

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

CITY COUNCIL WORK SESSION

THURSDAY, AUGUST 16, 2007

6:00 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

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Work Session to order at approximately 6:00 PM in Council Chambers.

ITEM 2. ATTENDANCE. Ms. Lairson was absent.

ITEM 3. LEGISLATIVE AGENDA. –City Council considered 3 legislative agenda items slated for the August 16, 2007 City Council Regular Meeting.

- 1) EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING SECTION 1226.05, STATE ROUTE 73 ACCESS PLAN, CHAPTER 1226, MOBILITY MASTER PLAN, TITLE TWO – PLANNING, PART TWELVE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY.

No discussion.

- 2) EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE IN THE MCCRAY FARMS SECTION NINE SUBDIVISION IN THE CITY AND DECLARING AN EMERGENCY.

No discussion.

- 3) EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE IN THE HEATHERWOODE SUBDIVISION IN THE CITY AND DECLARING AN EMERGENCY.

The Director of Finance has requested that City Council waive the second and third readings of this ordinance in order to certify the assessments to the Warren County Auditor by the September 10, 2007 deadline.

Ms. Thompson explained that the Heatherwoode Homeowner's Association (HOA) determines the amount of the assessment,

and according to the covenants and restrictions the association may request that the City certify the assessments to the Warren County Auditor. This is the fifteenth year of this particular assessment for the Heatherwoode Subdivision. Ms. Thompson further explained that many residents confuse the HOA assessment with a City assessment because the letter notifying them of the HOA assessment is issued by the City, which states that an ordinance was passed by City Council to levy the assessments. Ms. Thompson also explained that the City would not alter the content of the notice to residents because the law requires the letter to include specific language. Ms. Thompson stated that she intends to prepare a letter that would precede the letter of legal notice in order to clarify the City's role in the assessment process, which is to certify the assessments to the county auditor on behalf of the HOA. Ms. Thompson reiterated that the City does not have the authority to determine the amount of the assessments or the authority to levy the assessments against the residents of the subdivision; however, there is language in the HOA covenants that allows the City to file special assessments with the county on the behalf of the HOA. Ms. Thompson stated that she would prepare a letter to clear up any confusion for the residents of those HOAs regarding future assessments of this kind.

Ms. Belpulsi asked if Ms. Thompson would be sending a follow up letter to the Heatherwoode residents regarding the current assessment? Ms. Thompson replied that yes she could, if desired. Ms. Belpulsi commented that she has received phone calls regarding the letter of assessment indicating a lot of confusion among the residents. Ms. Belpulsi suggested that it would be good public relations to send the residents of Heatherwoode a follow up letter to clear up any confusion. Ms. Thompson stated that she could prepare a letter specifically addressing the current assessments in the Heatherwoode subdivision, and prepare a more standard letter for future assessments, which would explain more clearly how the assessments work.

Ms. Thompson also stated that the City received a letter from a resident of Heather Glen within the Heatherwoode Subdivision disputing the assessment. Ms. Thompson explained that Heather Glen is referred to as a cluster, specifically Cluster C of the Heatherwoode Subdivision, consisting of 14 homes. Ms. Thompson further explained that the resident feels very strongly that the residents of Heather Glen should not have to pay the HOA dues to Heatherwoode; however, their covenants require them to pay those dues. Ms. Thompson stated that the Law Director has reviewed the covenants and confirmed that the residents of Heather Glen are subject to those assessments and the only way the covenants provide for any alteration is for Heather Glen to retain legal representation in order for the 14 homes of Heather Glen to secede from the Heatherwoode HOA. Ms. Thompson further stated that any change to the covenants would require 100% of the Heatherwoode homeowners. Ms. Thompson stressed that although this is not a City issue, she told the resident that she would investigate options through the City Law Director and provide an answer. Ms. Thompson added that these assessments were discussed 10 years ago, but there are new residents living in Heatherwoode and the assessments are new to them. Ms. Thompson also explained that the Heather Glen requirement to pay the HOA dues of Heatherwoode was in fact a submission to the county as a supplemental covenant to their deeds, and she reiterated that they would need legal representation to change that covenant. Ms. Thompson did follow up with the resident regarding this information.

Ms. Belpulsi confirmed that the cluster of patio homes to the left of the entrance of Heatherwoode also has a separate association. Ms. Thompson replied yes, but those residents have not questioned the assessments. Ms. Belpulsi stated that some of those residents have questioned the assessments, but she understands it is an HOA issue, not a City issue.

Ms. Thompson explained that when K & W Development and Dunnington-Koepfer wrote the covenants for Heatherwoode, they called the patio homes and townhouses, cluster groups or Clusters A, B & C. Ms. Thompson further explained that the developers included these supplemental regulations, which include the cluster homes. Ms. Thompson further added that the cluster groups benefit from the landscaping maintenance at the entrance to the subdivision, signage, etc. by virtue of being part of the entire subdivision and are assessed for that maintenance. Ms. Thompson offered to send a letter to the residents of Clusters A, B, & C explaining the assessments, the City's role in the assessments, and the covenants. Ms. Belpulsi agreed that whatever Ms. Thompson could do to clear up the confusion regarding these assessments would be beneficial.

Ms. Thompson also explained that when the last assessments were sent out, the City required the president of the HOA to send a letter to the homeowners explaining the upcoming HOA fees, which would be assessed by the City on behalf of the HOA. Ms. Thompson added that this is another 4-year assessment because the HOA could not provide their 10-year projection in time to change the covenants to allow for a 10-year assessment period. She further added that the City does not like to administer these assessments any more frequently than every 10 years because it is work for the City, and obviously

causes some degree of confusion for the residents. Ms. Thompson stated that the choice was to not accept Heatherwoode's 4-year assessment amount and run the risk of not having the funds to pay for the maintenance or accepting the 4-year assessment and plan for the 10-year maintenance assessment in the next round. Ms. Thompson stated that she believed it was better for the City to accept the assessment amount for the next four years to ensure continued maintenance of the common areas. Ms. Thompson further stated that she would prepare a letter to clear up any confusion regarding the assessments and mail it to the residents of Heatherwoode next week.

Mr. Schaeffer explained that virtually all cities in the local area have provisions that are required to be included in the homeowners covenants and restrictions documents that allow the city to take over and maintain common areas if the association does not. These common areas include detention or retention basins, lighting, and landscaping in common areas. Mr. Schaeffer further explained that in Springboro, the City actually administers these assessments for some of the subdivisions, which actually is very advantageous to the HOAs because they do not have to handle collecting the fees directly from the residents, which sometimes results in filing liens against properties or suing property owners who refuse to pay. Mr. Schaeffer added that having the City administer the assessments is a great way to handle this process for everyone involved and insures the uniformity of superior maintenance and care throughout the City.

Ms. Belpulsi commented that it also insures that the HOA has the funds to pay for the maintenance. Ms. Belpulsi also commented that she is not a proponent of the City doing the maintenance or making any decisions about the maintenance, but she does support making sure the HOA has the funds to pay those maintenance bills.

Ms. Thompson stated that she would provide an explanation of these assessments following the reading of the ordinance at tonight's City Council Regular Meeting.

ITEM 4. CITY MANAGER. -Issues/Reports.

Finance Director on Medical Leave: Director of Finance Robyn Brown had outpatient surgery on Tuesday morning and is recovering. Ms. Brown will be out of the office on sick leave through Labor Day.

Request for Turn signal at SR73 & SR741 and Request to Decrease the Speed Limit on east SR73: The Public Works Director and the City Engineer are researching the speed limit issue on east SR73. Lockwood, Jones and Beal Engineering are researching the left turn signal at the intersection of SR73 & SR741. Initial reports from Traffic Engineer Scott Knebel indicate that there is an issue at peak traffic times, and he is researching the issue.

Building/Zoning Service Fees Comparison: (A copy of the comparison report is attached for the record.) Ms. Thompson referred to the report.

Mr. Parise commented that he reviewed the report and determined that Springboro is already charging more than most communities.

Ms. Thompson explained that the red type indicates the fees for which Springboro is higher than most communities. Ms. Thompson further explained that a lot of the other permits and services were not being charged by other cities. Ms. Thompson added that the fee schedule was updated following a comprehensive review in 2003, and every year in March the schedule is increased by the cost of living adjustment (COLA), which is why the fees are in the higher range. Ms. Thompson further added that typically the fee schedule would be re-examined every five years. Springboro's next fees review would take place in 2008. Ms. Thompson commented that it was helpful to perform this comparison to see where the City stands among other communities with respect to fees.

Mr. Parise commented that he feels better knowing that Springboro is at the higher end with respect to fees. Ms. Thompson stated that she agrees because growth has slowed down and the City was able to collect that fee revenue during the fast paced growth period over the last decade.

I-75 Growth Corridor Benchmark Study: (A copy of the report is filed with the minutes of this meeting.) Ms. Thompson explained that there was a recent article in the newspaper regarding a Warren County project in which Warren County Commissioner Pat South reported on a plan for the I-75 corridor that she had initiated. Ms. Thompson explained that two

meetings were held and that the April meeting was canceled. The County prepared the report and there has not been a meeting to discuss it since. Ms. Thompson commented that this plan is not a top priority for the County at this time. Ms. Thompson explained that the plan recommends that all of the communities with I-75 frontage in Warren County work together to establish zoning initiatives to provide continuity along the entire I-75 corridor. Ms. Thompson further explained that if it were all residential or all commercial zoning, it would not make sense. Ms. Thompson added that Springboro has defined the City's I-75 frontage. She stated that Woodhull is currently building at the end of Commercial Way, which is what is left of the I-75 frontage on that side, and as far as South Tech, the City has been through master plans and initiatives and met its obligations with the jurisdictions involved in the Austin Road Interchange project. Ms. Thompson commented that the City does not have many properties fronting I-75 without current restrictions or zoning. Ms. Thompson stated that the City has been attending the I-75 Corridor meetings when scheduled, and is more than willing to continue to do so. Ms. Thompson further stated that the I-75 Corridor Benchmark Study was published May 2, and there was supposed to be a full group charrette on May 2 that never occurred. Ms. Thompson added that Middletown has quite a bit of property along the I-75 corridor, as do some of the smaller communities. She further added that this plan also affects infrastructure as far as extending Union Road all the way north and south, which comes with a price tag. Ms. Thompson commented that if Commissioner South and the communities stick with the plan it will be great project, but it will take years to implement because so many jurisdictions are involved and so much money is involved. Ms. Thompson suggested that the next step would be to get the communities together to determine how to implement the plan and who is going to pay for it. Ms. Thompson stated that she would guess that the local jurisdictions that are listed in the plan would be asked to pay a share.

Ms. Belpulsi commented that if the county is aiming for compatible zoning along the I-75 corridor, the cities involved including Springboro would really have to work together to at least make some kind of statement regarding the type of zoning or development desired because development along I-75 will happen faster than anticipated and the county needs to be ready for it.

Ms. Thompson stated that staff plans to attend any meetings and keep up-to-date on the plan. Ms. Thompson further stated that the City had not heard anything from the county when the article appeared in the newspaper, but the article was based on the meeting held at the Manchester Inn a few of weeks ago.

City Audit: Ms. Thompson distributed copies of the City's Audit and the Heatherwoode Audit. (Copies of the Audits are filed with the minutes of this meeting.) Ms. Thompson stated that Councilman Chmiel intends to make a statement about the City Audit at tonight's City Council Regular Meeting under Committee Reports. Ms. Thompson announced that the City's Audit resulted in no findings or recommendations, which is excellent. Ms. Thompson further announced that both audits were totally clean with no recommendations, no discrepancies, no negative fund balances, etc. Ms. Thompson stated that she is very pleased and she credits the Finance Department as well as staff for the great results. Ms. Thompson explained that the audit involves a lot of process and the auditors look at every single finance/accounting control. Ms. Thompson commented that she has been with the City for 18 years and has never seen an audit without even one recommendation. She further commented that everyone should be very proud of the report. Ms. Thompson reiterated that Mr. Chmiel would address the results of the City's audit at tonight's City Council Regular Meeting.

Water Consumption Update: Ms. Thompson reported that with the hot weather and lack of rain, the City reached a demand of 4.2MG (Million Gallons) of water in one day, which was the maximum. Ms. Thompson further reported that the City has been averaging 4MG per day, which is substantial, but there are no problems with supply. The water plant capacity is 7MG per day.

Ms. Belpulsi asked if the City requires an odd-even watering schedule? Ms. Thompson replied no, the City does not enforce an odd-even watering schedule, but does ask that residents cooperate with that schedule.

Mr. Hruska confirmed that the City does not have shortages and has the capacity to supply the water. Ms. Thompson replied yes, mainly due to the City's past planning efforts, the new water plant and other water infrastructure. Ms. Thompson commented that most residents are watering at night.

Mr. Schaeffer commented that the key is keeping up with the demand for water through infrastructure and facilities, and many communities have not planned the infrastructure to keep up with the pace of development.

Ms. Belpulsi commented that she spoke with the Mayor of South Lebanon at the WCML meeting last night. Ms. Belpulsi further commented that South Lebanon is developing rapidly and had the foresight, like Springboro, to put infrastructure in

place and plan ahead for this development. Ms. Thompson commented that having the south water tower in place has really helped that area of Springboro, and it was constructed just in time for this particularly hot summer.

ITEM 5. CLERK OF COUNCIL. –Issues/Reports.

Ms. Martin made the following comments and announcements:

Beggar's Night: Ms. Martin explained that Clearcreek Township and Franklin have not yet scheduled their Beggar's Night; however, the Dayton Mayors and Managers Association (DMMA) recommendation for this year is Tuesday, October 30, the day before Halloween. Ms. Martin further explained that when DMMA created the list of scheduled dates for Beggar's Night four years ago, area churches requested that local communities avoid Wednesdays, which may conflict with Wednesday night church services. Ms. Martin also stated that both Centerville and Washington Township have scheduled their Beggar's Night on Tuesday, October 30, but Lebanon has not yet scheduled their Beggar's Night.

Based on this information, City Council determined that Springboro Beggar's Night would be scheduled on Tuesday, October 30 from 6:00-8:00PM. This information will be published and posted accordingly.

Records Commission Meeting: The next Records Commission meeting will be held on Tuesday, September 6 at 2:00PM. The Commission will review a draft policy to meet the requirements of the new records law, which will go into effect on September 29. Ms. Martin referred to an article she distributed regarding the records law and the required certified training program for all public officials. The training will focus on Ohio's Public Records Act and is required for all public officials each term they are elected to office.

Mr. Hruska commented that elected officials usually do not handle public records, as staff usually maintains public records.

Mr. Schaeffer responded to Mr. Hruska's comment by explaining that City Council would be ultimately responsible for the way in which the City handles or mishandles public records; therefore, it is important for elected officials to at least be aware of the public records law. Mr. Schaeffer added that there is a three-hour training requirement per term of service. In other words, elected officials will be required to take three hours of training every four years.

Mayor Agenbrood asked if they were going to schedule the training classes in convenient locations?

Ms. Thompson commented that she learned at the Warren County Municipal League meeting last night that even though the deadline to implement the new public records law is September 29 and the law states that there will be training made available by the Attorney General's Office, nothing has been set up as of yet, but the Miami Valley Communications Council has a class scheduled for September 5 for staff.

Ms. Belpulsi replied by stating that the MVCC has not scheduled any training yet with respect to the new Public Records Law. Ms. Thompson stated that currently several staff members are signed up for a Public Records Law seminar scheduled for September 5. Ms. Belpulsi explained that the Downes, Hurst & Fishel Public Records Seminar that Ms. Thompson referred to was not organized by the MVCC. Ms. Belpulsi further explained that the MVCC would like to host a seminar regarding the new public records law, but is waiting for some more information. Also, Ms. Belpulsi has been in contact with the Attorney General's office regarding this information, and she reiterated that the MVCC would like to be a site for the Attorney General's certified training requirement. Ms. Belpulsi added that the Attorney General's office is supposed to publish a sample public records policy as well.

Mr. Schaeffer commented that the new law requires the public notice postings, which requires having policies and procedures in place, and training for staff. Ms. Thompson stated that making sure staff understands the public records policy and is properly trained is part of the Records Commission's responsibility.

Mr. Hruska asked if all public records requests come through one staff member? Ms. Thompson stated that the new public records policy would establish that process, but currently most public records request are channeled through the Clerk of Council's office. Mr. Hruska stated that the fewer people involved in the process, the better.

Mr. Schaeffer explained that police department public records are handled separately. He added that the police department

handles public records requests on a daily basis.

Ms. Thompson explained that the Records Commission has been working on the public records policies and procedures for the City, and Mr. Schaeffer attends those meetings. She further explained that the Records Commission membership is established by state statute, which includes a citizen. Ms. Thompson added that once the policy is drafted by the Records Commission and in place, then staff would be trained as to the policies and processes. Ms. Thompson further added that Ms. Martin has been sharing information at staff meetings regarding records retention and disposition and the required forms and authorization, but it is important to implement the process with staff and begin using the schedules and forms, as it is not a practice that staff has been accustomed to doing on a regular basis. Ms. Thompson commented that once the City's most recent records retention schedule is approved by the state, staff would begin submitting RC-3 forms to properly dispose of records. Ms. Thompson further commented that in light of the fact that the City will be moving at the end of the year, it is very important to have this policy in place and to have obtained the required authorization from the state, which is why staff is very anxious to complete this part of the process.

Ms. Martin added that the Records Commission would be asking City Council to review and officially approve the records management policies and procedures for the record, which has not been done in the past. In addition, Ms. Martin commented that several members of the Records Commission would be attending the September 5 Public Records Seminar presented by Downes, Hurst & Fishel.

2008 Charter Review: Ms. Martin explained that she is in the process of receiving staff recommendations regarding suggested revisions to the Charter. Ms. Martin further explained that she would send letters to the members of the Charter Committee being the Planning Commission, Board of Zoning Appeals, and Park Board requesting their input with respect to Charter revisions. All of the suggested revisions will be compiled in preparation for the Charter Review Commission next year.

New City Building: City Council is scheduled to meet with the architects to discuss the new city building plans and specifically the Council areas of the new city building on Thursday, September 20 and Thursday, October 4. The Work Sessions will begin at 5:30PM on those dates to accommodate this discussion.

Council Portraits: City Council group and individual portraits are scheduled for Thursday, September 6 from 5:00–6:00 PM in Council Chambers.

Clerk of Council Travel Request: Ms. Martin circulated a travel request form for Council approval to begin the Master Municipal Clerk Certificate at Kent State University, October 18 and 19. Ms. Martin commented that she appreciates Council's approval to obtain another professional certificate.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Parise – Mr. Parise will present a Miami Valley Communications Council report at tonight's City Council Regular Meeting under Committee Reports.

Mr. Chmiel – Mr. Chmiel will present a Planning Commission report and a Finance Committee report at tonight's City Council Regular Meeting under Committee Reports.

Mr. Hruska – No issues/reports.

Mr. Anderson – No issues/reports.

Ms. Belpulsi – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad reminded Mr. Chmiel to abstain from the motion on the minutes of the August 2, 2007 City Council Work Session and Regular Meeting due to his absence.

Ms. Belpulsi commented that she attended the Coldwell Banker Open House today, which was very nice. She further commented that she met the general manager who thanked the City for such a smooth process during the planning of their site. His comments were that everyone did a really good job and he is thankful. Ms. Belpulsi added that Coldwell Banker

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developed their building to allow for future expansion at the back. Ms. Belpulsi commended staff, Council, and Planning Commission members for making the process such a positive experience for Coldwell Banker.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:36 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, AUGUST 16, 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

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, Absent; Parise, Present.

Mr. Hruska motioned to excuse Ms. Lairson. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE AUGUST 2, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mr. Hruska motioned to approve the Minutes of the August 2, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Anderson seconded the motion.

No corrections.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Abstain; Parise, Yes; Anderson, Yes. [APPROVED 5-0-1]

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 6:00 PM immediately prior to tonight's City Council Regular Meeting for approximately 36 minutes to discuss the following legislative items as well as other City matters.

- 1) **ORDINANCE O-07-34: THIRD READING.** "AN ORDINANCE AMENDING SECTION 1226.05, STATE ROUTE 73 ACCESS PLAN, CHAPTER 1226, MOBILITY MASTER PLAN, TITLE TWO – PLANNING, PART TWELVE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance amending section 1226.05, State Route 73 Access Plan, Chapter 1226, Mobility Master Plan. This ordinance will amend the City's Mobility Master Plan to allow the City to incorporate a plan developed in cooperation with the City of Franklin for improvements to the I-75/SR73 interstate area. Part of these improvements include replacing the bridge and widening the bridge piers, which would eventually allow the City to install more lanes in order to handle increased traffic volumes and to improve the ramps on both the east and west sides of the interstate. Again, this plan is a cooperative effort with the City of Franklin, and staff has been working with them to make sure that the IMS recommendations and preferred alternative prepared by Lockwood, Jones, and Beal, Inc. is submitted to the State of Ohio Department of Transportation for this plan to be accomplished. If the City is able to incorporate these recommendations into the overall Mobility Master Plan, the City could insure that access points, etc. along that area of the SR73 corridor are protected in order to implement the plan.

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

Mr. Chmiel motioned to adopt Ordinance O-07-34. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]

- 2) **ORDINANCE O-07-35: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE IN THE MCCRAY FARMS SECTION NINE SUBDIVISION IN THE CITY AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance levying special assessments for common area maintenance in the McCray Farms Section Nine Subdivision. At the request of the McCray Farms Section Nine Homeowners Association (HOA), the City is levying an estimated assessment of \$115.00 per year, per lot in this subdivision; the exact same amount the McCray Section Nine HOA requested that the City assess on their behalf for the past 10 years. This assessment includes Terradyne Trace in the McCray Farms Section Nine Subdivision for a total of 16 lots. Staff requests approval of this ordinance to levy special assessments on behalf of the McCray Farms Section Nine HOA.

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

Mr. Anderson motioned to adopt Ordinance O-07-35. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]

- 3) **ORDINANCE O-07-36: FIRST READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE IN THE HEATHERWOODE SUBDIVISION IN THE CITY AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance levying special assessments for common area maintenance in the Heatherwoode Subdivision. As in the previous legislation, this assessment is levied against the homeowners at the request of their HOA. These special assessments cause a great deal of confusion because the City is required by law to send a notification letter to the residents informing them of the assessment and to certify the assessment to the county auditor. The City provides this process as a service to the City's HOAs, and the Board of Directors and the Board of Trustees of those HOAs are in fact responsible for determining the amounts of those assessments requested and necessitated for maintenance of the common areas. In reality, the City's ability to administer the assessments is truly a service to subdivisions because the HOA's failure to collect these assessments directly from the residents would certainly jeopardize the maintenance of the entire community, and attempts to directly collect these fees from residents traditionally fails. As a remedy, the City has assessment language included in all of its subdivider's agreements, but the language does not require the HOA to request this service from the City; however, it is certainly available to them. In this particular case, some questions have been raised by certain members of the adjoining communities to Heatherwoode such as Heather Glen. Staff has reviewed those questions with our Law Director and will be responding to those residents. At this time, there is no option for any members of the Heatherwoode Subdivision to not be assessed under the current HOA covenants. The new assessment will last for a period of four years. Again, this assessment for common area maintenance in the Heatherwoode Subdivision is being administered by the City at the request of the HOA in the amount of \$238.00 per lot, per year for four years.

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

Mr. Chmiel motioned to suspend the rules and waive the second and third readings of this ordinance. Mr. Parise seconded the motion.

No discussion.

VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes. [APPROVED 6-0]

Mr. Hruska motioned to adopt Ordinance O-07-36. Mr. Parise seconded the motion.

No discussion.

VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes. [APPROVED 6-0]

ITEM 7.

REPORTS:

Mayor's Report – Labor Day will be observed Monday, September 3; whereby, the City offices will be closed. The next City Council Work Session will be held on Thursday, September 6, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, September 6, 2007 at 7:00 PM in Council Chambers, as scheduled. In addition, TWO PUBLIC HEARINGS WILL BE HELD ON THURSDAY, SEPTEMBER 6 BEGINNING AT 7:00PM IN COUNCIL CHAMBERS FOR THE FOLLOWING: 1) TO REZONE APPROX. 13 ACRES AT 8683 CLEARCREEK-FRANKLIN ROAD FROM (T)R-1 AND ED TO PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) FOR A PROPOSED RESIDENTIAL DEVELOPMENT, and 2) TO REZONE APPROX. 5 ACRES NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF CLEARCREEK- FRANKLIN RD. AND WHISPERING PINES DR. FROM R-2 AND O-2 TO PUD-B (PLANNED UNIT DEVELOPMENT-

BUSINESS) FOR A PROPOSED CONTINUING CARE FACILITY/NURSING HOME.

In addition, Mayor Agenbroad made the following announcement: Time Warner Cable is making some changes to the current channel line-up and has announced that as of Wednesday, August 29, government programming for Kettering, Moraine, Oakwood, and Springboro, which is currently aired on Channel 21 will be moved to Channel 6. This means that if the viewing audience is watching this Council meeting tonight on Channel 21, it will be moved to Channel 6 on September 6 for the next City Council meeting. Time Warner has announced that the channel changes are intended "to create a more universal channel line-up throughout the Dayton area" and "to eliminate customer confusion associated with multiple channel line-ups." Time Warner will be notifying all of their customers regarding these channel changes, but the City wished to make its viewing audience aware of these changes in advance. This information is also posted on the City's website.

City Manager's Report – Ms. Thompson commented that background information regarding the two Public Hearings scheduled for September 6 for requests to rezone land on Clearcreek-Franklin Road is available on the City's website. Ms. Thompson further commented that she would encourage anyone who has questions regarding these rezonings to visit the City's website and read the materials prepared by City Planner Dan Boron. In addition, Ms. Thompson reported that even though the weather has been very dry and drought-like conditions are back in full force, maximum capacity usage at the water plant thus far in August has been 4.2MG (Million Gallons) in one day; the average has been approximately 4MG per day. Ms. Thompson commented that the City is observing an odd-even watering schedule, but is not actively enforcing the schedule, but is simply asking for voluntary compliance from residents. Ms. Thompson further added that the City's water plant has the capacity to provide 7MG of water per day; therefore, the City is in good shape as far as water supply and the infrastructure to be able to deliver water as needed by residents.

Committee Reports –

Mr. Parise – MVCC – The Miami Valley Communications Council met on Wednesday, August 15 at 7:00PM at the MVCC Building. The Council's discussion included the following report: The cable company will start televising high school football games. The games will not be broadcast live, but will be shown at a later date. Mr. Parise encouraged viewers to tune-in to watch the rebroadcasts of their favorite high school football team on the local cable access channel.

Mr. Chmiel – Finance Committee – The Finance Committee met prior to tonight's meeting at 5:30 PM in Council Chambers. The Committee found all City finances to be in good order. The Finance Committee also reviewed the results of the 2006 City Audit.

City Audit – At this time, Mr. Chmiel shared information regarding the results of the annual City Audit with the community as follows: The City is now able to release the results of the report on control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with government auditing standards for the period beginning January 1, 2006 and ending December 31, 2006. Various factors go into an audit including financial statements, business type activities of each major fund, the aggregate remaining fund information of the City. Also, each year's audit considers the internal controls over financial reporting to express an opinion of the effectiveness of these internal controls. There are categories of deficiency that the audit can result in when these controls are not sufficient; they are control deficiencies or significant deficiencies, material weakness is a significant deficiency, or a combination of significant deficiencies. Ms. Chmiel stated that he is pleased to report that the City's audit did not identify any deficiencies or recommendations in internal controls over financial reporting or any material weakness items as reported by the audit firm of Wilson, Shannon and Snow, Inc. and reviewed and accepted by the Auditor of the State of Ohio, Mary Taylor. In addition, the City also performs an independent audit annually on Heatherwoode Golf Course. The findings of that audit is basically summed up in the opinion of the auditor that the financial statements referred in all material respects the financial position of the golf course fund of the City of Springboro, Warren County as of December 31, 2006, and the results of its operations and cash flows for the year that ended in conformity with the accounting principles generally accepted in the United States. Mr. Chmiel congratulated the Finance Department and staff for their efficient financial recording. Mr. Chmiel added that according to Ms. Thompson, this is the first time for as long as she has been with the City that there has ever been no findings or recommendations of any type, which is good news.

Planning Commission – The Planning Commission met in Work Session on Wednesday, August 8 at 7:00 PM in Council Chambers to review the following: Architectural Design – Park National Bank, Village Park Planned Unit Development-Mixed Use, southwest corner North Main Street (SR 741) and Pennyroyal Road, review of building exterior design; Revision to Approved Site Plan – 125 East Mill Street, Springboro Baptist Church, revision to building design and proposed screening. The next Planning Commission Regular Meeting will be held on August 29 at 7:00 PM in Council Chambers, as scheduled.

Mr. Hruska – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

ITEM 8. OTHER BUSINESS. Ms. Martin announced that City Council has scheduled Beggar's Night in Springboro this year on Tuesday, October 30, 6:00-8:00PM. Ms. Martin commented that although it may seem a little early for this announcement, the City begins receiving requests for Beggar's Night information as early as the second or third week of August. Ms. Martin further commented that the City has already received some inquiries, and knows many people like to schedule and plan their Trick-or-Treat activities in advance. Ms. Martin added that Beggar's Night will be posted in the City's newsletter, on the City's website, and announced in the newspapers. Again, Beggar's Night is scheduled for Tuesday, October 30 from 6:00-8:00PM in Springboro.

Mayor Agenbroad commented that City Council chose Tuesday, October 30 for Beggar's Night due to the fact that many people attend church services on Wednesday nights.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. No final Council or Manager comments.

ITEM 10. GUEST COMMENTS. 1) **Joseph Koussa, 1537 Beavercreek Lane, Kettering, OH** – Mr. Koussa asked God to protect the armed forces serving overseas and to bring them home safely. In addition, Mr. Koussa commented that since the war in Iraq began many businesses have moved out of the United States, which has left Americans without jobs. Mr. Koussa further commented that the President has been very busy with national issues such as Hurricane Katrina. Mr. Koussa stated that it is his personal opinion that the country needs two people to be in control, the President, to handle domestic issues, and the Vice President, to handle foreign matters outside the country. Mr. Koussa stated that according to the 1790 census taken by the first president, President George Washington, there were only 3 million people living in the United States. Mr. Koussa further stated that currently there are over 300 million people living in the United States. Mr. Koussa stated that he thinks that when life changes, people have to change with it.

Mayor Agenbroad thanked Mr. Koussa for his comments.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Mr. Parise motioned to adjourn the meeting; whereby, the Thursday, August 16, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:23 PM. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council