

CITY OF SPRINGBORO
320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL WORK SESSION

THURSDAY, APRIL 5, 2007

5:30 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruithoff, Chief of Police
Robyn Brown, Director of Finance

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

THE CITY COUNCIL WORK SESSION BEGAN ONE-HALF HOUR EARLIER AT 5:30 PM TO ACCOMMODATE PRESENTATIONS BY TWO ARCHITECTURAL FIRMS FOR DESIGN SERVICES FOR A NEW CITY BUILDING.

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Work Session to order at approximately 5:30 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** No absences.
- ITEM 3. PRESENTATIONS.** –City Council will hear proposals from two architectural firms for the City Building Project:
- | | |
|---------|---------------------|
| 5:30 PM | Pinnacle Architects |
| 6:00 PM | Lorenz and Williams |

Ms. Thompson introduced the first architectural firm as Pinnacle Architects:

Pinnacle Architects Vice President Mike Taylor briefly commented that Pinnacle has worked on a number of projects in Springboro including SureCare Medical Center, the Fire Station, and Heatherwoode Club House. He further commented that Springboro's new city building would be a marquee project for their firm. Mr. Taylor reviewed an organizational chart for the project, which included the City at the top of the chart. Mr. Taylor identified himself as the Project Manager and Designer in Charge. His duties would include construction drawings and administration and bidding and programming. Mr. Taylor introduced the firm's team members as follows: Dave Glover, Vice President, who will also be in charge throughout the project and responsible for code review and interiors and specifications. Mr. Glover worked on the Library, Heatherwoode, and SureCare projects. Anita Goulart, Interior Design, will be responsible for finishes, present boards, contract administration, shop drawings, and determine what of the existing furnishings to retain and what to discard. Jerry Hiller, will be responsible for construction documents, contract administration, all project meetings, and will be the main person for detailed engineering. Charles Halsey, Civil Engineer of Stone Environmental is a Project Manager. Mr. Halsey is also a member of the City's Park

Board. Ben Vandeweghe of Shell & Meyer Engineering will be the Structural Engineering Project Manager. Mr. Vandeweghe

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is a Senior Engineer at Shell & Meyer Engineering. Pinnacle has worked with Shell & Meyer since 1935, and they are very responsive. Dennis Helmig of Helmig Lienesch Engineering will be a Project Manager. Pinnacle has worked with Helmig Lienesch since the 1930s as well, and they have worked on most of the projects shown in the Springboro proposal. The Pinnacle Team has worked on the dispatch center in the Montgomery County Courts Complex, the Juvenile Center, the Clark County Sheriff's Building, and the Springfield Police Department. The Project Engineers include Tom Zimmerman, Electrical Engineer, Al Fike, Plumbing and Fire Systems Engineer, and both are very responsive and easy to work with. (A copy of the proposal from Pinnacle Architects is attached for the record.)

Mr. Taylor also commented that he lives in Middletown and drives by the City Building on State Route 73 everyday and would be personally committed to the project from beginning to end, and being local would be in the City's best interest. Mr. Taylor stated that he knows Springboro very well and showed boards illustrating other projects Pinnacle Architects have completed in Springboro. He added that he knows that the Quaker history is important to the area and it would be important to incorporate that history into the design, which he described as simple and bold.

Mr. Taylor commented on design elements for the new city building as follows: The corner site and the elevation of the land already provides a platform for the building, which could be turned on a 45 ° angle giving the structure a ton of presence, and would provide for a scheme for a tower, pergola, historic park area, etc. Mr. Taylor also sees this space exploding upward with light creating an iconic effect. It is recommended that the Police Department should have a separate facility for security reasons, but Ms. Thompson would like the all departments to be connected, and they could include that in the design. Mr. Taylor concluded by stated that the new city building provides opportunities for designing an exciting project, and an image of the City for people to remember.

Questions & Answers:

Ms. Belpulsi asked at what point in the project would the team get into the guts of the building specifically with respect to uses such as a community room and technology? Ms. Thompson responded by stating that all of those types of details would be decided on before construction of the building. Ms. Belpulsi asked if the City would be revisiting the needs analysis for a new city building performed several years ago? Ms. Thompson explained that the RFP included the past needs analysis and the intention to revisit it rather than reanalyze every single square foot of building space. Ms. Thompson further explained that staff would work on the functional areas of the building and City Council would, of course, work on their own areas. Ms. Thompson added that the first step would be to revisit the old analysis with the new members of Council.

Ms. Belpulsi asked how close to the budget and time frame does the firm predict it will get for this building project? Mr. Taylor responded the firm would be able to get very close to their targets, and suggested contacting their references for confirmation. Mr. Taylor explained that they are typically very close on construction estimates. He further explained that the team would have a series of meetings with Council and City leadership followed by staff, which would take the project to January to complete the design phase of the project. Mr. Taylor continued by stating that construction is a little harder to estimate, and that the construction manger would establish that time line, but their preliminary projection to begin construction is March of 2009 for occupancy by the end of September. Mr. Taylor commented that it is key to remove the carwash and get the parking established within the schematic.

In addition, Mr. Taylor explained that they did not provide any 3D drawings because they want the City to have ownership of the project from the beginning. He added that they could estimate cost assessments after the design phase.

Mr. Chmiel asked if the firm placed any emphasis on energy saving designs? Mr. Taylor explained that the firm would apply efficiency and sustainability. Dennis Helmig, Project Engineer, would be the main thrust with respect to this issue. Mr. Taylor explained for example that heat recovery coils must meet new energy requirements and their team tries to exceed requirements. They would also use energy efficient lighting and keep outside maintenance to a minimum making the building as maintenance free as possible using not only by using brick but also sustainable wood and remanufactured materials.

Mr. Parise asked what in the firm's history on cost overruns? Mr. Taylor replied, for example, that a design build project, the County Courthouse, came within \$50,000.000 of the total project cost of \$3.5M. He also referred to the Relizon Corporate Headquarters in downtown Dayton, which actually came in under budget and ahead of schedule. Mr. Taylor commented that

they are typically right at the estimate or a percent or two either way.

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Mr. Parise asked if inflation is figured into the cost of the project? Mr. Taylor explained that the estimate would be prepared in today's dollars, as they are only anticipating eight months for construction. He added that the firm would provide line item estimates, which would be very detailed and include a construction contingency at the bottom. Mr. Taylor further added that 5% on a \$5-6M project is a small percentage.

Ms. Lairson asked if the firm had a police facility advisor or could he speak to how involved they have been with police facilities? Mr. Taylor stated that Dennis Helmig, Project Engineer, is the expert on safety and security. With respect to the team's experience with police facilities, they have had experience with securing Council Chambers with Level II ballistics materials, hospitals, etc. The firm has not designed a Police Department recently, but they have enough experience with other projects requiring specialized safety and security. Mr. Taylor and the team would involve the Police Chief and the patrol officers for details regarding processes and will know what the Police Chief wants regarding the police facilities. Mr. Taylor compared the needs of a police facility with those of a psych ward with respect to materials such as abuse resistant drywall and biologically appropriate surfaces.

Ms. Belpulsi asked if in building the police quarters the requirements for accreditation would be taken into consideration?

Chief Kruthoff commented that he has attended sessions of the International Association of Chiefs, where requirements for accreditation have been discussed and the materials used need to be durable. Ms. Thompson added that without changing the actual building the City could not even get accreditation.

At this time, the Pinnacle presentation concluded and Mayor Agenbroad thanked Mr. Taylor and the Pinnacle team.

Ms. Thompson introduced the second architectural firm as Lorenz Williams:

Bear Monita and John Fabelo of Lorenz Williams presented their proposal as follows: Mr. Monita is the Partner in Charge of the project and John Fabelo is the Director of Design or Head Designer. Lorenz Williams prepared a benefits handout for the city building project. (A copy of the handout is attached for the record.) Mr. Monita stated that they would walk through their observations and thoughts regarding this project and they would invite interaction during the presentation. Mr. Monita explained that they do have a working relationship with the City as the designer of the amphitheater. He added that they are working daily with the City to resolve the current issues with the amphitheater. Mr. Monita continued by stating that the project team consists of firm owners and senior project staff members, and the very best people have been designated for the project. The firm has in-house interior design and engineering services, and also retains a nationally recognized criminal justice planning team, which is an important provision for the City. Eddie Howlett, the construction manager, is a member of the project team. Mr. Howlett was hired to work on the Lorenz Williams team from a previous job they worked on. The team's landscape architect, Kinzelman Kline, is currently working on projects in Springboro in the State Route 741 / Austin Road area. Lorenz Williams offers a competitive bid that does not compromise design. The preliminary schedule allows for building occupancy in December 2008. The firm is sensitive to the need to be a "one stop" center within a campus environment that compliments the library. The design would take the City's history in into consideration and add a wow factor to the City. Mr. Monita concluded his comments by stating that the firm would never show up with a final product; the team would get staff involved in the design process.

At this point, Mr. Fabelo made the following comments: Returning to the philosophy discussed at their first meeting with the City, the team would listen to the client in order to understand the vision of the project and how it works within the City's expectations, with no predetermined solutions. This would be accomplished through vision sessions and charrettes with City staff and leadership. Mr. Fabelo described the three basic components of their approach to the City building project as follows: One, understanding and listening to the client by working with all of the departments and City Council and trying to understand the City's vision for this project i.e. what it will say about the community and how it works within the City, how visitors will use the building, and how departments will work with each other. Two, understanding the site and the history of Springboro, which is really critical to the design process, and analyzing the site for opportunities to create a campus feel that incorporates the library. Three, as the architects, being able to be creative and good listeners and bringing all of these ideas together in order to present the opportunities for this building. Mr. Fabelo referred to a drawing board with a conceptual site

rendering. Mr. Fabelo explained that the concept is an understanding of the site and the history of Springboro. The site should capture the character of the community arriving toward downtown and make a connection to Main Street on a pedestrian scale and should not get lost among what is going on State Route 73. The concept includes an entry icon at the

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corner from which the design forms or takes shape. The parking is rendered behind the building and entry way would be created using green space to get to the front of the building. A colonnade defining the entry way would create life and vitality viewed from State Route 73. The concept uses a bell or clock tower for directional purposes and garden space, veteran monuments, etc. for definition, which will require input from the City. Staff parking would have limited access at the other curb cut (the current carwash curb cut, and campus parking would be provided for the public by the library and would possible including moving the access to the public parking area to the intersection at Mince Court. The entry might be a two story object icon of solid forms for the city building, covered walkways, etc, and would bridge the styles of the rich history to not left behinds materials and scale.

Questions & Answers:

Ms. Belpulsi asked if the preliminary timeframe for the building is fairly accurate? Mr. Fabelo explained that in keeping within the budget and the timeframe, they would work very closely as it is connected with design and construction and connected with team members and with current trends in market. At every phase, they would review costs and schedule schematic, design, construction and would let the City know if it would affect the bottom line.

Mr. Hruska confirmed that the firm's projected timeline for completion of the project is December 2008? Mr. Fabelo replied yes, eleven to twelve months of construction is reasonable without impacting the dollar amount.

Mr. Hruska asked if the schedule was to have the building designed by the end of the year. Mr. Fabelo replied yes, and although this is an aggressive schedule, it is realistic. Mr. Hruska asked if the weather in January would affect the schedule? Mr. Fabelo stated that he would like to begin the project three months earlier, but they generally begin projects at the beginning of the year. Mr. Fabelo added that it is also important to revisit what the city has done in the past as far as the needs analysis as part of the design process.

At this time, the Lorenz Williams presentation concluded and Mayor Agenbroad thanked Mr. Monita and Mr. Fabelo.

ITEM 4. LEGISLATIVE AGENDA. –City Council considered 4 legislative agenda items slated for the April 5, 2007 City Council Regular Meeting.

- 1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-07-5 AND DECLARING AN EMERGENCY. (2007 SIDEWALK PROGRAM)

No discussion.

- 2) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 4.69 ACRES OF LAND NEAR THE SOUTHWEST CORNER OF EAST CENTRAL AVENUE (SR 73) AND RED LION-FIVE POINTS ROAD FROM PUD, PLANNED UNIT DEVELOPMENT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS.

Mr. Parise commented that a lot of the e-mail correspondence the City has received from residents opposing this rezoning to a business designation is mainly due to traffic issues. Mr. Parise asked if City Council would table this ordinance in order to determine the State's timeframe with respect to installing a traffic signal at the intersection of this site? Mr. Parise stated that it would ease the residents' concerns by assuring them that there would be a light at that intersection?

Ms. Belpulsi responded by stating that it is up to the State of Ohio to decide if that intersection warrants a traffic signal. Ms. Belpulsi commented that, according to the meeting minutes, most of the people that opposed the rezoning were residents of the Township. She also commented that the residents who live in the subdivision (The Enclave) affected by this rezoning attended the Planning Commission meetings, and they have no problem with this rezoning. Ms. Belpulsi stated that she would not be in favor of delaying or tabling this legislation, but she would certainly support pursuing this issue with the State

and maybe contacting the new State Representative Shannon Jones to work with her on this issue. Ms. Belpulsi added that the issue of a traffic light at that intersection was brought up at the Planning Commission level, and Ms. Thompson offered that the City would be very willing to work with the State and also support any efforts toward a traffic light at that location.

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Mr. Chmiel commented that he believes a lot of people who opposed this rezoning were under the assumption that business zoning at this site is new, but, in fact, business zoning is already part of the existing site with or without the 4.69 acres of, which amounts to approximately two acres of buildable land.

Ms. Thompson commented that she is meeting with the Warren County Administrator regarding some other matters next week and offered to speak with the Administrator about warrants for traffic signalization at that intersection. Ms. Thompson further commented that she could document her conversation with the Warren County Administrator in her Bi-weekly Update Memorandum to City Council.

- 3) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING SECTION 244.29(g)(3), TRAVEL AND MISCELLANEOUS EXPENSES, CHAPTER 244, EMPLOYEES GENERALLY, TITLE SIX – ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

No discussion.

- 4) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AND HAVE INSTALLED A CARRIER AIR COOLED ROTARY SCROLL EIGHTY TON CHILLER AND ASSOCIATED EQUIPMENT AND HARDWARE FOR THE HEATHERWOODE GOLF COURSE CLUBHOUSE FROM APPLIED MECHANICAL SYSTEMS.

Mr. Anderson asked if the actual cost of this equipment is under the original estimate approved in the budget?

Ms. Thompson confirmed with Ms. Brown that the amount budgeted for this equipment was between \$80,000.00 and \$100,000.00; therefore, the bids came in under the original estimate.

ITEM 5. CITY MANAGER. –Issues/Reports.

Ms. Thompson requested an Executive Session, following the Work Session discussion, to review collective bargaining.

Mr. Hruska motioned to enter Executive Session under R.C. 121.22(G), following the Work Session discussion, to review collective bargaining. Mr. Chmiel seconded the motion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes. [APPROVED 7-0]

There were no other staff comments.

ITEM 6. CLERK OF COUNCIL. –Issues/Reports.

Ms. Martin confirmed with the Ohio Ethics Commission that all City Council Members' Financial Disclosure Statements were received.

In addition, Ms. Martin made the following announcements:

The City of Springboro Annual Business Appreciation Breakfast will be held on Thursday, April 12 from 8:00-9:30AM at Heatherwoode Golf Course.

A Public Hearing is scheduled on April 19 at 7:00PM in Council Chambers for a request to rezone approximately 78.1 acres of land known as the Bailey Property located at the corner of Red Lion-Five Points Road and Lower Springboro Road from TR-1 to PUD-R. Information regarding this rezoning will be forwarded accordingly in the City Council agenda packet for April 19.

The Strategic Planning Meeting will be held on Saturday, May 5, 8:00-5:00 PM, at Heatherwoode Golf Course. Strategic Planning Services Consultant Jana Evans will facilitate this meeting.

The Warren County Municipal League monthly meeting will be held on April 18 at Houston Inn beginning at 6:00 PM; dinner

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will be served at 6:45 PM followed by the meeting at 7:00 PM. The guest speakers will be Rachel Hutzler, Warren County Prosecutor and Scott Male, Investigator, who will present information concerning cybercrime and countermeasures.

ITEM 7. CITY COUNCIL. –Issues/Reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – No issues/reports.

Mr. Hruska – No issues/reports.

Ms. Lairson – Ms. Lairson will present an Emerald Ash Borer (EAB) Management Plan update at tonight's City Council Regular Meeting under Reports. Ms. Lairson will specifically comment on the removal and replacement of the Ash Trees from the public areas in the City.

Mr. Parise asked if the choice of trees to replace the Ash Trees was based on their ability to withstand the local conditions? Ms. Lairson explained that the replacement trees were chosen based on variety and the proximity of the trees to the road, traffic, etc.

Ms. Lairson also commented that a tentative meeting has been scheduled for residents to obtain EAB information –date is to be announced. This meeting will provide residents with information concerning Ash Trees on private property and what options are available to residents.

Mr. Parise asked how this meeting would differ from the EAB information meeting held earlier this year? Ms. Lairson explained that the meeting is meant to be more in depth and would deal specifically with EAB issues, such as infected trees, removal and destruction of wood, etc., as they pertain to residents and private property owners.

Mr. Anderson – No issues/reports.

Ms. Belpulsi – Ms. Belpulsi will present a Planning Commission report at tonight's City Council Regular Meeting under Reports.

Mayor Agenbroad – Mayor Agenbroad confirmed that Council Members had received the letter from the President of the Library Board of the Trustees Janese Griffin requesting to address Council at a future Work Session regarding the status of the library and future plans. Mayor Agenbroad suggested that Ms. Thompson, Mr. Pozzuto, and Ms. Martin review the upcoming Work Session schedule to determine an appropriate date for the Library's presentation. There were no objections from Council.

At approximately 6:39 PM, City Council entered Executive Session to review collective bargaining; whereby, no votes would be taken.

With no objections, City Council exited Executive Session at approximately 6:52 PM; whereby, no votes were taken.

ITEM 8. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:52 PM.

CITY OF SPRINGBORO
320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL REGULAR MEETING

THURSDAY, APRIL 5, 2007

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Dan Boron, City Planning Consultant
Jeff Kruithoff, Chief of Police

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

- ITEM 1.** **CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order at 7:00 PM in Council Chambers at the Springboro City Building, 320 W. Central Avenue, Springboro, Ohio.
- ITEM 2.** **PLEDGE OF ALLEGIANCE.** Mayor Agenbroad led the Pledge of Allegiance.
- ITEM 3.** **ROLL CALL.** Agenbroad, Present; Anderson, Present; Belpulsi, Present; Chmiel, Present; Hruska, Present; Lairson, Present; Parise, Present.
- ITEM 4.** **APPROVAL OF MINUTES:** THE MINUTES OF THE MARCH 15, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.
- Mr. Parise motioned to approved the Minutes of the March 15, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Hruska seconded the motion.**
- No corrections.
- VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Abstain; Agenbroad, Yes; Hruska, Yes. [APPROVED 6-0-1]**
- ITEM 5.** **PRESENTATIONS:** STEVE HUSEMANN, EXECUTIVE DIRECTOR OF THE MIAMI VALLEY COMMUNICATIONS COUNCIL, ADDRESSED CITY COUNCIL REGARDING THE IMPACT OF SENATE BILL 117 ON FRANCHISE FEES FOR CITIES.

Mr. Husemann made the following comments on behalf of the Miami Valley Communications Council (MVCC): Senate Bill 117 is the telecommunications act being billed primarily as a way to make it possible for additional competition in the telecommunications industry, which the MVCC believes is a great idea and would love to see additional competition. However, the MVCC believes that Senate Bill 117 is unnecessary in the way it approaches that general concept. For example, according to Senate Bill 117, AT&T could compete with Time Warner, but that competition could happen right now without Bill 117. If AT&T wanted to create a franchise for the City of Springboro, they could do that right now under Springboro's current legislation and the City really could not stop them, not that the City would choose to stop them because the City would most likely want to encourage the competition. In essence, the MVCC

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believes this legislation is unnecessary because AT&T is able to compete with other providers right now under the current local legislation. Mr. Husemann explained that he had the opportunity to talk to the AT&T representative on Tuesday at the Dayton Chamber of Commerce Government Affairs Breakfast. Mr. Husemann asked the AT&T representative if they were getting any resistance regarding this issue. The AT&T representative explained that they have received resistance in obtaining franchises from some cities in northern Ohio, but they could not reveal any place in southwestern or central Ohio where they have encountered resistance. Mr. Husemann stated that, in fact, the MVCC would welcome and encourage the competition. One of the main reasons the MVCC is concerned with this legislation is that it basically usurps the local authority's powers over public right-of-ways. Presently, the local entity has authority over its right-of-ways and controls where utilities are placed in the right-of-ways. If Senate Bill 117 passes in its current form, local entities would no longer have that authority. Another big factor concerning this legislation is that it changes the definition of gross revenues, which affects the City's franchise fees. Presently, local municipalities receive 5% of the gross revenues produced by a cable television franchise of that type. The gross revenues include such things as advertising rates; but basically, without cable television, they could not sell the advertising on cable television, which obviously contributes to the gross revenues. By reducing advertising and a couple of other minor elements, the legislation represents about a \$250,000.00 loss in what the eight member cities of the MVCC receive in telecommunications franchise fees. Locally, it would amount to about two dollars per capita for each city; therefore, it would be easy to calculate, based on population, what Springboro would lose under this proposed legislation. In addition, Senate Bill 117 eliminates the capability of producing the City Council meetings live. Therefore, the residents watching this broadcast live from their homes would not be able to do so in the future if this bill passes. Currently, all eight cities of the MVCC are linked by an institutional network enabling members to exchange data and video messages. Senate Bill 117 would no longer require the cable television companies to provide that type of network. Subsequently, the only way in which City Council meetings would be televised would be to record the meeting on a cassette or other media, deliver or mail it to the broadcast site, and replay it on television because that interconnection would no longer exist between the different cities. Not only would residents no longer be able to watch their City Council meetings live, the City also would not be able to continue their regular programs, some of which are live "call-in" programs. The MVCC is very concerned about the loss of that live programming element, which helps local governments and City Councils better reach and maintain contact with their citizens. Being able to watch City Council meetings and other local government programming creates an entire atmosphere of open government, which would be eliminated if Senate Bill 117 passes in its current form. Finally, the MVCC believes it is unnecessary to restrict how cities manage their own right-of-ways. One of the concerns with the new technology is that there would be large boxes placed in portions of the neighborhoods. As it stands, Ms. Thompson could work with AT&T to determine exactly where those boxes could be placed to meet everyone's satisfaction, but if the City no longer has that authority because that authority has been usurped by the State of Ohio; the State can place those boxes wherever they choose. Mr. Husemann referred to an outline of the MVCC's concerns regarding Senate Bill 117, which are summarized by five basic elements in the legislation. (A copy of the outline is attached for the record.) Mr. Husemann explained that this information and the MVCC's position regarding Senate Bill 117 is very, very preliminary, as this bill has just been introduced to the Senate Energy and Public Utilities Committee and is not scheduled for additional discussion until mid-April. Mr. Husemann stated that he is addressing all of the MVCC member cities now to inform each City Council that the information they may hear pertaining to this legislation should not be taken at face value because certain aspects of this issue are being somewhat exaggerated. Mr. Husemann further stated that he wants to make sure that City Council knows that the MVCC believes competition is wonderful and would love for it to happen, but the law does not have to be changed to make competition possible. Therefore, the preference would be to either not change the existing legislation or create a law that does impact local governments with respect to their franchise fees and local authority. Mr. Husemann reiterated that he wants to make sure that City Council knows there are problems with Senate Bill 117, and the MVCC is trying to get that message out to its members. Mr. Husemann offered to answer any questions.

Mayor Agenbroad asked, as one of the MVCC municipalities, how could Springboro help the MVCC in its endeavors regarding this issue?

Mr. Husemann answered that sometime in the future the MVCC would ask the City Council to pass a resolution stating its concerns at that time. Mr. Husemann commented that any action concerning this issue would be premature now because the MVCC does not want to second-guess what is going on. But as things start to materialize, the MVCC would probably ask the City to pass a proper resolution stating why its concerned with the legislation. Mr. Husemann also stated that he would like to think that the MVCC could sit down with the senate committee and come up with a better solution that may not even require new legislation, but he would be back in touch with the City at a future date to

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follow up on this issue.

Mayor Agenbroad thanked Mr. Husemann for his presentation.

ITEM 6.

LEGISLATION:

City Council held a Work Session at 5:30 PM immediately preceding tonight's City Council Regular Meeting for approximately one hour and nine minutes to hear presentations by two architectural firms for design services for a new City building and to discuss the following legislative items as well as other matters before the City. City Council entered Executive Session, following the Work Session discussion, for approximately 13 minutes to review collective bargaining; whereby, no votes were taken.

- 1) **ORDINANCE O-07-12: THIRD READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-07-5 AND DECLARING AN EMERGENCY. (2007 SIDEWALK PROGRAM)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance determining to proceed with the annual sidewalk and driveway apron repair program for 2007. This ordinance will allow for property owners to construct, reconstruct or repair their driveway aprons and sidewalks. The City has requested that residents perform the work by Friday, April 27 of this year. This ordinance provides for the City to proceed with those improvements where property owners elect not to do the work themselves. The cost of these improvements is paid entirely by assessment to the abutting property owners should they elect to have the City perform the work.

Mayor Agenbroad presented the item for questions/comments.

Mr. Parise asked if the deadline of April 27 for the residents to complete the work is written in stone considering that April is the rainy month of the year? Ms. Thompson explained that the Engineering Department would coordinate with the residents and would grant extensions when necessary due to weather conditions or other extenuating circumstances. Ms. Thompson added that the staff works closely with the residents to complete these improvements.

Mayor Agenbroad presented the item for other questions/comments. No other questions/comments.

Ms. Belpulsi motioned to adopt Ordinance O-07-12. Mr. Hruska seconded the motion.

No discussion.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

- 2) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 4.69 ACRES OF LAND NEAR THE SOUTHWEST CORNER OF EAST CENTRAL AVENUE (SR 73) AND RED LION-FIVE POINTS ROAD FROM PUD, PLANNED UNIT DEVELOPMENT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance to rezone 4.69-acres of land located at the southwest corner of SR73 and Red Lion-Five Points Road from PUD to PUD-B. This rezoning was the subject of a Public Hearing held on March 15, 2007 to rezone 4.69 acres at the southwest corner of E. Central Avenue (SR73) and Red Lion-Five Points Road. The 4.69 acres of land was originally a section of Stoneridge, The Enclave, which was a residential subdivision approved in 2001. This rezoning consists of 4.69 acres of land, which is an addition to the current zoning, a business designation, which already exists on the site consisting of 8.88 acres. Of the 4.69 acres of land recommended to be rezoned, approximately two acres of that land is green space. The City would like to recognize all of the residents who participated in discussions with the developer on this project, and who came to conclusions with the developer. The City has discussed as recently as at tonight's Work Session the issue of traffic signalization at State Route 73. The

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City Manager will meet with the Warren County Administrator next week on another matter, but will begin discussions with the Administrator at that time regarding the possibility of getting information and warrants together in order to petition the County to act on the issue of signalization at that intersection. Once again, while the City and the City Council support the decision to work actively to support a traffic signal, the City cannot guarantee a signal at that location because, in fact, it is a state route. Again, the City will begin its discussions with the County Administrator and will proceed from there regarding this issue.

No action required at this time.

- 3) **ORDINANCE: FIRST READING.** "AN ORDINANCE AMENDING SECTION 244.29(g)(3), TRAVEL AND MISCELLANEOUS EXPENSES, CHAPTER 244, EMPLOYEES GENERALLY, TITLE SIX – ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance amending Section 244.29(g)(3), Travel and Miscellaneous Expenses, of the City's Codified Ordinances to cap travel expense gratuities to 15%. The Auditors of the State of Ohio have recommended that the cities of the State of Ohio cap any gratuity on any expenses incurred by any member of the Staff or the City Council on travel to 15% of the invoice.

Mayor Agenbroad presented the item for questions/comments. No questions/comments.

No action required at this time.

- 4) **RESOLUTION R-07-13:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AND HAVE INSTALLED A CARRIER AIR COOLED ROTARY SCROLL EIGHTY TON CHILLER AND ASSOCIATED EQUIPMENT AND HARDWARE FOR THE HEATHERWOODE GOLF COURSE CLUBHOUSE FROM APPLIED MECHANICAL SYSTEMS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City manager to purchase and have installed a Carrier Air Cooled Rotary Scroll Eighty Ton Chiller at the Heatherwoode Golf Course clubhouse by Applied Mechanical Systems. This equipment was approved in the City's Capital Improvement Program for 2007 and in the annual appropriation budget. The original estimate for this item was approximately \$80,000. The bids were received from Applied Mechanical Systems at \$63,270.00 and from Rieck Services at \$73,244.00. The Public Works Director's recommendation is to accept the lower bid of \$63,270.00 from Applied Mechanical Systems, as the equipment is identical in both bids.

Mayor Agenbroad presented the item for questions/comments.

Ms. Belpulsi asked what the timeframe would be for installation of this equipment? Ms. Thompson stated that, according to the Public Works Director, installation would take place within the next two months in an effort to try to beat the very hot weather.

Mayor Agenbroad presented the item for other questions/comments. No other questions/comments.

Mr. Chmiel motioned to adopt Resolution R-07-13. Ms. Lairson seconded the motion.

No discussion.

VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes. [APPROVED 7-0]

ITEM 7.

REPORTS:

Mayor's Report – Good Friday will be observed Friday, April 6; whereby, the City Offices will be closed. The City's annual Business Appreciation Breakfast will be held on Thursday, April 12, 8:00-9:30AM at Heatherwoode Golf Course. The next City Council Work Session will be held on Thursday, April 19, 2007 at 6:00 PM in Council

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Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, April 19, 2007 at 7:00 PM in Council Chambers, as scheduled. The Finance Committee will meet at 5:30 PM on April 19 in Council Chambers. In addition, a Public Hearing will be held on April 19, 2007 beginning at 7:00 PM in Council Chambers for the following: a request to amend the Official Zoning Map of the City of Springboro and rezone 78.1 acres of land known as the Bailey Property located at the corner of Red Lion Five Points Road and Lower Springboro Road from Clearcreek Township TR-1 (Township Residence Zone) to PUD-R (Planned Unit Development-Residential).

City Manager's Report – No reports.

Committee Reports –

Mr. Parise – Miami Valley Communications Council – The MVCC passed a resolution to allow Executive Director Steve Husemann to reduce the number of hours he spends with the MVCC to enable him to spend more time at his other job with the City of Middletown.

Mr. Chmiel – No reports.

Mr. Hruska – No reports.

Ms. Lairson – Ms. Lairson commended Assistant Public Works Director Vince Murphy and the Public Works Department for their work on the EAB (Emerald Ash Borer) Management plan, which involves replacing the Ash Trees in the public right-of-ways and parks in the City with some very nice tree varieties, in a very timely manner. Ms. Lairson further commented that the Public Works staff was planting new trees this morning despite the cold weather and light snow flurries, and is doing a wonderful job with this program.

Mr. Anderson – No reports.

Ms. Belpulsi – Planning Commission – The Planning Commission met for their Regular Meeting on Wednesday March 28, 2007 at 7:00 PM in Council Chambers and the following actions were taken: Variance in a Planned Unit Development – 310 Steeplechase Drive, part of the Richard's Run Planned Unit Development, fence in required side yard; Landscaping Plan – Woodhull Office building, west end of Commercial Way; Final Development Plan – Settlers Walk Planned Unit Development, northwest corner Remick Boulevard at Farr Drive, proposed Southwest Church. The next Planning Commission Work Session will be held on Wednesday, April 11 at 7:00 PM in Council Chambers.

ITEM 8.

OTHER BUSINESS. Mayor Agenbroad announced that City Council conducted an Executive Session earlier this evening during the Work Session to review collective bargaining, and based on Council's discussion Legal Committee Chairman Gary Hruska would propose a motion for Council action.

Mr. Hruska proposed the following motion for City Council's consideration: A motion to accept the findings of Howard Tolley Jr., fact finder, in case number 06-MED-08-0831, fact finding report, State of Ohio, State Employment Relations Board, in the matter of Fraternal Order of Police, Ohio Labor Council, Inc. Springboro and the City of Springboro, employer, as stated in the report dated April 2, 2007.

Ms. Belpulsi motioned accordingly. Mr. Chmiel seconded the motion.

No discussion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes. [APPROVED 7-0]

At this time, Mayor Agenbroad asked for a motion to enter Executive Session under R.C. 121.22(G), following the Regular Order of Business, to consider the employment of a public employee.

Mr. Hruska motioned to enter Executive Session under R.C. 121.22(G), following the Regular Order of Business, to consider the employment of a public employee. Mr. Parise seconded the motion.

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VOTE: Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes. [APPROVED 7-0]

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Thompson commended and thanked Assistant City Manager Chris Pozzuto, Chief of Police Jeff Kruihoff, Legal Counsel Joe Wessendarp, and all of the staff members who were actively involved in preparing for the fact finding that the City participated in with the FOP; everyone involved did an outstanding job. Ms. Thompson stated that she is proud that the testimony they were able to provide helped the City come to the conclusion that City Council acted on at tonight's meeting. Ms. Thompson further offered her congratulations to Mr. Pozzuto and the whole team.

ITEM 10. GUEST COMMENTS. 1) Joseph Koussa, 1537 Beaver Creek Lane, Kettering, Ohio – Mr. Koussa asked God to protect the armed forces serving overseas and to bring them home safely. Mr. Koussa thanked the men and women in military service overseas who are fighting a war and risking their lives for safety and freedom. Mr. Koussa stated that he would like to give the men and women of the military his support and prayers, and he asked every person to please support the country's military in their efforts. In addition, Mr. Koussa wished everyone a happy Easter.

Mayor Agenbroad thanked Mr. Koussa for his comments.

ITEM 11. EXECUTIVE SESSION. City Council entered Executive Session, following the Regular Order of Business, to consider the employment of a public employee.

ITEM 12. ADJOURNMENT. Mayor Agenbroad thanked the MVCC for tonight's telecast and eventual rebroadcast of this Springboro City Council Meeting. Mayor Agenbroad wished everyone a happy Easter.

Mr. Hruska motioned to adjourn the meeting to Executive Session; whereby, no votes would be taken, followed by the adjournment of the City Council Regular Meeting; whereby, the Thursday, April 5, 2007 Springboro City Council Regular Meeting was adjourned to Executive Session at approximately 7:22 PM. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 7-0]

With no objections, City Council exited Executive Session at approximately 8:05 PM; whereby, no votes were taken. And, with no further business, Mayor Agenbroad adjourned the City Council Regular Meeting at approximately 8:05 PM.

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council