

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

CITY COUNCIL WORK SESSION

THURSDAY, JULY 3, 2008

6:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Sheila Lairson

Jim Chmiel
Tom LaDu
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager

David Montgomery, Acting Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, July 3, 2008 at 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. Mr. Chmiel was absent due to an accident.

Also, Mr. Anderson and Ms. Lairson announced that they would not be able to attend the July 17 Council Meetings.

ITEM 3. LEGISLATIVE AGENDA. –Four legislative agenda items were reviewed for the July 3, 2008 City Council Regular Meeting.

Mayor Agenbroad reminded Council that there would be a Public Hearing regarding the "2009 Tax Budget" and two new police officers would be sworn in at the beginning of tonight's City Council Regular Meeting.

- 1) ORDINANCE: THIRD READING.** AN ORDINANCE ESTABLISHING RULES GOVERNING THE USE OF PUBLIC RIGHT OF WAY, CONSTRUCTION, INSTALLATION OF FACILITIES AND OTHER WORK IN THE CITY RIGHT OF WAY BY ENACTING CHAPTER 1028 OF PART TEN, "STREETS, UTILITIES AND PUBLIC SERVICES CODE", TITLE TWO, "STREETS AND SIDEWALK AREAS" OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO.

Mr. LaDu questioned the fee amount attached to this permitting process? Ms. Thompson stated that the fee, stated in the ordinance to be included in the fee schedule (Chapter 1464, Appendix A), is \$75.00.

- 2) EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING CHAPTER 1271, SUPPLEMENTAL REGULATIONS, OF THE PLANNING AND ZONING CODE BY ADDING SECTION 1271.05, UTILITY STRUCTURES; AMENDING CHAPTER 1464, PERMITS, INSPECTIONS AND FEES, APPENDIX A; AND DECLARING AN EMERGENCY.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

Ms. Thompson explained that Legislative Item 2 has been amended to include Section 1271.05(a)(3) "Essential services as defined in Section 1260.04 (14), Definitions." Ms. Thompson explained that staff has conferred with Duke Energy and has added the highlighted language under Exemptions to the ordinance, which means that Duke Energy and other essential services can be exempted from the regulations for utility boxes that exceed 30". This type of exemption was always intended, but the additional language makes this intention clear, and Duke Energy was very appreciative of this consideration.

Ms. Thompson requested that Council waive the third reading of this ordinance in order for the adoption of the ordinance to coincide with the passage of the right of way ordinance (Legislative Item 1).

Ms. Belpulsi asked a procedural question regarding the timing of the Planning Commission's formal recommendation with respect to the passage of this ordinance? Ms. Thompson explained that the Planning Commission took formal action to recommend this ordinance on June 25, and the minutes reflect the Planning Commission's approval and recommendation. Ms. Belpulsi will report on this recommendation under her Planning Commission report at tonight's City Council Regular Meeting.

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH OHIO ATTORNEY GENERAL NANCY H. ROGERS, TO CONTINUE THE "DARE" PROGRAM IN THE SPRINGBORO CITY SCHOOLS FOR THE 2008-2009 SCHOOL YEAR.

Ms. Thompson explained that this legislation is the annual resolution authorizing the City to apply for a DARE grant. The 2008 budget for DARE is \$20,560.00; the grant for 2008 is \$4,000. The City does subsidize the program, but it is a very well known, effective program and staff recommends that the City continue the program. Ms. Thompson further explained that the City does not know the amount of the grant until the application is filed; therefore, staff does not know in advance what funds the City will receive for next year's program.

- 4) **RESOLUTION:** A RESOLUTION DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FOR CAPITAL IMPROVEMENTS IN THE CITY TO BE MADE FROM SUBSEQUENT BORROWINGS.

The City has not passed this type of legislation for a very long time because the City has not elected to borrow money until recently. Basically, this legislation allows the City to reimburse funds expended prior to bond issuances with the borrowings, and is part of the Internal Revenue Code requirements. Ms. Thompson explained that the City decided to borrow \$1M to pay for the street resurfacing program as part of this year's budget. The City is starting the resurfacing program and will most likely need to spend money on that program prior to receiving the bond proceeds. In order for the City to spend the money, receive the bond money, and reimburse the funds spent prior to the bond proceeds being received the City is required to pass this reimbursement legislation. The City's Bond Counsel recommends the City pass this legislation every year as a matter of "housekeeping." The City stopped passing this legislation when it stopped borrowing money, but just in case the City takes out a bond or a note, it is advisable to have this legislation in place. To further clarify, if the City had spent money prior to tonight on the street resurfacing program, it would not be reimbursable. Staff recommends that Council adopt this legislation prior to any bonds being prepared and requested for approval because the City might have to spend some of that resurfacing money prior to actually receiving the bonds issued to pay for it. Also, because the City is rolling the \$1M bond into the bonds for the City building and refinancing some other issues, it will save money in interest and fees that would be applied to multiple borrowings. With regard to the City building, since the City saved \$3.2M prior to any work being done the City would not necessarily have to reimburse funds from the bond proceeds, but the City's bond counsel advised that the City could spend the bond proceeds first before spending the fund money on that project.

Ms. Belpulsi asked how much if any of this money could be borrowed under the CLG Capital Asset Financing Program? Ms. Thompson explained that staff is looking into that and the City's bond counsel Paul Stubbins has been asked to give the City a cost estimate as well.

ITEM 4. CITY MANAGER. –Issues/Reports.

National Night Out: Ms. Thompson announced that National Night Out would be observed on Tuesday, August 5 from 5:00-9:00 PM at Patricia Allyn Park. Ms. Thompson reported that Sergeant Don Wilson has requested that Council Members volunteer to work the grills during the event. Ms. Thompson commented that hundreds of people attend this event each year, and volunteers are needed for one-hour shifts starting at 4:30 PM. The request is for one Township Trustee and two Council Members per shift. Ms. Thompson also commented that she has ordered shirts for everyone volunteering at the event. All Council Members agreed to volunteer for one shift.

Ms. Martin offered to send e-mail to Council of the available shifts in order to get everyone scheduled.

Executive Session: Ms. Thompson requested an Executive Session to discuss the sale of property following the Work Session discussion.

New City Building Update: Ms. Thompson reported that staff met with the architects for the new City Building. The City has requested a little more information from the two lowest and most responsible bidders; in the form of more intense references and other project priorities; staff would like whichever firm is chosen to begin construction immediately once the contract is approved. Architect John Fabelo should have all of that information to Ms. Thompson by Monday. They will review the information and references, begin negotiating the value engineering deducts, get to a price, and make a recommendation to Council. This delay in the contracting of the project will not delay the overall project because the site work is three weeks behind due to rain and other typical construction issues such as moving additional dirt. Staff will be back to Council with a recommendation for the construction contract, once the architect receives and compares all of the feedback regarding the two bidders.

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

Recipe Cards for Main Street merchants cookbook: Ms. Martin explained that the S. Main Street merchants are producing a cookbook and have asked that City Council Members submit a recipe for inclusion. The cookbooks will be sold at the Christmas Festival or may be purchased using the back of the recipe form. Recipes are due by July 21; please return the recipes to Ms. Martin.

MVCC Board Dinner/Program for Elected Officials: The MVCC Board is sponsoring a dinner/program for elected officials on Wednesday, September 17, 2008. The purpose of the event is for local officials to meet candidates running for state office from the local districts. MVCC Executive Director Steve Husemann will attend a future Council meeting to promote the event and extend a formal invitation. Written invitations will be sent closer to the event date.

Calendar Updates: The Springboro Friends and Family Fundraiser will be held on Friday, July 18 at Heatherwoode. Dinner tickets are still available. The event starts at 2:30 PM with golf; dinner is served at 6:00 PM. Also, the City offices will be closed tomorrow to observe the Fourth of July Holiday.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. LaDu – No issues/reports.

Mr. Parise – Mr. Parise asked if Council had time to discuss the ward-redistricting proposal that he presented at the last Council Work Session?

Mayor Agenbroad replied no, but suggested that the topic could be discussed at the meeting that Council schedules to discuss the Charter Review Recommendations. Mr. Parise pointed out that Council has received a copy of a revised Option 4 Ward Map. Mr. Parise explained that upon review of the ward map options Ms. Martin discovered that since the original options were proposed a new precinct was created by the Board of Elections and according to county law the ward boundaries could not split precincts. Mr. Parise explained that Ms. Martin adjusted the ward boundaries to make sure precincts were not split and ward

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

boundaries followed precincts lines. Mr. Parise further explained that the Option 4 Ward Map originally proposed shows a difference of 800 in population from highest to lowest and the revised Option 4 Ward Map shows a difference of 400 in population from highest to lowest; therefore, the revised version of the ward map shows a more substantially equal division of the population among wards. Mr. Parise stated that this newly revised Option 4 Ward Map is what he is proposing and asking Council to reconsider in regard to ward boundaries.

Ms. Martin commented that the City's own code requires that ward boundaries follow precinct lines as determined by the Board of Elections. Ms. Martin explained that based on the fact that new ward boundary options were being proposed to Council for consideration, she reviewed the Option 4 Ward Map and realized the ward boundaries split several precincts on the map. Ms. Martin explained that she wanted to make sure that if Council were to consider alternative ward boundary options they were looking at a map that was correct. Ms. Martin added that she simply adjusted the ward boundaries to fit the nearest precinct lines.

Ms. Belpulsi asked if the ward boundaries in effect for the 2009 election follow precinct lines? Ms. Martin replied yes, the ward map adopted by Council in 2005 follows the precinct lines.

Ms. Lairson – Ms. Lairson reported that the newly formed Community Service Board held their first meeting on Tuesday, June 24, and is a great group of people. The Board Members had some very productive discussion and are moving forward, with further reports to come. Mayor Agenbroad asked Ms. Lairson if she is the Board's Chairperson? Ms. Lairson replied yes. Mayor Agenbroad asked who is serving as Secretary of the Board. Ms. Martin replied that Board Member Cindi Green is serving as Secretary. Ms. Lairson commented that a couple of issues came up during the meeting, one of which was to explore volunteer programs in surrounding cities. Ms. Lairson explained that each board member would be contacting another city similar to Springboro regarding their volunteer program and would report their findings at the next meeting. Ms. Lairson will briefly report on the Board's progress at tonight's City Council Regular Meeting under Reports.

Mr. Anderson – Mr. Anderson reported that he, Mr. LaDu, Mr. Pozzuto, and Golf Course Superintendent Mike Eaton were a foursome representing the City in the YMCA golf outing; it was a great time.

Mr. Anderson inquired regarding the status of the Heatherwoode Parking lot, specifically, if the resurfacing would be finished? Ms. Thompson stated that she discussed this issue with the City's Law Director, and the City is not going to pay the contractor the contract amount based on performance issues. Ms. Thompson asked Public Works Director Barry Conway and Golf Course Superintendent Mike Eaton to get prices for repairing and redoing certain parts of the job. Ms. Thompson noted that they could not reseal the surface until next year because asphalt cannot be resealed for a year after it cures. Also, Ms. Thompson explained that the front area of the parking lot has to be completely redone due to the changes in the elevation of the asphalt by about two to three inches. Ms. Thompson commented that the condition of the front area of the parking lot reflects poorly on the clubhouse and golf course. Ms. Thompson further commented that they are adding contingency money to the pricing for repairs because some things can be done yet this year such as the curb repair and front resurfacing, but other things such as resealing the lower portion of the lot cannot. All of the funds for the project will be withheld until staff receives the required maintenance bond from the current contractor, then the City will deduct everything needed to correct the problems and the contractor will receive a letter from the City with a partial payment. The contractor may pursue the rest of the contract amount, but the City wants to receive the maintenance bond first. The job was bonded for maintenance for one year, but not for performance. Staff took a lot of pictures of the problems as evidence. Ms. Thompson elaborated that the contractor destroyed a lot of the curb when they rolled their equipment onto the curb and the broken concrete fell into the parking area and was rolled into the new asphalt. Also, the difference in elevation at the entrance to the lot is very apparent, and in other areas, the old asphalt is visible underneath the new layer of asphalt. Ms. Thompson reiterated that she spoke to legal counsel regarding what the letter needs to say and what the City needs to do to make sure it can defend its actions regarding this contract.

Ms. Belpulsi asked who the contractor is? Ms. Thompson replied Brothers Paving from Loveland. Ms. Belpulsi asked if this was the first time the City used this contractor? Ms. Thompson replied yes, but staff did the standard reference checks, etc. when reviewing the bids.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

Mr. Anderson asked if the Police Department has ever purchased the tasers that Council approved in the budget a year and a half ago?

Ms. Thompson commented that the Police Department has not purchased the tasers because Council asked for a demonstration or presentation as a condition prior to the purchase.

Ms. Belpulsi commented that they wanted to make sure the police officers had proper training also. Ms. Thompson confirmed that a statement was made that Council wanted further information before the purchase was made and that presentation has not occurred. She added that the condition is a little bit of a sticking point for the department. Ms. Thompson explained that the tasers are a tool for the police department and were approved in the budget with a condition, but the department does not want to have to justify buying them with respect to what they are and why they are needed.

Mr. Anderson asked how to resolve the issue in order for the Police Department to purchase the tasers? Ms. Thompson responded by stating that the tasers were included in the budget and the department should be allowed to purchase them. She added that there is no doubt that the officers would have to be trained.

Mayor Agenbroad commented that any police department of any comparable size has found this type of tool an absolute necessity. Mr. Anderson commented that that is why he was surprised the department did not have them.

Ms. Thompson stated that the department did not purchase the tasers because of the condition put upon them during the budget process.

Ms. Belpulsi commented that her main concern is that there is a policy regarding how the tasers are used because there has been a lot of media coverage on all the ways tasers are misused. Ms. Belpulsi further commented that if the City has a good policy in place and the officers are trained properly, she does not have a problem with the purchase of the tasers.

Ms. Thompson commented that if it is Council's desire for the department to have the tasers, then she would also like the department to have them.

Mayor Agenbroad suggested that the Police Chief be prepared to discuss the tasers at the next Council Work Session. Ms. Thompson commented that she thinks that is the problem; the Police Chief feels he should be able to write a policy, train his officers, and buy the tasers if he thinks they are an appropriate tool for the Police Department to utilize and the manager and Council have approved it in the budget. Ms. Thompson commented that she thinks that Council has to trust the fact that the department will have a proper policy and proper training. She added that Council does not ask about training for guns or special policies for use of force with respect to guns, batons, etc.

Mayor Agenbroad commented that he has always supported the purchase of the tasers. Ms. Thompson replied by stating that the justification of the tasers has always been the sore spot or burden regarding this purchase.

Ms. Belpulsi stated that if that is the feeling of the department then they should purchase the tasers, but she does not think it is inappropriate or unreasonable for any Council Member to question that kind of purchase and to make sure there are policies in place.

Ms. Thompson commented that it is not unreasonable, but she thinks it is staff's job to produce that policy. She added that as long as she knows that it is Council's desire and she makes sure a policy is put in place, the burden is on her to make sure the Police Chief produces that policy.

Ms. Belpulsi commented that there was a question during the budget process of how many tasers would be purchased.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

Ms. Thompson stated that she thinks 12 tasers were approved. Ms. Belpulsi asked if there is one taser for each officer? Ms. Thompson answered that the number was scaled down because it was determined that the officers could share the tasers between shifts; therefore, each officer did not need their own. Ms. Thompson stated that she is sure the number of tasers approved for purchase is in the budget book.

Mr. Anderson asked Ms. Thompson if she had enough direction to buy the tasers? Ms. Thompson stated that the purchase has been approved in the budget, but she has not let the department buy them because she needed to have this discussion with Council, and it was not a priority for the Police Chief, nor did he ask her to make it a priority; but, thankfully, Mr. Anderson raising the question has resolved the issue. Ms. Thompson further stated that she would make sure the policies/training are in place before the purchase order is signed.

Mr. Anderson commented that he heard that the developers for the Easton Farm attended the last Planning Commission meeting. Mr. Anderson asked if Ms. Belpulsi could provide an update regarding that plan?

Ms. Belpulsi commented that the developers for the Easton Farm were added to the agenda as a courtesy at the very last moment. The developers came to Planning Commission for a very informal discussion regarding their vision for the property and what the Planning Commission thought about their plan based on the Commission's vision for the property, and, as a result, the developers have a lot of work to do. Ms. Belpulsi further commented that the developers wanted a frank discussion, which is what occurred, and hopefully they will go back to the drawing board.

Mr. Anderson inquired regarding gas conservation and what the City is doing or needs to do? Ms. Thompson commented that this topic was discussed at the staff meeting this morning, and Ms. Thompson informed staff that she would be meeting with the Police Chief and the Public Works Director next week regarding this issue. Ms. Thompson commented that she would no longer tolerate cars idling among other types of conservation efforts. Ms. Thompson commented that for a \$500.00 annual fee, the City could join the purchasing program at Hamilton County. The Purchasing Agent for Hamilton County is a certified purchaser and she purchases everything from paper clips to cars under the program. Ms. Thompson commented that everyone she has talked to that has used this program claims it is really phenomenal. The Purchasing Agent gets competitive prices on everything from paper clips to cars to fuel. Ms. Thompson has asked MVCC Executive Director Steve Husemann to have the Purchasing Agent make a presentation to the eight member cities regarding the program. Ms. Thompson reiterated that she plans to begin discussions with staff next week regarding conservation of fuel, etc., and that it would be an evolving process.

Mr. Anderson asked if the schools and township would be involved? Ms. Thompson answered only if they pay the \$500 fee to participate in the purchasing program. She explained that the City does buy for the schools or the township; the only agreement the City has with the schools involves the fuel site at the High School for emergency or winter fuel. For example, if the City has five snowplows at the end of town that need fuel, they can be refueled at the school tanks, but the City does not share fuel purchasing with either entity.

Ms. Lairson stated that that is how that arrangement was portrayed. Mr. Anderson agreed that his perception was that the City and School District were purchasing together to get a lower price on fuel.

Ms. Thompson replied no, she did not portray it that way; she asked if the schools portrayed it that way? Ms. Thompson commented that the City purchases salt cooperatively, but thinks the City could actually save some money on salt through the Hamilton County purchasing program. Ms. Thompson further commented that the Purchasing Agent told her that she could not beat the state bid price on automobiles, but there is other equipment and vehicles that she can beat the state bid price on, and everything is delivered. Ms. Thompson finally commented that staff would be exploring these options.

Mr. Parise stated that, on the same subject, City Planner Dan Boron has asked and offered to send the Architectural Review Board packets via e-mail, which saves the Police Department a trip to deliver the packets, but the ARB members would still receive a hard copy of the packet once they arrived at the meeting. Mr. Parise commented that although it is a minor one, it is a step in the right direction. Mr. Parise

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

also commented that years ago the Police Department used propane fueled vehicles. Mr. Parise asked if there is any possibility that the City could start integrating those vehicles back into the system the next time the department has to purchase vehicles?

Ms. Thompson replied by stating that propane is expensive, possibly even more expensive than gas. Ms. Thompson explained that the Public Works Department is about a 50/50 split between regular unleaded and diesel fuel and the Golf Course is about a 60/40 split. Both departments are using both types of fuel nearly equally right now, and the mowers use diesel fuel, which is more expensive than regular unleaded. Ms. Thompson reiterated that she would no longer tolerate the idling of cars regardless of the computer issues, and possibly use the bicycle patrol more often, but she would ask each department head to come up with something they might do to reduce fuel usage by 10% or something along those lines.

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

Mayor Agenbroad – Mayor Agenbroad commented that the Charter Review Commission has put too much time and effort into their report of recommendations to try to tackle it at tonight's meeting, and he would like to take the time to do it right. Mayor Agenbroad recommended choosing a date for a Special Meeting to discuss the Charter Review Recommendations.

At this time, Mayor Agenbroad asked for a motion to enter Executive Session, following the Work Session discussion, to discuss the sale of property.

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

No discussion.

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

Council compared their schedules and reached a consensus that they would hold a Special Meeting on Thursday, July 31, 2008 at 5:30 PM in Council Chambers to discuss the Charter Review Commission's recommendations. Ms. Martin will post the Special Meeting accordingly.

Ms. Thompson commented that Mr. Anderson and Ms. Lairson will be absent on July 17 and Mr. LaDu might be late and she had recommended discussing all of the financial projections referred to in her bi-weekly memo on that date. Ms. Thompson asked if Council would like to put off that discussion until August 7? Ms. Thomson explained that the financial projections concern the projections for the general fund and plugs-in all of the new City building and street resurfacing issues. It was the consensus of Council to delay the financial projections discussion until August 7. Ms. Thompson added that she does not think she can legitimately delay Miami University's presentation of the Citizen Satisfaction Survey results because they are scheduled to attend on July 17.

At approximately 6:44 PM, City Council entered Executive Session to discuss the sale of property.

With no objections, City Council exited Executive Session at approximately 6:56 PM; whereby, no votes were taken.

ITEM 8. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:56 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JULY 3, 2008

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Sheila Lairson

Jim Chmiel
Tom LaDu
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager

David Montgomery, Acting Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, July 3, 2008 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, Absent; LaDu, Present; Lairson, Present; Parise, Present.

Ms. Belpulsi motioned to excuse Mr. Chmiel from the meeting. Mr. LaDu seconded the motion.

No discussion.

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

PUBLIC HEARING

A PUBLIC HEARING WAS HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO ON THURSDAY, JULY 3, 2008 BEGINNING AT 7:00 P.M. IN THE COUNCIL CHAMBERS AT THE SPRINGBORO CITY BUILDING TEMPORARY FACILITY LOCATED AT 425 S. PIONEER BLVD. IN SPRINGBORO, OHIO.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO THE "2009" TAX BUDGET BY THE COUNCIL OF THE CITY OF SPRINGBORO, OHIO FOR THE FOLLOWING YEAR ENDING DECEMBER 31, 2009.

THIS PUBLIC HEARING WAS LIMITED TO THIRTY (30) MINUTES, FIFTEEN (15) MINUTES RESERVED FOR OPPONENTS AND FIFTEEN (15) RESERVED FOR PROPONENTS OR AT THE DISCRETION OF THE PRESIDING OFFICER.

COPIES OF THE PROPOSED "2009" TAX BUDGET WERE ON FILE FOR TEN DAYS PRIOR TO THE PUBLIC HEARING IN THE OFFICE OF THE DIRECTOR OF FINANCE AT THE SPRINGBORO MUNICIPAL BUILDING, 425 S. PIONEER BLVD., SPRINGBORO, OHIO. CITIZENS MAY EXAMINE THE TAX BUDGET BETWEEN THE HOURS OF 8:00 AM AND 4:30 PM, MONDAY THROUGH FRIDAY, EXCLUDING HOLIDAYS.

CHRIS POZZUTO, ASSISTANT CITY MANAGER, CITY OF SPRINGBORO – MR. POZZUTO PRESENTED THE FOLLOWING INFORMATION REGARDING THE CITY'S "2009" TAX BUDGET: THE "2009" TAX BUDGET IS REQUIRED BY THE OHIO REVISED CODE TO BE ADOPTED BY CITY COUNCIL BY JULY 15 AND FILED WITH THE WARREN COUNTY AUDITOR'S OFFICE BY JULY 20. THE TAX BUDGET IS REQUIRED TO BE FILED WITH THE WARREN COUNTY AUDITOR'S OFFICE IN ORDER FOR THE CITY TO RECEIVE ITS ALLOCABLE SHARE OF LOCAL GOVERNMENT FUNDS AND FOR THE WARREN COUNTY BUDGET COMMISSION TO ESTIMATE THE AMOUNT OF PROPERTY TAX THE CITY WILL RECEIVE IN 2009 FROM ITS PORTION OF THE INSIDE MILLAGE, WHICH IS 1.11 MILLS OF PROPERTY TAX REVENUE OR ABOUT \$600,00 TO \$650,000.

MAYOR AGENBROAD PRESENTED THE ITEM FOR QUESTIONS/COMMENTS OF COUNCIL. NO QUESTIONS/COMMENTS.

PROPONENTS: NO PROPONENTS.

OPPONENTS: NO OPPONENTS.

MAYOR AGENBROAD DECLARED THE PUBLIC HEARING ADJOURNED AT APPROXIMATELY 7:03PM.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE JUNE 19, 2008 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mr. Parise motioned to approve the Minutes of the June 19, 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; Parise, Yes; LaDu, Yes; Lairson, Yes. [APPROVED 6-0]

ITEM 5. PRESENTATIONS: TWO NEWLY APPOINTED POLICE OFFICERS TOOK THE OATH OF OFFICE AND WERE SWORN IN TO SERVE THE CITY OF SPRINGBORO POLICE DEPARTMENT.

Lieutenant John Wheeler made the following comments: In January of this year, the City began a Police Officer selection process with approximately 135 applicants. The goal was to hire four officers out of that group, and the City is halfway through that process now. The City's selection process generally takes about six months and begins with written and physical testing. The top candidates are then invited to a competitive oral interview board. A select few candidates then move on to a series of background investigations, polygraph exams, and psychological testing. Lieutenant Wheeler announced that two individuals have successfully completed that process and have been invited to join the ranks of the Springboro Division of Police. Lieutenant Wheeler introduced new Police Officers Scott Coffey and Luke Treiber. Scott Coffey is a native of Springboro and graduate of Springboro High School. He and his wife, Lauren, have two children and currently live in Lebanon, Ohio. Mr. Coffey is a veteran of the United States Navy and a 2007 graduate of the Scarlet Oaks Police Academy. Luke Treiber is a native of Tipp City and a graduate of Tiptecanoe High School. Mr. Treiber has earned his Associates Degree in Criminal Justice from Sinclair Community College and is also a 2008 graduate of the Sinclair Police Academy. Lieutenant Wheeler commented that he

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

has closely observed these two men as they have advanced through the selection process, and he is convinced that the City has hired two outstanding individuals.

Mayor Agenbroad administered the Oath of Office, and Scott Coffey and Luke Treiber were sworn in as Police Officers to serve the City of Springboro Police Department. Mayor Agenbroad congratulated and welcomed Officer Scott Coffey and Officer Luke Treiber. City Council congratulated Officers Coffey and Treiber with a handshake. (A copy of Officer Scott Coffey's and Officer Luke Treiber's signed Oath of Office is attached for the record.)

ITEM 6. LEGISLATION:

MOTION: TO ADOPT THE "2009" TAX BUDGET.

At this time, Mayor Agenbroad asked for a motion to adopt the "2009" Tax Budget.

Mr. Parise motioned to adopt the "2009" Tax Budget by the Council of the City of Springboro, Ohio for the following year ending December 31, 2009. Ms. Belpulsi seconded the motion.

No discussion.

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

- 1) **ORDINANCE O-08-22: THIRD READING.** "AN ORDINANCE ESTABLISHING RULES GOVERNING THE USE OF PUBLIC RIGHT OF WAY, CONSTRUCTION, INSTALLATION OF FACILITIES AND OTHER WORK IN THE CITY RIGHT OF WAY BY ENACTING CHAPTER 1028 OF PART TEN, "STREETS, UTILITIES AND PUBLIC SERVICES CODE", TITLE TWO, "STREETS AND SIDEWALK AREAS" OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance establishing rules governing the use of public right of way (ROW) in the City by enacting Chapter 1028 of Part Ten, "Streets, Utilities and Public Services," Title Two, "Streets and Sidewalk Areas" of the City's code. This ordinance protects the City from having utilities and other service providers in the City's ROW that are not controlled by the City. This ordinance is not meant to prevent any essential services or any particular provider from coming into the City and working in the ROW, but it does give the City the allowance to know about and control installations in the ROW, which is very critical with more telecommunications and more modernized fiber optic networks, etc. being installed all over the community. It has taken the City approximately five years to reach this recommendation, and this is a very significant piece of legislation for the City.

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

Mr. LaDu motioned to adopt Ordinance O-08-22. Mr. Parise seconded the motion.

No discussion.

VOTE: LaDu, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Parise, Yes. (APPROVED 6-0)

- 2) **ORDINANCE O-08-23: SECOND READING.** "AN ORDINANCE AMENDING CHAPTER 1271, SUPPLEMENTAL REGULATIONS, OF THE PLANNING AND ZONING CODE BY ADDING SECTION 1271.05, UTILITY STRUCTURES; AMENDING CHAPTER 1464, PERMITS, INSPECTIONS AND FEES, APPENDIX A; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 3, 2008

This is the second reading of an ordinance to amend Chapter 1271, Supplemental Regulations, of the Planning and Zoning Code by adding Section 1271.05, Utility Structures. Video service providers are installing new services in many of the area cities that would negatively impact the overall aesthetics of the community. The City has been trying to create legislation that would help to control those installations. In particular, the very large VRAD boxes, which are 48" X 42" X 17" boxes, installed on a 6' to 8' concrete slab, and could be installed in someone's front yard if the City does not pass this legislation. Even though the City is not trying to prevent any of these services from coming into the City; again, the City is trying to control how they look and how they affect City residents. This particular ordinance has been altered slightly since the first reading by adding, under Section 1271.05(a), #3, "Essential services as defined in Section 1260.05 of the Codified Ordinances #14, Definitions," as an Exemption. This means that the City would not try to restrict any of its essential service providers i.e. gas, electric, water, and sewer under these particular requirements, and the City would not prevent them from being able to construct utility boxes or do what is necessary to provide these services. Staff has requested that Council waive the third reading to coordinate the passage of this ordinance with the Right of Way Ordinance that was passed a few minutes ago under Legislative Item 1.

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

Mr. Parise motioned to suspend the rules and waive the third reading of this ordinance. Ms. Lairson seconded the motion.

No discussion.

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

Mr. Parise motioned to adopt Ordinance O-08-23. Ms. Belpulsi seconded the motion.

No discussion.

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

- 3) **RESOLUTION R-08-31:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH OHIO ATTORNEY GENERAL NANCY H. ROGERS, TO CONTINUE THE "DARE" PROGRAM IN THE SPRINGBORO CITY SCHOOLS FOR THE 2008-2009 SCHOOL YEAR," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manger to file a DARE Grants Program application for the 2008-2009 school year. The City has been administering this program for a very long time, and the DARE Program is extremely important to the community. The Police Division spends approximately 480 hours in the classroom in the Springboro Community Schools on the DARE program each year. This renewable grant will be for the 2008-2009 school year. The City does not know the results of the application until after the grant is filed, but in 2008 the City received \$4,000.00 in grant funds for the program. Staff recommends that the application be submitted with Council's authorization this evening.

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

Ms. Lairson motioned to adopt Resolution R-08-31. Mr. LaDu seconded the motion.

No discussion.

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

- 4) **RESOLUTION R-08-32:** "A RESOLUTION DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FOR CAPITAL IMPROVEMENTS IN THE CITY TO BE MADE FROM SUBSEQUENT BORROWINGS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution delegates authority to reimburse subsequent borrowings to finance expenditures for capital improvements. As stated by the City's bond counsel and as required by the Internal Revenue Service, if the City is going to expend any funds for capital programs such as resurfacing streets, and is intending to borrow money for those programs, the City cannot spend any money then seek reimbursement from that bond money unless the City passes this resolution. Basically, this legislation is a reimbursement resolution that allows the City to expend money from a fund and reimburse that fund with subsequent bond proceeds. According to the IRS, the City is permitted to expend and borrow in this manner, but cannot do it without passing this resolution. This legislation was traditionally done many years ago when the City was borrowing money on a more frequent basis, but the City has not elected to do that until recently. However, in the 2008 Budget, the City Council decided and approved borrowing money for the City's street resurfacing program because the Street Fund balance is not as high as it has been in the past. The City now has more streets and more people driving on the streets, which are not lasting as long as they used to. At this time, the City is seeking to borrow funds for the resurfacing program, but will most likely have to spend some of those funds prior to receiving the bond proceeds; therefore, this reimbursement resolution is required.

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

Mr. Parise motioned to adopt Resolution R-08-32. Ms. Lairson seconded the motion.

No discussion.

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

ITEM 7. REPORTS:

Mayor's Report – The Concerts in the Park Series will be held on Tuesday evenings in July on the following dates at North Park Amphitheater: July 8, 15, 22, and 29. Independence Day will be observed on Friday, July 4; whereby, the City offices will be closed. The next City Council Work Session will be held on Thursday, July 17, 2008 at 5:30 PM in Council Chambers. The Work Session will begin early at 5:30 PM to receive a report of the Citizen Satisfaction Survey results from Miami University. The Finance Committee Meeting scheduled for Thursday, July 17 has been canceled. The next City Council Regular Meeting will be held on Thursday, July 17, 2008 at 7:00 PM in Council Chambers, as scheduled. In addition, the City Council will conduct a Special Meeting on Thursday, July 31, 2008 at 5:30 PM in Council Chambers to discuss the Charter Review Recommendations and ward redistricting. All meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro, unless otherwise posted.

City Manager's Report – Ms. Thompson wished the community a happy Fourth of July Holiday. Also, Ms. Thompson commented that the City is working to resolve issues concerning the new City Building. Finally, Ms. Thompson announced that the City is co-sponsoring National Night Out on Tuesday, August 5 from 5:00-9:00 PM at Patricia Allyn Park. Clearcreek Township and the City of Springboro work together to sponsor National Night Out each year, and Sergeant Don Wilson does a great job as the City's event coordinator. City Council Members will be volunteering at the event this year, and hope to see many residents at that event.

Committee Reports –

Mr. LaDu – No reports.

Mr. Parise – No reports.

Ms. Lairson – Community Service Board – The Community Service Board held their first meeting on Tuesday, June 24, 2008 at 7:00 PM in Council Chambers. The Board Members elected officers and began discussions regarding their duties and objectives, and are moving forward with the Board's work.

Mr. Anderson – No reports.

Ms. Belpulsi – Planning Commission – The Planning Commission met on Wednesday, June 25 at 7:00 PM in Council Chambers to consider the following items: Site Plan Review – 185 Hiawatha Trail, proposed carwash; Record Plan – The Cove at Settlers Walk, Section Three; Planning & Zoning Code Amendment – The Commission made a formal recommendation to City Council to adopt an Ordinance regulating Utility Structures within the City, which was adopted by Council under Legislative Item 2 on tonight's agenda to be incorporated into the City's code. In addition, the Commission conducted an informal discussion with a developer regarding the Easton Farm Property. The discussion concerned what the developer was interested in developing at that site and what the City's interests are at that site. The developer is now going back to the drawing board based on that discussion, and will be back at a future date. The next Planning Commission Work Session will be held on Wednesday, July 9, 2008 at 7:00 PM in Council Chambers, as scheduled.

ITEM 8. OTHER BUSINESS. No other business.

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

ITEM 10. GUEST COMMENTS. No Guest comments.

ITEM 11. EXECUTIVE SESSION. No Executive Session. Mayor Agenbroad announced that City Council held an Executive Session during tonight's Work Session for approximately 11 minutes to discuss the sale of property; whereby, no votes were taken. Prior to that Executive Session, Council spent approximately 44 minutes in Work Session discussing the legislative items that were adopted tonight as well as other matters before the City.

ITEM 12. ADJOURNMENT. Mayor Agenbroad thanked the MVCC for tonight's telecast and scheduled rebroadcasts of this Springboro City Council Meeting. In addition, Mayor Agenbroad wished everyone a safe and happy Fourth of July Holiday.

Mr. Parise motioned to adjourn the meeting; whereby, the Thursday, July 3, 2008 Springboro City Council Regular Meeting was adjourned at approximately 7:20 PM. Ms. Lairson seconded the motion.

No discussion.

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

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council