

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

CITY COUNCIL WORK SESSION

THURSDAY, OCTOBER 20, 2011

6:00 PM

COUNCIL

John Agenbroad, Mayor
Tom LaDu, Deputy Mayor **Marie Belpulsi**
Jim Chmiel **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, October 20, 2011 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

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

ITEM 3. LEGISLATIVE AGENDA. –Seven legislative agenda items were reviewed for October 20.

1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE APPROVING THE RECORD PLAN FOR THE ASCENT AND DECLARING AN EMERGENCY.

No discussion.

2) **ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT OF WAY DEDICATION PLAT OF A PORTION OF STATE ROUTE 73.

No discussion.

3) **ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE RECORD PLAN FOR TAMARACK HILLS, SECTION 4.

No discussion.

4) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-11-1 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 16, 2010 FOR THE YEAR 2011; AND DECLARING AN EMERGENCY.

Mr. Vomacka inquired regarding the Sewer Capital Improvement Fund and the reason for the transfer of \$2,463,000. Mr. Vomacka commented that according to the explanation in the legislative cover memo the Sewer Mortgage Revenue Bonds were refunded at a lower interest rate. Mr. Vomacka asked what is meant by "refunded."

Ms. Thompson stated that the word "refunded" is used in the same sense as "refinanced" in this legislation.

Ms. Martin commented that the Finance Director has requested that Council consider waiving the second and third readings of this legislation in order to ensure funds are properly appropriated for expenditure.

There were no objections to this request.

Council will consider a motion at tonight's Regular Meeting to waive the second and third readings of this ordinance.

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE "EAST CENTRAL AVENUE, SR 73, ROADWAY WIDENING" PROJECT TO INCLUDE THE INSTALLATION OF CONCRETE SIDEWALK ON EAST CENTRAL AVENUE FROM SOUTH RICHARDS RUN TO FARMRIDGE ROAD.

Ms. Belpulsi asked why the sidewalk installation was not included in the original project.

Ms. Thompson stated that the sidewalk installation was bid as an alternate, but was not included in the original bid because Issue II money was being used to fund the project. Ms. Thompson explained that the Issue II money did not fund the sidewalk portion of the project, but when the original project bid came in under estimate the City asked ODOT if part of the Issue II money could be utilized to complete the sidewalk and the City's request was approved.

- 6) **RESOLUTION:** A RESOLUTION STRONGLY OPPOSING ANY EFFORTS BY THE STATE OF OHIO OR ANY OTHER THIRD PARTY CENTRAL COLLECTION ENTITY TO TAKE CONTROL OF MUNICIPAL INCOME TAX COLLECTION.

No discussion.

- 7) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTRICTED COUNCIL OF GOVERNMENTS CONTRACT FOR THE PURPOSE OF ENFORCING CRIMINAL DRUG TRAFFICKING LAWS.

Ms. Thompson stated that Chief Kruithoff would comment on this legislation at tonight's Regular Meeting.

ITEM 4. CITY MANAGER. -Issues/Reports.

The Springs Development Update: *Ms. Thompson stated that she, Mr. Schaeffer, City Planner Dan Boron, City Engineer Elmer Dudas, and the Fischer Development Company have a meeting scheduled for November 3 to discuss the plans for The Springs. Ms. Thompson further stated that demolition of the clubhouse should begin within the next two weeks and Fischer Development has assured that the City will be notified before the demolition occurs in order for staff to be prepared to take any phone calls concerning the work. Ms. Thompson commented that the clubhouse must be destroyed; it is not salvageable in its current state and the approved plan for The Springs does not call for the clubhouse to remain in its present location. At the meeting with Fischer on November 3, the City will review the process required to begin construction, what permit applications are required, etc. to make sure that everyone knows what is anticipated in the process. Ms. Thompson further commented that it is her understanding that Fischer Development has sent a letter to the residents of The Springs inviting them to a meeting on October 27 to discuss future plans and timelines for construction.*

St. Mary's Catholic Church Update: *Ms. Thompson stated that Council will see legislation in November to extend the church's revised general plan approval for 12 months. Previously, a 12-*

month period was in effect during which the church was supposed to return to the Planning Commission for final approval for the church to be located on 17 acres on Yankee Road. The church could not meet this deadline through no fault of its own. Legislation has been recommended by the Planning Commission to extend the final plan approval for another 12 months.

SR73/I-75 Northbound Ramp: Ms. Thompson stated that a Surface Transportation Program (STP) application has been filed through the Miami Valley Regional Planning Commission (MVRPC) and was submitted last Thursday. Ms. Thompson commented that the City was encouraged by a meeting held with the Ohio Department of Transportation (ODOT) and she hopes things continue to progress smoothly concerning this project. Ms. Thompson further commented that the City has found an appraiser for the property where the ramp will be built and has been seeking proposals to review the appraisal.

West Tech Road Traffic Signal: Ms. Thompson stated that she and Mr. Pozzuto will be meeting with Montgomery County Transportation Improvement District (TID) Executive Director Steve Stanley and engineers from the TID regarding the traffic light for West Tech Road. Ms. Thompson explained that when Dayton Children's Hospital contracted with the City to purchase land for their facility in South Tech a traffic light was to be installed at that location. Ms. Thompson added that the traffic signal at West Tech Road is also part of the overall traffic management plan for the Austin Interchange.

Mr. Pozzuto commented that the traffic light is warranted; however, there were delays due to additional study requirements from ODOT. The City contracts with ME Companies to manage the traffic signals at Austin. Mr. Pozzuto further commented that the report is almost complete and the purpose of the meeting on Monday with the TID will be to update the City on the status of the report as well as being updated on the Austin CFI (Continuous Flow Intersection).

Clearcreek Park Improvements: Ms. Thompson reported that the recent improvements to Clearcreek Park, which include the new entry area, parking and ball diamond, look great.

In reference to Clearcreek Park, Mr. Pozzuto commented that the Stolz Estate is in a trust at this time and the attorney representing the trust has decided to hire a realtor to sell the property. Mr. Pozzuto further commented that the City is still pursuing the property to expand the park and trying to work through the issues.

Ms. Thompson stated that the City did receive an appraisal for the Stolz Property that staff is very happy with. Ms. Thompson further stated that the property is not a legal lot and cannot be utilized for anything; however, the attorney is doing his due diligence in trying to sell the property.

Mr. Schaeffer commented that the estate has been in the trust for ten to eleven years and the attorney representing the trust has been appointed by the court to finish out the estate. The attorney is as beholden to the court as he is to the beneficiaries and is going through all the steps to ensure that there are no questions by any of the beneficiaries as to whether proper procedure was followed.

Mr. Chmiel asked if there was any type of time limit or estimate in place in which the estate will be finalized.

Ms. Thompson answered that they do not know how long the process will take.

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

Calendar Update: Ms. Martin reported that Marty Heide, Warren County Outreach Coordinator for the 3rd U.S. District, will be in the Community Room on Friday, October 28 from 1:00 to 2:00 PM conducting office hours on behalf of Congressman Turner. October 28 will be the last district office hours of the year.

Beggars' Night: Beggars' Night in Springboro will be Monday, October 31 from 6:00 to 8:00 PM.

November City Council Schedule: Ms. Martin reminded Council that it has been decided that Council will meet on November 3 for a Work Session at 6:00 PM followed by two consecutive Regular Meetings at 7:00 PM –the meeting of November 3 and the rescheduled meeting of November 17. The November 17 Council and Committee Meetings have been canceled. In addition, a City Council Special Meeting will be held on November 10 at 5:00 PM in the Community Room to discuss the 2012 budget.

Election Day: Election Day is Tuesday, November 8. Election polls will be open from 6:30 AM to 7:30 PM.

Ms. Belpulsi asked if the City Building is polling place.

Ms. Martin answered no; the City Building is not a polling place.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Moore – Mr. Moore will present a Tree Authority report and a Miami Valley Communications Council report at tonight's Regular Meeting under Committee Reports.

Mr. Chmiel – No issues/reports.

Ms. Belpulsi – No issues/reports.

Mr. Vomacka – Mr. Vomacka will present an Architectural Review Board report at tonight's Regular Meeting under Committee Reports in addition to a Planning Commission report.

Ms. Lairson – Ms. Lairson commented that she needs to speak with Ms. Martin regarding the chronic absence of a member of the Community Service Board and the possibility of replacing that board member.

Mr. LaDu – Mr. LaDu will present a Finance Committee report at tonight's Regular Meeting under Committee Reports. Also, Mr. LaDu informed Council that the Finance Committee meeting has been canceled for the month of November. Additionally, Mr. LaDu advised Council that Finance Director Robyn Brown has reviewed some numbers and balances that he had questions about in the CIP meeting, which he will discuss during the upcoming City budget meeting.

Mayor Agenbroad – Public Hearing: Mayor Agenbroad stated that based on a recommendation from Planning Commission, Council will need to schedule a Public Hearing on Thursday, December 1, 2011 to amend the Planning and Zoning Code to revise exterior lighting regulations. Mayor Agenbroad will request a motion at tonight's Regular Meeting to set the recommended Public Hearing.

Farewell Reception for Council Member Marie Belpulsi: Mayor Agenbroad informed Council that the evening of January 12 has been selected to hold a Farewell Reception at Heatherwoode for Ms. Belpulsi. Details will follow as the date approaches.

Volunteer Appreciation Event: Mayor Agenbroad confirmed that the annual Volunteer Appreciation Event will be held on Friday, December 9 at Heatherwoode. Invitations will be sent accordingly.

At this time, Mayor Agenbroad asked Mr. Schaeffer to update Council regarding The Springs/Fischer Development.

The Springs/Fisher Development: Mr. Schaeffer stated that Fischer Development purchased The Springs property out of foreclosure. Fischer Development then made an application to the City to amend the existing PUD zoning. The existing PUD plan had been prepared by and brought through Planning Commission and Council by the previous property owner, Ron Coffman (Coffman Development). Mr. Schaeffer further stated that this process was long, comprehensive, and to some

extent, exhausting. Mr. Schaeffer explained that a decision was made by the Planning Commission on a split vote to deny the application to amend the existing PUD as submitted by Fischer Development. Under that recommendation, City Council supported the Planning Commission's decision to deny the application. Fischer Development then filed an appeal to Council's decision in support of the Planning Commission's recommendation, which resulted in the matter being brought to court based on the record that was made by the Planning Commission. Mr. Schaeffer clarified that all consideration/action occurred at the Planning Commission level, City Council simply acted upon the Planning Commission's recommendation. Fischer Development also filed a separate lawsuit requesting the court to order the City to allow them to build houses to a certain standard in The Springs as it existed at that time, in other words, to allow Fischer to build in The Springs based on the Coffman plan. There was a disagreement between the City and Fischer Development as to what was allowed under the Coffman plan and whether or not the application for building permits submitted by Fischer conformed to what the City thought was the standard. Mr. Schaeffer further explained that the Warren County Court subsequently ordered that the parties mediate the matter and the Court appointed a mediator. The City met with the mediator at the City Building for several hours. At the meeting, there was a significant amount of give and take. The City staff participating knew what they wanted and the Fischer representatives did step up and submit changes to the plan they originally submitted to the Planning Commission, which have been embedded within the mediation process. Council did not have to vote on the changes necessarily, but what Council was asked to do was to vote on whether or not to accept the outcome of the mediation. Council did vote to accept the results of the mediation on September (15th). At that point in time, the action for mandamus was dismissed with prejudice and the administrative appeal, under which this mediation occurred as a result of the acts of Council, was also dismissed with prejudice. Mr. Schaeffer explained that a dismissal with prejudice is a release by Fischer Development, which forfeits whatever claims they might have had in the litigation in return for being granted the settlement that was mediated in court. This legal process was completed by the end of September. Mr. Schaeffer presented a document of a summary of what resulted from the mediation. (A large, densely filled binder.) The document does not confer any rights on Fischer Development other than to set some standards for the PUD. Going forward, Fischer must comply with all the laws, rules and regulations of the City that any party or any developer would have to conform to. Fischer will have to do a lot of work with the Engineering Department. The roads and storm drains have to be engineered and other planning must be done. All of these processes have to occur and they must occur in the ordinary course of events. There is a meeting scheduled with Fischer Development to be sure the City and Fischer are on the same page. The meeting Fischer scheduled with the residents for October 27, as mentioned earlier, caught the City a little off guard, but there is really no reason for the City to be in attendance, as this is Fischer's meeting with the residents. Mr. Schaeffer stated that it is still very important that the City have their own meeting with Fischer as soon as possible because phone calls will be coming into the City. Mr. Schaeffer further stated that it is unfortunate that the City could not meet with Fischer before the meeting for the residents, but schedules would not allow it. Mr. Schaeffer commented that he does not anticipate any issues or problems; Fischer knows what the rules and regulations are and what they have to do to conform. Mr. Schaeffer also commented that he expects the meeting with the City will be for Fischer to present timing issues such as how and when they would like to proceed and when they expect to submit information to staff that will require action.

Ms. Thompson added that the City's due diligence period is not over and the City will pay close attention to ensure that what the Planning Commission and the Council approved is what actually occurs.

Mr. Schaeffer commented that like it or not Fischer Development is here; they are going to develop the project and the City will certainly act in a responsible fashion. Mr. Schaeffer further commented that nobody should expect that, in the City performing in that fashion, there is any connection between the City and Fischer Development in moving forward. Fischer Development is now a party who is a citizen of the community. They have an approval even though it was extracted through a court action and the City has an obligation to uphold the court action.

Mayor Agenbroad asked if there were any questions or comments of Council.

Mr. LaDu confirmed that the result of the mediation is still just an approved PUD and no final plans have been approved or even submitted yet.

Mr. Schaeffer answered by commenting that the City and Fischer are still on the very front end of the project.

Mayor Agenbroad thanked Mr. Schaeffer for the update regarding The Springs/Fischer Development.

There were no further questions or discussion regarding this matter.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the October 20, 2011 City Council Work Session at approximately 6:35 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, OCTOBER 20, 2011

7:00 PM

COUNCIL

John Agenbroad, Mayor
Tom LaDu, Deputy Mayor Marie Belpulsi
Jim Chmiel 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, October 20, 2011 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, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Mr. Schaeffer, and Ms. Martin were present.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF OCTOBER 6, 2011.

Ms. Lairson motioned to approve the Minutes of the City Council Work Session and Regular Meeting of October 6, 2011. Mr. Moore seconded the motion.

No corrections.

VOTE: Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes. [7-0]

ITEM 5. PRESENTATIONS: NEWLY APPOINTED POLICE OFFICER ANTWAUN SCOTT TOOK THE OATH OF OFFICE AND WAS SWORN IN TO SERVE THE CITY OF SPRINGBORO POLICE DEPARTMENT.

Chief Kruihoff began his comments by thanking Lieutenant John Huber for administering the selection process for the new police officer. Chief Kruihoff briefly introduced newly appointed Police Officer Antwaun Scott and commented on his background and experience and the selection process for his appointment. Chief Kruihoff then asked Officer Scott to come forward to take the Oath of Office and be sworn in as a Police Officer under the provisions of the Ohio Revised Code to serve the City of Springboro Police Department. Mayor Agenbroad administered the Oath of Office and Antwaun Scott was sworn in as a City of Springboro Police Officer. Mayor Agenbroad congratulated and welcomed Officer Scott to the City's Police

Department. Officer Scott's brother, Ryan, pinned his badge to his uniform. City Council congratulated Officer Scott with a handshake. (A copy of Police Officer Antwaun Scott's Oath of Office will be filed with the minutes for the record.)

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 35 minutes to discuss the following legislation as well as other City business.

- 1) **ORDINANCE O-11-30: THIRD READING.** "AN ORDINANCE APPROVING THE RECORD PLAN FOR THE ASCENT AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance approving the record plan for The Ascent at West Tech Road in South Tech Business Park. This record plan will dedicate the right-of-way portion of West Tech Road that the City is currently constructing. The record plan contains 43.85 acres of which two acres are in the right-of-way. This record plan was prepared by Van Atta Engineering and was approved by the Planning Commission on June 29, 2011.

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

Mr. Vomacka motioned to adopt Ordinance O-11-30. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes. [7-0]

- 2) **ORDINANCE: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT OF WAY DEDICATION PLAT OF A PORTION OF STATE ROUTE 73," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the first reading of an ordinance approving the record plan for a right-of-way dedication of a portion of SR73. This record plan represents the widening of SR73 near Hillspring and consists of 0.746 acres. This record plan was approved by the Planning Commission and recommended to Council on September 28, 2011.

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

No action required at this time.

- 3) **ORDINANCE: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN FOR TAMARACK HILLS, SECTION 4," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the first reading of a record plan for Tamarack Hills, Section 4, the Tamarack Swim Club. The Tamarack Swim Club owned a lot north of their property. This record plan creates two lots that contain a total of 2.94 acres and will allow Tamarack Swim Club to split a portion of that land, which has been sold to a neighbor. This record plan was prepared by Wyco Consulting and was approved by the Planning Commission on September 28, 2011.

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

No action required at this time.

- 4) **ORDINANCE O-11-31: FIRST READING.** "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-11-1 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 16, 2010 FOR THE YEAR 2011; 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 an ordinance authorizing supplemental appropriations for 2011 in the amount of \$3.179M. Of that amount, \$2.464M covers the principle and interest that was paid to pay off a 1997 Sewer Mortgage Revenue Bond that the City recently refinanced at a lower interest rate saving \$690,000 over the seven years left on the bond. This appropriation is essentially a pass through cost pertaining to the bond issue.

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

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

No discussion.

VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes. [7-0]

Mr. LaDu motioned to adopt Ordinance O-11-31. Mr. Moore seconded the motion.

No discussion.

VOTE: Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes. [7-0]

- 5) **RESOLUTION R-11-40:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH BARRETT PAVING MATERIALS INC. FOR THE "EAST CENTRAL AVENUE, SR 73, ROADWAY WIDENING" PROJECT TO INCLUDE THE INSTALLATION OF CONCRETE SIDEWALK ON EAST CENTRAL AVENUE FROM SOUTH RICHARDS RUN TO FARMRIDGE ROAD," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to amend the existing contract with Barrett Paving Materials for the "East Central Avenue, SR73, Roadway Widening" project to install a concrete sidewalk on SR73 from South Richards Run to Farmridge Road. The project in front of Hillspring widened the road on SR73, which was an Ohio Public Works Commission Issue II Project. In calculating the project costs, it was determined that there is approximately \$45,000-\$50,000 remaining in Issue II funds. The engineering department sought permission to spend the remaining balance to complete the sidewalk installation that had not been included in the original project because the City was not certain funds would be available. The sidewalk project will connect the Fieldstone Subdivision to South Richards Run Road, which will allow people in that subdivision to walk on a sidewalk all the way into town if they take South Richards Run Road to Mill Street. This project is another piece of the sidewalk that the City has been trying to complete all through town and staff is excited to be able to do this project with Issue II money this year rather than anticipating the need to fund it as part of a larger project the City wants to complete next year in various portions of the community. Again, this project will connect another whole subdivision and section of the community to the downtown area and to the school areas. The cost of the sidewalk is not-to-exceed \$50,000 and those funds are available within the original project's cost.

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

Mr. Vomacka motioned to adopt Resolution R-11-40. Ms. Lairson seconded the motion.

No discussion.

VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes Lairson, Yes. [7-0]

- 6) **RESOLUTION R-11-41:** "A RESOLUTION STRONGLY OPPOSING ANY EFFORTS BY THE STATE OF OHIO OR ANY OTHER THIRD PARTY CENTRAL COLLECTION ENTITY TO TAKE CONTROL OF MUNICIPAL INCOME TAX COLLECTION," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution strongly opposes any efforts by the State of Ohio to take control of municipal income tax collection. There has been discussion at the state level that indicates that the State of Ohio may be interested in pursuing collection of income tax for all municipalities. All municipalities in the State of Ohio are vehemently opposed to the state taking over municipal tax collection. The Miami Valley Communications Council analyzed the cost of collecting income tax for municipalities and determined that municipalities could collect on behalf of the State for a lot less money than the State could collect on behalf of the cities. The other looming issue that is causing everyone to have such a negative reaction to this idea and causing the City to pass this resolution is that any form of municipal income tax collection by the State of Ohio is being viewed as a loss of revenue to every municipality in the State due to timing and frequency of distributions, the inability to collect taxes in the same manner as local municipalities, lack of enough personnel to cover the State in the way that a local tax department would by auditing all of the returns, realizing the mistakes and correcting them to collect those revenues all of which is very much in doubt. The City of Springboro, by this resolution, is simply joining most every community in the State of Ohio in notifying officials at the state level that this proposal is very much opposed and will in fact result in the loss of a great deal of revenue should the State elect to try to take over the collection of municipal income tax.

Mayor Agenbroad presented the item for questions/comments of Council.

Ms. Belpulsi commented that this resolution will be accompanied by a letter that Council signed tonight. Ms. Belpulsi added that she really appreciates Ms. Martin preparing the letter because it is really important to make our voices heard in Columbus.

Ms. Belpulsi motioned to adopt Resolution R-11-41. Mr. Vomacka seconded the motion.

No discussion.

VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes. [7-0]

- 7) **RESOLUTION R-11-42:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTATED COUNCIL OF GOVERNMENTS CONTRACT FOR THE PURPOSE OF ENFORCING CRIMINAL DRUG TRAFFICKING LAWS," was read by the Clerk of Council. Chief Kruthoff's comments are summarized as follows:

This resolution authorizes the City Manager to enter into an amended and restated Council of Governments contract for the purpose of enforcing criminal drug trafficking laws. This is the third time since Chief Kruthoff has served as the Chief of Police that the City has amended and affirmed this contract. This amended contract merely reflects the current principal parties, sheriff, and prosecutors representing the organization. The City has a great relationship with the Warren

County Drug Task Force, which has been very successful at combating drugs at a very high level in the County and the City would like to continue to be a part of that membership.

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

Mr. LaDu motioned to adopt Resolution R-11-42. Ms. Lairson seconded the motion.

No discussion.

VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [7-0]

ITEM 7. REPORTS: Mayor's Report –The 3rd U.S. District Office Hours will be held on Friday, October 28, 1:00-2:00 PM, in the Community Room, which will be the last district office hours of the year. Beggars' Night will be observed on Monday, October 31, 6:00-8:00 PM –be extra careful when driving and watch for children. The next City Council Work Session will be held on Thursday, November 3, 2011 at 6:00 PM followed by two consecutive City Council Regular Meetings beginning at 7:00 PM in Council Chambers. The November 17 City Council Regular Meeting has been rescheduled to immediately follow the November 3 Regular Meeting; whereby, there will be no meetings of Council on November 17. A City Council Special Meeting will be held on Thursday, November 10, 2011 at 5:00 PM in the Community Room to accommodate the 2012 budget presentation.

City Manager's Report – Ms. Thompson thanked everyone who participated in the City's first annual Safety Expo on Saturday, October 8. Ms. Thompson commented that Mayor Agenbroad was very helpful the entire day. Approximately 250 people from the community stopped by to participate in the event. The people that attended were very appreciative and enjoyed it very much and the City enjoyed hosting the event. Ms. Thompson thanked Mr. Pozzuto and the Safety Committee including Officer Lisa Walsh, Sergeant Don Wilson, Chief Kruithoff, Lieutenant John Huber, Administrative Assistant Sharon Rottert, Assistant Public Works Director Vince Murphy, City Planner Dan Boron, and Police Office Manager Jenny Embleton. A number of staff members helped with the event and served on the committee and it was a great success. The committee is already considering ideas for next year's Safety Expo and the City is looking forward to it.

Mayor Agenbroad thanked staff for all of the work and effort they put into the Safety Expo event.

At this time, Mr. Pozzuto commented that the City will be hosting a drug take back initiative on Saturday, October 29. Mr. Pozzuto further commented that prescription drug abuse is a big problem in the country and a hot topic right now. The Springboro Police Department will be partnering with the Drug Enforcement Administration to sponsor the drug take back event on Saturday, October 29 from 10:00 AM to 2:00 PM and Sergeant Don Wilson will be heading up that effort. For more information regarding this event, please visit the City's website.

Mr. Pozzuto also commented that staff has been working with a company called Ohio Free Mobile Apps and the City will be creating its own "app" that people can download to cell phones and other electronic devices. The City signed up for the "app" this week and will be pushing for it to be available to everyone in the next few weeks. Information regarding the "app" will be posted on the City's website, Facebook page, etc. The "app" will provide an opportunity to use yet another mode of communication to push out more information to our citizens. Mr. Pozzuto stated that he would update Council when he has more information regarding that program.

Committee Reports –

Mr. Moore – Miami Valley Communications Council (MVCC) – The MVCC met on Wednesday, October 19. Mr. Moore reported that Officer Dave Williams has been the Director of

the Tactical Crime Suppression Unit (TCSU), which Springboro is part of, and also the Director of the Ohio Organized Crime Investigation Commission (OCIC). Mr. Moore explained that Officer Williams is retiring in January and they will be looking for a replacement. Mr. Moore added that from what he has heard regarding Officer Williams, he is one of the finest there is and will be missed.

Tree Authority – The Tree Authority met on Tuesday, October 18. The City's leaf removal program began last week and the Tree Authority encourages the community to please rake their leaves to the edge of the lawn if they would like the leaves to be picked up. The leaves should not be piled on the street and no branches or twigs should be mixed with the leaves. The City website features daily updates to the leaf pick-up schedule listing the dates the City will be in your area to pick up leaves. Also, the Ash Trees in the City that have been infested with the Emerald Ash Borer are being removed as scheduled. Finally, Mr. Moore encouraged everyone to please stop by the Tree Authority booth during the Christmas in Springboro Festival on November 18, 19, and 20. The Tree Authority will be giving away small tree saplings and visitors will be able to enter a drawing for a mature Blue Spruce Tree.

Mr. Chmiel – No reports.

Ms. Belpulsi – No reports.

Mr. Vomacka – Architectural Review Board (ARB) - The ARB met on Monday, October 14 and welcomed the Board's newest member William Harn. The Board had no new applications to process, but used the opportunity to work on an annual plan of items to work on as time allows over the next year and beyond. The Board Members identified goals such as updating the historic design manual, continuing education for homeowners, businesses, realtors and members of the ARB, reviewing the historic preservation awards program and determining how to more effectively implement that program, and training on the legal requirements that a City committee such as the ARB needs to comply with. Mr. Vomacka invited anyone who has other ideas or suggestions to please e-mail them to City Planner Dan Boron at danb@cityofspringboro.com. The Board is also going to pursue an application to the National Park Service to have Springboro designated as an official stop on the Underground Railroad. Mr. Vomacka commented that the community is proud of that heritage and this is a way to get the Park Service to actually advertise it for the City. Mr. Vomacka added that several other communities have found it is a good boost to tourism in the community. The application process is of no cost to the City, but there is research involved and some members of the ARB have volunteered to follow up with that initiative. The next ARB meeting will be held on Monday, November 14 at 6:00 PM in Council Chambers.

Planning Commission – The Planning Commission met in Work Session, Wednesday, October 12 to review the following items: A Revision to an Approved General Plan – Village Park PUD-MU, Planned Unit Development-Mixed Use, which is a major change to allow the development of a daycare facility on the property behind Max & Erma's. The Commission was favorably disposed to this change; it seems to be a very good location and a very good use and fits all of the criteria. An Extension of Approval for a Revised General Plan – The Springs PUD, Planned Unit Development, which is a major change to allow the development of a church requested by St. Mary's Church to extend the time they have to complete their final plan. Mr. Vomacka explained that the church's lawyer discovered that there was a wetland requirement that had not been complied with by the bank and they had to work through that issue, which they did work out, but it took longer than expected and has delayed their planning process. Also, the Commission discussed a Planning and Zoning Code Text Amendment, Section 1271.02, Exterior Lighting. The Commission looked at changes to the City's exterior lighting requirements ordinance and found a solution they think will allow a lot more flexibility for developers and still meet the consistency requirements the City has been interested in implementing for several years. The next Planning Commission meeting will be held on Wednesday, October 26 at 6:00 PM in Council Chambers, as scheduled.

Ms. Lairson – No reports.

Mr. LaDu – Finance Committee – The Finance Committee met earlier this evening with staff to review the financial reports for August, which appear to be in order. The Committee also discussed the rising cost of merchant fees for accepting credit card payments for utility payments, but deferred any action on that issue for now. Lastly, the Committee discussed inside millage and the meager portion that the City receives; the Committee will continue that discussion at future meetings. The Finance Committee meeting scheduled for November 17 has been canceled. The next Finance Committee meeting will be held in December.

ITEM 8. OTHER BUSINESS. At this time, Mayor Agenbroad requested the following motion:

Based on the Planning Commission's recommendation, Council will proceed with a public hearing on Thursday, December 1, 2011 at 7:00 PM in Council Chambers for a recommendation to amend Chapter 1271.02, Exterior Lighting, to include additional exterior lighting options.

Mr. Vomacka motioned to schedule the above stated Public Hearing. Mr. Chmiel seconded the motion.

No discussion.

VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes. [7-0]

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Thompson commented that Chief Kruithoff has been appointed to be a member of the Board of the Ohio Organized Crime Investigative Commission and she would like to honor and congratulate Chief Kruithoff for this accomplishment and make Council aware of the appointment.

Chief Kruithoff commented that his appointment had to be confirmed by the Senate, but he assumes he has been appointed, as he has not heard anything to the contrary.

On behalf of Council, Mayor Agenbroad congratulated Chief Kruithoff on his appointment.

Mr. Moore commented that this past week most of Council enjoyed a tour of the Jonathan Wright Home in Springboro, which is the home of the founders of Springboro and it was an incredible tour. Mr. Moore further commented that during the tour they saw one of the places where the slaves were hidden in the home. Mr. Moore described it as a very small ladder in a hidden area where the slaves would hide head to foot clutching the ladder and their fingerprints are still visible on the ladder where they hid from the bounty hunters. Mr. Moore commented that it was really emotional to see and he encourages everyone in Springboro to take a tour of the Wright House; there is so much to see including antiques and artifacts. The house is also a Bed and Breakfast and people come from all over the world just to see that ladder with those precious fingerprints. Mr. Moore stated that he really encourages everyone to take a tour of the home –it is a small fee– or stay at the Bed and Breakfast. Mr. Moore reiterated that it was a wonderful tour.

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. LaDu motioned to adjourn the meeting; whereby, the Thursday, October 20, 2011 Springboro City Council Regular Meeting was adjourned at approximately 7:30 PM. Ms. Lairson seconded the motion.

VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes
Lairson, Yes. [7-0]

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council