

CITY OF SPRINGBORO
425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL WORK SESSION

THURSDAY, JANUARY 17, 2008

6:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Mike Hemmert
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruithoff, Chief of Police

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 at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2. ATTENDANCE. No absences.

ITEM 3. LEGISLATIVE AGENDA. – City Council considered 3 legislative agenda items slated for the January 17, 2008 City Council Regular Meeting.

- 1) **RESOLUTION:** A RESOLUTION AMENDING THE STATE COURT COSTS FOR MAYOR'S COURT TO OFFSET NEW STATE COSTS AND TO BE IN COMPLIANCE WITH THE STATE'S RECENT ADOPTION OF H.B. 181.

No discussion.

- 2) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STARK WRECKING TO COMPLETE THE DEMOLITION OF THE EXISTING CITY BUILDING LOCATED AT 320 WEST CENTRAL AVENUE.

Mayor Agenbroad asked when the demolition of the existing City Building would begin? Ms. Thompson answered that the demolition would begin with the interior on January 21; the demolition of the exterior structure would take place the week between January 21 and January 28.

Mr. Parise inquired regarding the recent thefts at the City Building? Ms. Thompson explained that an air conditioning unit was stolen from the building during the night. The City had intended to donate that unit to Habitat for Humanity. Chief Kruithoff commented that they have a list of suspects based on several phone inquiries about the air conditioning unit. Chief Kruithoff further commented that the City wants to ensure that people were not given permission to take the items.

Ms. Thompson explained that it is not within the law to sell or give away those items even though they will be demolished; therefore, the City has informed people that they cannot have any items from the building. A fence and some windows were among other items stolen from the City building site.

3) **RESOLUTION:** A RESOLUTION APPOINTING THE DESIGNEE OF THE CITY OF SPRINGBORO, OHIO UNDER OHIO REVISED CODE SECTIONS 149.43 and 109.43, AND RATIFYING PRIOR ACTION OF COUNCIL.

Mr. Chmiel asked if, since he attend the required certified public records training in October, it was necessary to name the Clerk of Council as his designee or for his name to be included in this legislation? Ms. Martin explained that when Mr. Schaeffer wrote this legislation he included all of the current Council Members and captured any Council Members who served last year. This legislation would appoint the Clerk of Council as the designee for the specified Council Members.

Mr. Schaeffer confirmed that Ms. Martin attended the required training in 2007 on the entire Council's behalf. Mr. Schaeffer explained that the State Auditor's Office has taken the position that if you were an elected official in 2007, and not re-elected in 2008 you would still be required to receive the public records training or to designate someone in your office to receive the training on your behalf. Fortunately, Ms. Martin attended last year, but when Council approved the new records policy in accord with the law last year, they did not appoint a designee. This legislation not only covers Council Members from this point forward, but also reaches back to cover former Council Member Gary Hruska. Mr. Schaeffer also explained that when the audit is performed this year, the auditors will ask for proof of this designation, and the City will have this legislation demonstrating that Council Members are in compliance with the law. The auditors will also audit the City for compliance with a number of other requirements created by the new records law such as displaying a poster summarizing the City's public records policy.

Ms. Thompson clarified that all Mr. Chmiel is asking is why his name needs to be included in the legislation.

Mr. Chmiel clarified that he is not newly elected and he has attended the required training. Mr. Schaeffer explained that the state has also taken the position that if elected officials are going to appoint a designee to attend the required training on their behalf, the designee must be appointed on behalf of all of the Council Members.

Mr. Chmiel asked if he would receive a certificate for attending the required training? Ms. Martin stated that Mr. Chmiel would receive a certificate for his attendance. Ms. Martin further stated that she would receive a certificate for attending on all of Council's behalf and each Council Member would receive a certificate in their own name. Ms. Martin added that the certificates should arrive soon. Ms. Martin will be reviewing some of the updated records law later during the Work Session tonight, and she will comment on this legislation at tonight's City Council Regular Meeting.

ITEM 4. CITY MANAGER. –Issues/Reports.

Executive Session – Ms. Thompson requested an Executive Session, following the Work Session discussion, to discuss the purchase of property.

New City Building Plans – Ms. Thompson announced that Architect John Fabelo of Lorenz Williams would attend the City Council Work Session on February 7 to discuss the finer details of the new City Building plans. Ms. Thompson suggested that the Work Session begin at 5:30 PM on February 7 to accommodate that discussion.

There were no objections from Council to begin the February 7 City Council Work Session at 5:30 PM.

New City Website Update – Ms. Thompson confirmed that a link to the new City website was e-mailed to all Council Members for review and comment. Ms. Thompson received feedback from one Council Member and has addressed their comments. Staff will proceed with media coverage in preparation to launch the site on the web.

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City Newsletter – Ms. Thompson commented that additional monies were budgeted for more frequent newsletters, publications, etc. Ms. Thompson distributed a list of topics and information that staff put together as possibilities for the quarterly newsletters. Ms. Thompson asked Council to review the list to determine if the topics were appropriate as a starting point for the discussion. (A copy of the list is attached for the record.)

Ms. Belpulsi asked how often the City plans to publish a newsletter? Ms. Thompson answered that they budgeted to publish the newsletter on a quarterly basis.

Ms. Belpulsi asked if the newsletter could include something more positive than crime statistics such as information concerning neighborhood watch programs? Ms. Belpulsi would also like to see Council action and legislative updates included in the newsletter.

Ms. Lairson suggested including announcements or information regarding local clubs and activities. Ms. Lairson also suggested announcing new businesses in the newsletter.

Mr. Chmiel suggested including a Springboro Trivia Question in the newsletter and publishing the answer to the question on the website.

Mr. Pozzuto asked if Council would like the newsletter to be a city or a community newsletter?

Mr. Hemmert commented that he did not see any reason to include school related information in the newsletter, as Dr. Baker prepares a comprehensive newsletter for the schools.

Ms. Lairson commented that if the newsletter included school related information it might further any confusion or make it difficult for the public to differentiate between the two entities.

Ms. Thompson mentioned a few other suggested items such as staff highlights, City Council meeting times and dates and the televised Council meeting schedule. Ms. Thompson confirmed that the City would publish the newsletter on a quarterly basis, which will include the topics and information discussed above.

Annual Goal Setting Session – Ms. Thompson asked Council to consider some dates and times in February to schedule the City's Annual Goal Setting Session. Ms. Thompson stated that the session is traditionally a four-hour block of time on a weekday evening or Saturday morning. Ms. Thompson suggested a Tuesday evening from 5:00-9:00PM. Ms. Thompson commented that there were already a number of goals in progress including the new City Building and the Comprehensive Land Use Master Plan Update.

Mayor Agenbrood suggested a Saturday morning when everyone would be more focused and energized rather than a weekday evening after everyone has worked all day. Several other Council Members agreed that a Saturday morning is preferable.

Ms. Thompson asked Council to look at their calendars and choose a date in February for the Goal Setting Session. It was confirmed that Saturdays in February would be considered, and an exact date would be discussed at the Council Work Session on February 7.

High Concrete Tax Abatement Proposal – Ms. Thompson referred to a recent article in the newspaper regarding a tax abatement for High Concrete. Ms. Thompson commented that she had promised Council that she would always seek their approval regarding tax abatements although she is not required to do so by law or policy. Ms. Thompson explained that High Concrete is one of the oldest companies in the City. Ms. Thompson further explained that when High Concrete was still Concrete Technology the City sold land to them. One of the pledges the company made was to bring 30 engineers back to the City that were sent to Centerville because they ran out of space in Springboro, which was supposed to occur within three to five years of the sale of the land; this pledge was not fulfilled. Staff followed up with the company several times encouraging them to bring the engineers back to Springboro. High Concrete is now bringing the engineers back, 30 engineers now and 40 engineers by the end of next year. The payroll would be approximately

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\$1.5M. High Concrete would build on S. Richards Run Road, and based on the abatement they have requested and the City's calculations of assessed value of the land and the building would cause the school district to lose the property tax that they would normally have received on the property. However, the City would pay the school district 33% of the income tax collected on that business. Ms. Thompson commented that the abatement is not a total loss for the school district; it is an income tax payment in lieu of a property tax payment.

Mr. Parise asked if that is the norm for any abatement of any business? Ms. Thompson replied yes, but stated that there have been some instances where negotiated deals resulted in 50% of the income tax. However, in this particular case the amount of the income tax paid to the schools would be 33%. Mr. Pozzuto added that, that is the agreement with the Springboro Schools.

Ms. Thompson pointed out that the school district does not have to give their approval, but the City is always courteous enough to discuss any tax abatements with them, but again their approval is not required for the City to grant the abatement. Ms. Thompson explained that the difference in actual dollars that staff has been able to calculate based on all of the assumptions made on valuation, etc. is \$2,715.00 per year for ten years. In other words, the school district would lose \$2,715.00 each year for ten years. However, there are other services that the City provides to the Springboro School District probably in excess of \$2,700.00 per year such as the electric for the sign in front of the junior high school, which the City permitted them to connect to the lift station when they were doing their renovations, the JEDD on Lytle Five Points Road, which provided the school district with sewer to the new schools, and usage of the City ball diamonds and soccer fields at Clearcreek Park for which they do not pay maintenance. Ms. Thompson commented that she could not recommend that Council ignore the request for this tax abatement on the basis of \$2,700.00 per year when in fact the City's part of the income tax is fairly significant and the company is willing to return those 30 to 40 engineering jobs to the Springboro community. Ms. Thompson stated that she is recommending that the City grant the abatement to High Concrete, and she is recommending that Council allow her to inform the company of that decision. Ms. Thompson further stated that the City has spoken with the schools and they do know the administration's position and they were informed that the City would get back to them with Council's opinion. Ms. Thompson finally stated that she could not in good conscience tell Council that this is a bad deal for the school district.

Mr. Parise commented that when Van Guard Imaging came to Springboro, they were given a tax abatement. Mr. Parise was told that Dr. Baker approved that abatement, but yet he is not approving this abatement. Mr. Parise asked if this abatement process is somehow different? Ms. Thompson stated that she could not answer that question.

Mayor Agenbroad suggested that it could have been due to the pending school levy. Ms. Thompson agreed that, that might have been the reason why, but she truly does not know.

Ms. Belpulsi asked if High Concrete were not given the tax abatement, would they locate in Springboro? Ms. Thompson replied no, they would not come back, build a building, and move here; therefore, nobody wins.

Ms. Belpulsi confirmed that the schools would receive the property tax at some point regardless of the tax abatement? Ms. Thompson replied yes, and the City would receive nothing if the company does not build here and bring the income tax back.

Mr. Pozzuto commented that the City could have granted a 15-year abatement, but only offered 10. Mr. Pozzuto further commented that after 10 years the school would start to receive property taxes from the development.

Mr. Schaeffer asked Council to keep in mind that the current income the school district receives from property taxes on the property, pre-development, they would still receive; they do not lose that income. Mr. Schaeffer explained that if the land sits empty for ten years or does get developed the school district continues to receive the real estate tax; all that they are not going to receive for 10 years is a portion of the new value when the land is developed.

Ms. Thompson commented that, that is exactly what staff based their calculation of \$2,700.00 on.

Mr. Pozzuto clarified that right now the school district receives property tax from the land because it is empty, and they

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would still continue to receive the property value of the land because the City is abating the building they are putting on the land not the land itself. Mr. Pozzuto further clarified that the school district would still be receiving money from that property as they always have whether the abatement is granted or not.

Ms. Thompson reiterated that the difference in the property value for the schools would be \$2,700.00 per year for ten years, which is what staff figured in their calculations.

Mr. Parise commented that he spoke with a school board member who disputed the differential in value, but never got back to him regarding what he considered were the accurate figures.

Ms. Thompson commented that the City was told that the school treasurer claims that the City's figures are incorrect, but staff does not know what the treasurer's calculations are because he has not shared them with the City. Mr. Pozzuto commented that he asked for the treasurer's calculations on January 2, and still has not received them. The City can only go on what it knows and has based its calculations on numbers from High Concrete's current salary figures and based the valuation on the builder's estimate of the cost to build the High Concrete building. Ms. Thompson commented that staff feels comfortable that they are using pretty accurate numbers, but they have requested that information from the school district and have not received their calculations. Ms. Thompson added that there was a comment made that the City was not considering the state funding formula, and the City might not be, but the City is not the school district and would not know what that formula is.

Mr. Schaeffer commented that the state funding formula is a very complicated formula, but he explained that according to the formula, as the tax base increases the state formula has trigger points at which they reduce what they pay. Mr. Schaeffer further commented that as the tax base increases more income goes to the schools, but at the state level under the formula that reduces the amount the state pays, not dollar for dollar, but there is a give and take in that process. Mr. Schaeffer provided the following example: When The Green Shopping Center in Beavercreek was touting how much property tax it was going to generate, the school district realized that they were not going to be the beneficiary of a great amount of that money because of the school state funding formula. Mr. Schaeffer explained that if the property is not abated, the schools would receive the full value, but for them to be accurate they would also have to take into account the impact of the school formula at the state level, which would correspondingly come down. Therefore, the school district is not going to come out a 100% winner either way. Mr. Schaeffer added that if the school formula does not take the revenue away from the school district, it would be reduced by the abatement.

Ms. Belpulsi reiterated that if the City does not grant the abatement, no one benefits from the increase in value. Ms. Thompson replied yes, that is absolutely right.

Ms. Lairson commented that the school district is not really out the \$2,700.00 because they are gaining from the new development. Mr. Pozzuto agreed that it is an opportunity cost. In other words, they never had the additional revenue to begin with. Ms. Thompson added that it is a ten-year issue, not forever.

Ms. Thompson confirmed that it is the consensus of Council to allow her to grant the tax abatement to High Concrete. There were no objections of Council.

Executive Session – Based on Ms. Thompson's earlier request to enter Executive Session following the Work Session discussion, Mayor Agenbroad asked for the motion at this time.

Mr. Hemmert motioned to enter Executive Session under R.C.121.22(G), following the Work Session discussion, to discuss the purchase of property. Mr. Parise seconded the motion.

No discussion.

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

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

OEC Financial Disclosure Statements – OEC Financial Disclosure Statements are to be completed and returned to Ms. Martin by March 15, 2007 in order to process the fees and submit the forms to the Ohio Ethics Commission by the April 15 deadline.

Martin Luther King Jr. Birthday Observed – The City offices will be closed on Monday, January 21 to observed Martin Luther King Day.

3rd U.S. District Office Hours – Congressman Mike Turner's field representative will hold offices hours for constituents on Friday, January 25, 1:00-2:00 PM in Council Chambers at the City's temporary facility in the Dalco building located at 425 S. Pioneer Boulevard in Springboro.

New Public Records Law Update – Ms. Martin presented highlights of the public records law and the changes that were instituted by H.B. 9, which was adopted by the State Legislature in September of 2007. Ms. Martin attended the certified public records training required for all elected officials under the new public records law on October 5, 2007. In lieu of Council adopting legislation at tonight's City Council Regular Meeting to appoint the Clerk of Council as their designee to attend the required public records training, Ms. Martin provided a brief summary of the public records law and new requirements and provisions under H.B. 9. (A copy of the presentation is filed with the minutes for the record.)

Ms. Belpulsi commented that although the Clerk of Council is the designee to fulfill the required certified public records training that should not preclude any Council Member from becoming more informed on their own regarding the Public Records Law and Sunshine Laws. Ms. Belpulsi explained that anyone can download the Sunshine Laws and the Open Records Act from the Attorney General's website, and she encouraged Council Members to familiarize themselves with the law.

Ms. Martin commented that the MVCC has offered periodic training sponsored by the Attorney General's Office with regard to the Sunshine Laws and the Public Records Act, but now public records training is required for all elected officials for each term they serve. Ms. Martin asked Council Members to keep the information she presented, and if anyone approached them to obtain records from the City, they should direct that person to her to follow up.

There were no other staff reports.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Hemmert – Mr. Hemmert reported that he met with Ms. Martin on Tuesday for an orientation, and he toured the building and met City staff members. Mr. Hemmert also met with Mr. Schaeffer on Tuesday to discuss his role as a Council Member, ethics, and related issues. Mr. Hemmert stated that he plans to meet with Mayor Agenbroad next week and Ms. Thompson as well. In addition, Mr. Hemmert commented that he showed an interest in serving on the Finance Committee and the Planning Commission as a Council Representative, and although he was not appointed to serve on either of those committees, he fully supports the Council Members that were appointed, and does intend to be at most of those meetings, as his schedule permits. Mr. Hemmert added that he has only missed one Planning Commission meeting since September, and he did attend tonight's Finance Committee meeting to see how that committee works. Mr. Hemmert reiterated that he does have a special interest in both of those committees.

Mr. Parise – No issues/reports.

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

Ms. Lairson – Ms. Lairson will present a Finance Committee report and a Tree Authority report at tonight's City Council Regular Meeting. In addition, Ms. Lairson introduced a piece of legislation for Council's review to establish a new committee known as the Community Service Board. Ms. Lairson commented that Ms. Thompson has been working with

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her on this new committee that came out of a proposal that Mr. Parise presented in November for snow removal service for senior citizens, but this committee would help citizens with other needs as well. Ms. Lairson commented that she believes this proposal is a good way to address Mr. Parise's proposal and yet relieves the City of liability issues that might occur from the services that might be rendered. (A copy of the proposed legislation is attached for the record and reference.) Ms. Lairson asked Council to get back to her with any comments or changes regarding this legislation. In addition, Ms. Lairson reported that the Tree Authority met on January 15, and the City now has two certified arborists on staff, Jon Brown and Tim Leonard, who both passed their exams. Ms. Lairson added that Mr. Brown would be joining the Tree Authority on a regular basis to help them with his new knowledge.

Mr. Anderson – No issues/reports.

Ms. Belpulsi – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad inquired regarding the timing of the traffic lights on SR73 based on the study by ODOT? Ms. Thompson explained that ODOT's study of the traffic lights on SR73 would extend all the way into Franklin. Mayor Agenbroad also confirmed that Lieutenant Wheeler would attend tonight's City Council Regular Meeting to make a presentation to the City. Mayor Agenbroad stated that Council would consider a motion to amend the Agenda to include a presentation by Lieutenant Wheeler under Item 5, Presentations. In addition, Mayor Agenbroad recommended that City Council motion to appoint John Chambers to serve as the Chair of the Charter Review Commission for 2008 at tonight's City Council Regular Meeting. Mayor Agenbroad commented that Mr. Chambers is an attorney and served as the Chair of the Commission during the last two Charter reviews. Mayor Agenbroad further commented that Ms. Martin would like to meet with the Chair in order to proceed with the Charter review process.

There were no objections of Council to consider the appointment of John Chambers to serve as Chair of the 2008 Charter Review Commission.

At this time, Mr. Hemmert referred to the proposal Ms. Lairson distributed during her report regarding the creation of a Community Service Board, and stated that in November of 2007 Mr. Parise proposed a snow removal program to clear driveway aprons to help senior citizens. Mr. Hemmert stated that he reviewed the minutes of the November Work Session when this proposal was first discussed and he found the idea to be excellent, but at that time Mr. Parise did not have any numbers regarding the potential cost to the City for this program. Mr. Hemmert explained that in Ms. Thompson's most recent bi-weekly update she did provide some estimated figures for the cost of the program and he was surprised at the cost. He further explained that Ms. Thompson provided some numbers from the City of Moraine regarding this program, which is about half the size of Springboro. Moraine clears 100 driveways at approximately 2.5 hours per driver with 3 drivers. Mr. Hemmert commented that Ms. Thompson doubled those numbers due to the size of Springboro, and came up with a rough calculation of \$375.00 per snow event. Mr. Hemmert would like to discuss Ms. Lairson's program proposal, which he believes is mostly volunteer based, and he would like to propose a discussion regarding Mr. Parise's idea. Mr. Hemmert commented that one thing he heard a lot from senior citizens when he was campaigning in all of the City's neighborhoods was that they were all paying more for gasoline, home heating costs, and medications. Mr. Hemmert stated that this snow removal program would be a perfect opportunity for the City to do something for the community's senior citizens that would not be too costly. Mr. Hemmert further commented that Ms. Thompson also pointed out that the snow removal for senior citizens would be done after the City has taken care of its responsibilities with regard to the main streets. Mr. Hemmert added that he also liked Mr. Parise's idea because he sees more liability and organizational issues having a lot of volunteers out there in the community trying to help the senior citizens with snow blowers, etc. than he does with having three drivers from the City clearing the snow who are experienced with snow removal, which is part of their job. Mr. Hemmert thinks the snow removal program proposed by Mr. Parise is a win-win for the City. Mr. Hemmert also commented that he could envision a 70- year old woman who would just be ecstatic to have someone take care of that snow removal for her. Mr. Hemmert reiterated that he would like to have some discussion about this particular idea proposed by Mr. Parise in November and the proposal made by Ms. Lairson tonight as well.

Mr. Parise commented that he would like to discuss this issue further perhaps at the February 7 Council Work Session to coincide with Ms. Lairson's idea because he does not believe the City could get enough volunteers to get this job done solely with volunteers. Mr. Parise explained that his idea was that the volunteers would supplement the use of

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City staff and equipment, and based on the numbers provided by Ms. Thompson and the information he gathered from a constituent, the City of Moraine has had this program in effect for years and they have had no liability issues and use strictly City equipment. Mr. Parise stated that he thinks this program is viable because there is a community where this program works, but again Council could discuss this issue further at the next meeting.

Due to time constraints, Council postponed any further Work Session discussion and Executive Session until following tonight's City Council Regular Meeting.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:55 PM.

CITY OF SPRINGBORO
425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL REGULAR MEETING

THURSDAY, JANUARY 17, 2008

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Mike Hemmert
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruthoff, 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 City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard, 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; Hemmert, Present; Lairson, Present; Parise, Present.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE JANUARY 3, 2008 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mr. Chmiel motioned to approve the Minutes of the January 3, 2008 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Ms. Lairson seconded the motion.

No corrections.

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

Mayor Agenbroad asked for a motion to amend the Agenda to include a presentation by Police Lieutenant John Wheeler under Item 5, Presentations.

Mr. Parise motioned to amend the agenda to include a presentation by Police Lieutenant John Wheeler under Item 5, Presentations. Mr. Anderson seconded the motion.

No discussion.

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

ITEM 5.

PRESENTATIONS: Police Lieutenant John Wheeler thanked the City Council, the City Employees, and the Springboro Community for their support during his deployment in Iraq. Lieutenant Wheeler commented that approximately every two weeks from the time he arrived in Iraq until the time he departed from Iraq he received a care package from the City. The City also took care of his wife and children while he was in Iraq with generous gifts and acts of kindness, and he wished to thank them publicly for their support. Lieutenant Wheeler commented that while he was in Iraq, he had a flag flown in honor of the City, which he would like to present to the City at this time. Lieutenant Wheeler read the Certificate that accompanies the Flag as follows: "This Certificate of Authenticity is presented to the City of Springboro, Ohio to certify that this American Flag was flown from 25 October 2007 over Camp Fernandez, Iraq, an American Base used for the Global War on Terrorism. As this flag was flown, it symbolized the sovereign power of the United States of America and the unshakable resolve to keep our country safe."

Lieutenant Wheeler presented the Flag and Certificate to the City Council and to the Employees of the City of Springboro, and thanked everyone from the bottom of his heart; he could not ask for better friends. City Council received Lieutenant Wheeler's gesture with a handshake.

In addition, Mayor Agenbroad announced that Lieutenant Wheeler has received two additional service medals since his return from Iraq, which are: The Joint Services Commendation Medal and an Honorary Medal from his Service Unit. Mayor Agenbroad commented that he knows Lieutenant Wheeler is very humble and would not want this recognition, but he also knows that one does not receive these medals by accident, but by dedication and service to country.

ITEM 6.

LEGISLATION:

City Council held a Work Session at 5:30 PM tonight for approximately 55 minutes to discuss the following legislative items as well as other matters before the City. City Council will reconvene the Work Session discussion following tonight's Regular Meeting. City Council will also conduct an Executive Session following tonight's Regular Meeting to discuss the purchase of property; whereby, no votes will be taken.

- 1) **RESOLUTION R-08-3:** "A RESOLUTION AMENDING THE STATE COURT COSTS FOR MAYOR'S COURT TO OFFSET NEW STATE COSTS AND TO BE IN COMPLIANCE WITH THE STATE'S RECENT ADOPTION OF H.B. 181," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution amends the state court costs for Mayor's Court to offset new State costs in compliance with recently adopted House Bill 181. This legislation will increase the Mayor's Court costs by \$10.00. Mayor's Court costs are currently \$24.00, and will be increased to \$34.00 to meet the statutory costs of \$10.00 being passed on to the City. This State increase became effective January 9, 2008. The overall increase of \$10.00 in court costs is the result of three newly created funds which account for \$3.50 to the Division of Criminal Justice for county wide drug task forces, \$1.50 to the State Treasury for use in OVI monitoring devices for

Indigent Driver's Alcohol Treatment Fund, and \$5.00 to the State Treasury for legal defense for Indigent Driver's Support Fund. This increase will raise total court costs from \$60.00 to \$70.00, and will keep Springboro Mayor's Court in compliance with the State's recent adoption of House Bill 181.

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

Mr. Hemmert motioned to adopt Resolution R-08-3. Ms. Lairson seconded the motion.

No discussion.

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

- 2) **RESOLUTION R-08-4:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STARK WRECKING TO COMPLETE THE DEMOLITION OF THE EXISTING CITY BUILDING LOCATED AT 320 WEST CENTRAL AVENUE," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes a contract with Stark Wrecking to complete the demolition of the existing City Building located at 320 West Central Avenue. The existing City building is a 6,000 sq. ft. converted home that the City has operated out of for a very, very long time. City Council, City Staff, and the community should be very excited that the City is able to vacate the existing building and move to temporary quarters at 425 S. Pioneer Blvd. during the construction of a new City Building. The cost of the demolition is \$35,885.00, which includes removal of the asphalt parking lot, gravel fill for the basement, and removal of the concrete walls of the old basement. Ms. Thompson commented that it is her understanding that there is less to move today than there was yesterday. She explained that apparently there have been a number of thefts at the old City Building site. The City encourages people to stay away from the building, as the wrecking of the building will begin soon and the police are monitoring the site. Ms. Thompson further explained that it is illegal for the City to give away or sell any items, but apparently people have elected to take items anyway. Ms. Thompson stressed that even though the existing City Building is being demolished, the City asks everyone to leave it as it is.

Mayor Agenbroad presented the item for questions/comments.

Mr. Parise referred to the air conditioning unit that was stolen from the City Building, and asked if the City had any recourse with regard to an insurance claim? Ms. Thompson replied probably not because the existing City Building is a non-occupied structure, and the City cannot claim that the theft deterred the City from operating at that location. Ms. Thompson added that the City's intention was to possibly donate that air conditioning unit that was stolen, which was only three months old, to Habitat for Humanity or another organization that would utilize it for a family in need. Ms. Thompson reiterated that the City does not have much recourse with regard to this theft because the building is considered non-occupied and is scheduled for demolition.

With no further discussion, Mr. Hemmert motioned to adopt Resolution R-08-4. Mr. Parise seconded the motion.

No discussion.

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

- 3) **RESOLUTION R-08-5:** "A RESOLUTION APPOINTING THE DESIGNEE OF THE CITY OF SPRINGBORO, OHIO UNDER OHIO REVISED CODE SECTIONS 149.43 and 109.43, AND RATIFYING PRIOR ACTION OF COUNCIL," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution appoints the designee of the City of Springboro under R.C. Sections 149.43 and 109.43 in compliance with the new requirements of the public records law. The Ohio Public Records Act was significantly revised by the State Legislature in 2007. One of the new requirements that were established was a 3-hour certified public records training for all elected officials for each term they serve. However, the law also provides that elected officials may appoint a designee to attend the required public records training on their behalf. The City Law Director has recommended that City Council make this designation official by approving this resolution to appoint the City's Clerk of Council as their designee to satisfy this new requirement of the public records law.

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

Ms. Belpulsi motioned to adopt Resolution R-08-5. Mr. Chmiel seconded the motion.

No discussion.

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

ITEM 7.

REPORTS:

Mayor's Report – Martin Luther King, Jr. Birthday will be observed and celebrated on Monday, January 21; whereby, the City offices will be closed. The 3rd U.S. District Office Hours will be held on Friday, January 25, 1:00-2:00 PM in Council Chambers. The next City Council Work Session will be held on Thursday, February 7, 2008 at 5:30 PM in Council Chambers to accommodate a discussion with the architect of the new City Building. The next City Council Regular Meeting will be held on Thursday, February 7, 2008 at 7:00 PM in Council Chambers, as scheduled. Meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro. In addition, Mayor Agenbroad announced that he attended a ribbon cutting ceremony today at Rag-a-Muffin Café on Hiawatha Trail, which is a nice new business in Springboro.

City Manager's Report – Ms. Thompson reported that at the last City Council meeting Council discussed a Citizen Satisfaction Survey prepared by the Miami University Center for Public Management and Regional Affairs for the City of Springboro. Ms. Thompson informed City Council, the community, and the media that the City does not have a date yet for the distribution of the survey, but the survey is scheduled for printing soon and the City would be advised of exact dates. The Citizen Satisfaction Survey will be sent to approximately 2,000 randomly selected homes within the City limits. The final draft of the survey has been approved and was not altered from the draft Council reviewed at the Work Session on January 3. Additional information regarding the survey will be published as soon as the City is notified by Miami University of the date. Ms. Thompson encouraged any resident who receives the survey to reply, as it is important that the City receive a percentage of responses in order to properly evaluate the input. Ms. Thompson thanked residents for their participation in advance, and promised that information would be forthcoming.

Committee Reports –

Mr. Hemmert – Mr. Hemmert reported that he met with Clerk of Council Lori Martin on Tuesday for an orientation as the newest member of City Council, and Ms. Martin introduced him to a number of staff members in the administrative offices. Mr. Hemmert also reported that he met with the City's Law Director Mr. Schaeffer and discussed ethics and other issues pertaining to a Council Member's role and service. Mr. Hemmert thanked Mr. Schaeffer for the invitation to meet with him. Mr. Hemmert stated that next week he would meet with Mayor Agenbroad and with the City Manager, Ms. Thompson. In addition, Mr. Hemmert commented that he was approached by a resident in one of the City's

restaurants this past week. The resident complimented the City by telling Mr. Hemmert how much they appreciated the traffic light in front of Drug Mart and Springboro Pointe shopping centers. Mr. Hemmert wanted residents to know that the traffic light was achieved through a partnership with local business owners. He explained that tens of thousands of dollars are needed to install a traffic light, and the City worked with the owner of the Springboro Pointe Shopping Center, Dick Rentz, who made a contribution toward that project as well as Drug Mart, as they both realized how much it would positively impact their businesses, and the cost to the City was very, very minimal. Mr. Hemmert stated that the traffic light was a win-win situation, and he thanked and congratulated Ms. Thompson for that. Mr. Hemmert also reported that Council Committee appointments were made at the last City Council meeting, and he plans to attend, along with the committee he was assigned to, the Finance Committee meetings and the Planning Commission meetings, as often as his schedule permits. Mr. Hemmert commented that he has been able to attend all of the Planning Commission meetings since September 2007 and is very much looking forward to working with Mr. Chmiel and Ms. Belpulsi, who is the Chair of the Planning Commission.

Mr. Parise – Architectural Review Board – The Architectural Review Board held their first meeting of the year on January 14, and Mr. Raberding informed Mr. Parise that he set a City record by serving as the City Council representative on that board three years in a row.

Mr. Chmiel – Planning Commission – The Planning Commission held their Work Session on Wednesday, January 9 to review the following item: Preliminary Final Development Plan - Village Park PUD-MU, Planned Unit Development-Mixed Use, office component. Mr. Chmiel commented that the Planning Commission met with Greg Martin and his partners of the Village Office Commons, LLC and spent two hours with his group, the engineering staff, and the City Manager. They had extensive discussions concerning the landscaping, signage, and lighting as well as the development of a complete project pattern book. The Planning Commission is excited to see this project getting underway, as that land has been vacant and there is quite a bit of acreage. This particular portion of the plan is 23-acres with 15 buildings that will be proposed in five different phases. City Council will see recommendations from the Planning Commission after the plan is formally approved.

Ms. Lairson – Tree Authority – The Tree Authority met on January 15, and the members were informed that two City staff members have received their Certified Arborists Certificates. Public Works employees Jon Brown and Tim Leonard have both passed their exam, and they are now certified arborists. Ms. Lairson added that the City has not had a certified arborist on staff, and now has two.

Finance Committee – The Finance Committee met this evening at 5:30 PM prior to the Council Work Session. The Finance Committee is preparing a CAFR report, and the City's finances are in order.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

ITEM 8. OTHER BUSINESS. Mayor Agenbroad asked for a motion to appoint John Chambers, a Springboro resident and an attorney, to serve as the Chair of the Charter Review Commission for 2008 in order to get the review process underway.

Mr. Hemmert motioned to appoint John Chambers as Chair of the Charter Review Commission for 2008. Ms. Belpulsi seconded the motion.

No discussion.

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

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

ITEM 10. GUEST COMMENTS. 1) Joseph Koussa, 1537 Beaver Creek Lane, Kettering, OH – Mr. Koussa asked God to protect the troops serving overseas and to bring them home safely. In addition, Mr. Koussa commented that he agreed with Congressman Mike Turner's vote to support the government's authority to watch over children's toys, and Congressman Turner's statement that parents are the best toy inspectors to determine whether or not certain toys are good for their children. Mr. Koussa also commented that schools should teach a pre-marital course in finance because most divorces are related to money. Mr. Koussa further added that when a couple obtains their marriage license they should be asked if they have taken a marriage financial course because they should know how to budget whatever money they bring home.

Mayor Agenbroad thanked Mr. Koussa for his comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name and address for the record and make their comments accordingly.

No other guests came forward.

ITEM 11. EXECUTIVE SESSION. Mayor Agenbroad stated that a request was made at the Work Session to enter Executive Session following the Regular Order of Business to discuss the purchase of property.

Ms. Belpulsi motioned to enter Executive Session under R.C. 121.22(G), following the Regular Order of Business, to discuss the purchase of property. Ms. Lairson seconded the motion.

No discussion.

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

Mayor Agenbroad announced that City Council would be reconvening the Work Session to complete their discussion followed by the Executive Session, as mentioned earlier. There will be no votes taken during the Executive Session, and there are no votes expected during the Work Session.

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

Mr. Chmiel motioned to adjourn the meeting; whereby, the televised portion of the Thursday, January 17, 2008 Springboro City Council Regular Meeting was adjourned and reconvened to continue the Work Session discussion at approximately 7:24 PM. Mr. Anderson seconded the motion.

No discussion.

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

At approximately 7:33 PM, discussion regarding the snow removal program for senior citizens proposed by Mr. Parise and the proposal to establish a Community Service Board proposed by Ms. Lairson continued as follows:

Ms. Lairson commented that her proposal for the Community Service Board would provide a broader view of services that could be offered to assist citizens, and would determine what the community needs actually are.

Mr. Hemmert commented that he has reviewed the discussion at the November Work Session regarding the snow removal program for senior citizens and the liability issues. Mr. Hemmert commented that as mentioned in the recent bi-weekly memorandum distributed by Ms. Thompson and as discussed in the minutes of the November Work Session residents would come to the City to sign up for the snow removal program and they would sign a waiver, which would release the City from any liability.

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Mr. Schaeffer explained that a waiver would be a good practice for this program, but a waiver is not absolute at all times. Mr. Schaeffer further explained that people will sue the City regardless, and sometimes liability cannot be waived depending upon the circumstances. Mr. Schaeffer added that he would suggest the City use a waiver to deal with the liability issues, but the waiver would be more conditional or partial in nature as opposed to a complete waiver.

Mr. Parise asked Mr. Schaeffer to explain the difference between a partial waiver and a total waiver? Mr. Schaeffer explained that the difference would be the extent of its catch or its coverage. Mr. Parise asked if the waiver could be worded to provide the City with total protection? Mr. Schaeffer answered that it could be worded as a total waiver, but it would not give the City total protection, because there are some things that cannot waive.

Ms. Lairson suggested to Mr. Schaeffer that even with a waiver it would not prevent people from suing the City; it would just protect the City in the end when the judge determines whether or not the City is liable. Mr. Schaeffer replied yes, and reconfirmed that anyone can sue anyone for anything if they desire. Ms. Lairson then confirmed that the City would still have the legal expenses of defending a lawsuit with or without a waiver. Mr. Schaeffer answered yes.

Mr. Schaeffer confirmed that the volunteer program being proposed would just be directed toward snow removal.

Ms. Lairson replied no, the program would encompass various types of assistance. She explained that the idea is to form a committee, and it would be that committee's responsibility to develop a list of needs in the community. Ms. Lairson explained that people in the community would have a chance to contact the committee and ask who could help them with raking leaves, getting them to the grocery, or other types of assistance they would need, and based on their requests various organizations in the community could provide those services without the City taking on the cost or the liability of providing the assistance needed. Ms. Lairson further explained that the committee would form a list of those organizations and would act as the link between the citizens in need and the organizations, but the organizations would actually provide the service. In other words, the committee would simply serve as a resource; the committee would maintain the list of either individual volunteers or organizations already established who could help residents who request assistance.

Mr. Hemmert commented that he really likes Ms. Lairson's idea of developing this service committee because there are a lot of people in the community who want to get involved; people in civic organizations such as the Rotary Club and the Boy Scouts. Mr. Hemmert suggested going forward with the service committee, but allowing the City to take on the cost of helping the senior citizens with snow removal. Mr. Hemmert further commented that after sitting through the Capital Improvement Plan discussion last fall when the City discussed spending thousands of dollars on sprayers at Heatherwoode, etc., he sees a very minimal cost for this program to take care of residents.

Ms. Thompson commented that her cost estimate is based on Moraine's program. The City of Moraine informed her that it takes three drivers 2.5 hours to plow 100 driveways during snow removal, and that is what she based her estimate on; however, she doubled the number because Springboro's population is more than double Moraine's population. Ms. Thompson explained that she used an average of \$25 per driver to account for the overtime that would have to be paid because there is no guarantee that the service would be performed during regular hours and Moraine does not pay overtime. Also, she used a little depreciation in gas cost just for the benefit of everyone. Ms. Thompson reiterated that her estimate is just based on the program in Moraine, and she wants everyone to understand that if the program is implemented in Springboro, the cost might exceed the estimate.

Mr. Hemmert commented that he understood that the actual cost could be less, equal to, or even double the estimate that Ms. Thompson has provided.

Mr. Parise commented that even if the estimate were doubled, which would be \$750.00 per snowfall over 3" and there were three snow events; it would amount to a little over \$2,000.00, which is still a drop in the bucket compared to what is spent on other enterprises in the City. Mr. Parise further commented that he still thinks the snow removal program would be inexpensive and is a good plan, but due to the fact that it is already late in the season and the City may not get another snow event, he is not opposed to Ms. Lairson trying to get the volunteer program implemented. However, if, by October, the committee does not have enough volunteers to perform the snow removal program, he would like to again

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approach this program using city staff and funds. Mr. Parise commented that he knows everyone is concerned about the liability issues, but the City of Moraine has had this program for at least three years with no liability issues. Mr. Parise commented that the program is a risk-reward situation, and he thinks, based on the fact that the City would have residents sign a waiver knowing the service is a good will gesture, unless a resident has a real issue with the City for a particular reason other than snow removal, he thinks the program is worth pursuing.

Mr. Chmiel commented that involving a volunteer committee and giving citizens an opportunity to participate is a good idea. Mr. Chmiel pointed out the number of people in the community interested in serving on the City's various committees and who would like to do something, but there are no openings. Mr. Chmiel added that Ms. Lairson's proposal to form a service committee really broadens the opportunity for people to become involved regardless of whether it is a summer or winter program. Mr. Chmiel further commented that if it is necessary to fund this type of program through the City, instead of just performing one type of service, a budget could be created to support a variety of additional services that Council would be able to justify and approve. Mr. Chmiel stated that he would be willing to consider funding a variety of assistance needs above just creating a budget for a snow removal program that only serves a small part of the needs of the community. Mr. Chmiel believes Ms. Lairson's proposal for the volunteer committee is very well done, and he would be willing to support it.

Ms. Lairson commented that the committee would open the program to a lot more year-round needs, not just limit it to one service. She further commented that she has concerns about committing staff to the snow removal program who already have been on the road in a very grueling job for 24-48 hours working another 10-12 hours clearing aprons when they are already tired and overworked; it would be a very big disservice to city staff.

Mr. Chmiel commented that, accidental or intentional, if something is damaged the City is liable.

Ms. Belpulsi commented that the committee Ms. Lairson is recommending to be formed would be for all residents; it would not be limited to one specific group of residents; therefore, the City would not be excluding anyone. Ms. Belpulsi also commented that she does not feel any differently now than she did the last time this topic came up for discussion. She believes that spending public dollars for a specific group of people, and she is a senior and would be included in this group, would not be appropriate, and she does not know how the City would make those judgments such as who needs the service and who is a senior citizen, etc. Ms. Belpulsi also stated that, from the beginning, she has been concerned about the liability factor. Ms. Belpulsi further stated that the City might never get sued, but then again you never know, and she is not willing to risk the City dollars.

Mr. Hemmert asked if Ms. Belpulsi could face a senior knowing that based on Ms. Thompson's research and cost estimate and even doubling that cost of \$750.00 to \$1,200.00, she would not consider that amount of City dollars per snow event considering the money spent on capital improvements at Heatherwoode, as he previously mentioned.

Ms. Belpulsi asked Mr. Hemmert to define a senior citizen? Mr. Hemmert answered that a senior citizen would be whomever the City decided it would be.

Mr. Parise stated that 65 years old was the proposed age for this program. Ms. Belpulsi asked Mr. Parise about people who are 62 years old? Mr. Parise replied no, they would not qualify because they are not 65 years old.

Ms. Belpulsi commented that she understands wanting to help people and she thinks that could be done through the committee Ms. Lairson is recommending; the City could help all kinds of people through that committee. Ms. Belpulsi reiterated that she does not feel spending public dollars on a specific group of people is fair, and she is against spending public dollars for this reason and for the reasons that Ms. Lairson referred to earlier in the discussion, which are that the City already has a staff that is stretched to the limit and the liability issues.

Mr. Hemmert commented that he understands Ms. Lairson's concerns regarding staff time and those employees becoming tired, but he thinks that is part of that particular event and who knows how long they are going to be out on the road, but that is what they do, that is their job. Mr. Hemmert stated that he supports both programs. He thinks the committee is a great year-round program, but he would like to do something for the City's senior citizens as well. Mr. Hemmert further stated that he sees the snow removal program for seniors as a way for the City to extend itself with the

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snowplow program, and after reviewing the estimate it is not costly at all to do. Mr. Hemmert added that he would have a hard time looking a group of senior citizens in the eye knowing the amount of dollars the City is spending in the budget and knowing that the City has an opportunity to extend itself to help them for a very insignificant amount of money. Mr. Hemmert believes the program would be a win-win opportunity for the City.

Ms. Lairson commented that if a 62-year old resident contacted the City to ask for help clearing their driveway the City would have to say no because they are not 65 years old even though it is their tax dollars too. Ms. Lairson stated that she has a problem with that limitation.

Mr. Parise stated that 65 years old is the guideline proposed, and if a resident cannot plow their own driveway at the age of 62, then perhaps they would fall under the category of being disabled, which would be part of the committee driven program.

Mr. Hemmert confirmed that the City would set the guidelines.

Ms. Lairson asked how does the City decide who receives the service? Where does the City draw the lines when the City is spending everyone's money? Who receives the service and who does not?

Mr. Hemmert suggested that the City start with a baseline like Ms. Thompson did when she did her research in Moraine. Mr. Hemmert suggested that the City start with that as a basis, and bring it back and talk about it as a group to determine what works best. Mr. Hemmert further suggested that if the program is instituted and the City finds there are some things that it needs to do better, then Council could always reassess the program.

Ms. Lairson commented that with her proposal everybody is included. She further commented that it might take days or a week to get to someone's driveway because as she understands it under the snow removal program in Moraine they do not clear anyone's driveway until all of the streets are clear. She explained that if the City has a snow event that lasts three to four consecutive days and the City snow plow drivers are out continuously during that snow fall it could be a week before anybody gets to those people to clear their driveways, but through a program that uses outside people and resources, they could get to those residents much faster.

Mr. Parise responded to Ms. Lairson's comments by stating that, that is assuming the committee could get enough volunteers, which was his whole doubt about the volunteer program. Mr. Parise stated that the volunteer system is good as long as it is supplemented by City equipment. Mr. Parise further stated that he would go on record as making a wager. Mr. Parise stated that if the committee could get enough volunteers by next winter to do this program without the help of City equipment, he would buy the Council dinner.

Ms. Lairson responded by stating that, that is what those service organizations are there for to perform a service for the community. Ms. Lairson explained that if the committee compiled information to let those service organizations know what services are needed those organizations could organize and provide those services. Ms. Lairson reiterated that, that is what those organizations are there for; they just do not know that service is needed.

Mr. Parise commented that volunteers and service organizations are resources that have not yet been tapped, and if the committee can do it, so be it.

Mr. Anderson asked if the volunteer committee provides services for everybody and everybody wants their driveway cleared, how does the committee prioritize who does and who does not get the service? Ms. Lairson responded that it would be up to the organizations to decide.

Mr. Anderson commented that if his neighbor receives this service and he does not, he is going to be upset at the City. Mr. Anderson also referred to the liability issue and commented that when the snowplows knock over mailboxes or damage grass the City replaces or repairs it, and has never been sued. Mr. Anderson stated that he is not sure what kind of liability they are talking about?

Ms. Thompson stated that the City has never been sued, but the City has had to repair damage.

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Mr. Anderson stated that it is a common event every winter that the City replaces mailboxes because they get knocked over by snowplows. Mr. Anderson questioned what the actual liability is? He stated that whether the City does it or volunteers do it, and how does the City set that parameter, but one way or the other the City is going to have to set it. Mr. Anderson commented that obviously volunteers are not tax dollars going to work, and at \$1,000.00 per event he agrees it is a spit in the bucket, but where does the City set that limit. Mr. Anderson further commented that other communities have already set a standard, and he suggested that the City could look at those other communities to see what their standard is and use that information as a starting point to discuss the issue.

Mr. Hemmert agreed with Mr. Parise that this winter is nearly over as far as trying to get a program and guidelines in place that Council would be comfortable with, but whatever Council decides to do there is plenty of time to get the program in place for next year, depending on how the majority feels is the right way to go at this point.

Mr. Chmiel referred back to the liability issue stating that a concrete apron is much different than a mailbox when it comes to replacing it.

Mr. Anderson asked if that would be the liability? Mr. Chmiel commented that to repair damage to a concrete or asphalt driveway apron is expensive.

Mr. Schaeffer explained that the City has sovereign immunity, which generally means you cannot sue the City regardless, but in today's world sovereign community does not reach that far. Mr. Schaeffer explained that sovereign immunity states, as it relates to governmental entities, that when the government is performing a governmental function such as clearing streets of snow and ice, water emergencies, fighting fires, police activity, etc. sovereign immunity cloaks public activities. Mr. Schaeffer further explained that if an automobile accident results from the way the City snowplows are operating or an accident occurs because the snowplow has not reached that street yet to clear it, the City has no liability. Mr. Schaeffer commented that the liability no matter what it is, and he is not making judgments as to whether it is a whole lot of liability or a little liability, but to the extent that there is liability it occurs when the City leaves the street and enters private property. Mr. Schaeffer explained that if a truck breaks up a concrete driveway or runs over a bicycle that is covered with snow or hits a pillar at the side of a house and all of that stuff had been in the street the City would not be liable, but if the City is on private property, the cloak of sovereign immunity comes off and the potential for liability problems is exposed.

Mr. Anderson thanked Mr. Schaeffer for the clarification.

Mr. Parise wished to clarify that anything between the sidewalk and the curb is considered City property? Mr. Schaeffer commented that it is considered right-of-way. Mr. Parise answered that the driveway apron is between the sidewalk and the street. Mr. Schaeffer replied that the Moraine program does not stop at the street; it plows the driveway to the garage. Mr. Parise stated that, that is not the program he is proposing; he is only concerned about the apron, not clearing the driveway. Mr. Parise further explained that he is proposing that the driveway apron be cleared when the plow comes through to clear the streets. Mr. Parise reiterated that the apron area is the only area he is considering, not the entire driveway.

Mayor Agenbrood commented that he thought that Mr. Parise was proposing the whole driveway because that is what Moraine does, the whole driveway. Mr. Parise explained that the driveway apron is the toughest part because usually when the snow plows clear the streets they pile the snow on the apron and the snow is then higher than the original snowfall. Mr. Parise commented that to clear the apron of that excess snow is back breaking work and that is the service he wants for the senior citizens.

Mr. Hemmert stated that he was under the impression, based on the estimated cost from Ms. Thompson and based on the Moraine program, that the proposal included the driveway, and that is what he was talking about when he made his comments. Mr. Parise answered that under his proposal the City would not be clearing the driveway, just the apron.

Mr. Hemmert suggested that since the issue has not been resolved and the City has plenty of time to discuss it before the next winter season, maybe Council would consider tabling the discussion and revisiting it at a later date.

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Mayor Agenbroad stated that there is no motion on the table; therefore, there is no need to table. Mayor Agenbroad suggested that if everyone is agreeable to Ms. Lairson's proposal, then Council could give staff guidance on whether or not to place the legislation on the agenda for consideration and action, and as 2008 progresses and the committee materializes, Council could also think about what direction it wants to go in with regard to the snow removal program. For example, does the City want to do the driveway or just the driveway apron, does the City want to expend funds, etc? Mayor Agenbroad also suggested that the Council could ask other cities that have this program whether they clear the driveway or just the apron. Mayor Agenbroad recommended gathering all of that type of information and data, and if Council does decide to institute some kind of snow removal assistance program, it would have all of that information to review.

Mr. Parise commented that it would be agreeable if Council has ample time next year to prepare to institute the program. Mr. Parise explained that the City ought to know by October if the volunteer system works or if there are enough volunteers to perform the service. Mr. Parise further explained that if by October the volunteer program does not work, he would like to revisit this issue and resolve it in time for the snow fall season, not wait until the season is half over and delay it again.

Mayor Agenbroad asked if it would be agreeable to discuss it at the November Work Session? Mr. Hemmert suggested that it should be discussed a little earlier because to bring it to some kind of resolution form might take a month or more to complete. Mayor Agenbroad added that the budget discussion is held in November.

Mr. Hemmert suggested revisiting the issue in August or September.

Ms. Lairson commented that they would have to publish the public notice advertising for committee members, form the committee, and start gathering information, which might take awhile.

Mr. Parise commented that if Ms. Lairson were to begin the process in February, that would give the committee many months to solicit and organize volunteers and by October they should have some idea of the number of volunteers needed. Mr. Parise further commented that he does not want to wait until November to start discussing his proposal again if there is a shortfall of volunteers.

Ms. Lairson commented that the committee would meet once per month, which would amount to four meetings before October. Ms. Lairson stated that she believes it would take some time to compile the list of volunteers and organizations, but Council could always revisit Mr. Parise's snow removal plan whenever desired.

Mr. Parise stated that he would support giving a go ahead to form this committee now, but he reiterated that by October they ought to have an idea as to whether there is enough volunteer manpower to provide the service. Mr. Parise further stated that if by October they are not sure they have enough volunteers, he would want to reenergize this snow removal program and not wait until November and draw out this discussion from one session to the next because it will then be December before Council has decided what to do. Mr. Parise stressed that one way or another, the City ought to know by October, which way this issue will go and should proceed accordingly from there.

Ms. Lairson would also like to get some staff input, as far as how difficult it is to do that job and what the job would really involve from their standpoint because Council has not been out there doing that job and does not know what it takes or how difficult it would be for them to plow all of the streets and then make sure those residents' aprons are cleared. Ms. Lairson reiterated that she would like to have some input from the staff members who are out there in the trenches doing that job.

Mayor Agenbroad suggested that Ms. Thompson could address Ms. Lairson's request for input at a staff meeting. Mayor Agenbroad recommended that Council support Ms. Lairson's current proposal and revisit Mr. Parise's proposal at the first Work Session in October of 2008. In the meantime, Ms. Thompson could accumulate data regarding the City's snow removal system, look at the cost of clearing the aprons and the cost of clearing the driveways and try to get the best and most data and information in order to prepare for the discussion at the October Work Session. Mayor Agenbroad asked if his recommendation was amenable to everyone? Also, Mayor Agenbroad stated, let the record reflect that Mr. Parise would buy Council dinner.

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Mr. Parise stated that he would buy Council dinner if the committee recruits enough volunteers to perform the snow removal program, and he wants that verified. Mayor Agenbroad stated that it would be reflected in the minutes.

There were no objections of Council to Mayor Agenbroad's recommended course of action regarding this issue.

Mayor Agenbroad announced that Council would be entering Executive Session, and thanked the audience for attending the meeting this evening.

With no further discussion, City Council adjourned the Work Session at approximately 7:57 PM and entered Executive Session to discuss the purchase of property immediately following. And, with no objections, City Council exited Executive Session at approximately 8:20 PM; whereby, no votes were taken. With no further discussion or business, Mayor Agenbroad adjourned the Thursday, January 17, 2008 City Council Regular Meeting immediately following the Executive Session at approximately 8:20 PM.

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council