

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

CITY COUNCIL WORK SESSION

THURSDAY, JUNE 19, 2008

5:30 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

Jeff Kruithoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

NOTICE: THE CITY COUNCIL WORK SESSION BEGAN AT 5:30 PM ON JUNE 19.

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, June 19, 2008 at 5:30 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. PRESENTATION. –The 2008 Charter Review Commission presented their final report of recommendations to City Council.

(A copy of the 2008 Charter Review recommendation packet will be filed with the Minutes for the record.)

Mayor Agenbroad welcomed the 2008 Charter Review Commission. The following Charter Review Commission Members were in attendance: Chairman Greg Bell, Vice Chairman David Vomacka, Members Sandy Calmes, John Gianattasio, Rebecca Hall, Gary Hruska, Sarah Jobe, and Jim Sheehan. Commission Member Fran Sheehan was not in attendance. Mayor Agenbroad thanked the Commission for their recommendation and stated that Council would like to give Chairman Bell and the Commission an opportunity to present those recommendations to Council tonight and comment or elaborate on any of those recommendations.

Mr. Bell made the following comments: Mr. Bell thanked the Commission Members for all of their work and time. The Commission spent a lot of time not only reviewing the materials submitted to them by staff, but also conducting a lot of research on their own. Mr. Bell also thanked Law Director Alan Schaeffer for his time; Mr. Schaeffer was a big help by answering questions and guiding the Commission through the review process. Finally, Mr. Bell thanked Clerk of Council Lori Martin for keeping the Commission's work updated from meeting to meeting and keeping the Commission on track.

Mr. Bell explained that the Commission has made a number of recommendations that involve "cleaning up" the language from past Charters. Also, the Commission Members each chose an Article of the Charter to research and presented their findings and information to the Commission. The Commission as a whole reviewed each section of the Charter separately taking into consideration information that was provided to the Commission by staff along with the information that was researched by individual members. Most of the amendments were agreed upon and approved by all of the Commission Members, some articles received clarification, and other articles needed clarification or a legal opinion and were tabled until that information was gathered. As noted in the transmittal letter to City Council, Sections 4.01, 4.02, and 4.05 involved a lot of time, discussion, and research, which occurred at two to three of the six meetings. The discussions of these sections pertained to the continuation of the ward system versus changing to an at-large system, the time allotted for Council to make appointments to fill vacancies, and the process for filling Council vacancies. The Commission also recommended a lot of clarifications and updates to the Charter language in general such as changing the word "Municipal" to "City" in every case as well as other non-substantive changes throughout the Charter. Mr. Bell again stated that the Commission spent a lot of time discussing and researching each section of the Charter, and that work is what their recommendation is based on.

Mayor Agenbroad asked if the Commission wished to elaborate regarding their recommendations or does the document speak for itself?

Mr. Bell suggested that individual Commission Members could speak in regard to the articles of the Charter that they researched and addressed. Also, Mr. Bell pointed out that in Article IV, Section 4.05(d), the Commission recommended retaining the 30-day requirement to fill a Council vacancy. He explained that the Commission felt that it was important for a Council Member to be appointed as soon as possible, within 30 days, because of the possibility of a three-to-three tie vote among the six remaining members, which could potentially stall City business. Mr. Bell stated that Commission Member Gary Hruska researched Article IV of the Charter. Mr. Hruska's findings were provided with the information Council received, and show the other communities with similar policies regarding Council appointments. The "wards" versus "at-large" issue was the focus of a lot of discussion and debate as well, and there are a lot of communities in this area that have all "at-large" Councils as shown in the information provided, and the discussion included the pros and cons from both sides. The other issue discussed was the appointment of a Council Member when there is a vacancy. The Commission recommended a change regarding that process, but it would not affect Councilman LaDu, if council decides to accept that recommendation. The Commission looked at how other communities dealt with the filling of vacancies on Council and felt there should be a process in place for the appointment of a vacancy that addresses the length of time an appointee can serve before being required to run for election. The proposed change addresses Councilman LaDu's situation. Mr. Bell explained that Mr. LaDu was appointed to a Council seat with nearly a full term of four years left; under the proposal, Mr. LaDu would have to run for the same seat at the next election leaving it up to the people to decide who they want their representative to be, as opposed to Council making that decision. Mr. Bell further commented that Mr. Hruska also did a lot of research as to how this process would work. Mr. Bell stated that these items are the three big issues that the Commission addressed and discussed at length.

Mr. Hruska commented that he would like to address some of the issues that Mr. Bell brought up and he distributed information and data regarding ward and at large elections. (A copy of the information Mr. Hruska provided is attached for the record.) Mr. Hruska explained that he proposed that the Council ward system be changed to an all at-large system, but he was in the minority on this particular recommendation. Mr. Hruska referred to the three scenarios on the chart. In the first scenario, "the 2005 Ward Elections", which shows the actual votes cast, first, there is a huge disparity in the amount of voters in each ward, and second, if there were two candidates one could get elected with as little as 300 votes or if there were three candidates, one could get elected with as little as 200 votes out of a total of 10,000 votes in the City. Mr. Hruska is aware that the wards have been redistricted for 2009, and he has also included that information. Again, the data shows a candidate could be elected with as little as 400 votes. Mr. Hruska referred to the third scenario, "All At-Large Election." Mr. Hruska stated that presuming a 40% turn out, which he admitted was on the high side, a candidate running at-large would need 2,137 votes if there were 2 candidates and 1,425 votes if there were three candidates, which is a lot different from 200 or 300 votes to get elected for a position that represents the whole City. Mr. Hruska stated that he thinks there are some valid reasons to switch from the ward system to the at-large system. Mr. Hruska further stated that he read all 25 charters from the list included in

the information Council received, and two-thirds of all surrounding communities have all at-large elections. Mr. Hruska added that Council Members represent cities, they do not represent wards, and they take an oath to represent what is in the best interest of the City. Mr. Hruska further added that contrary to what some people think, the at-large system is not easier to control or to elect special interests or further personal agendas; it is actually a lot harder in the at-large election because it requires three to five times the number of votes to be elected than it does in the current ward system. Mr. Hruska stated that the at-large system eliminates having to equalize the number of votes within the wards and the jury-mandering of districts. Mr. Hruska also stated that in the last ward election, Ward 1 had 65% of the voters and it has been that way for the last couple of elections because it was never changed, and even with the proposed language in the new Charter there is still no guarantee it will be changed. Mr. Hruska explained that Council could ignore it or change it to serve their purposes or not change it at all; there is really no penalty for that. Mr. Hruska added that the at-large election goes to fundamental fairness, instead of some Council Members running at-large and some running in a small group, it is an equal playing field for everyone with the same rules. Also, instead of voting for half of the City Council under the current system, two at-large and one ward, a voter would get to vote for all of the Council representatives in an all at-large system.

Mayor Agenbrood confirmed that Mr. Hruska was making this presentation on his own behalf because the Charter Review Commission is not making this recommendation. Mr. Hruska replied yes, he is in the minority, but he wanted Council to know because they will make the final decision.

Ms. Jobe commented that the Commission had spirited debate over this issue; it was truly thought out, members did their research, and all had input. But, in her opinion, all voters in Springboro need to be represented, and they are all represented under the ward system. For example, Mr. Chmiel might represent a certain ward, but Ms. Jobe explained that if she needed something, she feels she could call upon him for help. Ms. Jobe further commented that it is her responsibility as a voter to educate herself as to who her Council person is or who is running, whether they are running in a ward or at-large. Ms. Jobe stated that the one thing she did learn by talking with citizens was that most people did not know who their ward representative was. Finally, Ms. Jobe stated that all of City Council represents Springboro and all have the best interest of the City at heart, which is the important thing.

Mayor Agenbrood commented that the wards are listed in the City's quarterly newsletter. Ms. Jobe stated that apathy is the reason many people do not know who their representatives are.

Ms. Lairson commented that it is interesting how many people do not know what ward they live in.

Mr. Hruska commented that point furthers his argument for the all at-large system because wards are outdated.

Mr. Anderson asked how the all at-large system affects the Mayor's race? Mr. Hruska explained that the Mayor is elected separately at the same time as two of the at-large members are elected; therefore, instead of electing four wards in the next election, it would simply be four at-large City Council Members.

Mayor Agenbrood commented that he understands the recommendations and comments being made, and asked if there was anything else the Commission would like Council to consider?

Mr. Vomacka commented that Mr. Bell thanked everyone else who was involved in the Charter Review, and he wanted to thank Mr. Bell for the marvelous job he did keeping some very spirited and different personalities working toward the same goal; he was great as the Chair and deserves the Commission's thanks for that.

Mr. Hruska also mentioned that the Commission recommended that a Council candidate be required to be a two-year resident of the City; currently, there is no length of residency requirement. Mr. Hruska added that the Charter requires a Planning Commission Member to be a two-year resident, but does not require the same for City Council Members.

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Mr. Bell referred to the process being recommended for the filling of vacancies, and Mr. Hruska elaborated on that recommendation. Mr. Hruska commented that in two-thirds of the communities he researched he found that if there is more than two years left in a term, the appointee has to run for election in the next city election. Mr. Hruska explained that the proposed change would actually result in a requirement of two years and 25 days before petitions have to be filed with the Board of Elections at the time of the appointment. If there are two years and 25 days or less until the filing deadline, then the appointee would serve the remainder of the term, which would be a little over two years.

Ms. Lairson confirmed that the person elected under that scenario would only serve a two-year term? Mr. Hruska replied yes, the remainder of the term. Mr. Hruska reiterated that is what the majority of the cities do.

Mr. Anderson confirmed that under this scenario if Mr. LaDu had to run for election in 2009, he would run along with the four ward members. Mr. Hruska replied yes, and clarified that four people would be running for four-year terms and one person would be running for a two-year term.

Ms. Lairson commented that under that scenario there is the possibility of turning over five of the City Council Members in one election.

Ms. Belpulsi inquired regarding the Section of the Charter pertaining to the Tax Budget under Article VIII, specifically the recommendation to add the word "Tax"? Ms. Belpulsi confirmed that this section has always referred to the Tax Budget, but the word "Tax" was added to clarify that fact? Ms. Thompson replied yes. Ms. Thompson added that the changes to that section were based on comments received from Director of Finance Robyn Brown. Mr. Bell added that he asked Ms. Brown for her input as far as how to word that section.

Ms. Belpulsi inquired regarding the strikethrough of certain personnel in the section pertaining to unclassified personnel in Article X of the Charter? Ms. Thompson explained that first, the City does not have any secretaries for agencies, boards, and commissions, and second, the Law Director advised that those positions were not considered unclassified service.

Mr. Chmiel commented that with regard to the "wards" versus "at-large" issue, over the time he has served on Council, he has had good interaction with people within his ward and outside of his ward. Mr. Chmiel further commented that speaking from his position as a ward, information regarding who your ward representative is travels by word of mouth in the neighborhood. Mr. Chmiel stated that he has had quite a bit of involvement with the people of his ward and fortunately, with the help of staff, the ward member looks really good when they do something good for someone in the community. Mr. Chmiel further stated that when a representative has a concentrated area of the community to work with, they are more familiar with what is going on in that area. Mr. Chmiel added that he thinks the ward system does have a lot of positive aspects regardless of the number of votes it takes to elect a ward member versus an at-large member.

Mr. Bell commented that Mr. Chmiel's point was one of the arguments made to keep the ward system. Mr. Bell explained that if people know who their ward member is, they can go to them concerning minor things, and the major things would be addressed by all of Council. Mr. Bell reiterated that residents seek out their ward representative for smaller issues such as pot holes, yards, etc; the minor issues that they can direct to staff for a response. Mr. Bell added that in his experience serving on Council in the ward system; it worked very well.

Mr. Parise asked to clarify the change pertaining to compensation in Article IV of the Charter or to give an indication of how often PERS generally changes their rates? Ms. Thompson answered that she has been with the City for 20 years and the first time she has known it to happen was last year when Council passed legislation to allow Council Members to retain full service credit by raising their salary to \$450 per month.

Mr. Parise confirmed with Ms. Thompson that a PERS adjustment would be rare? Ms. Thompson replied yes, very rare.

Mr. Anderson stated that he thought Council already voted on this issue. Ms. Thompson replied yes, Council already voted on this, but the recommendation is to include that same language in the Charter.

Mr. Hruska commented that under the current process Council has to vote on salary adjustments, but they do not take effect until the next election, which could be two to four years. Mr. Hruska explained that with the proposed language, the salary adjustment would take effect immediately if the PERS minimum salary requirement goes up.

Mr. Anderson commented that including this language in the Charter amendments if it goes on the ballot could cause the whole recommendation to get voted down because it would appear that Council is looking for a raise. Mr. Anderson further commented that he understands the good intentions of this recommendation, but he believes it would torpedo the entire recommendation and believes the headlines would read that Council wants a raise.

Ms. Thompson commented that she thinks what Mr. Anderson is saying is quite possible, but Council only earns \$450 per month, and she does not remember there being an outcry the last time it happened.

Mr. Parise agreed that this language could become an issue, especially during difficult economic times.

Ms. Belpulsi commented that the City had a ballot issue several years ago regarding Council salaries, and she remembers that issue voted down.

Mayor Agenbroad reminded everyone that these are recommendations from the Charter Review Commission and that Council will have to deliberate and decide the merits of these changes.

Ms. Thompson commented that Mr. Hruska's comment is accurate; this language would allow Council to make the adjustment with respect to changes in the PERS system without having to go through the current process all over again.

Mayor Agenbroad commented that Council appreciates the Commission's efforts with respect to this language because it has been a hot topic for some time. Ms. Thompson added that Council could choose to exclude this language from the final amendments.

Mr. Bell commented that this issue has come up before, and this is how the Commission addressed it.

Mr. Chmiel commented that there is really no reason for Council to initiate any kind of an increase outside of the fact that PERS did change their minimum requirement for full service benefit, which is what initiated the last adjustment.

Ms. Thompson explained that when Council approved their salary adjustment for full service credit it was done by a vote of Council, but within the parameters of the current Charter language. She further explained that the recommendation is to change the Charter language to account for any changes to the PERS minimum salary requirements in order to receive full service credit. Under the current Charter, Council has to adopt legislation six months prior to the next election to make the adjustment.

Mr. LaDu referred to page 17, Administrative Departments, Article VII, in which the Finance, Safety, and Service Departments are listed. Mr. LaDu asked why the Public Works and Law Departments were not represented? Ms. Thompson explained that the City's code named certain departments and the Charter named certain departments, but there was no coordination between the two texts. This change was a staff recommendation to correct that discrepancy.

Mayor Agenbroad concluded this portion of the Work Session with the 2008 Charter Review Commission by stating that on behalf of Council he wanted to thank the Commission for all their hours of deliberation in bringing this final product back to Council. Mayor Agenbroad further stated that the Commission did an excellent and professional job, and he appreciates their commitment to the City.

ITEM 4. LEGISLATIVE AGENDA. –Three legislative agenda items were reviewed for the June 19, 2008 City Council Regular Meeting.

- 1) **ORDINANCE: SECOND 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.

No discussion.

- 2) **EMERGENCY ORDINANCE: FIRST 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.

No discussion.

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A PRE-APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR PROJECT YEAR 25 / FISCAL YEAR 2011.

Council received an updated version of this resolution. Ms. Thompson explained that the third project listed on the application has been altered to exclude the sidewalk portion of the project. Ms. Thompson explained that City Engineer Raj Sharma informed her that according to County Engineer Neil Tunison and Bob Craig (Executive Director of the Warren County Regional Planning Commission) the City's application would be turned down based on the request for funding for the sidewalk. In other words, if the sidewalk portion of the project were included in the application, funding for the entire project would be jeopardized, but the City can apply for funding to widen the bridge to accommodate the sidewalk. Ms. Thompson commented that Mr. Craig is instrumental in determining what projects are funded. Ms. Thompson further commented that, in the updated version of the legislation, the sidewalk is now referred to as a future City project.

Mr. Chmiel asked if the project would include cutting back some of the trees behind the bridge to allow those driveways to see traffic? Ms. Thompson responded by stating that it would be up to engineering to address site distance issues in that area of the project, and they certainly would take that into consideration.

ITEM 5. CITY MANAGER. –Issues/Reports.

Concrete Streets Replacement Project: Ms. Thompson distributed a spreadsheet prepared by Assistant City Engineer Elmer Dudas showing the concrete streets to be replaced with full depth asphalt and cost estimates. (A copy of the spreadsheet is attached for the record.) The total estimated cost to replace the City's remaining concrete streets with asphalt is \$2.964M. This estimate is based on 2008 pricing per unit cost only.

Mr. Chmiel asked if the project would include curbs, sidewalks, etc.? Ms. Thompson replied yes, but those improvements would be assessed to the property owners.

Mr. Parise asked if they would repair the concrete and cover it with asphalt? Ms. Thompson explained that they would install a fresh coat of full depth asphalt (4") after the concrete is completely removed. Mr. Parise asked why the City would remove the concrete and replace it with full depth asphalt instead of resurfacing the concrete with 2" of asphalt? Ms. Thompson explained that anything less than the full depth asphalt would be unreliable. She added that repairs made with the durapatch do not hold on the concrete. Ms. Thompson explained that the City is recommending applying a 4" layer of asphalt to the base after completely removing the concrete. Ms. Thompson further explained that a 2" layer of asphalt would only last 10 years before have to be resurfaced; the 4" layer would last up to 20 years. Ms. Thompson added that this

concrete project would be in addition to the street resurfacing program already scheduled in the 5-year CIP. Ms. Thompson also commented that the price of asphalt is directly related to the price of gas, and the project would be more expensive due to the cost of materials in the future. She further commented that ODOT is putting 30% plus contingencies in their project estimates; this project only has a 10% contingency. Ms. Thompson asked if Council would like to see staff run the numbers for this project?

Mr. Chmiel asked if this estimate would be close to the bid cost? Ms. Thompson replied yes, this would be the estimate used to bid the project in 2008.

Ms. Belpulsi asked where the money would come from to pay for this project? Ms. Thompson answered that the City would have to borrow the funds and make debt payments out of the Street and General Funds.

Mr. Parise asked if the City would be locked into this cost? Ms. Thompson replied no, this cost is an estimate from the City engineer based on a per unit cost for asphalt in 2008. She explained that the actual bid the City would seek would be the real cost.

Mr. Schaeffer explained that the cost estimate would be locked in for 2008 if the entire project was bid for completion in 2008. He further explained that if half of the project were completed this year it would be fixed at that cost, but the cost for the remainder of the work in the next year would be play.

Mr. Parise asked if there would be any type of guarantee on this work? Mr. Schaeffer explained that the contractor would be required to post a performance bond that guarantees the work will be done and post a materials and labor payment bond that assures that all of the subcontractors and material suppliers will be paid. The contractor would also provide a two-year maintenance bond after the work is done, but even after three to four years if the City determines it was not built to spec the City can have a cause of action against the contractor in the form of recourse. Ms. Thompson added that the City has pulled bonds on past projects that were not performed, and the money must be released to the City to complete the work.

New City Building Update: Ms. Thompson reported that the bids for the construction of the new City building came in \$1.5M over the estimate. The Architect, Lorenz and Williams, met with the bidders to discuss the bids and possible reasons for the significant differential. It was found that the bids were over estimate for a combination of reasons including certain specifications such as lighting, generator, and HVAC system, the bids were bid to spec rather than pricing out equivalents, and bidders did not supply real numbers to the general contractor. Ms. Thompson explained, for example, the RFP asked for a specific type of generator that was diesel fueled and would power the building for an extended period of time, which is more extensive than necessary to meet the City's needs; the generator would only need to power the dispatch center and some lights. Also, the specifications for the HVAC were more extensive than what is probably necessary. These disparities caused the bids to range from \$5.6M to \$8.8M. In short, Ms. Thompson commented that either the specs are not within budget, the building is going to shrink, or the bid numbers are inflated, but for a variety of reasons the bids came in high.

Ms. Thompson also commented that based on Mr. Schaeffer's advice the City could negotiate with the lowest and best bidder(s) rather than have to re-bid the project. Ms. Thompson added that the project is a 30,000 sq. ft. building at \$200/sq. ft. totaling \$6M, and after all is said and done, the cost will be in the \$6M to \$6.2M range. Ms. Thompson added that the City could not afford to shrink the building, as there was no extra room put into the plans, and the plan is to look at alternatives to achieve the same appearance and results.

Ms. Thompson further commented that the site work is two weeks behind due to the rain; therefore, the delay in the construction contract will not really hold up the project. Ms. Thompson added that Lorenz and Williams did their job and were well prepared to deal with these issues concerning the bids.

Video Arraignment in Mayor's Court: Chief Kruithoff announced that new video equipment has been installed in the large conference room to accommodate video arraignment, which allows the Mayor's Court Magistrate to video-conference with the defendants from the county facility.

New Police Officers: Chief Kruithoff announced that Lieutenant Wheeler will introduce two new police officers at the July 3 Council Meeting when the officers take the Oath of Office to be sworn in.

Mayor Agenbroad inquired about the new officers? Chief Kruithoff commented that one is new and one is experienced.

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

Community Service Board: The Community Service Board will hold their first meeting on Tuesday, June 24, 2008 at 7:00 PM in Council Chambers. The meeting will be organizational in nature during which the Board will elect officers, establish a regular meeting schedule, and begin to carry out their duties as prescribed by ordinance.

Calendar Updates: The 3rd U.S. District Office Hours will be held on Friday, June 27, 1:00-2:00 PM in Council Chambers; Independence Day will be observed on Friday, July 4; whereby, the City offices will be closed; Concerts in the Park at North Park Amphitheater will be held on Tuesday evenings in July at 7:00 PM; the Springboro Friends and Family Event Fundraiser will be held on Friday, July 18 at Heatherwoode.

ITEM 7. CITY COUNCIL. –Issues/Reports.

Mr. LaDu – No issues/reports. Mr. LaDu mentioned that some residents complained regarding the music played at night during the Relay for Life Event. It was suggested that the event could be held at North Park; the one-mile walking trail could be used as the track and the amphitheater could be used as a staging area.

Mr. Parise – Mr. Parise commented that Council had a conversation at the last Work Session in regard to wards, and he would like to nail down a time to discuss the ward boundaries, such as an additional work session or early Saturday meeting. Mr. Parise added that any changes to the ward boundaries would have to be adopted a year before the next election in order to submit them to the Board of Elections in a timely manner.

Council reached a consensus that the ward boundaries and the Charter Review Commission's recommendations would be discussed at an extended Work Session after the City Council Regular Meeting on July 3.

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

Ms. Lairson – Ms. Lairson commented that the Tree Authority met on Tuesday, June 17 and discussed the huge Monarch Tree that fell at Community Park. The tree, a northern red oak, was 98 ft. tall and 11.5 ft. in diameter. The proposed plan is to use lumber from the tree to build outdoor benches for the new City building, which will feature plaques memorializing the tree.

Mr. Anderson – No issues/reports.

Ms. Belpulsi – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad commented that he has received a few calls regarding the gaps in the fencing at the sewer plant. Mayor Agenbroad confirmed that the remaining fence panels would be put in place by winter. Mayor Agenbroad also confirmed that the City has planted all of the trees, and again, will put the remaining panels in place this year, which will complete the project. Ms. Thompson confirmed that the City will install the missing fence panels this year.

Mr. Chmiel commented that the screening was not part of the original plan, but the fence and trees do a great job of screening the sewer plant. Ms. Thompson replied yes, the screening elements were in reaction to the residents' concerns.

At this time, Ms. Thompson gave a brief report regarding the accident that occurred at Heatherwoode Golf Course over the weekend. A car traveling from Creekside Subdivision down South Lakeshore Drive flew through the air between two houses and over the fence, flipped over onto the green and propelled 60 ft. gouging the green, and finally, landing in the bunker. Ms. Thompson commented that the owner of the car is paying restitution. Ms. Thompson also commented that she was impressed with the work Golf Superintendent Mike Eaton and his crew did to restore the green quickly. The course did not lose one round of golf, and Mr. Eaton had the course in good shape by 3:00 PM; the damage was hardly noticeable. In addition, Ms. Thompson complimented Mr. Eaton and Assistant Public Works Director Vince Murphy on their work to restore the areas around the newly expanded parking lot at the clubhouse.

ITEM 8. ADJOURNMENT. *With no further discussion, Mayor Agenbrood adjourned the City Council Work Session at approximately 6:50 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 19, 2008

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Sheila Lairson

Jim Chmiel
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CITY STAFF
Chris Thompson, City Manager

Jeff Kruithoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

PUBLIC HEARING

IN ACCORDANCE WITH OHIO REVISED CODE SECTION 713.12, A PUBLIC HEARING WAS HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO AT 7:00 P.M. ON THURSDAY, JUNE 19, 2008 TO AMEND THE TEXT OF THE PLANNING AND ZONING CODE, PART XII OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO. THE PUBLIC HEARING TOOK PLACE IN COUNCIL CHAMBERS AT THE CITY'S TEMPORARY MUNICIPAL BUILDING IN THE DALCO BUILDING LOCATED AT 425 SOUTH PIONEER BOULEVARD, SPRINGBORO, OHIO, 45066.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO PROPOSED AMENDMENTS TO THE PLANNING AND ZONING CODE TO MANAGE THE INSTALLATION OF CERTAIN UTILITY STRUCTURES IN THE CITY OF SPRINGBORO.

THIS PUBLIC HEARING WAS HELD IN ACCORDANCE WITH CHAPTER 1284, AMENDMENTS, OF THE PLANNING AND ZONING CODE. THE PROPOSED PLANNING AND ZONING CODE TEXT AMENDMENT WOULD NOT RESULT IN ANY AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO.

THE PUBLIC HEARING WAS LIMITED TO 30 MINUTES; 15 MINUTES RESERVED FOR THE OPPONENTS, AND 15 MINUTES RESERVED FOR THE PROPONENTS.

A COPY OF THE TEXT OF THE OF THE PROPOSED ZONING WAS AVAILABLE FOR REVIEW AT THE RECEPTION DESK AT THE TEMPORARY SPRINGBORO MUNICIPAL BUILDING, 425 SOUTH PIONEER BOULEVARD, SPRINGBORO, OHIO, 45066 BETWEEN THE HOURS OF 8:00 A.M. AND 4:30 P.M., MONDAY THROUGH FRIDAY, LEGAL HOLIDAYS EXCLUDED.

PROPONENTS:

- 1) CITY PLANNING CONSULTANT DAN BORON MADE THE FOLLOWING COMMENTS: THIS PROPOSED ORDINANCE IS A STAFF RECOMMENDATION TO THE PLANNING COMMISSION AND CITY COUNCIL. IN

BRIEF, THIS ORDINANCE IS A RECOMMENDATION FROM THE PLANNING COMMISSION TO CITY COUNCIL THAT REGULATES THE INSTALLATION AND PLACEMENT OF VERY LARGE UTILITY STRUCTURES WITHIN THE CITY OF SPRINGBORO THAT COULD POTENTIALLY ADVERSELY AFFECT THE LOCAL ENVIRONMENT BOTH VISUALLY AND PHYSICALLY WITHIN THE COMMUNITY. AS PROPOSED, THE CITY WILL BE ESTABLISHING A PERMIT AND APPLICATION STRUCTURE WHICH IS OUTLINED IN THE ORDINANCE FOR ANY UTILITY STRUCTURES WHERE ANY TWO OF THE DIMENSIONS, HEIGHT, WIDTH, OR DEPTH, EXCEED 30" IS SIZE. SMALLER UTILITY STRUCTURES WILL NOT BE SUBJECT TO REVIEW. NONE OF THE STRUCTURES THAT EXCEED ANY OF THOSE TWO 30" DIMENSIONS WILL BE NECESSARILY PROHIBITED BY THE ORDINANCE; IT JUST ESTABLISHES A PROCEDURE AND A PROCESS, WHICH IS OUTLINED IN THE ORDINANCE. ALSO, ANY EXISTING UTILITY STRUCTURES WHICH MAY EXCEED ANY OF THE STANDARDS WITHIN THE ORDINANCE WILL BE "GRANDFATHERED" AND NOT BE SUBJECT TO ANY KIND OF REVIEW. IN BRIEF, THE OUTLINE AS IDENTIFIED IN THE COVER MEMORANDUM OUTLINES THE OVERALL UTILITY STRUCTURES ORDINANCE. THE ORDINANCE WILL ALSO EXEMPT CITY STRUCTURES AND CITY UTILITIES SUCH AS UTILITY BOXES, TRAFFIC SIGNAL BOXES, AND OTHER ESSENTIAL EQUIPMENT FOR THE USE OF THE CITY. THE ORDINANCE ESTABLISHES LOCATIONS WHERE THESE UTILITY STRUCTURES WOULD BE APPROPRIATE AND THE TWO LOCATIONS ARE, THE RIGHTS OF WAY WITHIN THE COMMUNITY AND ON PRIVATE PROPERTY EASEMENTS IN THOSE AREAS. CITY COUNCIL IS REVIEWING A COMPANION ORDINANCE THAT IS SOMEWHAT RELATED TO THIS TO MANAGE THE CITY'S RIGHT OF WAY AREAS. THE UTILITY STRUCTURES ORDINANCE ALSO ESTABLISHES A SET OF APPEARANCE STANDARDS, WHICH IDENTIFY COLOR AND THE MANNER IN WHICH TO SCREEN THE STRUCTURES, WITH EITHER LANDSCAPING, EXISTING OR NEW, OR FENCES AND WALLS, WITHIN THE COMMUNITY. A PROCESS FOR A PERMIT STRUCTURE AND APPLICATION HAS BEEN ESTABLISHED BY THIS ORDINANCE THROUGH THE CITY MANAGER'S OFFICE, WHO IS THE DIRECTOR OF PLANNING UNDER THE CHARTER, AND ALSO A FEE STRUCTURE, HAS BEEN CREATED UNDER CHAPTER 1464 OF THE HOUSING AND BUILDING CODE. MR. BORON OFFERED TO ANSWER ANY QUESTIONS OF COUNCIL. THERE WERE NO QUESTIONS OF COUNCIL.

MAYOR AGENBROAD THANKED MR. BORON FOR HIS COMMENTS.

NO OTHER PROPONENTS CAME FORWARD.

OPPONENTS:

NO OPPONENTS CAME FORWARD.

MAYOR AGENBROAD CLOSED THE PUBLIC HEARING AT APPROXIMATELY 7:07PM.

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, June 19, 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, Present; LaDu, Present; Lairson, Present; Parise, Present.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE JUNE 5, 2008 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mr. Parise motioned to approve the Minutes of the June 5, 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; LaDu, Abstain; Lairson, Yes. [APPROVED 6-0-1]

ITEM 5. PRESENTATIONS: No Presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 6:00 PM tonight for approximately 50 minutes to discuss the following legislation as well as various matters before the City.

- 1) ORDINANCE: SECOND 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 second 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. The City Engineers, Public Works Director, and City Planner, all worked with the City Law Director's office to create the public ROW ordinance. This ordinance will allow the City to plan and manage the public ROW through a more structured set of guidelines that the City has not had in the past. With the increased demand on the community's ROW for telecommunications and fiber and even newer technology and services, the City will be able to better regulate and control this valuable asset. Again, the City has reviewed this ordinance with the Law Director's office and the City Public Works Director and Engineers, and if there are any changes to the ordinance from this point forward, staff will make sure Council receives them by the third reading. The City has shared this ordinance with some of the utility providers, and the only anticipated change would potentially be any suggestions made by the service providers that might be useful in the ordinance.

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

No action required at this time.

- 2) EMERGENCY ORDINANCE: FIRST 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:

This is the first reading of an ordinance to amend Chapter 1271, Supplemental Regulations, of the Planning and Zoning Code by adding Section 1271.05, Utility Structures. This ordinance was the topic of the Public Hearing held tonight during which City Planner Dan Boron briefly presented the ordinance. The City has shared this ordinance with the utility providers as well. In particular, Duke Energy had a number of comments for the City with respect to the ordinance, and staff has been able to resolve most of them, but it might create a slight text change in the final version of the document before the third reading. Primarily, one of Duke Energy's concerns was the size of the boxes that the ordinance regulates and they are checking with their gas department to make sure that nothing in their plans conflicts with this ordinance. But, an "essential services" clause inserted into this legislation would probably prevent the City from having to address any of those concerns. When Duke Energy provides electrical and gas service for the comfort, public safety, health,

and welfare of the residents; it is an essential service. Furthermore, the City is not trying to prevent any essential services from being provided in the community; the City is trying to regulate certain non-essential services and the rather large and offensive utility boxes being installed to provide those non-essential services. City Council might see a text change, which staff will point out at the time of the third reading, but again, that text change will only refer to some exemptions for certain equipment that already exists in the City and potentially, exemptions for essential services.

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

No action required at this time.

- 3) **RESOLUTION R-08-30:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A PRE-APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR PROJECT YEAR 25 / FISCAL YEAR 2011," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manger to file a pre-application to the State of Ohio to participate in the OPWC Issue II Funding for FY 2011. The City has elected to apply for funding for the following projects through this application: Project 1) West Factory Roadway Improvements, which would consist of reprofiling and widening W. Factory Road between W. Market Street and the western City limit. The road would be widened to 29 ft. back to back of curb having curb & gutter, storm sewer and sidewalk. Also, the bridge over Twin Creek No. 2 will be widened on the north side as part of the project. The length of the project is appx. 1,550 ft. Project 2) Red Lion Five Pts. Rd. Roadway Improvements, which would consist of realigning, reprofiling and widening the portion of Red Lion Five Pts. Rd. within the City limits. The road would be widened to 29 ft. back to back of curb having curb & gutter, storm sewer and sidewalk. The length of the project is appx. 3,700 ft. Project 3) St. Rt. 741 Bridge Widening and Deck Replacement over Clear Creek, which would consist of widening the bridge over Clear Creek, currently over the cart path at Heatherwoode on S. Main Street, to accommodate the sidewalk, which would be constructed as a future City project between Clearcreek Elementary School and Springboro High School.

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

Ms. Belpulsi motioned to adopt Resolution R-08-30. Mr. Chmiel seconded the motion.

No discussion.

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

ITEM 7. REPORTS:

Mayor's Report – The 3rd U.S. District Representative Office Hours are scheduled for Friday, June 27, 1:00-2:00 PM in Council Chambers. The Concerts in Park Series will be held on Tuesday evenings in July on the following dates at North Park Amphitheater: July 1, 8, 15, 22, and 29. Independence Day will be observed on Friday, July 4; whereby, the City offices will be closed. Mayor Agenbroad also commented that Heatherwoode serves breakfast every morning from 6:00-10:00 AM, and he encouraged everyone to try breakfast at Heatherwoode and support the restaurant. The next City Council Work Session will be held on Thursday, July 3, 2008 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, July 3, 2008 at 7:00 PM in Council Chambers, as scheduled. In addition, a Public Hearing for the 2009 Tax Budget will be held on July 3, 2008 beginning at 7:00 PM in Council Chambers. 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 commented that Assistant Public Works Director Vince Murphy has assisted the City with some restoration work at Heatherwoode Golf Course in the parking lot area where

the City increased the number of parking spaces. Mr. Murphy teamed with Golf Course Superintendent Mike Eaton to restore the area after the parking lot was enlarged, and it looks distinctly different than it did a week ago; it is a marvelous change and very much needed. Ms. Thompson also wanted to commend Mr. Eaton and his crew at Heatherwoode. She explained that there was a very unique and bizarre incident Saturday morning at Heatherwoode where a car literally flew over a green, gouged the green, and landed in a sand bunker at No. 4. The restoration work was phenomenal and done quickly, and the course lost no revenue, no golfers were inconvenienced, and no one was hurt badly. In addition, Ms. Thompson thanked the Engineers and Public Works Director and the Planner as well for the ROW, which was a lot of work. When staff prepares these ordinances, people do not understand or look at the depth of what goes into creating an ordinance that works for everybody, the residents, the City, the vendors, and the people who utilize the ordinance. This includes not only the Utility Structures ordinance, which was the subject of tonight's Public Hearing, but also the ROW Ordinance, which took a lot of work and many, many months to prepare. Ms. Thompson stated that she wanted to thank everyone on staff, who worked on those items.

Committee Reports –

Mr. LaDu – No reports.

Mr. Parise – No reports.

Mr. Chmiel – Planning Commission – The Planning Commission met in Work Session on Wednesday, June 11 at 7:00 PM in Council Chambers to review the following items: Site Plan Review – 2738 Pennyroyal Road, Clearcreek Chapel building addition. The plan is to build additional offices and classrooms onto the church; Discussion – The Stoneridge Planned Unit Development Business, clarification of the General Plan approval. During the discussion, the Commission provided some beneficial direction to the developer on what course he needs to follow to continue moving forward on this project. Staff Recommendation – Planning and Zoning Code amendments concerning the regulation of Utility Structures within the City ROW areas. The next Planning Commission meeting will be held on Wednesday, June 25, 2008 at 7:00 PM in Council Chambers, as scheduled.

Ms. Lairson – Tree Authority – The Tree Authority met on Tuesday, June 17. The Tree Authority is mourning the loss of a very large Monarch Tree at Community Park, and the City hopes to make good use of some of the lumber from that tree.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

ITEM 8. OTHER BUSINESS. Mayor Agenbroad reported that every eight years City Council appoints a Charter Review Commission. On behalf of Council, Mayor Agenbroad thanked Chairman Greg Bell and the Commission Members for their fine work. The Commission has made their recommendation to Council based on their deliberations.

At this time, Mayor Agenbroad asked for a motion to discharge the 2008 Charter Review Commission, with a vote of thanks.

Ms. Belpulsi motioned. Ms. Lairson seconded the motion.

No discussion.

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

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.

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

Mr. Parise motioned to adjourn the meeting; whereby, the Thursday, June 19, 2008 Springboro City Council Regular Meeting was adjourned at approximately 7:16 PM. Mr. LaDu seconded the motion.

No discussion.

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

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council