

JOURNAL MINUTES

A Regular Meeting of the City Commission of The City of Springfield, Ohio, was held on Tuesday, March 2, 2010, in the Forum of City Hall.

Roll Call was answered by Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and President Copeland.

The invocation was offered by Mr. Copeland. The City Commission, staff members, and the audience pledged their allegiance to the flag.

On motion of Mr. Martin, seconded by Mr. O'Neill, the members dispensed with the reading of the minutes of the January 26, 2010, regular meeting and approved the minutes as presented.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

FIRST READINGS—ORDINANCES

15-10 An Ordinance entitled, "To amend the Zoning Map of Springfield, Ohio by rezoning 0.433 acres at 701 East Street, 709-711 East Street and 713-715 East Street, Springfield, Ohio from RS-8, Medium-Density, Single Family Residence District, to CI-1, Commercial Intensive District," was presented for the first time and requires presentation at a second regular meeting before vote on passage. 3/16/10

60-10 An Ordinance entitled, "Authorizing the exercise of the City's option to renew the contract with Brown Holding, Inc., dba Data Image for utility bill printing and mailing service for the period April 26, 2010, through April 25, 2011, and authorizing an expenditure not to exceed \$50,000," was presented for the first time and requires presentation at a second regular meeting before vote on passage. 3/16/10

62-10 An Ordinance entitled, "Authorizing the City Manager to enter into contracts for the purchase of street materials with Shelly Materials, Inc., for the purchase of AC20 Liquid Asphalt, primary supplier, and for No. 448 Type 1 Asphalt Hot Mix, alternate supplier for an amount not to exceed \$279,500; and with Valley Asphalt Corporation for the purchase of AC20 Liquid Asphalt, alternate supplier, for No. 448 Type 1 Asphalt Hot Mix, primary supplier and the purchase of HPM (High Performance Mix) for an amount not to exceed \$333,275," was presented for the first time and requires presentation at a second regular meeting before vote on passage. 3/16/10

63-10 An Ordinance entitled, "Authorizing the City Manager to enter into contracts for the purchase of sand and gravel with Enon Sand and Gravel, LLC, for an amount not to exceed \$171,474.90 and with Mechanicsburg Sand & Gravel for an amount not to exceed \$2,377.50," was presented for the first time and requires presentation at a second regular meeting before vote on passage. 3/16/10

69-10 An Ordinance entitled, "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 amendment of various sections of the Building Code, repealing corresponding sections; and repealing existing Section 1311.20," was presented for the first time and requires presentation at a second regular meeting before vote on passage. 3/16/10

49-08 An Ordinance entitled, "Authorizing the City Manager to enter into Amendment No. 1 to the Local-LET Project Agreement No. 23102 (PID No. 85172) between the City and the Ohio Department of Transportation in connection with the CLA Bechtle Avenue Bridge Project to revise the project estimate," was presented for the first time and requires presentation at a second regular meeting before vote on passage. 3/16/10

FIRST READINGS—RESOLUTION

64-10 A Resolution entitled, "Declaring it necessary to require the construction or reconstruction of curbs, gutters, and sidewalks at the points identified as Section One of *STREETS* and Section One of *SELECTED LOCATIONS* of the 2010 Sidewalk, Curb, and Gutter Program," was presented for the first time and requires presentation at a second regular meeting before vote on adoption. 3/16/10

SECOND READINGS—ORDINANCES

225-09 An Ordinance entitled, "To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by amending Sections 1123.01 and 1123.03 pertaining to Research and Development Park districts; and repealing existing Sections 1123.01 and 1123.03," was tabled until April 13, 2010.

35-10 An Ordinance No. 10-75 was presented for the second time entitled, "Authorizing the purchase of a 2010 Case 590SM Series 3 Loader Backhoe, for use by the Utilities Sewer Division, plus a trade-in of a 1995 Model 580 Super L Case Backhoe from Southeastern Equipment Co., Inc., for a net cash amount not to exceed \$67,156.56, through the Ohio Department of Administrative Services, pursuant to Ohio's Cooperative Purchasing Act in accordance with the provisions of Section 125.04 of the Ohio Revised Code."

On motion of Mr. O'Neill, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

36-10 An Ordinance No. 10-76 was presented for the second time entitled, "Approving and adopting a 'City of Springfield Lead-Safe Springfield Temporary Relocation Policy For Tenant Occupants' and a 'City of Springfield Lead-Safe Springfield Temporary Relocation Policy For Owner Occupants'."

On motion of Mrs. Duncan, seconded by Mr. Martin, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

EMERGENCY ORDINANCES

152-09 An Emergency Ordinance No. 10-77 was presented for the first time entitled, "Authorizing the redevelopment of the property located at 1815 Wittenberg Boulevadd, West, pursuant to Ordinance No. 09-307 for an amount not to exceed \$95,000, and declaring an emergency."

On motion of Mr. Martin, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

65-10 An Emergency Ordinance No. 10-78 was presented for the first time entitled, "Authorizing the City Manager to enter into Amendment No. 1 to the Contractor Funding Agreement with Hart Environmental Resources, Inc. to increase the not to exceed amount to \$40,000, and declaring an emergency."

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

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

27-10 An Emergency Ordinance No. 10-79 was presented for the first time entitled, "To appropriate the interests in real property hereinafter described for the purpose of providing necessary rights in real estate needed for the purpose of making and repairing roads which shall be open to the public, without charge, to wit, the construction of a new turning radius at the intersection at Innisfallen Avenue and South Yellow Springs Street; authorizing the Law Director to commence appropriation proceedings; and declaring an emergency."

On motion of Mrs. Duncan, seconded by Mr. Martin, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

06-06 An Emergency Ordinance No. 10-80 was presented for the first time entitled, "Authorizing the City Manager to issue a deed to Church of God Militant Pillar and Ground of the Truth, and declaring an emergency."

On motion of Mr. Martin, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

66-10 An Emergency Ordinance No. 10-81 was presented for the first time entitled, "Authorizing the City Manager to enter into a Mutual Settlement Agreement, Release And Assignment Of Claims with Auto-Owners Insurance Company, and declaring an emergency."

On motion of Mr. O'Neill, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

09-10 An Emergency Ordinance No. 10-82 was presented for the first time entitled, "Providing for Supplemental Appropriations within various funds, and declaring an emergency."

On motion of Mrs. Chilton, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

67-10 An Emergency Ordinance No. 10-83 was presented for the first time entitled, "Authorizing the City Manager to execute a Real Estate Purchase Contract with FBD, Inc., to purchase a lot located at 25 South Lowry Avenue, and declaring an emergency."

On motion of Mr. Martin, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

53-06 An Emergency Ordinance No. 10-84 was presented for the first time entitled, "Amending Ordinance No. 06-54 for the purchase and delivery of office supplies to extend the contract with Office Depot, through US Communities, through July 1, 2010, and declaring an emergency."

On motion of Mr. O'Neill, seconded by Mr. Martin, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

203-09 An Emergency Ordinance No. 10-85 was presented for the first time entitled, "Authorizing the City Manager to enter into a Funding Approval And Grant Agreement For Neighborhood Stabilization Program 2 (NSP2) Funds under the American Recovery and Reinvestment Act of 2009 and the Housing and Economic Recovery Act of 2008, by and between the City and the U.S. Department of Housing and Urban Development to accept a grant providing funding up to an amount of \$6,101,315; authorizing the City Manager, Finance Director, and Community Development Director to do all things necessary to implement said Grant Agreement and to comply with all relevant local, state, and federal legal requirements; and declaring an emergency."

On motion of Mrs. Duncan, seconded by Mrs. Chilton, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

68-10 An Emergency Ordinance No. 10-86 was presented for the first time entitled, "Confirming and approving a Subrecipient Funding Agreement (Shelter Plus Care—Sponsor-Based Rental Assistance) among the City, Springfield Metropolitan Housing Authority, and District Council of Springfield, Ohio, of St. Vincent DePaul, Inc., to conduct a Shelter Plus Care funded Sponsor-Based Rental Assistance Program for the period December 1, 2009, through November 30, 2010; authorizing an expenditure of \$30,144 of the City's Shelter Plus Care funds; confirming and approving expenditures up until the passage of this Ordinance, and declaring an emergency."

On motion of Mr. O'Neill, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

70-10 An Emergency Ordinance No. 10-87 was presented for the first time entitled, "Authorizing the City Manager to enter into a contract with GFI Genfare, an SPX Division, for the purchase of a ticket vending machine for the Market Square Bus Center, for a total amount not to exceed \$65,000, and declaring an emergency."

On motion of Mrs. Chilton, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

50-10 An Emergency Ordinance No. 10-88 was presented for the first time entitled, "Confirming and approving a contract with FEI-Ferguson Waterworks for the Hilltop-Reid Park Valve Replacement Project, for an amount not to exceed \$54,348.59, and declaring an emergency."

On motion of Mrs. Duncan, seconded by Mr. Martin, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

256-09 An Emergency Ordinance No. 10-89 was presented for the first time entitled, "Authorizing the City Manager to enter into LPA Agreement No. 22982 – Amendment No. 2 between the City and the Ohio Department of Transportation in connection with the CLA Building Demo PID No. 87330 Project to revise the project estimate, and declaring an emergency."

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

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

258-09 An Emergency Ordinance No. 10-90 was presented for the first time entitled, "Confirming and approving Change Order No. 2 (Final) to the contract between the City and Kokosing Construction Co., Inc., for the 2009 Miscellaneous Sanitary Sewer Lining Project in an amount not to exceed \$3,168.20 and authorizing the City Manager to execute said Change Order No. 2 (Final), and declaring an emergency."

On motion of Mr. O'Neill, seconded by Mrs. Duncan, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

71-10 An Emergency Ordinance No. 10-91 was presented for the first time entitled, "Authorizing the City Manager to enter into a contract with Demmy Sand & Gravel for assisting with the waterline repair in the vicinity of Old Reid Park for an amount not to exceed \$86,953.10, and declaring an emergency."

On motion of Mrs. Duncan, seconded by Mrs. Chilton, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

EMERGENCY RESOLUTIONS

72-10 An Emergency Resolution No. 5627 was presented for the first time entitled, "Finding the necessity and declaring the intent to appropriate real property in connection with providing the real estate needed for the purpose of making and repairing roads which shall be open to the public, without charge, to wit, the construction of the realignments of West North Street and North Plum Street in furtherance of performing the Southwest Downtown Urban Renewal Plan; describing the land and interests therein to be appropriated; and declaring an emergency."

On motion of Mr. Martin, seconded by Mrs. Duncan, the resolution was adopted.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

61-10 An Emergency Resolution No. 5628 was presented for the first time entitled, "Requesting the County Auditor to draw and the County Treasurer to pay on the draft to the Treasurer of the City all money in the County Treasury payable to the account of the City, and declaring an emergency."

On motion of Mr. O'Neill, seconded by Mrs. Duncan, the resolution was adopted.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

NEW ITEMS ON THE AGENDA

75-10 An Emergency Ordinance No. 10-92 was presented for the first time entitled, "Authorizing the City's participation in the Cooperative Purchasing Program of the Ohio Department of Transportation in accordance with the provisions of Section 5513.01(B) of the Ohio Revised Code for the purchase of rock salt for the 2010-2011 winter season; authorizing the City Manager to execute documents for such purpose, and declaring an emergency."

On motion of Mr. Martin, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

MOTION

76-10 On motion of Mrs. Duncan, seconded by Mr. Martin, Mr. Timothy F. McLean was appointed to the Community Beautification Committee.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

COMMUNICATIONS

The following communications were ordered received and filed:

302-09 Correspondence from Federal Emergency Management Agency regarding the National Flood Insurance Program map dated February 17, 2010.

28-10 Minutes of the February 8, 2010, meeting of the National Trail Parks and Recreation District Board.

73-10 Correspondence from the Clark County Coalition's request to become the fiduciary agent of the Warder Literacy Center.

74-10 Correspondence from Dr. Elton Moose regarding bird droppings.

COMMENTS ON AGENDA ITEMS

69-10 In response to Mr. Martin's inquiry regarding amendments to the Building Code, Community Development Director Meadows stated that in order for the City's Building Division to remain certified by the state, the City's Building Code must mirror the State's which has been updated. Passage of the prepared ordinance will bring the City's code in line.

152-09 Mr. O'Neill referred to the redevelopment of residential property in connection with the Neighborhood Stabilization Program and asked specifically about warranties provided to new owners.

Ms. Meadows stated that the new owners will receive appliance warranties and the like. No express warranties from the City will be passed to the owner. With regard to the property at 1815 Wittenberg Boulevard, Ms. Meadows noted that approval is sought as the rehabilitation is expected to exceed the \$85,000 established limit due to prevailing wage concerns.

27-10 Mr. Bodenmiller reported that the City is appropriating property which translates to a sliver of ground at the corner of Innisfallen Avenue and South Yellow Springs Street. The property is needed to construct a new turning radius.

66-10 With regard to the Auto-Owners Insurance Company settlement documents, Mr. Bodenmiller stated that concrete repair work on the City Plaza failed. Reasons for the failure differ. The City is receiving a partial settlement for the defect.

50-10 Service Director Mann reported that authorization has been requested from the Commission in two parts for the Hilltop-Reid Valve Replacement Project: first, for the purchase of materials; second, for Demmy Construction to assist with the work.

COMMENTS FROM THE COMMISSION

Mrs. Duncan announced that a Housing Fair has been scheduled for March 20,

2010, between the hours of 10 a.m. and 1 p.m. The event will take place at Elderly United. Tenants and homeowners are invited to attend.

COMMENTS FROM THE AUDIENCE

14-10 Mr. Raymond Upshaw, 329 West Liberty Street, spoke to racism he experienced in Vietnam, Code Enforcement and nuisance abatement issues, the Southern Christian Leadership Conference, and the new world order.

Mr. David Sanford, 514 Fremont Avenue, addressed the expenditure of stimulus dollars, the state plumbing code, and the process for opening a new business in Springfield.

Mr. Copeland noted that the City follows federal guidelines for the disbursal of grant dollars.

77-10 Ms. Barbara Huey, 510 East Euclid Avenue, described a situation which has been ongoing since August 14, 2009. She and her children are being harassed by a gang in her neighborhood. She stated that she feels like a prisoner in her own home. She listed several political officials she has contacted about the situation, including Mayor Copeland. She reported that the Police Division is not addressing the problem. She has a record of all she had done to deal with this situation.

Mr. Copeland indicated that he spoke with Ms. Huey on the telephone. He informed her that he would not get involved after he learned charges had been brought against her by the Police Division, noting that resolution should be left to the criminal justice system.

Mr. Bodenmiller advised her that he and a member of the Police Division would meet with her about recent incidents.

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On motion of Mr. Martin, seconded by Mr. O'Neill, the meeting adjourned into executive session on litigation and labor negotiation matters.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

On motion of Mrs. Duncan, seconded by Mrs. Chilton, the executive session was adjourned.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

There being no further business, on motion of Mr. Martin, seconded by Mr. O'Neill, the meeting was adjourned.

Yeas, Mmes. Chilton, Duncan, Messrs. Martin, O'Neill, and Copeland. Yeas 5, Nays 0.

Adj. 8:17 p.m.

Respectfully submitted,

Connie J. Chappell, CMC
Clerk of the City Commission