

**CITY OF SPRINGBORO
320 W. CENTRAL AVENUE, SPRINGBORO, OH**

CITY COUNCIL WORK SESSION

THURSDAY, JUNE 3, 2010

6:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor Marie Belpulsi
Tom LaDu Sheila Lairson
Bruce Moore David Vomacka

CITY STAFF

Chris Thompson, City Manager
Chris Pozzuto, Assistant City Manager
Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, June 3, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

ITEM 2. ATTENDANCE. All present. **Staff:** Ms. Thompson, Mr. Pozzuto, Mr. Schaeffer, and Ms. Martin were present.

Mayor Agenbroad stated that Mr. Moore would be late to the Work Session and has asked to be excused from the Regular Meeting due to a scheduling conflict.

(Mr. Moore arrived at 6:04 PM.)

ITEM 3. LEGISLATIVE AGENDA. –Nineteen legislative agenda items were reviewed for the June 3 Regular Meeting.

Mayor Agenbroad reminded Council that Legislative Items 1-12 will be considered a Consent Agenda and in conjunction with that motion Mayor Agenbroad asked if there were any objections to suspending the rules and waiving the second and third readings of Legislative Items 1-12 to streamline the processing of these ordinances. There were no objections.

Council will consider a motion to waive the second and third readings of Legislative Items 1-12 of the Consent Agenda at tonight's Regular Meeting followed by a motion to adopt Legislative Items 1-12, the Consent Agenda.

There was no further discussion regarding Legislative Items 1-12 of the Consent Agenda.

CONSENT AGENDA

(All items under the Consent Agenda are considered by the City Council to be routine and will be adopted by one motion. Any City Council Member may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion and action will be considered under the Regular Agenda following the motion to approve the Consent Agenda.)

- 1) ORDINANCE: FIRST READING. AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE FOR LOTS 1-31 IN BECK RIDGE IN SECTION ONE SUBDIVISION IN THE CITY.**

- 2) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY.
- 3) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY.
- 4) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY.
- 5) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY.
- 6) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY.
- 7) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY.
- 8) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY.
- 9) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 10) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 11) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY.
- 12) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 108-123 OF THE NORTH HILLS OF STONE RIDGE SECTION FIVE, SUBDIVISION IN THE CITY.

END CONSENT AGENDA

BEGIN REGULAR AGENDA

- 13) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT-OF-WAY DEDICATION OF A PORTION OF PENNYROYAL ROAD, AND DECLARING AN EMERGENCY.

No discussion.

- 14) **ORDINANCE: SECOND READING.** AN ORDINANCE TO AUTHORIZE THE CITY OF SPRINGBORO TO FORMALLY ADOPT THE BOUNDARIES OF THE AUSTIN LAND USE & DEVELOPMENT PLAN.

Mr. Vomacka asked what the implications or impact would be if Council decided to vote no on this ordinance. Ms. Thompson answered that Springboro would be a dissenter on the Land Use Advisory Committee's records of support regarding the amendment to include the 20+/- acres owned by Oberer in the Austin Land Use & Development Plan. Springboro would be one of three votes; therefore, the ordinance would still pass through the Land Use Advisory Committee.

- 15) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING SECTION 880.11(a), COLLECTION OF UNPAID TAXES; REFUNDS OF OVERPAYMENTS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, AND AMENDING SECTIONS 1042.18(a) AND 1042.18(c), PAYMENT OF BILLS; PENALTY SURCHARGES; DISCONTINUANCE OF SERVICE; APPLICATION OF RATES, CHAPTER 1042, WATER, AND AMENDING SECTION 1044.14(a) PAYMENT OF BILLS; DELINQUENCY; PENALTY SURCHARGES AND SECTION 1044.15, DELINQUENCIES; COLLECTION; TERMINATION OF SERVICE, CHAPTER 1044, SEWERS, AND AMENDING SECTIONS 1050.04(b) AND 1050.04(c), RATES AND COLLECTION OF CHARGES, CHAPTER 1050, STORM WATER, TITLE FOUR – UTILITIES, AND AMENDING SECTION 1062.06(c), RATES; BILLING AND SECTION 1062.07, DELINQUENCY; COLLECTION, CHAPTER 1062, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, TITLE SIX – OTHER PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

Mr. Vomacka commented that he met with Finance Director Robyn Brown earlier today to further discuss this legislation. Mr. Vomacka further commented that he will continue to oppose the legislation with respect to limiting refunds for utility overpayments to less than \$10.00. Mr. Vomacka explained that he appreciates that this policy would just apply to a final bill, but he still thinks that if the City owes money to a resident it should be paid and if it costs the City excessive money to make those refunds the City should find a way to reduce costs rather than retaining the money. Mr. Vomacka commented that in regard to the other two items that he is concerned with, Ms. Brown is going to work on clarifying the cover memo instead of revising the language of the legislation, which was provided by the State, to explain that the 25-50% penalty for delinquent payments referred to in the legislation only applies to the amount that is needed to pay a collection agency's fees and is not additional revenues for the City. Mr. Vomacka commented that he was initially concerned that this 25-50% penalty would be some kind of windfall to the City, and he objected to it on that basis, but it is not, it actually covers the City's existing costs because the City is absorbing those fees. Mr. Vomacka reiterated that Ms. Brown would clarify this point in the revised cover memo.

Mayor Agenbroad commented that the Finance Committee was never under the impression that the 25-50% was an additional fee to the payer when the Committee discussed this amendment, but if it would be helpful to clarify it in the cover memo, then Ms. Brown can follow up.

Mr. Vomacka also commented that Ms. Brown explained to him the revised penalties for non-payment of income taxes, and he no longer has a problem with that issue.

- 16) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING SECTIONS 880.07(a)(3) and 880.07(a)(4), DECLARATIONS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

No discussion.

- 17) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING SECTION 230.03, CONTRACTING AUTHORITY AND PROCEDURES, CHAPTER 230, ADMINISTRATION CODE, TITLE SIX, ADMINISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

No discussion.

- 18) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-10-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 17, 2009 FOR THE YEAR 2010; AND DECLARING AN EMERGENCY.

The Finance Director has requested that Council waive the second and third readings of this ordinance in order to properly appropriate funds for expenditure. There were no objections to this request.

Ms. Thompson mentioned that the \$3.220M represents the refinancing of the golf course. Ms. Thompson explained that the City has to receive the monies and show it as revenue within the same year it was refinanced in order for it to be correctly reflected on the books, but the City is not expending \$3.2M or receiving that amount. The City's debt payments on the golf course decreased from \$330,000 to \$225,000 due to refinancing the loan. Ms. Thompson added that it is a significant savings and the term of the loan was not extended. This supplemental appropriation ordinance would balance the books with respect to the golf course refinance.

- 19) **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 THE PROJECT YEAR 27 / FISCAL YEAR 2013. (CLEARCREEK-FRANKLIN ROAD AND LYTLE-FIVE POINTS ROAD WIDENING PROJECTS AND ROYAL TAMARACK WATER MAIN REPLACEMENT)

No discussion.

ITEM 4. CITY MANAGER. –Issues/Reports.

Austin Interchange Ribbon Cutting: Ms. Thompson reported that based on the communications she has received, tomorrow, ODOT will open the Continuous Flow Intersection (CFI) and the east-west corridor. The ramps are scheduled to open at the end of June, but a specific date has not been announced.

Ms. Belpulsi asked what is delaying the opening of the interchange. Ms. Thompson commented that it is her understanding that the opening may be delayed due to the Governor's schedule. Also, the contractor still has some work to do e.g. paving and curbing; however, all of the lights were working on the CFI this morning, but some were still covered.

Pennyroyal Road Bridge: In relation to the east-west Austin corridor opening, the Pennyroyal Bridge is scheduled to close on Monday, June 7 and there are signs indicating that Pennyroyal Road will be closed to raise the bridge under the new ODOT standards. Clearcreek-Franklin Road is open, but the City is scheduled to start the Pennyroyal Road project at SR741 before the Pennyroyal Bridge project will be finished. Furthermore, the Pennyroyal Road improvement project is an Issue II funded project, but staff plans to propose the project with an alternate bid to maintain traffic during construction. The City can bid the project through the Issue II program to either maintain traffic during construction or close the road, but would be responsible for the cost difference to keep the road open. Ms. Thompson explained that she asked the Public Works Director and the Engineer to propose an alternate bid to determine the cost of maintaining traffic during construction. Ms. Thompson stated that she feels if it is a reasonable amount of money, the City really needs to maintain traffic on Pennyroyal Road during that project.

East Street Improvement Project: Ms. Thompson commented that the East Street Project is progressing quickly and there is no way they envision keeping East Street closed until December because they are making such great progress. Ms. Thompson further commented that the contractor encountered some problems setting the bridge piers. Ms. Thompson explained that when they did the test borings for the bridge they believed they would hit rock at a certain point, but when they were

actually driving the piers they discovered that it was not really rock. Ms. Thompson further explained that the City will have to consider a change order associated with the bridge piers, which will have to be approved due to the fact that the City received Issue II funds for the project. Ms. Thompson commented that the change order would probably be less than \$100,000. Ms. Thompson further commented that the City does not really have a choice; it is an on-site construction issue that should have been avoided by the test borings, but unfortunately borings are intermittent and not 100% accurate. Also, final asphalt has been applied on the east side of the street. Ms. Thompson reiterated that due to the progress on East Street; it should definitely be open before December.

Ms. Thompson pointed out that Legislative Item 19 is a request for Issue II funds to continue improvements on Clearcreek Franklin Road and Lytle Five Points Road. The City did seek ARRA or American Recovery and Reinvestment Act funding for these projects, but that funding has been suspended for now.

Ms. Thompson commented that the information regarding the opening of Austin Boulevard and the CFI is posted on the website for residents.

Mr. Moore asked what the timeline is for the Pennyroyal Road Bridge Project. Ms. Thompson answered that she is not sure, but would follow up.

Mayor Agenbrood asked when the gourmet burger and Mexican restaurant were going to open in the former Encore building. Ms. Thompson commented that they have posted a sign, but she does not know when they will open; they have not given the City a date. Ms. Thompson further commented that it will be El Pueblo Restaurant on one side and the former bar side of Encore will be Sammy's Gourmet Burgers and Sports Bar. Ms. Thompson also mentioned that she would be traveling to Blue Ash to sample these two restaurants. She explained that it will be two separate food choices, but only one kitchen. Also, Ms. Thompson mentioned that Boro Bistro is going to open at the Marketplace shopping center; the restaurant is relocating from the S. Main Street location. Ms. Thompson commented that she hopes the owner is successful at the Marketplace and hopefully will get a little more traffic at that location.

Ms. Thompson also commented that Sunnex, which is now Sunstar located on Pioneer, is going to expand their parking area because the company has new automotive contracts and will need additional parking for employees. Ms. Thompson added that the Planning Commission has two items on their agenda this month, which might indicate that development is picking up.

Mr. Moore asked how the meeting with the business owners at Springboro Pointe Plaza went in regard to the parking and fire lane issues.

Ms. Thompson answered that the meeting City staff had with the Springboro Pointe Shopping Center businesses last Tuesday, May 25, went very well. She further commented that six business owners attend the meeting. Ms. Thompson also commented that she spoke with Assistant Fire Chief Tom Morrison who will be meeting with staff and with the City's traffic engineer because there are no easy solutions to the parking issues at the shopping center. Ms. Thompson commented that she gathered from the meeting that there are different needs for the different businesses that were represented; it is not all about dropping children off, etc. Ms. Thompson further commented that to accommodate everybody's needs would be a challenge, but some really good ideas came out of the meeting. Ms. Thompson also commented that they need the traffic engineer to help determine how traffic flow would work if they were to block off a certain zone for people to drop off or if traffic only travels one way, etc. Ms. Thompson did get a comment from the Fire Department that they are not willing to change their fire lane at the shopping center. Ms. Thomson clarified that they were not asking to change the fire lane and the City is not ticketing people who are truly opening the door to drop someone off, but it has been observed that people are using the fire lane as a parking space for 10 to 20 minutes. Ms. Thompson also commented that the art/frame store needs to accommodate a person carrying out art. One of the solutions that came out of the discussions regarding the Fire Department is that if the art/frame store has a piece that needs to go to a customer the back door is available because the fire lane is not really restricted on the other side. Also, Ms. Thompson does have a copy of the letter concerning the fire lanes that Mr. Rentz, the owner of the shopping center,

has refused to change, but they hope to talk to him further. Ms. Thompson commented that Mr. Rentz did not make it to the meeting, but Ms. Lairson represented that he is willing to work with the City to try to help everyone resolve this issue. Ms. Thompson explained that they are meeting next week with the traffic engineer to see if he has some clever ideas that might help them accommodate the needs of the business owners. The UPS Store, Dry Cleaners, Alley Fine Art, That Music Place, Taekwondo, and the Veterinarian were represented at the meeting and are six out of eighteen businesses in the shopping center.

Ms. Lairson commented that she thought the meeting went very well even though it had the potential of possibly being explosive, but it was not and it turned out to be a very good brain storming session. Ms. Lairson further commented that there were a lot of ideas shared and a lot of good discussion.

Ms. Thompson added that everyone accepted the recommendation to involve the traffic engineer because they were at a stalemate and they could not answer all of the shop owners' questions without the Fire Department. Again, the business owners did commit to attend a meeting with the City's traffic engineer.

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

Bicycle & Pedestrian Advisory Committee Open Seat: Ms. Martin commented that she has contacted the remaining applicants from the original pool who applied for the Bicycle & Pedestrian Advisory Committee to determine if they are still interested in serving. Ms. Martin also commented that the City has several committee applicants who are interested in serving on a citizen committee, but have not stated a preference. Ms. Martin asked Council to please advise her as to how they would like to proceed with this appointment.

Mayor Agenbroad asked how many people were left in the pool of original applicants for the Bicycle & Pedestrian Advisory Committee. Ms. Martin answered three or four applicants.

Based on a very brief discussion, it was the general consensus that Council would like to consider applicants specifically interested in this committee. It was recommended that Ms. Martin wait for a response from the original applicants and proceed to advertise the opening if those applicants are no longer interested in serving on the committee.

Town Hall Meeting: Ms. Martin commented that at the annual goal setting session in February Council discussed holding a Town Hall Meeting in September or October. Although it is still very early, Ms. Martin would like Council to begin considering a date in order to be able to include announcements regarding the meeting in any upcoming City newsletters. Ms. Martin proposed four dates for Council to consider as follows: Tuesday, September 21 or 28 and October 5 or 26.

Mayor Agenbroad suggested that Council review their schedules in preparation to discuss a Town Hall Meeting date at the next Work Session.

Warren County Municipal League Meeting: The WCML monthly meeting will be held on Wednesday, June 16 at Manchester Inn in Middletown beginning at 6:00 PM. The featured speaker is Doug McNeil, President and CEO of Atrium Medical Center. The RSVP deadline is June 11.

Ms. Belpulsi added that on July 29 the Warren County Municipal League will co-host an event with the Hamilton County Municipal League and invite State Legislators from southwest Ohio. Ms. Belpulsi commented that this is the first time that the Municipal League held this type of event; it should be nice to meet people from another County and get the elected officials together. Ms. Belpulsi asked Council to please keep the date in mind.

Netbook Update: Ms. Martin commented that Council has had a little time to get used to their Netbooks and the electronic packet process and in the meantime she has had some requests for an upgrade to the Adobe program Council is using to review agenda packets. Ms. Martin asked if Council would be interested in having the Adobe Acrobat Pro application or if there were individual Council Members that would like to have the program installed on their Netbook or other computer.

Ms. Lairson commented that the program would come in handy when working with the board and commission handbook that Council is now considering. She explained that she has been cutting and pasting that document and it would be nice to type her comments on the document.

Ms. Martin commented that the software is a great way to edit without changing the underlying document.

Several Council Members expressed interest in having the application installed on their Netbooks.

Ms. Belpulsi asked if it was a separate application. Mr. LaDu commented that it is an upgrade to the Adobe program.

Ms. Thompson commented that it is a \$300 upgrade. Ms. Belpulsi confirmed that it would be \$300 per computer. Ms. Thompson replied yes, according to the IT Director.

Ms. Martin stated that she thought it would be approximately \$170 per license.

Mr. LaDu suggested that Ms. Martin e-mail Council regarding the exact price.

Ms. Thompson commented that it sounded like some Council Members already know they want the application.

Ms. Martin asked if it would be acceptable to Council to purchase the program for those who wish to use it. There were no objections. Ms. Martin will proceed by purchasing several licenses for the program.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Vomacka – No issues/reports.

Ms. Lairson – No issues/reports.

Ms. Belpulsi – Ms. Belpulsi will present a notice of an application for a liquor license transfer at tonight's Regular Meeting under Other Business.

Mr. Moore – No issues/reports.

Mr. LaDu – No issues/reports.

Mr. Chmiel – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad reported that last Friday he attended a round table discussion at Warren County, which included the Township Trustees and Mayors of Warren County. Mayor Agenbroad commented that he brought some of the City's newsletters to the meeting and the other elected officials were very impressed with the newsletter.

Mr. Pozzuto commented that another City newsletter should be published in about two weeks.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the June 3, 2010 City Council Work Session at approximately 6:30 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 3, 2010

7:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor Marie Belpulsi
Tom LaDu Sheila Lairson
Bruce Moore David Vomacka

CITY STAFF

Chris Thompson, City Manager
Chris Pozzuto, Assistant City Manager
Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, June 3, 2010 at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

ITEM 2. PLEDGE OF ALLEGIANCE. Mayor Agenbroad led the Pledge of Allegiance.

ITEM 3. ROLL CALL. Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Absent; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Mr. Schaeffer, and Ms. Martin were present.

Mayor Agenbroad asked for a motion to excuse Mr. Moore from the meeting due to a scheduling conflict.

Ms. Belpulsi motioned to excuse Mr. Moore from the meeting. Mr. Vomacka seconded the motion.

No discussion.

VOTE: Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Vomacka, Yes. [6-0]

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MAY 20, 2010.

Mr. LaDu motioned to approve the minutes of the City Council Work Session and Regular Meeting of May 20, 2010, as submitted by the Clerk of Council. Mr. Chmiel seconded the motion.

No corrections.

VOTE: LaDu, Yes; Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes. [6-0]

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 30 minutes to discuss the following legislation as well as other City business.

As discussed at the Work Session, Mayor Agenbroad presented the Consent Agenda for consideration as follows:

CONSENT AGENDA

(All items under the Consent Agenda are considered by the City Council to be routine and will be adopted by one motion. Any City Council Member may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion and action will be considered under the Regular Agenda following the motion to approve the Consent Agenda.)

Ms. Martin read Legislative Items 1 through 12 as follows:

- 1) **ORDINANCE O-10-12: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE FOR LOTS 1-31 IN BECK RIDGE IN SECTION ONE SUBDIVISION IN THE CITY.
- 2) **ORDINANCE O-10-13: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY.
- 3) **ORDINANCE O-10-14: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY.
- 4) **ORDINANCE O-10-15: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY.
- 5) **ORDINANCE O-10-16: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY.
- 6) **ORDINANCE O-10-17: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY.
- 7) **ORDINANCE O-10-18: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY.
- 8) **ORDINANCE O-10-19: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY.
- 9) **ORDINANCE O-10-20: FIRST READING.** AN ORDINANCE LEVYING SPECIAL

ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.

- 10) **ORDINANCE O-10-21: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 11) **ORDINANCE O-10-22: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY.
- 12) **ORDINANCE O-10-23: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 108-123 OF THE NORTH HILLS OF STONE RIDGE SECTION FIVE, SUBDIVISION IN THE CITY.

Ms. Thompson commented on Legislative Items 1 through 12 as follows:

Legislative Items 1-12 of the Consent Agenda are ordinances levying special assessments for the operation and maintenance of street lighting in certain subdivisions in the City. This legislation covers a number of the City's subdivision streetlight maintenance agreements, which are assessed annually. The total amount of the assessments is actually based on the cost of the street lighting from the prior year. This year's total assessment is \$29,184.25. The deadline to file the assessments with the Warren County Auditor's Office is September 13.

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

As discussed at the Work Session, Mayor Agenbroad asked for a motion to suspend the rules and waive the second and third readings of Legislative Items 1-12.

Mr. LaDu motioned to suspend the rules and waive the second and third readings of Ordinances O-10-12 through O-10-23. Ms. Lairson seconded the motion.

No discussion.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Vomacka, Yes; Lairson, Yes. [6-0]

Mayor Agenbroad asked for a motion to approve the Consent Agenda; thereby, adopting Legislative Items 1 through 12, Ordinances O-10-12 through O-10-23, in aggregate without discussion or amendment.

Ms. Lairson motioned to approve the Consent Agenda; thereby, adopting Legislative Items 1 through 12, Ordinances O-10-12 through O-10-23. Mr. Chmiel seconded the motion.

VOTE: LaDu, Yes; Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes. [6-0]

END CONSENT AGENDA

BEGIN REGULAR AGENDA

- 13) **EMERGENCY ORDINANCE: SECOND READING.** "AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT-OF-WAY DEDICATION OF A PORTION OF PENNYROYAL

ROAD, AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance approving the record plan being a right-of-way (ROW) dedication of a portion of Pennyroyal Road. This ROW dedication will allow for the future Pennyroyal Road improvements that the City will construct to widen the area around the Gardner Drive intersection of SR741. This legislation was prepared by Assistant City Engineer, Elmer Dudas, and staff requests approval of this ordinance at the third reading.

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

No action required at this time.

- 14) ORDINANCE: SECOND READING.** "AN ORDINANCE TO AUTHORIZE THE CITY OF SPRINGBORO TO FORMALLY ADOPT THE BOUNDARIES OF THE AUSTIN LAND USE & DEVELOPMENT PLAN," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the second reading of an ordinance to authorize the City to formally adopt the boundaries of the amended Austin Land Use & Development Plan. This plan has been amended to include a 20+/- acre property at the northwest corner of Austin Boulevard and Byers Road. The property owner has asked to participate in the Austin Land Use Plan, and this amendment would allow the property owner to do so. This ordinance has been recommended for approval by the Austin Land Use Advisory Committee (LUAC).

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

No action is required at this time.

- 15) ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTION 880.11(a), COLLECTION OF UNPAID TAXES; REFUNDS OF OVERPAYMENTS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, AND AMENDING SECTIONS 1042.18(a) AND 1042.18(c), PAYMENT OF BILLS; PENALTY SURCHARGES; DISCONTINUANCE OF SERVICE; APPLICATION OF RATES, CHAPTER 1042, WATER, AND AMENDING SECTION 1044.14(a) PAYMENT OF BILLS; DELINQUENCY; PENALTY SURCHARGES AND SECTION 1044.15, DELINQUENCIES; COLLECTION; TERMINATION OF SERVICE, CHAPTER 1044, SEWERS, AND AMENDING SECTIONS 1050.04(b) AND 1050.04(c), RATES AND COLLECTION OF CHARGES, CHAPTER 1050, STORM WATER, TITLE FOUR – UTILITIES, AND AMENDING SECTION 1062.06(c), RATES; BILLING AND SECTION 1062.07, DELINQUENCY; COLLECTION, CHAPTER 1062, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, TITLE SIX – OTHER PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance to amend various sections of the City's code pertaining to delinquent tax and utility payments and penalties. Staff has discussed this ordinance and the subsequent legislative item with Members of Council. For purposes of clarification, there will be a new cover memorandum attached to the legislation for the third reading, which will help to explain the legislation in clearer terms. This legislation would provide for collection agency fees to be passed to the delinquent payer whether it is a utility bill, Mayor's Court fees, or income taxes. Again, this amendment to the code would allow for the collection agency's fee to be passed to the delinquent payer rather than be absorbed by the City. As it stands, the City loses 25%-50% of the delinquent amount to the collection agency and tax payers who always pay on time ultimately absorb those costs. Again, the cover memo will be revised to provide a better explanation of the legislation at the third reading. This legislation would also change the method the City uses to process refunds by limiting the minimum refund to \$10.00. There has been some debate and discussion among certain Members of Council concerning this

change to the refund policy, but the policy will be retained in the legislation. However, a Member of Council has expressed concern in regard to this particular change and feels that the City should issue refunds regardless of the amount and the processing costs, and it is certainly appropriate for that member of Council to vote accordingly.

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

No action required at this time.

- 16) ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTIONS 880.07(a)(3) and 880.07(a)(4), DECLARATIONS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance to amend Sections 880.07(a)(3) and 880.07(a)(4), Declarations of the City's tax code. This legislation addresses the failure to pay quarterly declarations for income tax and would simplify the penalty calculation. Currently, a penalty is assessed for every month that a taxpayer has a balance and the penalty is continually carried over and can exceed 12%. For example, if a tax payer fails to pay their quarterly declarations for a year, the interest penalty could exceed 12%. This legislation would adjust the penalty from a 1.5% interest penalty per month to a total 10% interest fee that would not be calculated on a monthly basis. The City would stand to lose approximately \$50,000 in income tax revenue as a result of this change to the penalty for failure to pay, but it would truly be a benefit to the taxpayer and not to the City's revenues.

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

No action required at this time.

- 17) ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTION 230.03, CONTRACTING AUTHORITY AND PROCEDURES, CHAPTER 230, ADMINISTRATION CODE, TITLE SIX, ADMINISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance to amend Sections 230.03 Contracting Authority and Procedures, Chapter 230 of the Administration Code to eliminate the redundancy in the approval process for contracts requiring Council's approval. Many years ago, the City adopted procedures to ensure that capital improvement monies and various other expenditures were processed a certain way; however, what was created was a series of redundancies by requiring capital monies to be approved three or four times prior to expenditure. This ordinance would allow the City to streamline the process for approval of capital expenditures and not delay payments to vendors, etc. or further delay necessary improvements. The ordinance provides for the Finance Department and the City Manager's Office to be responsible for ensuring that prior to any capital expenditure the City would review and approve the Capital Improvement Program, then consider capital expenditures through the annual budget process, and finally approve the annual appropriation ordinance for those expenditures. Therefore, there would be three levels of approval prior to any capital expenditure, but it would not require a resolution of Council to make the expenditure, which would be the fourth approval under the current process.

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

No action is required at this time.

- 18) ORDINANCE O-10-24: FIRST READING.** "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL

APPROPRIATION ORDINANCE NO. O-10-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 17, 2009 FOR THE YEAR 2010; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the first reading of a supplemental appropriation ordinance for 2010. This ordinance would increase the annual appropriations by \$3.258M; \$3.220M of the total supplemental appropriation accounts for the refinancing of Heatherwoode Golf Course in 2010. The City is required to receipt this money in and then expense it out even though it is not actually a physical transfer of funds. The City was able to reduce the debt payment on the golf course from \$330,000 to \$225,000 per year and not extend the term of the loan. The City will save in excess of \$400,000 due to the refinance.

Mayor Agenbroad stated that the Finance Director has requested that Council suspend the rules and waive the second and third readings of this ordinance in order to properly appropriate the funds.

Mr. Vomacka motioned to suspend the rules and waive the second and third readings of Ordinance O-10-24. Ms. Lairson seconded the motion.

No discussion.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Vomacka, Yes; Lairson, Yes. [6-0]

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

Ms. Belpulsi motioned to adopt Ordinance O-10-24. Mr. Vomacka seconded the motion.

No discussion.

VOTE: Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Vomacka, Yes. [6-0]

- 19) **RESOLUTION R-10-10:** "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 THE PROJECT YEAR 27 / FISCAL YEAR 2013. (CLEARCREEK-FRANKLIN ROAD AND LYTLE-FIVE POINTS ROAD WIDENING PROJECTS AND ROYAL TAMARACK WATER MAIN REPLACEMENT)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to file a pre-application to participate in the Ohio Public Works Commission (OPWC) Issue II funding for project year 27/fiscal year 2013 to complete three capital roadway improvement projects. Staff recommends requesting Issue II funding for three projects. The first project would be the Clearcreek-Franklin Road Improvements, which would allow for the continuation of the roadway improvements that were started this year to include repaving and resurfacing of the roadway. The second project would be the Lytle Five Points Road Improvements, which would complete another section of the roadway from Country Club Lane to the east. The third project would be the Royal Tamarack Water Main Replacement Project to replace the original six inch water mains with eight inch water mains along Whispering Pines and Tamarack Trail between Clearcreek Franklin and Evergreen and Evergreen between Whispering Pines and north of Spruceway. The three projects described are recommended for Issue II Funding for 2013.

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

Mr. LaDu motioned to adopt Resolution R-10-10. Mr. Vomacka seconded the motion.

No discussion.

VOTE: Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Vomacka, Yes. [6-0]

ITEM 7. REPORTS: Mayor's Report – The 3rd U.S. District Representative Office Hours will be held on Friday, June 25, 1:00-2:00 PM in the Community Room. The next City Council Work Session and Regular Meeting will be held on Thursday, June 17, 2010 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers, as scheduled. The Finance Committee will meet on June 17 at 5:30 PM in Council Chambers.

City Manager's Report – Ms. Thompson commented that she knows the community is awaiting the opening of the Austin Interchange at Austin Boulevard. Tomorrow, the east-west boulevard will open for traffic. The Continuous Flow Intersection (CFI), which is now known as the Early Left Turn Intersection, is scheduled to open tomorrow afternoon. Ms. Thompson urged people to be cautious when using the new intersection. The CFI at Austin is the first in the State of Ohio and only the fifth in the country; please pay careful attention to the signalization and signage posted at the intersection. Once the ramp is open, which is anticipated to occur at the end of June, it will really allow the intersection to operate by moving people efficiently through that area.

In conjunction with the opening of the east-west corridor on Austin Boulevard, the Pennyroyal Bridge, located at Clearcreek Franklin Road and Pennyroyal Road, will be closed beginning Monday, June 7. The Ohio Department of Transportation is raising all of the bridges along the interstate to accommodate a height differential from years past to meet the new required clearance for trucks, etc. Although people will not be able to use the Pennyroyal Bridge, they can use Austin Boulevard.

Committee Reports –

Mr. Vomacka – No reports.

Ms. Lairson – No reports.

Ms. Belpulsi – Ms. Belpulsi announced that the next Planning Commission Work Session will be held on Wednesday, June 9 at 7:00 PM in Council Chambers, as scheduled.

Mr. LaDu – No reports.

Mr. Chmiel – No reports.

ITEM 8. OTHER BUSINESS. Ms. Belpulsi presented a notice of an application for a Liquor License as follows:

A notice of an application for a Liquor License transfer from Flavors by Corrie Inc DBA Boro Bistro, 155 S. Main Street, 1st Floor Only, Springboro, Ohio 45066 to Flavors by Corrie Inc DBA Flavors Eatery, 722 N. Main Street, Springboro, Ohio 45066 bearing the number 27713300006. The Liquor License is for Permits D-1, D-2 – On premises consumption and carry out of Beer, Wine, mixed beverages until 1:00 a.m., one-sixth gallons maximum size. The Springboro Police Division can find no cause for objection to this application, and recommends that City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control.

Ms. Belpulsi motioned that the City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control regarding this Liquor License application. Mr. LaDu seconded the motion.

No discussion.

VOTE: Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes. [6-0]

Ms. Belpulsi commented that she is happy that Boro Bistro is able to relocate to the Dorothy Lane Market Shopping Center and that the owner was able to keep her business in town. Ms. Belpulsi added that the Encore Building at the Marketplace will be converted to house two restaurants, El Pueblo and Sammy's Gourmet Burgers, coming soon.

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

ITEM 10. GUEST COMMENTS. 1) Betty Bray, 155 S. Main Street, Springboro – Ms. Bray asked Mr. Russ Hess to come to the podium. Ms. Bray commented that Mr. Hess is a good neighbor and she presented Mr. Hess with a monetary gift for the time he spent plowing snow for his neighbors this winter.

Mayor Agenbroad also thanked Mr. Hess for his willingness to help his neighbors; it is appreciated.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

ITEM 12. ADJOURNMENT. Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, June 3, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:21 PM. Mr. Vomacka seconded the motion.

VOTE: Lairson, Yes Belpulsi, Yes; Agenbroad, Yes; Chmiel; Yes; LaDu, Yes; Vomacka, Yes. [6-0]

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council