction of the project.

<u>Department/Division</u>	<u>Fund Description</u>	<u>Account Number</u>	<u>Actual Cost</u>
Service/Engineering	FHWA/ODOT		\$ 20,423.00

Total Cost: \$ 20,423.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into Modification No. 3 to Agreement No. 19868 with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, to reallocate funds among project phases, and declaring an emergency therein.

...oooOOOooo...

WHEREAS, the City entered into an Agreement with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction, Phase 2 Project, PID No. 94814 as authorized in Ordinance No. 16-276 and the City has requested additional work for on-going services during construction; and

WHEREAS, it is necessary that this Ordinance become effective immediately in order to avoid delay with the project, thereby providing for the usual daily operation of the Service Department, which this Commission finds 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 Manager is hereby authorized to enter into Modification No. 3 to Agreement No. 19868, a copy of which is attached hereto and is hereby approved, with Korda Nemeth Engineering, Inc. for the CLA Belmont Avenue Reconstruction Phase 2 Project, PID No. 94814, reallocate funds among project phases.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

CITY OF SPRINGFIELD
76 EAST HIGH STREET
SPRINGFIELD, OHIO 45502

Brooks Vogel
Korda Nemeth Engineering, Inc.
1650 Watermark Drive
Columbus, Ohio 43215

Re: Modification (19868-3)
CLA-Belmont Ave Recon Ph 2
PID No. 94814
Federal Project No. E150(126)
On-Going Services During Construction

Dear Mr. Vogel:

Reference is made to your proposal dated January 20, 2020, requesting compensation for the additional services required for On-Going Services During Construction.

The City agrees that additional services are required and further agrees that this Modification represents an adjustment of prime compensation, allocated to the following work items:

<u>Item</u>	<u>Maximum Fee</u>
Part 5: Subsurface Utility Engineering.	(\$15,423.00)
Part 7: Additional Services for Environmental Coordination.	(\$5,000.00)
Part 8: On-Going Services During Construction	\$20,423.00

Now, therefore, Project Development Process under Clause III - Prime Compensation of the Prime Agreement, is again modified to read as follows:

Part 1: Planning thru Preliminary Engineering.

Actual costs plus a net fee of Six Thousand Five Hundred Nine Dollars (\$6,509.00). However, the maximum prime compensation shall not exceed Sixty-Three Thousand Nine Hundred Twenty-Four Dollars (\$63,924.00).

Part 2: Geotechnical Services.

Actual costs plus a net fee of One Hundred Five Dollars (\$105.00). However, the maximum prime compensation shall not exceed Twenty-Three Thousand Eight Hundred Twenty-Seven Dollars (\$23,827.00).

Part 3: Environmental Engineering Including Right-of-Way Plans.

Lump sum compensation of One Hundred Forty-Three Thousand Four Dollars (\$143,004.00).

Part 4: Final Engineering Including Pre-Bid Questions.

Lump sum compensation of Twenty-Two Thousand Nine Hundred Fifty-One Dollars (\$22,951.00).

Part 5: Subsurface Utility Engineering.

Unit of Work and Rates of Pay Compensation as authorized. The total compensation shall not exceed Seven Hundred Ninety-Three Dollars (\$793.00). All costs shall be included in the maximum prime compensation.

The following Unit of Work and Rates of Pay Compensation Rates are established as follows:

Utility Designating Services	Unit	Compensation
Linear Foot	Per Foot	\$1.50

Subsurface Utility Locate Services (Test Hole)	Unit	Compensation
0.00 ft. - 7.00 ft.	Per Hole	\$750.00

Unit Rates	Unit	Compensation
Designating	Per Hour	\$60.00
Locating	Per Hour	\$60.00
CADD	Per Hour	\$50.00
Professional Surveyor/Engineer	Per Hour	\$80.00
Korda Nemeth	Per Hour	\$122.00

Part 6: Right of Way Acquisition Services for Title Researches.

Unit of Work Compensation as established in the table below. The maximum prime compensation shall not exceed Thirty Four Thousand One Hundred Sixty-Three Dollars (\$34,163.00). All work shall be performed on an "if authorized" basis. The fee shall accumulate as authorized (separate cost accounting is not required for each activity).

Brooks Vogel
Re: Modification (19868-3)
CLA-Belmont Ave Recon Ph 2
PID No. 94814
Page 3

<i>Item</i>	<i>Unit</i>	<i>Per Each</i>
Project Management		
Korda Nemeth	Hour	\$149.80
OR Colan	parcel	125.00
Title Researches		
Abbreviated Title	parcel	\$275.00
Full Title (42 year)	parcel	\$550.00
Miscellaneous		
Copies and Recording Fees	actual cost – recelpts necessary	

Part 7: Additional Services for Environmental Coordination.

Actual costs plus a net fee of Zero Dollars (\$0.00). However, the maximum prime compensation shall not exceed Zero Dollars (\$0.00).

Part 8: On-Going Services During Construction.

Actual costs plus a fixed fee per hour worked as authorized for each Group delineated below. The maximum prime compensation shall not exceed Twenty Thousand Four Hundred Twenty-Three Dollars (\$20,423.00). All costs shall be included in the maximum prime compensation.

Fixed Fees Per Hour Worked are established as follows:

<i>Group</i>	<i>Fixed Fee</i>
3	\$6.56
4	\$8.02
5	\$9.48
6	\$10.94
8	\$13.85
11	\$18.23
13	\$21.14

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Three Hundred Nine Thousand Eighty-Five Dollars (\$309,085.00).

Brooks Vogel
Re: Modification (19868-3)
CLA-Belmont Ave Recon Ph 2
PID No. 94814
Page 4

If your firm accepts this Modification and agrees that the aforementioned compensation shall constitute full compensation for the provision of the professional services proposed herein, and further agrees that all other terms and provisions of the prime Agreement shall remain unaltered and in full force and effect, please sign this letter-modification and return to the City.

Any person executing this Modification in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Modification on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Modification shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the City Manager.

Your authorization to proceed shall be given by separate letter.

Respectfully,

James Bodenmiller
City Manager

JB:als

APPROVED AS TO FORM:

By: _____

Title: _____

Brooks Vogel

Re: Modification (19868-3)
CLA-Belmont Ave Recon Ph 2
PID No. 94814

Page 5

ACCEPTANCE

The undersigned, Korda Nemeth Engineering, Inc., does hereby approve and accept the proposed terms of this Modification as set forth in the foregoing letter.

IN WITNESS WHEREOF, I have hereunto affixed my own signature, as a duly authorized member of said firm, this 24 day of January, 2020.

KORDA NEMETH ENGINEERING, INC.

By:  Brooks Vogel
Title: Vice President

Request for Commission Action

City of Springfield, Ohio

Item Number: 053-20

Agenda Date: 2/11/2020

Today's Date: 2/4/2020

Subject: Award of Contract to Kinnison Excavating, Inc. for the 2020 Miscellaneous Water Service Replacement project

Submitted By: Kurt Tyson, Construction Superintendent

Department: Service

Contact: Chris Moore, Service Director

<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 January 24, 2020, for the above referenced project. The following is a list of the bidders and their bids:

Kinnison Excavating, Inc.	\$ 774,100.00
J & J Schlaegel, Inc.	\$ 821,292.00
Engineer's Estimate	\$ 1,000,725.00

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

This project consists of replacing approximately 261 water services at various locations within the City limits, installing approximately 3 water meters and boxes on existing water service and retiring/extracting approximately 82 water services.

This office is recommending that City Commission authorize the award of a contract to the Kinnison Excavating, Inc., in the amount of \$774,100.00 at their February 11th 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
Service/Engineering	Water	221270-6050 (6235) – Bill Edwards	\$ 36,012.84
Service/Engineering	Water	221270-6050 (6241) – Oakwood Place	\$ 117,122.86
Service/Engineering	Water	221270-6050 (6242) – Euclid Ave.	\$ 241,332.86
Service/Engineering	Water	221270-6050 (6243) – Florence	\$ 98,192.86
Service/Engineering	Water	221270-6050 (6244) – Linden Ave.	\$ 76,632.86
Service/Engineering	Water	221270-6050 (6245) – Maplewood	\$ 123,562.86
Service/Engineering	Water	221270-6050 (6246) –Fostoria	\$ 81,242.86

Total Cost: \$ 774,100.00

AN ORDINANCE NO. _____

Authorizing the City Manager to enter into a contract with Kinnison Excavating, Inc. for the 2020 Miscellaneous Water Service Replacement Project for an amount not to exceed \$774,100.00, and declaring an emergency therein.

...oooOOOooo...

WHEREAS, the City's Purchasing Division has advertised for and received bids for the 2020 Miscellaneous Water Service Replacement Project; and

WHEREAS, after receiving and reviewing the bids submitted, the City's Purchasing Division has recommended award of contract to Kinnison Excavating, Inc. for the 2020 Miscellaneous Water Service Replacement Project for an amount not to exceed \$774,100.00, 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 Service 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 Kinnison Excavating, Inc. for the 2020 Miscellaneous Water Service Replacement Project for an amount not to exceed \$774,100.00.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

Request for Commission Action City of Springfield, Ohio

Item Number: 054-20

Agenda Date: February 11, 2020

Today's Date: February 4, 2020

Subject: Installation of new access control systems at city facilities

Submitted By: Chris Moore, Service Director

Department: Service Department

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:

It is respectfully requested that the City Commission authorize the purchase and installation of new access control systems at multiple city-owned buildings from Graybar Electric Company, Inc., 34 N. Meramec Avenue, St. Louis, MO 63105, for a total amount of \$182,250.62. This purchase is necessary to ensure continued security at city facilities and is being made through the Graybar U.S. Communities Contract #EV2370.

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

Emergency legislation is requested in order to expedite the start of this project, which will ensure uninterrupted building security for the Water Treatment Plant, City Hall, Service Center, and all public safety buildings.

<u>Department/Division</u>	<u>Fund Description</u>	<u>Account Number</u>	<u>Actual Cost</u>
Service/Facilities	PI	505404-6040 Proj. 5199	\$100,025.60
Service/Water Admin	Water	221127-6040 Proj. 5199	\$57,225.00
Service/Sewer Admin	Sewer	331207-6040 Proj. 5199	\$25,000.00

Total Cost: \$182,250.60

AN ORDINANCE NO. _____

Authorizing the purchase and installation of new access control systems at multiple City-owned facilities from Graybar Electric Company, Inc., for an amount not to exceed \$182,250.60, through Omnia Partners, pursuant to the Omnia Partners Contract Purchasing Cooperative Program, in accordance with the provisions of Section 9.48 of the Ohio Revised Code; and declaring an emergency therein.

...oooOOOooo...

WHEREAS, in Ordinance No. 19-162, the City opted to secure to itself the benefits of the Omnia Partners Contract Purchasing Cooperative Program pursuant to Section 9.48 of the Ohio Revised Code to enable purchases through Omnia Partners; and

WHEREAS, the City has negotiated a mutually acceptable contract between itself and Graybar through its purchasing cooperative Omnia Partners Contract Purchasing Cooperative Program detailing the process, steps and guidelines for installation of the new access control systems; and

WHEREAS, the City wishes to purchase, and have installed, a new access control system at multiple City-owned facilities, pursuant to the Omnia Partners Contract Purchasing Cooperative Program; 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 Director of Finance is hereby authorized to purchase new access control systems at multiple City-owned facilities, from Graybar Electric Company, Inc., 34 N. Meramec Avenue, St. Louis, MO 63105, via contract, a copy of which is attached hereto and is hereby approved, for an amount not to exceed \$182,250.60, through Omnia Partners, pursuant to the Omnia Partners Contract Purchasing Cooperative Program, in accordance with the provisions of Section 9.48 of the Ohio Revised Code.

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., 2020.

PRESIDENT OF THE CITY COMMISSION

CLERK OF THE CITY COMMISSION

SERVICES AGREEMENT

THIS SERVICES AGREEMENT ("Agreement") is made effective on the 15th day of January, 2020 by and between The City of Springfield ("Owner"), with an address at 76 East High Street, Springfield OH 45502, and Graybar Electric Company, Inc. ("Supplier"), with a corporate address at 34 N. Meramec Avenue, St. Louis, MO 63105.

PROPERTY: Multiple Sites, see Attachment A

GENERAL SCOPE OF WORK: Installation of new access control systems at multiple building locations within the city of Springfield OH.

Owner desires to hire Supplier to perform the Work at the Property in accordance with Supplier's Proposal, which is accepted by Owner and attached hereto and made a part hereof as Attachment A.

The Parties agree as follows:

1. **The Work.** Supplier agrees to perform the Work set forth in the Supplier's Proposal in Attachment A. Owner acknowledges that Supplier is not a licensed subcontractor in all jurisdictions and that, when applicable, Supplier will subcontract all services requiring licensure to an appropriately licensed subcontractor.
2. **Commencement.** Supplier will start the Work when notified by Owner and will perform the Work with diligence and promptness as requested by Owner and as mutually agreed upon by the parties. Supplier requires a minimum of 30 days prior notice before commencing Work.
3. **Contract Price.** Subject to the Standard Terms and Conditions attached to this Agreement as Attachment B, Owner agrees to pay Supplier for the performance of the Work the total sum of \$182,250.62 subject to additions and deductions for changes requested or approved by Owner (the "Contract Price"). This price is based on prevailing wages.
4. **Terms and Conditions.** The Standard Terms and Conditions, which are attached to this Agreement as Attachment B, are incorporated into this Agreement and govern all work performed by Supplier and its Subcontractors. In the event that any provision of any invoice, acknowledgment, quotation, proposal, delivery ticket, authorization, work order, schedule, purchase order, or other document whatsoever provided by either party to the other party conflicts with the provisions in this Agreement, the provisions of this Agreement shall control. This Agreement may be modified only by a writing signed by both parties.
5. **Special Provisions:**

List of Attachments: The following Attachments are part of this Agreement:

Attachment A – Supplier's Proposal
Attachment B – Standard Terms and Conditions

6. Payment Terms:

Supplier will diligently pursue and substantially complete all work within a reasonable time. Supplier estimates substantial completion ("Substantial Completion") will occur approximately 84 days from commencement. The Project will be considered substantially complete upon any of the following: (a) issuance of a government certificate of occupancy, final or temporary; (b) notice from Supplier that the work has been completed if a certificate of occupancy is not required; or (c) the Project is usable for the intended purpose.

Materials will be billed as delivered to each site and due in normal terms of Net 30 as the material will be in the possession of the City of Springfield. Labor for installation will be billed as each of twelve (12) sites is completed. Each site should be completed within approximately seven (7) days of starting. Labor invoices are also due Net 30 from billing date.

Payments are due within thirty days from the submission to Owner of an invoice or application for payment.

- 7. Complete Agreement.** This Agreement sets forth the entire and integrated agreement between Owner and Supplier and supersedes any and all prior agreements, representations, and negotiations. No verbal agreement or conversation with any representative or employee of Supplier, either before or after execution of the Agreement, shall affect or modify any of the terms or obligations of this Agreement.

[Owner]

Graybar Electric Company, Inc.

By: _____

By:  _____

Title: _____

Title: MSB Com/DATA

Date: _____

Date: 1/28/2020

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

ATTACHMENT A

Scope of Investment:

Installation of new access control panels and devices throughout the City of Springfield facilities. All existing wiring will be reused on all doors, new banana cabling will be installed for doors that are being added to the system.

Access Control System

Install the following at **City Hall** located at 76 East High Street, Springfield OH 45502:

2 Trove, eight door controller

12 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$11,676.18

Design & Installation: \$6,782.35

Site Total: \$18,458.53

Install the following at the **Service Center** located at 2100 Lagonda, Springfield OH 45503:

6 Trove, eight door controllers

47 Proximity readers

3 Surface mount door contacts

3 Electric strikes

1 Cat 6 cable to each panel for network communication

4 Push buttons located at receptionist area for door release (two at each desk)

Note: 3 doors are being added to this site

Material: \$21,638.98

Design & Installation: \$31,358.82

Site Total: \$52,997.80

Install the following at the **Police Station** located at 130 North Fountain, Springfield OH 45502:

2 Trove, eight door controllers

2 Trove, four door controllers

14 Proximity readers

2 Surface mount door contacts

2 Electric strikes

1 Cat 6 cable to each panel for network communication

Note: 2 doors are being added to this site

Material: \$11,099.92

Design & Installation: \$17,388.24

Site Total: \$28,488.16

Install the following at **Fire Station #1** located at 350 North Fountain, Springfield, OH 45504:

1 Trove, eight door controller

5 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$3,265.19

Design & Installation: \$5,035.29

Site Total: \$8,300.48

Install the following at Fire Station #3 located at 1401 Selma Road, Springfield OH 45505:

1 Trove, four door controller

2 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$2,101.44

Design & Installation: \$4282.35

Site Total: \$6,383.79

Install the following at Fire Station #4 located at 1565 Lagonda, Springfield OH 45503:

1 Trove, four door controller

2 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$2,000.68

Design & Installation: \$4,282.35

Site Total: \$6,283.03

Install the following at Fire Station #5 1707 Commerce Road, Springfield OH 45504:

1 Trove, four door controller

2 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$2,000.68

Design & Installation: \$4,282.35

Site Total: \$6,283.03

Install the following at Fire Station #6 422 Ludlow, Springfield OH 45504:

1 Trove, four door controller

2 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$2,000.68

Design & Installation: \$4,282.35

Site Total: \$6,283.03

Install the following at Fire Station #7 437 East Home Road, Springfield OH 45503:

1 Trove, four door controller

2 Proximity readers

1 Cat 6 cable to panel for network communication

Material: \$2,226.30

Design & Installation: \$4,282.35

Site Total: \$6,508.65

Install the following at Fire Station #8 735 West Pleasant, Springfield OH 45506:

1 Trove, four door controller

2 Proximity readers

Material: \$2,226.30

Design & Installation: \$4,282.35

Site Total: \$6,508.65

Install the following at the Water Treatment Building located at 201 Eagle City Road, Springfield OH 45504:

1 Trove, eight door controller

1 Trove, four door controller

2 Mag-lock devices with rex sensors and push to exit buttons

4 Strike style devices

8 Proximity readers

Material: \$6201.96

Design & Installation: \$24,712.04

Site Total: \$30,914

Install the following at the Parks and Rec Building located at 1301 Mitchell Boulevard, Springfield OH 45503:

1 Eight trove door controllers

1 Cat 6 cable to panel for network communication

Material: \$2,041.54

Design & Installation: \$2,800.00

Site Total: \$4,841.45

Includes:

Plenum cabling to new access controlled doors

All work during normal business hours

1-year warranty on material and labor

Testing, training and documentation

High Lift

Prevailing wage costs

Exclusions:

Drywall patch work

120-volt power for panels

Conduit stubs and back boxes

Underground conduit to the meter pit

Replacement of ceiling tiles damaged prior to work being completed

Surface raceway – the cabling will be installed via wall cavities if unobstructed

ATTACHMENT B

SUPPLY AND INSTALLATION

STANDARD TERMS AND CONDITIONS

1. **Contractual Conditions.** These Standard Terms and Conditions are not binding until Owner has authorized Supplier to commence work by execution of the Services Agreement.
2. **Warranty.**
 - A. **Workmanship:** Supplier warrants that the Work will be performed in a good and workmanlike manner in accordance with the Supplier's Proposal.
 - B. **Material Warranty:** Supplier warrants that all materials sold to Owner (the "Products") are free of any security interest, and Supplier will make available to Owner all transferable warranties made to Supplier by the manufacturer of the Products.
 - C. **Entire Warranty:** SUBJECT TO ANY DIFFERENT OR ADDITIONAL WARRANTIES PROVIDED IN ATTACHMENT A, SUPPLIER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE WORK OR THE PRODUCTS, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. WITHOUT LIMITATION OF THE PRECEDING SENTENCE, THE WARRANTIES OF THIS SECTION 2 DO NOT COVER ANY FAILURE OR DEFECT RESULTING FROM: (I) SUBSTRATE DETERIORATION OR MOVEMENT, (II) WATER INFILTRATION, (III) HARMFUL CHEMICALS, FUMES OR VAPORS, (IV) VANDALISM OR PHYSICAL ABUSE, (V) LACK OF PROPER MAINTENANCE AND REPAIR, (VI) UNAUTHORIZED PENETRATIONS OR REPAIRS, OR (VII) ACTS BEYOND THE REASONABLE CONTROL OF SUPPLIER, SUCH AS FIRE, FLOOD, EARTHQUAKE, TORNADO, EXPLOSIONS, ACTS OF GOD OR OTHER CATASTROPHIC EVENTS.
 - D. **Supplier's Obligation:** Supplier shall correct, or shall cause its Subcontractor to correct, any defects due to a breach of the foregoing warranties, which appear on or before the earlier of (i) eighteen (18) months after the first delivery of the Products to the Property, or (ii) twelve (12) months after Substantial Completion of the Work (the "Warranty Period"). Supplier's obligation and liability under the foregoing warranties are limited to the repair or replacement of any defective workmanship or materials, at the Property, and shall not in any case extend to any loss of anticipated profits, rents, shutdown or nonoperation of the facility, or other consequential loss suffered by Owner from any cause, including defects covered by this paragraph.
 - A. **Notice:** Any warranty claim must be presented in writing to Supplier prior to the expiration of the Warranty Period, or the claim shall be waived.
 - B. **Product Exclusions:** UNLESS OTHERWISE AGREED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF GRAYBAR, PRODUCTS SOLD HEREUNDER ARE NOT INTENDED FOR USE IN OR IN CONNECTION WITH (I) ANY SAFETY APPLICATION OR THE CONTAINMENT AREA OF A NUCLEAR FACILITY, OR (II) IN A HEALTHCARE SITUATION, WHERE THE PRODUCTS HAVE POTENTIAL FOR DIRECT PATIENT CONTACT OR WHERE A SIX (6) FOOT CLEARANCE FROM A PATIENT CANNOT BE MAINTAINED AT ALL TIMES.
3. **Permits.** Unless otherwise provided in the Agreement, all building, construction, and other permits required for the Work shall be obtained by Owner with Supplier's assistance but at no cost to Supplier.
4. **Other Charges.** The Contract Price shall include applicable sales and use tax. However, Owner shall pay any other charges upon the sale, use, transportation, production or installation of the material, structures, or real property additions and improvements in excess of those covered by this Agreement. If Supplier is required to pay any such charges, Owner shall promptly reimburse Supplier.

5. **Performance Dates.** The schedule, if stated in the Agreement or the Supplier's Proposal, is approximate and is not guaranteed by Supplier. Supplier shall not be liable for delays in delivery, fabrication or installation when such delays result from acts of government, acts of God, adverse weather, war, riot, labor disputes, civil insurrection or any other causes beyond Supplier's reasonable control, and the date of performance shall be adjusted for any such delays. Supplier shall not be responsible for damages for delayed completion.
6. **Contract Amendments.** Either Supplier or Owner may propose changes to the Work, and such changes shall be incorporated into the Work as long as each party agrees in writing upon the appropriate adjustments to the Contract Price and the schedule (each such writing being a "Change Order").
7. **Facility/Site Conditions.** Owner shall provide adequate and safe working and storage areas, utilities, and reasonable access to the Property. Owner shall pay any additional costs incurred by Supplier as a result of variations in the conditions of the Property (including but not limited to conditions that were not reasonably anticipated by Supplier.)
8. **Hazardous Conditions.** Upon execution of this Agreement, Owner will provide notice of any hazardous or dangerous conditions on the Property. In the event that Supplier encounters material on the site that is reasonably believed to be a hazardous substance, including without limitation, asbestos-containing material, Supplier will immediately stop work in the area affected and report the condition to the Owner.
 - A. Upon Supplier's notice, Owner shall obtain the services of a licensed laboratory to verify the presence or absence of the material or substance reported and, in the event such material or substance is found to be present, to cause it to be rendered harmless. When the material or substance has been rendered harmless, Work in the affected area shall resume upon written agreement of Owner and Supplier. By Change Order, the schedule shall be extended appropriately and the Contract Price shall be increased in the amount of Supplier's reasonable additional costs of shut-down, delay and start-up.
 - B. [Omitted.]
9. **Labor.** Supplier will use non-union labor for the performance of the Work. If use of union labor or the payment of prevailing wages is required, the Contract Price will be modified to reflect the cost of using union labor or paying prevailing wages.
10. [Omitted.]
11. **Insurance.**
 - A. **Owner's Insurance.** Owner will procure and maintain Commercial General Liability insurance from commencement of the Work until twelve (12) months after the Work is finally completed. The limit of liability under such insurance shall be at least \$1,000,000 for any one occurrence. Owner shall also purchase and maintain for the term of the Agreement both property and casualty insurance for the full replacement value of the Property and statutory workers compensation insurance.
 - B. Owner and Supplier waive all rights of subrogation for workers compensation claims.
 - C. **Supplier's Insurance.** Supplier shall purchase and maintain insurance of the following types of coverage and limits of liability:
 1. Commercial General Liability (CGL) \$1,000,000
 2. Business Automobile Liability \$1,000,000
 3. Umbrella \$1,000,000
 4. Worker's Compensation Statutory Limits
 - D. Supplier will name Owner as an additional insured on commercial general liability insurance policies upon request with respect to Supplier's negligence in its performance under this Agreement.

12. **Limitation of Liability.** IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY INDIRECT, SPECIAL OR CONSEQUENTIAL LOSS OR DAMAGE ARISING OUT OF ANY WORK PERFORMED HEREUNDER, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFIT, BUSINESS INTERRUPTION, INTEREST, INCREASED EXPENSES OF OPERATION OF THE PROJECT, THE FACILITY OR OTHER FACILITIES, OR SPECIAL CONSEQUENTIAL LOSS OR DAMAGE, ARISING FROM ANY CAUSE WHATSOEVER (WHETHER SOUNDING IN CONTRACT, TORT, STRICT LIABILITY, OR OTHERWISE), ALL REGARDLESS OF WHETHER SUCH PARTY KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH LOSSES. To the fullest extent permitted by law, the total liability, in the aggregate, of Supplier to Owner or anyone claiming by or through Owner, for any and all liabilities, claims, losses, expenses, or damages whatsoever arising out of or in any way related to Supplier's services or the Work, from any cause or causes whatsoever, including without limitation, negligence, strict liability, warranty, or breach of contract, shall not exceed the Contract Amount.
13. **Cancellation.** Upon cancellation of this Agreement prior to completion of the Work, Owner shall be responsible to Supplier for all costs of cancellation, including (1) the proportionate Contract Price for all Work completed, whether shipped or not, prior to Supplier's receipt of notice or cancellation; (2) all costs incurred by Supplier in connection with Work not completed at the time notice of cancellation is received; and (3) all expenses incurred by Supplier by reason of such cancellation, including costs arising from termination of subcontractors and vendors. This clause shall not limit nor apply to Owner's remedies in the event Supplier breaches or fails to perform any of the material terms of this Agreement; provided, however, that Supplier's liability shall be subject to the limitation of liability set forth in these Terms and Conditions.
14. **Default.**
- A. If Owner fails to make payment for a period of thirty (30) days after the date the payment is due, Supplier may, upon three (3) days' written notice to Owner, terminate this Agreement and recover from the Owner payment for Work performed and for loss with respect to materials, equipment, tools, and construction equipment and machinery applicable to the Project.
- B. If Supplier fails to perform a provision of this Agreement or neglects to carry out the Work in accordance with this Agreement, within fifteen (15) days after receipt of written notice of such default from Owner, then Owner may perform or correct such deficiencies and may deduct the reasonably documented cost thereof from the payment due Supplier. If the unpaid balance of the Contract Price exceeds the cost of finishing the Work, such excess shall be paid to Supplier, but if such costs exceed such unpaid balance, Supplier shall pay the difference to Owner, subject to the limitation of liability set forth in these Terms and Conditions.
15. **Choice of Law.** This Agreement and any disputes arising under or related to it shall be governed by the laws of the State of Ohio.
16. **Assigns.** Neither party shall assign this Agreement without written consent of the other party. Notwithstanding the foregoing, Supplier will be permitted, without the prior written consent of Owner, to subcontract all or portions of the Work to third party subcontractors and/or to assign this Agreement to an affiliate of Supplier.
17. **Non-Discrimination and Compliance with Local Laws**
- a. Contractor 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.
- i. It is unlawful for officials and employees of the City to receive gratuities.
- ii. Discrimination by Contractor on grounds of race, religion, color, ancestry, nature origin, sexual orientation or sex is unlawful and shall subject Contractor

to forfeiture.

- iii. Should any Contractor violate this section, the Contractor shall be subject to the following forfeitures: There shall be deducted from the amount payable to the Contractor by the City under the contract, a forfeiture of One Hundred Dollars (\$100.00) for each person who is discriminated against or intimidated in violation of such contract.

18. [Omitted.]

019-20

LIQUOR PERMIT REQUEST REVIEW FORM

019-20

DATE: January 14, 2020

APPLICANT'S NAME: 3ND LLC
dba Nick's Drive ThruADDRESS OF PERMIT PREMISE: 1251 N. Belmont
Springfield OH 45503

RETURN REPORT BY: January 22, 2020 - 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

C.H.

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 43068-9005
(614)844-2360 FAX(614)844-3186

TO

89170550005		TRFO	3ND LLC
PERMIT NUMBER		TYPE	DBA NICKS DRIVE THRU
06	01	2019	1251 N BELMONT
ISSUE DATE		SPRINGFIELD OHIO 45503	
01	07	2020	
FILING DATE			
C1	C2	D6	
PERMIT CLASSES			
12	099	A	F23565
TAX DISTRICT	RECEIPT NO.		

FROM 01/09/2020

0184910			ANGELA M TRACY
PERMIT NUMBER		TYPE	1251 N BELMONT
06	01	2019	SPRINGFIELD OHIO 45503
ISSUE DATE			
01	07	2020	
FILING DATE			
C1	C2	D6	
PERMIT CLASSES			
12	099		
TAX DISTRICT	RECEIPT NO.		



MAILED 01/09/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN.

3/11/2020
02/10/2020

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 TRFO 8917055-0005**

(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
P.O. BOX 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**

89170550005

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 89170550005; Name: 3ND LLC; DBA: DBA NICKS DRIVE THRU; Address: 1251 N BELMONT SPRINGFIELD 45503		
NIKHIL J PATEL	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

Inter-Office Communication

From: The Office of Captain Zawada
To: Investigative File
Ref: Liquor Permit 3rd LLC DBA Nick Drive Thru at 1251 N. Belmont Avenue
Date: 01/15/2020

I would like to offer the following information regarding the liquor permit transfer request to: 3rd LLC DBA Nicks Drive Thru at 1251 N. Belmont Avenue Springfield, Ohio, from: Angela M. Tracy 1251 N. Belmont Avenue Springfield, Ohio. The permit number for the premises is 89170550005.

Nicks Drive Thru is located in a mixed business and residential area. The liquor permit request is for a Class C1, C2, and D6.

The C1 permit allows for: Beer only in original sealed container for carry out only.

The C2 permit allows for: Wine and mixed beverages in sealed containers for carry out.

The D6 permit allows for: Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

On January 15, 2020, I called a listed number for the business, 937-977-2553, and spoke with current owner Angela Tracy. Ms. Tracy advised that the permit request was due to her selling the business back to the previous owner, Nikhil Patel, and provided his phone number, 937-925-2365. I then spoke to Mr. Patel who confirmed Ms. Tracy's statement. Mr. Patel stated that he was familiar with liquor laws as he had previously operated the business before selling it to Ms. Tracy. Mr. Patel further stated that the business had been shut down for several months and that he was currently the only employee. He stated that he intended to restart business soon and would be open between the hours of 10:00am to 10:00pm, seven days a week.

The reviewed calls for service at the location for 2019, which are as follows:

Accidents/Traffic: 8

Alarms: 2

Burglary: 2

Disorderly: 1

Suspicious Activity 2

I checked Ms. Tracy and Mr. Patel in Police Records, neither have arrests or active local warrants.

Respectfully Submitted,

Sgt. Jason Via

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: January 14, 2020

APPLICANT'S NAME: 3ND LLC
dba Nick's Drive Thru

ADDRESS OF PERMIT PREMISE: 1251 N. Belmont
Springfield OH 45503

RETURN REPORT BY: January 22, 2020 - 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

*Map Attached

**Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: January 14, 2020

APPLICANT'S NAME: 3ND LLC
dba Nick's Drive Thru

ADDRESS OF PERMIT PREMISE: 1251 N. Belmont
Springfield OH 45503

RETURN REPORT BY: January 22, 2020 - 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 _____

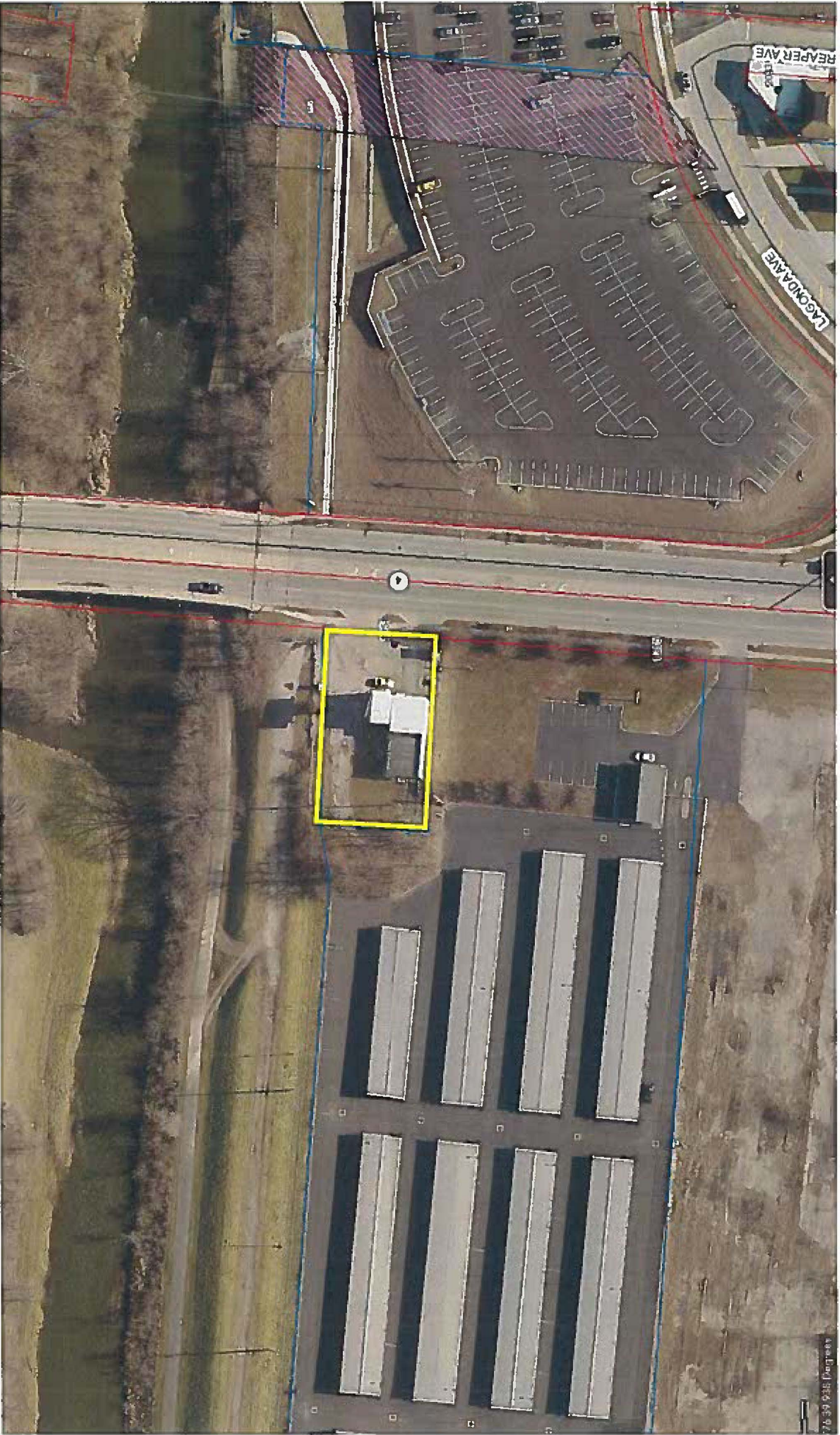
*Map Attached

**Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13





LIQUOR PERMIT REQUEST REVIEW FORM

020-20

DATE:

January 21, 2020

APPLICANT'S NAME:

Sakura Steakhouse and Sushi LLC
dba Sakura

ADDRESS OF PERMIT PREMISE:

1795 N. Bechtle Ave.
Springfield OH 45504

RETURN REPORT BY:

February 5, 2020 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED _____

FIRE CHIEF

RECEIVED _____

COMMUNITY DEVELOPMENT DIRECTOR

RECEIVED _____

RECOMMENDATIONS:

NO OBJECTIONOBJECTION W/REASONSPOLICE:

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

*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 43068-9005
(614)644-2360 FAX(614)644-3166

TO

76778630001			TREX	SAKURA STEAKHOUSE AND SUSHI LLC DBA SAKURA 1795 N BECHTLE AVE SPRINGFIELD OH 45504
PERMIT NUMBER			TYPE	
06	01	2017		
ISSUE DATE				
01	13	2020		
FILING DATE				
D1				
PERMIT CLASSES				
12	099	A	F23585	
TAX DISTRICT		RECEIPT NO.		

FROM 01/15/2020

64316440150				NOODLE SHOP CO COLORADO INC UNIT B 9719 COLERAIN AV COLERAIN TWP CINCINNATI OH 45251
PERMIT NUMBER			TYPE	
06	01	2017		
ISSUE DATE				
01	13	2020		
FILING DATE				
D1				
PERMIT CLASSES				
31	908			
TAX DISTRICT		RECEIPT NO.		



MAILED 01/15/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/18/2020

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 76778 63-0001**

(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
P.O. BOX 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**

76778630001

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 76778630001; Name: SAKURA STEAKHOUSE AND SUSHI LLC; DBA: DBA SAKURA; Address: 1795 N BECHTLE AVE SPRINGFIELD 45504		
LUN WU WANG	MANAGE MEM	

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- [Ohio Department of Commerce](#)

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SPRINGFIELD POLICE DIVISION

Inter-Office Communication

From: The Office of Captain Zawada
To: Investigative File
Ref: Liquor Permit for Sakura Steakhouse and Sushi LLC DBA Sakura
Date: 01/22/2020

Sir,

I would like to offer the following information regarding the liquor permit transfer request to: Sakura Steakhouse and Sushi LLC DBA Sakura at 1795 N. Bechtle Av., Springfield, Ohio, from: Noodle Shop Co. Colorado Inc. at 9719 Colerain Av. Unit B, Colerain Twp., Cincinnati, Ohio. The permit number for the premises is 76778630001.

Sakura Steakhouse and Sushi LLC is located in a business plaza. The liquor permit request is for a Class D1.

- D1 class is: Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.

On January 22, 2020, I called a listed number for the business, 937-399-1888, and spoke with current manager, Lun Wang. Mr. Wang advised that the permit request was due to changing locations and adding the D1 class in order to sell beer, and provided his phone number, 614-615-7172. Mr. Wang stated that there are three (3) employees that will be selling alcohol and that they are familiar with liquor laws as they had previously worked for the business before changing locations. Mr. Wang also stated that his employees undergo about three days of training and I.D. everyone under 40 years of age. Mr. Wang then stated that business hours are Monday through Saturday, 11:00am to 9:00pm.

The reviewed calls for service at the location for 2019, which are as follows: N/A

I checked Mr. Wang in Police Records, and there were no arrests or active local warrants.

Respectfully Submitted,

Calvin Burch

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: January 21, 2020

APPLICANT'S NAME: Sakura Steakhouse and Sushi LLC
dba Sakura

ADDRESS OF PERMIT PREMISE: 1795 N. Bechtle Ave.
Springfield OH 45504

RETURN REPORT BY: February 5, 2020 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED _____

FIRE CHIEF

RECEIVED 1/21/2020 HA

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

1/27/2020 LT ALK

Fire Chief

Brian M. D. 1-27-2020

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: January 21, 2020

APPLICANT'S NAME: Sakura Steakhouse and Sushi LLC
dba Sakura

ADDRESS OF PERMIT PREMISE: 1795 N. Bechtle Ave.
Springfield OH 45504

RETURN REPORT BY: February 5, 2020 - 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 _____

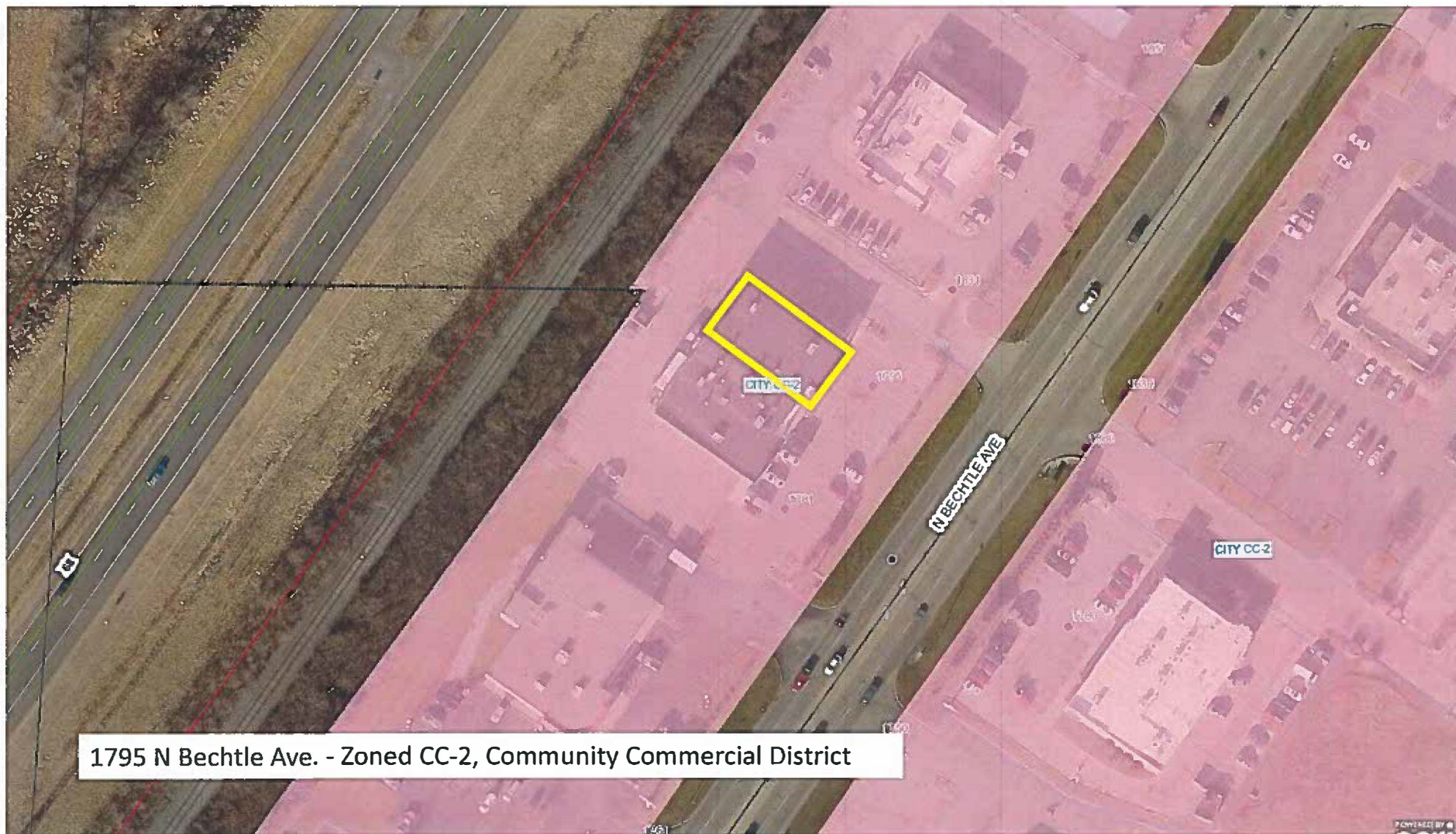
Community Development Director *Meadows*

*Map Attached

**Certificate of Occupancy

(ATTACH BACK-UP MATERIAL IF NEEDED)

Rev. 08-06-13



1795 N Bechtle Ave. - Zoned CC-2, Community Commercial District



LIQUOR PERMIT REQUEST REVIEW FORM

DATE:

January 27, 2020

027-20

APPLICANT'S NAME:

Brandon S Tagg LLC
dba Hickory Inn

ADDRESS OF PERMIT PREMISE:

652 N. Limestone Street
Springfield OH 45503

RETURN REPORT BY:

February 5, 2020 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED _____

FIRE CHIEF

RECEIVED _____

COMMUNITY DEVELOPMENT DIRECTOR

RECEIVED _____

RECOMMENDATIONS:

NO OBJECTIONOBJECTION W/REASONSPOLICE:

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

*Map Attached

**Certificate of Occupancy

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Rev. 08-06-13

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8547458		TRFO		BRANDON S TAGG LLC DBA HICKORY INN 652 N LIMESTONE ST SPRINGFIELD OH 45503
PERMIT NUMBER		TYPE		
06	01	2019		
ISSUE DATE				
01	21	2020		
FILING DATE				
D1	D2	D3		
PERMIT CLASSES				
12	099	A	F23624	
TAX DISTRICT			RECEIPT NO.	

FROM 01/24/2020

3824500				HICKORY INN LLC DBA H E WILLIAMSONS HICKORY INN 652 N LIMESTONE ST SPRINGFIELD OHIO 45503
PERMIT NUMBER		TYPE		
06	01	2019		
ISSUE DATE				
01	21	2020		
FILING DATE				
D1	D2	D3		
PERMIT CLASSES				
12	099			
TAX DISTRICT			RECEIPT NO.	



MAILED 01/24/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN.

02/24/2020

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 TRFO 8547458

(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
P.O. BOX 1208
SPRINGFIELD OHIO 45501

Commerce Division of Liquor Control : Web Database Search

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

SEARCH CRITERIA**Permit Number**

8547458

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 8547458; Name: BRANDON S TAGG LLC; DBA: DBA HICKORY INN; Address: 652 N LIMESTONE ST SPRINGFIELD 45503		
BRANDON TAGG	MANAGE MEM	

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- [Ohio Department of Commerce](#)

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SPRINGFIELD POLICE DIVISION

Inter-Office Communication

From: The Office of Captain Zawada
To: Liquor Permit - Investigative File
Ref: Brandon S Tagg LLC DBA Hickory Inn
Date: 01/28/2020

Sir,

I would like to offer the following information regarding the liquor permit transfer request from: Hickory Inn LLC DBA H E Williamsons Hickory Inn to Brandon S. Tagg LLC DBA Hickory Inn located at 652 N. Limestone Street Springfield, Ohio 45503. The permit number for the premises is 8547458. The Hickory Inn is located in a mixed business and residential area. The liquor permit request is for a Class D1, D2, and D3.

- D1 permits allow for beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
- D2 permits allow for wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
- D3 permits allow for spiritous liquor for on premises consumption only until 1:00am.

On February 4, 2020, I spoke to Brandon Tagg. Mr. Tagg advised the reason for the transfer is that he has assumed ownership of the business and is obtaining the necessary permits and inspections. An existing staff of 17 employees will stay in place of which 8 serve alcohol. Mr. Tagg stated that these members all had at minimum several years of experience with the business and are familiar with liquor laws. Mr. Tagg stated that they ask for identification of anyone who appears to be under the age of 40. Mr. Tagg was referred to the State of Ohio Depart of Commerce website should he need to provide training to any new hires.

The Hickory Inn business hours are Tue – Fri 11:00am to 1:30pm with evening hours Mon – Thu 5:00pm to 9:30pm and Fri/Sat 5:00pm to 10:30pm.

The reviewed calls for service at the location for 2019, which are as follows:
4 Alarms, 2 Accidents, 3 Parking Complaints.

I checked Mr. Tagg in Police Records, he has no arrests or local warrants. He also advised he can be contacted by cell phone at 937-244-2757 if needed.

Respectfully Submitted,

Sgt. Jason Via

LIQUOR PERMIT REQUEST REVIEW FORM

DATE: January 27, 2020

APPLICANT'S NAME: Brandon S Tagg LLC
dba Hickory Inn

ADDRESS OF PERMIT PREMISE: 652 N. Limestone Street
Springfield OH 45503

RETURN REPORT BY: February 5, 2020 - NOON

FROM: CITY MANAGER'S OFFICE

TO: POLICE CHIEF

RECEIVED _____

FIRE CHIEF

RECEIVED 1/27/2020 AA

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 1/28/2020 Lt. DWS _____

Fire Chief Brian White 1-29-2020 _____

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: January 27, 2020

APPLICANT'S NAME: Brandon S Tagg LLC
dba Hickory Inn

ADDRESS OF PERMIT PREMISE: 652 N. Limestone Street
Springfield OH 45503

RETURN REPORT BY: February 5, 2020 - 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 _____

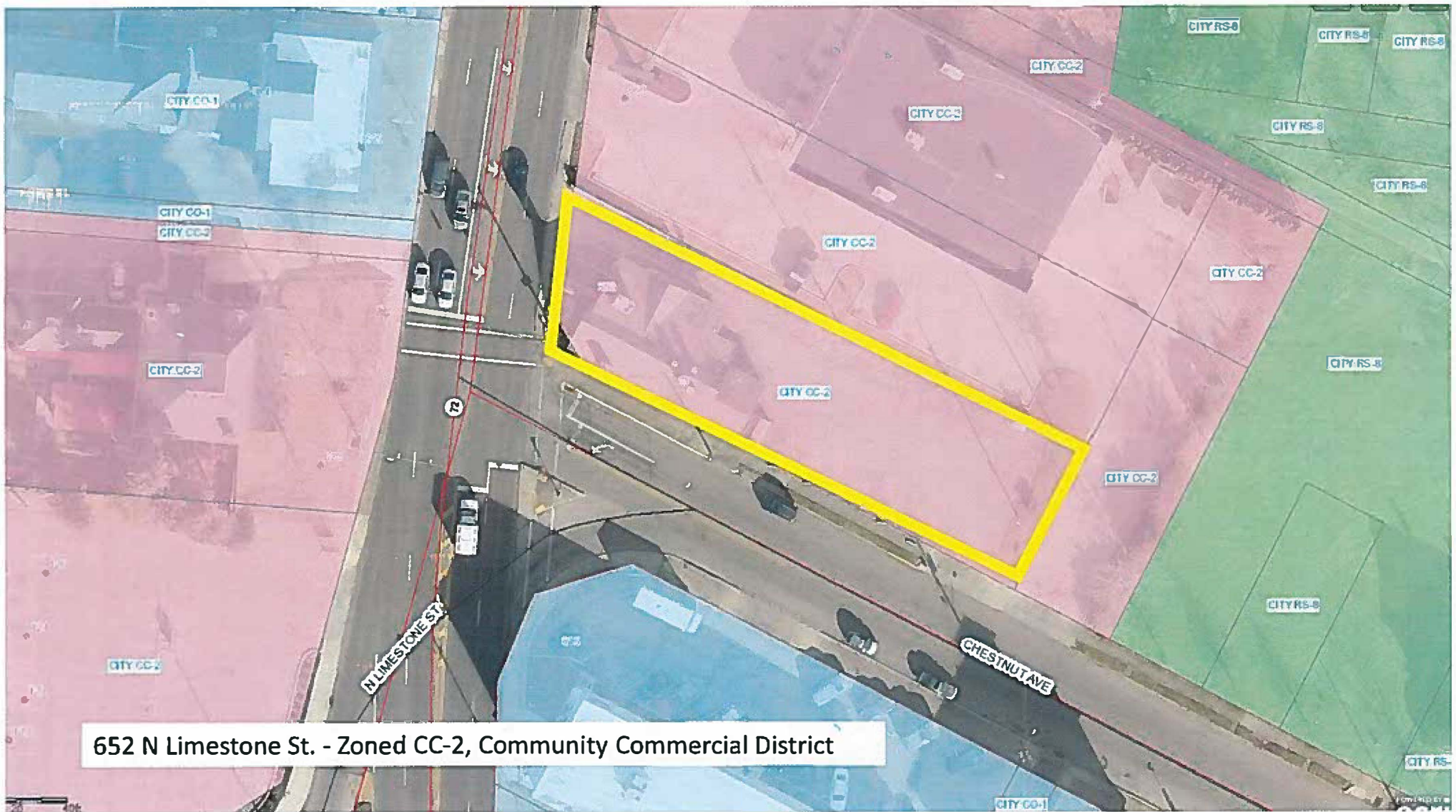
Community Development Director _____

*Map Attached

**Certificate of Occupancy

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Rev. 08-06-13



652 N Limestone St. - Zoned CC-2, Community Commercial District

