

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

CITY COUNCIL WORK SESSION

THURSDAY, MAY 20, 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, May 20, 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, and Ms. Martin were present. Mr. Schaeffer was absent. David Montgomery served as Acting Law Director in Mr. Schaeffer's absence.

ITEM 3. LEGISLATIVE AGENDA. –Nine legislative agenda items were reviewed for the May 20 Regular Meeting.

1) ORDINANCE: THIRD READING. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 1.99 ACRES OF LAND AT 1755 SANDY COURT FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-2, CITY OF SPRINGBORO LOW-DENSITY RESIDENTIAL DISTRICT.

No discussion.

2) EMERGENCY ORDINANCE: FIRST 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.

3) ORDINANCE: FIRST READING. AN ORDINANCE TO AUTHORIZE THE CITY OF SPRINGBORO TO FORMALLY ADOPT THE BOUNDARIES OF THE AUSTIN LAND USE & DEVELOPMENT PLAN.

Mayor Agenbroad commented that it has been requested that Council waive the first and second reading of this ordinance concerning the amendment to the boundaries of the Austin plan.

Ms. Belpulsi confirmed that the amendment includes the 20 acres owned by Oberer. Ms. Thompson replied yes. Ms. Belpulsi asked why Oberer would want to be included in the plan; how is it to their benefit. Ms. Thompson commented that (LUAC) the Land Use Advisory Committee proposed this amendment. Ms. Thompson further commented that it is to her understanding that Oberer made the request to LUAC and the committee accepted the request. Ms. Thompson commented that Mr.

Pozzuto sits on the committee and could provide a better explanation.

Mr. Vomacka commented that the map included with the legislation bears no resemblance to what is actually happening on that property. Mr. Vomacka commented that the map shows corporate high density, and in fact, they have half a million square feet of retail planned for the property. Mr. Vomacka was referring to the northeast quadrant on the map.

Ms. Thompson commented that as far as the corporate high density is concerned she does not know why the map produced by Miami Township, the City of Miamisburg, and supposedly the City of Springboro resembles that in any way. She has no indication from anyone, anywhere that it will be all corporate high density.

Mr. Vomacka commented that he has an indication that there will be almost no high corporate density.

Mr. Pozzuto commented that Oberer wanted to be a part of the master planning process to develop a comprehensive plan on the site instead of building a Speedway and a UDF, etc. Oberer would also be included in the access management plan; therefore, the committee can better regulate the access management plan because it is developed as a whole rather than having Oberer on an island by themselves asking for 10 curb cuts, which is also in part why Oberer requested to be a part of the plan and why LUAC recommends allowing them to be a part of the plan.

Ms. Belpulsi asked if the Oberer property is part of the JEDD or the TIF. Mr. Pozzuto replied no.

Ms. Belpulsi confirmed that they are not part of any agreement but the plan; therefore, the City would receive no revenue from them. Ms. Thompson explained that currently the JEDD consists of only one property. Ms. Belpulsi commented that she wondered why Oberer would want to be regulated when they could do whatever they wanted with the property outside of the plan.

Ms. Thompson commented that she believes LUAC thinks it will be a good thing for Oberer to be part of the plan because then as a group they would have some control over the property.

Ms. Belpulsi commented that it is very unusual for someone to want to be regulated.

Ms. Thompson explained that Springboro are only members of LUAC as far as this negotiation was concerned, but she has the impression that negotiations occurred with Oberer to bring the property into the development plan. Ms. Thompson further explained that it creates an environment where Oberer does not have to fight tooth and nail every inch of the way for what they want such as access management curb cuts. Also, Oberer would have a larger group to work with rather than having to strictly negotiate with Miami Township and then relating everything he is required to do to everything going on around his property. In essence, Oberer saw the benefit of cooperation because he may need something later. Ms. Thompson commented that the committee was not privy to the negotiation that went on, but originally Oberer declined to be a part of the plan.

Mr. Vomacka commented that the committee was not privy to that negotiation, but given a final recommendation to agree to and we were not privy to the whole change to the land use that occurred in quadrant one. Mr. Vomacka asked why the City was part of the agreement at all if they are not privy to these negotiations.

Ms. Thompson explained that this legislation to amend the plan does not address quadrant one.

Mr. Vomacka commented that the City never had an opportunity to talk about quadrant one. Ms. Thompson replied that the City's participation in the plan for quadrant one was through LUAC.

Mr. Vomacka referred to the half million square feet of retail. Ms. Thompson commented that there is no half million square feet of retail in the plan. Mr. Vomacka replied yes there was and Miamisburg must be planning that quadrant all by themselves without even bothering with LUAC; therefore, why does the City care what is going on there.

Ms. Thompson responded the Mr. Vomacka's comments by stating that Miami Township's northeast quadrant owned by RG Properties has not gone to LUAC to change the quantity of retail. Furthermore, they have not gone to LUAC to ask for that alteration since Ms. Belpulsi was sitting on the committee. Again, RG Properties has not officially gone to LUAC for any approval.

Mr. Vomacka commented that they are building it anyway. Ms. Thompson explained that they are allowed to build office on the quadrant. The first building at 120,000 s.f. is approved as office; the second building at 40,000 s.f., the Terradata building, is also approved as office.

Mr. Vomacka commented that he heard that ODOT is studying additional access on and off that property beyond what has already been approved because the retail proposed there cannot handle it.

Ms. Thompson commented that she did ask TID Executive Director Steve Stanley about RG Properties getting an access two weeks ago and she was told there was no change in the access management plan that gives RG Properties an entrance off Austin Boulevard to his property. However, there is an access point midway between SR741 and the ramp that will coincide with the property on the Springboro side where the consent decree is, but she was told that there was no alternation by ODOT to that plan. Ms. Thompson does believe that LUAC will be asked to alter the amount of retail versus the amount of office sometime in the future.

Mr. Vomacka commented that they are pushing for a third and probably a fourth access point on SR741 from that property and savaging businesses from the Dayton Mall area.

Ms. Thompson is not aware of what Mr. Vomacka is referring to regarding the access points. Ms. Thompson added that she was told originally that 70% of that 120,000 s.f. building was leased, but yesterday she was told that is not true. Ms. Thompson agreed that it is frustrating not knowing because Springboro is paying for part of the interchange. Ms. Thompson commented that it is her understanding that the 120,000 s.f. building being built is going to house RG Properties corporate offices. Again, she is not aware that there have been any requests for additional access points on SR741. Mr. Vomacka commented that it was rumor out of ODOT District 7 in Sydney.

Ms. Thompson also commented that she was told the ramps will not open until the CFI is operational i.e. they have time to make sure the traffic signalization works. Ms. Thompson further commented that she was told yesterday that June 1 was a possibility for the east/west Austin Blvd. to open, and then on June 7 the ramps would open. She was also told that until the Governor's schedule is clear for a groundbreaking/ribbon cutting, they would not even be talking about when the ramps would open. Ms. Thompson along with Greg Rogers of Miami Township expressed to ODOT that they needed to let their communities know when all of this is going to happen because it was May 20. They were told that ODOT would be handling the press releases. Ms. Thompson suggested that perhaps they could share that with community leaders in order to get that information to residents.

Mr. Vomacka commented that the Governor's schedule does not affect when the interchange will open; the ribbon cutting will be a different date. Ms. Thompson stated that she was told that the interchange would not open until the Governor cut the ribbon.

At this time, Ms. Thompson asked how Council would like to proceed with this legislation.

Mayor Agenbroad commented that the question is whether Council wants to waive the second and third readings.

Ms. Belpulsi asked why the City would want to waive the second and third readings on the amendment to the plan to include Oberer's 20 acres.

Mr. Pozzuto stated that the Transportation Improvement District requested that the legislation be passed by a certain date.

Mayor Agenbroad asked if there would be any negative effects created by not waiving the readings.

Mr. Pozzuto answered that he did not think it would matter either way.

Ms. Belpulsi confirmed that there is no money tied to the amendment. Ms. Thompson replied no, there is no money or commitment on Springboro's part; she tried to be very careful about committing anything on Springboro's part.

It was the consensus of Council to hear the first reading of this ordinance tonight and follow with the second and third readings accordingly at the next two meetings.

- 4) ORDINANCE: FIRST 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.

Ms. Brown explained that this legislation would allow the City to pass the collection agency fee on to the delinquent payer instead of the City absorbing it.

Mayor Agenbroad asked if most cities handled the collection fee this way. Ms. Brown replied no, because they would have to have specific legislation in order to do that.

Mr. Vomacka commented that he did not understand the legislation or the series of legislation concerning these amendments. Mr. Vomacka commented that his inclination when he does not understand something is to just say no and he does not want to say that until he understands it much better. Mr. Vomacka commented that he did not feel he could get a good understanding of the legislation based on a Q and A discussion at the Work Session. Mr. Vomacka commented that what he would like to do is meet with Ms. Brown sometime next week to go over the legislation for a better explanation.

Ms. Belpulsi asked Ms. Brown if she could provide a simple summary of legislative items 4, 5, and 6. Ms. Belpulsi clarified that the first ordinance is just to allow the City to pass on the collection fee to the delinquent payer. Ms. Brown replied yes, it would apply to delinquent utility billing, income tax, and Mayor's court payments that the Finance Department would send to a collection agency after exhausting all efforts to collect from the delinquent payer. Currently, the City is paying that collection agency's fee, which is subtracted from what they collect on the City's behalf. The recommendation is to pass that collection fee to the delinquent payer.

Ms. Lairson commented that the Finance Committee has discussed these changes over the past three months, debated, and considered different options, but in her opinion she does not see why the rest of the taxpayers should pick up the extra fee. Ms. Lairson further commented that she does not see why the tax payers who paid on time should have to pick up the fee for the people who did not pay on time.

Mayor Agenbroad commented that that is why the Finance Committee is recommending these changes.

Mr. Vomacka commented that in principle he agrees with Ms. Lairson, but then he starts looking at the less than 25% or greater than 50% or not refunding \$10 utility bill payments and he is not sure where it is coming from and how it all fits together; it just does not work for him.

Ms. Brown explained that the \$10 limit to not refund utility payments is separate from the collection agency fee.

Mr. Vomacka pointed out that it is all part of the same legislation. Ms. Brown replied yes, and explained that any utility refunds under \$10 costs the City money to refund. Ms. Brown further explained that the City is currently sending out checks for utility refunds that are \$0.10, \$0.40, etc. because the City does not have the authorization not to refund those amounts.

Ms. Lairson commented that it is not like they are not going to get their money they would still have the credit on their next bill. Ms. Brown explained that if it is final bill and it is a refund of \$0.40, the City has to refund it because the ordinance currently does not limit the refund amount. Ms. Brown further explained that \$10 is the cut off for income tax; the City does not refund any amount under \$10 and that it the amount they used as a basis for the utility refund.

Mr. Vomacka commented that perhaps if the legislation is clarified to state that overpayments are rolled over to a credit on the resident's next bill he would be a lot happier with it, but that is not what it says at the present time. Mr. Vomacka commented that on at least two occasions in the past he knew he would be out of town for a couple of weeks over the period when the bills were due and made a wild guess at how much he would end up owing, but by this process using this \$10 minimum, he would be better off not paying the bill because the penalty the City charges for paying late would be less.

Ms. Thompson confirmed that the utility customer would still get credit. Mr. Vomacka responded by stating that there is nothing in the legislation that tells him he would still get credit.

Ms. Lairson confirmed that this minimum refund is for final bills.

Mr. Vomacka commented that this minimum would apply to any utility bill overpayment.

Ms. Brown explained that there are customers who do request a refund if they have over paid instead of having it credited to their account because the City's gives them that option.

Mr. Vomacka commented that if that is what the Finance Department is trying to avoid, then why not just say overpayments of less than \$10 will be credited to the following month's bill. Ms. Brown answered that the City would have to stipulate that if it is a final bill, then it would be forfeited. Mr. Vomacka commented that he would not have a problem with that, but right now the legislation reads like it would be a recurring theme.

Ms. Thompson again commented that the language Mr. Vomacka is referring to could be clarified before the third reading.

Mr. Vomacka confirmed that he would try to meet with Ms. Brown next week regarding this legislation.

5) ORDINANCE: FIRST 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.

Ms. Brown commented that these changes are based on comments from a member of Council and some residents, as well. The amendments are based on penalties on declarations and estimated payments, which is what residents are paying this year for what is due next year; it is not what is due in the current year. It is mandatory that taxpayers make quarterly estimated payments if they are going to have a tax liability to the City of \$500 or more. The way the penalties are currently written, if a declaration is not filed, the taxpayer is charged a penalty of 1.5% per month of what they owe when they file their taxes the next year and that percentage is compounded on a monthly basis. In order to simplify that for everyone they thought it would be best to make it a flat fee of \$50 on the filing of a declaration. The penalty for failure to pay quarterly estimated payments is currently the same as it is for failure to file declarations; the taxpayer is charged 1.5% per month of what they do not pay until they pay it with their final return and that percentage is compounded on a monthly basis. The

recommendation is for that percentage to be increased from 1.5% monthly to a one-time 10% penalty. The 10% would not be compounded monthly; it would be a flat 10% on what the taxpayer owes when they pay the next year, and it would be a minimum of \$100, as currently stated in the ordinance. Actually, based on these proposed amendments to the percentage, the penalty people would be paying is less than what they are currently paying.

Mr. Chmiel asked what Ms. Brown considers paying late and paying i.e. is there a range after the due date that the penalty would not be imposed on the payer.

Ms. Brown explained that currently taxpayer has to pay their first quarterly payment when they file on April 15 and the next one in three months and in subsequent three month increments and the City is currently calculating that penalty on each of those dates that the payments are not made, which is how it compounds over time. Ms. Brown further explained that if a payer makes no quarterly payments throughout the year and pays what they owe the next year they are not going to go back and calculate the percentage on all of those dates, they would calculate a one-time 10% on the amount owed on April 15.

Mr. Chmiel commented that the language states that the minimum penalty remaining is \$100. Ms. Brown confirmed that that is currently what the ordinance states.

Mr. Chmiel asked if someone made their payment on April 15 and at the second quarter, but missed the third quarter and paid everything the fourth quarter, would they would receive this penalty of \$100.

Ms. Brown explained that it depends on whether they have paid 90% of what is due by January 31. If they have paid 90% of their estimated payments by January 31, there is no penalty. And, if they paid 100% of what they have actually owed the previous year even though they might owe \$500 or \$1,000 more the next year, as long as they have paid 100% of what they owed the previous year, there is no penalty.

Mr. Chmiel confirmed that if the payer did not pay anything the first three quarters, but paid 90% by the January 31 there is no penalty. Ms. Brown replied yes.

Mayor Agenbroad commented that the whole scheme behind these amendments from the Finance Committee's perspective was to simplify things for the Finance Department.

Ms. Thompson commented that it was also a response to the residents, who felt like they were being penalized too much.

Mayor Agenbroad reiterated that the purpose of the amendments was also to simplify the City's procedures.

Ms. Brown commented that the changes do simplify the process. It reduces the penalty costs on people that are making the estimated payments or trying to make them or not making them especially since the amount is actually owed the next year.

Mr. LaDu commented that for people who do not know the process and suddenly have a late year change in income, which would put them in a position of owing the City more than \$500, the amendments would help to mitigate those penalties.

Ms. Brown commented that overall the changes are being proposed to reduce the penalty and simplify the process.

Ms. Belpulsi commented that the bottom line is that these changes do end up reducing the amount of penalties for the taxpayer.

Ms. Thompson commented that the biggest focus when considering these amendments was reducing the liability of the resident.

Mr. Vomacka suggested that the cover memos be written more clearly because he reacted most strongly to the line in the cover memo that states that the percentage is proposed to increase from 1.5% to 10% with a minimum penalty of \$100, which is actually not the bottom line.

Mayor Agenbroad thanked Ms. Brown for attending the meeting and providing explanations of the proposed legislation.

- 6) **ORDINANCE: FIRST 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.

- 7) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ODOT PRELIMINARY LEGISLATION AS PRESENTED FOR THE COMPLETION AND APPOINTMENT AS THE LPA – LOCAL PUBLIC AGENCY FOR THE SOUTH BOUND EXIT RAMP PROJECT AT I75 / SR73.

No discussion.

- 8) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KNEISEL CONTRACTING CORPORATION TO COMPLETE THE YEARLY PAVEMENT MARKING PROGRAM ON VARIOUS CITY STREETS.

No discussion.

- 9) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INSTALLATION AGREEMENT WITH ICON SOLAR POWER, LLC, TO INSTALL SOLAR PHOTOVOLTAIC SYSTEMS IN THE SPRINGBORO PARKS SYSTEM.

No discussion.

At this time, Mayor Agenbroad asked Council to refer to the information they received regarding applicants for the two open seats on the Community Service Board due to recent resignations. Council was given the letters/resumes of nine applicants to consider.

Mayor Agenbroad recommended Lloyd Duvall, based on his resume.

Mr. Vomacka commented that Mr. Duvall has not applied specifically for the Community Service Board. Mr. Vomacka recommended Kay von der Embse and Dave Snider or Cynthia Fisher, who listed some relevant experience on her resume.

Mayor Agenbroad commented that all nine applicants are very good.

Ms. Lairson commented that Cynthia Fisher and Dave Snider were the next two choices recommended by the Community Service Board during the appointment of the last open seat on the board.

Mr. Chmiel recommended Kay von der Embse and Cynthia Fisher.

Mayor Agenbroad agreed with Mr. Chmiel's nominations.

Mr. LaDu concurred that he would recommend Kay von der Embse, as well.

Ms. Lairson pointed out that Kay von der Embse did specifically apply for the Community Service Board. Ms. Lairson stated that she would agree with the nominations of Kay von der Embse and Cynthia Fisher for the board.

It was the consensus of Council to nominate Kay von der Embse to be appointed to serve on the Community Service Board for an unexpired term ending December 2011 and Cynthia Fisher to be appointed to serve on the Community Service Board for an unexpired term ending December 2010. Official action will be taken at tonight's Regular Meeting under Other Business to appoint the two new board members.

In addition, Mayor Agenbroad stated that Council would need to consider a motion at tonight's Regular Meeting under Other Business to remove a member of the Bicycle and Pedestrian Advisory Committee.

ITEM 4. CITY MANAGER. –Issues/Reports.

Duke Energy Consumer Choice Program: *Ms. Thompson referred to the information she sent to Council regarding the Duke Energy Consumer Choice Program. Ms. Thompson commented that the City does not have two large companies vying for customers; however, there are other companies that do offer competitive services. Ms. Thompson explained that IGS Gas or Dominion, for example, need 25,000 customers to validate their offering in a community/region or whatever district is defined, e.g. if it is Duke's territory they need 25,000 customers. If one person receives an offer that might save them money on their utility another person in the same community might not get that offer; therefore, if they have met that 25,000 customer quota they are not going to seek out new customers. Ms. Thompson spoke to Tim Abbott about this proposal, and although he is not in this particular program, explained that Duke is going to have the customers in Springboro regardless of whether they get a discount or not. Deregulation has allowed them to offer this choice and request an endorsement program of this nature. But, if the City does not choose to endorse the program it has no affect on Duke because they can still have that customer. Ms. Thompson commented that it really comes down to the decision of whether Springboro wants its name associated with the consumer choice program or not. Ms. Thompson further commented that she feels that is a policy decision of Council and she will contact the marketing representative tomorrow to let her know the City's position regarding this request. Ms. Thompson also commented that it is very unusual for the City to endorse anything and she has no qualms about the City not participating in this program. She added that it is only an annual program, not a three year or extended program. Ms. Thompson added that it is not a program she is familiar with in any other community; she does not know who else Duke approached, if anyone, and Springboro is obviously not their largest customer. Springboro has about 7,500 utility users in the City limits. Again, it is a question of whether the City wants to participate in endorsing a program, which offers a choice to customers.*

Mr. Chmiel commented that it seems like if Duke has a competitive situation and they are offering to make this reduction to City residents they should go ahead and do it to protect their interests regardless of whether the City participates in the endorsement of it because that is their business.

Mr. Vomacka commented that in the information they received about the program from Duke it contained the following language: "The information contained herein is proprietary and not intended for public use or voluntary disclosure to any third party without the written consent of Duke Energy." Mr. Vomacka asked Mr. Montgomery if because the City is a government is this information now in fact a public record because it has been discussed or is this somehow precluded from discussion.

Mr. Montgomery answered that the information can be discussed in the meeting, but he thinks that language would come into play if someone made a public records request. Typically, in that situation, it would then be subject to a privileged communication and therefore not subject to disclosure.

Ms. Thompson confirmed that Mr. Montgomery was referring to the documents themselves. Mr. Montgomery replied yes.

Mr. Montgomery explained that a general discussion of what those documents contain would not be precluded.

It was the consensus of Council to not participate in the endorsement of the Consumer Choice Program proposed by Duke Energy. Ms. Thompson will communicate that decision to the representative tomorrow.

Ms. Belpulsi commented that she does not think that the City should put themselves in the position of endorsing anything; she is not in favor of endorsing any company, product, service, etc. Ms. Belpulsi commented that the market should decide; it is a free market for people to decide what they want to do.

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

Joint Meeting with Clearcreek Township Trustees: *Ms. Martin announced that she spoke with Chairman Wade today who confirmed that the Trustees would be willing to meet with City Council on Thursday, July 22. It was suggested that the meeting take place in the Community Room at 5:30, but those details can be confirmed sometime in the future.*

Request for an Educational Tool on the City's Website: *Ms. Martin commented that she received a request from a teacher at Lytle Five Points Elementary who teaches government and would like to know if the City would be amenable to having some type of government information on the website for students to access as an educational tool. For example, on the website's main menu there would be a place for "Government for Kids" with static information that students could use as a resource to learn about their local government.*

Ms. Belpulsi asked who would develop that tool. Ms. Martin explained that the teacher asked if a representative from the City would meet with a group of the teachers to discuss the content, etc.

Ms. Thompson commented that she and Ms. Martin discussed this request earlier today and felt it was appropriate as long as the information is brought back to Council before it is published on the website.

Council agreed that they would want to review the material before it is posted on the website.

Ms. Martin commented that she will let the teacher know that it is a possibility and she would be happy to meet with the teachers and see what type of information they would like to see published on the website.

Committee Meeting Updates: *The Legal Committee is scheduled to meet on Thursday, June 3 at 5:30 PM in Council Chambers and the Records Commission is scheduled to meet on Thursday, June 17 at 3:00 PM in Council Chambers.*

ITEM 6. CITY COUNCIL. –Issues/Reports.

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

Mr. LaDu – *Mr. LaDu will present a Finance Committee report at tonight's Regular Meeting under Reports.*

Mr. Chmiel – *No issues/reports.*

Mr. Vomacka – *Mr. Vomacka will present an Architectural Review Board Report at tonight's meeting under Reports.*

Ms. Lairson – *Ms. Lairson commented that the Community Service Board meeting that was scheduled on May 17 was canceled.*

Ms. Belpulsi – *No issues/reports.*

Mayor Agenbroad – No issues reports.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the May 20, 2010 City Council Work Session at approximately 7:55 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, MAY 20, 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, May 20, 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, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, and Ms. Martin were present. Mr. Schaeffer was absent; David Montgomery attended as Acting Law Director in Mr. Schaeffer's absence.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MAY 6, 2010.

Mr. LaDu motioned to approve the minutes of the City Council Work Session and Regular Meeting of May 6, 2010, as submitted by the Clerk of Council. Mr. Vomacka seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: 2010 HISTORIC PRESERVATION AWARDS –TERRY DUDLEY, ARCHITECTURAL REVIEW BOARD CHAIR.

Mayor Agenbroad invited Architectural Review Board Chair Terry Dudley to the podium to present the 2010 Historic Preservation Awards. On behalf of his colleagues on the Springboro Architectural Review Board, Mr. Dudley stated that he is honored to present the 2010 Springboro Preservation Awards Program and commented as follows: This year marks the tenth year for the program that was initiated by the Architectural Review Board in 2000 to recognize the achievements in historic preservation by residents and property owners in Springboro. This program coincides with the

National Trust for Historic Preservation's annual Preservation Month that recognizes the country's diverse and irreplaceable heritage by participating in local events throughout the nation.

As part of the awards program, the Jonathan Wright Award for Historic Preservation was created to honor those who have restored, rehabilitated, or preserved an important building, site or artifact representing the history of the Springboro area, or provided long-term stewardship of such a property.

The 2010 Jonathon Wright Award for Historic Preservation goes to Heather Sukola for the preservation of 505 South Main Street, the Thomas Miller House, in Springboro's Historic Preservation District. Built circa 1901 by Thomas Miller, a local inventor, the building now houses Heather's Coffee & Café, which opened in November 2009. Interior renovations upgraded the building to house a coffee shop and café; exterior work stabilized the structure and provided an access ramp and an outdoor dining area. Much of the original character and layout of the rooms was maintained. A carriage barn on the property was also preserved and is being reused as rentable meeting space. Ms. Sukola was nominated for the Jonathan Wright Award by Anne Stremanos, Executive Director of the Springboro Chamber of Commerce.

Mr. Dudley thanked Ms. Sukola for the wonderful job she has done with the house and stated that the award is simply a token compared to what Ms. Sukola has invested.

Ms. Sukola was asked to come forward to accept the award. Mr. Vomacka, Council Representative to the Architectural Review Board, was asked to step down to the podium to help present the award. Mr. Vomacka, Mr. Dudley, and Ms. Sukola were photographed with the award plaque.

Mayor Agenbroad commented that Council really appreciates what Ms. Sukola is doing in the Historic District. Mayor Agenbroad also thanked Mr. Dudley for serving as Chair of the Architectural Review Board.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 55 minutes to discuss the following legislation as well as other City business.

- 1) **ORDINANCE O-10-11: THIRD READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 1.99 ACRES OF LAND AT 1755 SANDY COURT FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-2, CITY OF SPRINGBORO LOW-DENSITY RESIDENTIAL DISTRICT," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance amending the official zoning map of the City of Springboro and rezoning approximately 1.99 acres of land at 1755 Sandy Court from (T)R-1, Clearcreek Township Rural Residence District to R-2, City of Springboro Low-Density Residential District. This rezoning was the topic of a public hearing on April 15; and it is being recommended by staff and the Planning Commission, who approved the recommendation on February 24, 2010. The property owner, the Harover Family, wished to construct two residential units on the parcel and the R-2 zoning will provide the applicant with the increase in development density for two homes. Also, the configuration of the lot limits the density. Even though the zoning would allow for four units per acre, the configuration only allows for two units. The City was very comfortable accommodating the applicant's request to rezone.

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

Ms. Belpulsi motioned to adopt Ordinance O-10-11. Mr. Vomacka seconded the motion.

No discussion.

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

- 2) **EMERGENCY ORDINANCE: FIRST 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 first reading of an ordinance approving the record plan being a right-of-way dedication of a portion of Pennyroyal Road. This dedication will allow for the improvements that are scheduled for Pennyroyal Road, which will be constructed by the City to widen the area around Gardener Drive to the intersection of SR741 to the east and to the western boundary of the Village Park Property, which abuts the back property lines of the Deer Trail residents. The improvements are scheduled this year with Issue II funds and will increase the intersection's ability to handle the volume of traffic that currently travels through that area. The City has noticed an increase in traffic on Gardner Drive to cut through to avoid the light at Pennyroyal Road; therefore, these improvements are timely for the City to complete.

No action is required at this time.

- 3) **ORDINANCE: FIRST 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 first reading of an ordinance to authorize the City to formally adopt the boundaries of the amended Austin Land Use & Development Plan. The plan has been amended to include a 20+/- acre property at the corner of the Miamisburg-Springboro Pike, which is now officially known as Austin Boulevard, and Byers Road. The property owner has asked to participate in the land use and development master planning process at Austin and the adoption of this ordinance would allow them to do that. This ordinance has been recommended by LUAC, the Land Use Advisory Committee, at the Austin Road Interchange. Mr. Pozzuto sits on the LUAC board, as Springboro's representative.

No action is required at this time.

- 4) **ORDINANCE: FIRST 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 first reading of an ordinance to amend various sections of the City's code pertaining to delinquent tax and utility payments and penalties. There was discussion at the Work Session concerning this particular item and there will be adjustments to this legislation prior to the third reading to more accurately reflect the intent of this legislation. Basically, this ordinance will allow the City to pass on collection fees for delinquent payers of utility bills, Mayor's court fees, and income tax to the delinquent person. Currently, for example, if there is a Mayor's court fine of \$100 and it costs the City \$50 for a collection agency to seek that payment the City would net only \$50 of the total amount owed, and there is sentiment that the City should not use other taxpayers' dollars who are appropriately paying their utility bills, Mayor's court fees, and income taxes to collect from others who are not. There is also a condition in this legislation that will allow the City to alter the way the City refunds overpayments on utility bills when a final payment is requested. Currently, when a resident requests a final utility bill and there is a balance of 40 cents, the City is required to refund that amount via a check. The City Finance Department and Finance Committee would like to alter that amount to a \$10.00 minimum because it cost more to process a refund of 40 cents than it is worth. Staff intends

to make some alternations and clarifications to the legislation and cover memorandum prior to the third reading.

No action is required at this time.

- 5) **ORDINANCE: FIRST 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 first reading of an ordinance to amend Sections 880.07(a)(3) and 880.07(a)(4), Declarations of the City's tax code. This ordinance is also recommended by the Finance Committee and Finance Department and will alter the way the City collects delinquent quarterly declarations, failures to file, and failures to pay income tax. Currently, the penalty for delinquencies is a percentage of what is owed compounded monthly and this legislation would alter that for a one-time fee to be assessed against the delinquent payer, which would reduce the liability of the tax payer. The City is trying to reduce the liability of the tax payer and make the process more streamlined for the Finance and Tax Department. Again, staff will make sure this legislation is further clarified if necessary before the third reading. These issues regarding declarations were brought to the City's attention through residents to Members of Council and to the Finance Committee as a change that will assist residents.

No action is required at this time.

- 6) **ORDINANCE: FIRST 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 first 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. The City currently has contracting authority and procedures in the code and this ordinance would eliminate some redundancies in the manner in which the City passes certain resolutions for certain purchases. Currently, if an item is brought before Council in the form of a capital improvement program request it is presented during the capital improvement program meeting where Council considers the item and when the 5-Year Capital Improvement Program is approved the item has been approved for purchase or secured in some manner. Council then reviews the budget process a month later, which includes the capital improvement program items, and then Council again passes legislation that allows for that particular item to be purchased under the annual budget approval and following that Council approves the appropriation ordinance, which again allows for that capital item to be purchased through the annual appropriations. Hence, there is a three step process by which any capital item can be purchased by the City and this legislation would allow for certain items to be exempt from being brought forward for approval in the form of a fourth stage, which is a resolution to Council for the actual purchase of the item. In essence, Council has already approved the capital item three times before it is presented in the form of a resolution for approval. This provision would only apply during an annual period; it would not extend to a carry-over period of years; it would only occur during that year's capital improvement program.

No action is required at this time.

- 7) **RESOLUTION R-10-7:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ODOT PRELIMINARY LEGISLATION AS PRESENTED FOR THE COMPLETION AND APPOINTMENT AS THE LPA – LOCAL PUBLIC AGENCY FOR THE SOUTH BOUND EXIT RAMP PROJECT AT I75 / SR73," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to execute the ODOT preliminary legislation for the South Bound Exit Ramp Project at I75/SR73. The City approached the Miami Valley Regional Planning Commission (MVRPC) regarding the project to replace the bridge and widen the piers on I75, which would allow for additional lanes on SR73 to help relieve some of the traffic issues coming off the interstate. When that project was finally bid and the amounts were final there was money left over from the original proposal for improvements at all four quadrants at the interstate, and they were able to petition to secure the use of those funds for another portion of that project, the southbound exit ramp off of I-75. This legislation will allow the City to move forward with ODOT on that project. There will be two turn lanes, a left turn lane and a middle turn lane, which allows traffic to turn left or straight, and there will be a dedicated right turn lane to enter Franklin. This project will really assist Springboro residents making left turns at the same time; it should help residents get off the interstate and avoid the back up that regularly extends onto the lanes of the interstate of motorists trying to get off of the southbound exit ramp. The funding that was left over from the bridge project was available and through the cooperation and the help of MVRPC and in conjunction with the City of Franklin, staff is asking to commit \$91,322 of Springboro funds and \$62,678 for Franklin's portion to this project. The local shares were calculated based on traffic volumes when the bridge project was proposed and the City agrees to honor those through this legislation.

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

Mr. Chmiel motioned to adopt Resolution R-10-7. Ms. Lairson seconded the motion.

No discussion.

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

- 8) **RESOLUTION R-10-8:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KNEISEL CONTRACTING CORPORATION TO COMPLETE THE YEARLY PAVEMENT MARKING PROGRAM ON VARIOUS CITY STREETS," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes an agreement with Kneisel Contracting Corporation to complete the yearly pavement marking program on various City streets. Public Works Director Barry Conway has recommended this particular contract. Ms. Thompson commented that she would like to thank the Miami Valley Communications Council (MVCC) for coordinating to bid this project on behalf of a number of jurisdictions for an aggregate cost. Springboro's portion of the Kneisel contract is \$25,540.80 to perform the City's yearly pavement marking program.

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

Mr. Vomacka motioned to adopt Resolution R-10-8. Ms. Lairson seconded the motion.

No discussion.

VOTE: Belpulsi, Abstain; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [6-0-1]

- 9) **RESOLUTION R-10-9:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INSTALLATION AGREEMENT WITH ICON SOLAR POWER, LLC, TO INSTALL SOLAR PHOTOVOLTAIC SYSTEMS IN THE SPRINGBORO PARKS SYSTEM," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This legislation was recommended by the Park Board for an exciting parks project. The agreement will allow the City to install up to five solar rays in the City's parks. Cost of the facilities to be erected will not exceed a total cost of \$189,135. Part of the project cost will include a state grant that will total approximately \$93,000. This project is good for the City's parks for two reasons, one the City hopes to reduce its utility costs at the parks by about 80%. Currently, the City spends about \$5,500 per year

on electricity at the concession stands and shelters and hopes to eliminate that cost completely. The second reason is these solar power systems can generate revenue for the City called SRECS (Solar Renewable Energy Credits) and depending on how much energy the system generates the City could generate up to \$10,000 per year in revenue. Not only does it reduce the City's energy costs, but it can also generate revenue for the City and figures show that the system has a payback of 5.2 years i.e. any monies expended should be returned in 5.2 years and beyond that it becomes a money maker for the City. The solar panels have a 25-year warranty and the City should at least get a 25 year life out of this project. It does help the City "go green." City Council has gone to paperless packets and the City is now using solar power in parks and is trying to be a regional leader in that for other communities. Park Board is very excited about this project and hopes Council passes this resolution tonight.

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

Ms. Belpulsi motioned to adopt Resolution R-10-9. Mr. Vomacka seconded the motion.

No discussion.

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

ITEM 7. REPORTS: Mayor's Report – The 3rd U.S. District Representative Office Hours will be held on Friday, May 28, 1:00-2:00 PM in the Community Room. Memorial Day will be observed on Monday, May 31 with a parade beginning at 2:00 PM on S. Main Street and proceeding to Wade Field. The next City Council Work Session and Regular Meeting will be held on Thursday, June 3, 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 Legal Committee will meet on June 3 at 5:30 PM in Council Chambers.

City Manager's Report – Ms. Thompson commended and thanked City Planner Dan Boron and the Bicycle & Pedestrian Advisory Committee for sponsoring the "Bike Fest" held last Saturday. Ms. Thompson further commented that a lot of planning went into this first event and she does want to thank all of them for their participation included BPAC Chair Hans Landefeld and committee members and Dan Boron, who put a lot of work into it. Ms. Thompson also thanked Mr. Pozzuto for helping with signs, etc. Also, Officer Evans and Officer Anderkin had 30 children at attention in the morning for their bicycle safety program and did a fantastic job with the kids.

In addition, Ms. Thompson reminded Council that they would be meeting with the Springboro Pointe Business Owners on Tuesday, May 25 at 8:00 AM in the Community Room to discuss fire lanes and parking issues.

Committee Reports –

Mr. Vomacka – The Architectural Review Board meeting scheduled for May 10 was canceled due to a lack of agenda items. The next ARB meeting will be held on June 14 at 7:00 PM in Council Chambers, as scheduled.

Ms. Lairson – No reports.

Ms. Belpulsi – No reports.

Mr. Moore – **Miami Valley Communications Council** – The MVCC met Wednesday, May 19. Mr. Moore reported that the MVCC's website now has streaming video of past Council meetings and have upgraded the streaming video to Flash Video for a full screen view, which is very good quality. The live streaming video is still in Quicktime Video and has not been converted to Flash Video yet, but will take place soon. Also, the TCSU had a surveillance program for schools in which SWAT teams in an emergency can tap into the surveillance cameras inside the schools to see what is happening during an emergency in the schools. Springboro Schools will be tapping into that resource and have access

to that during an emergency. The MVCC will not hold a meeting in June or August, but there will be a meeting on July 21 at 7:00 PM at the MVCC facility.

Tree Authority – The Tree Authority sponsored the annual Arbor Day Ceremony on April 24 with the planting of an ornamental Golden Raintree. Councilman LaDu and Councilman Vomacka attended the ceremony. Also, Tree Authority Members, Chairman Bill Riegel, Evan Steffens, Paula Reams, and Chris Pearson and Public Works Director Vince Murphy and John Brown, the City's Certified Arborist, were in attendance. The tree is planted on the backside of the Library and John Brown designed the plaque at the base of the tree, and it is worth seeing the quality and talent we have in the Springboro community working for the City. The City received the Tree City USA Award and the Growth Award for 2009 for demonstrating progress in forestry programs and other forestry activities. Mr. Moore also encouraged people to visit E. Milo Beck Park; the City has done a tremendous amount of work at the park and he really encourages people to go to park and it would be a great story if somebody wanted to write a story about it. Tree Authority Chairman Bill Riegel has handmade several benches including an octagon shaped picnic bench, which are beautiful and are made from trees that had to cure for a year. Also, the Community Park Eagle Scout Project by Luke Sillies is in progress and the Null Cabin project is coming along, as old plant material has been removed and they are preparing for the new plant material and have volunteer master gardeners that will be installing and maintaining all of those new plants. Mr. Moore finally commented that there are a lot of great things taking place in the community that the tree authority people are making happen and really would be worth putting in the Dayton Daily News Springboro section.

Mr. LaDu – Audit Committee – The Audit Committee met tonight at 5:00 PM to conduct the annual post audit conference.

Finance Committee – The Finance Committee met tonight at 5:30 PM to review the monthly financials and all things considered the City funds are doing well.

Mr. Chmiel – No reports.

ITEM 8. OTHER BUSINESS. Mayor Agenbroad stated that due to the recent resignations of two Community Service Board Members, Council has reviewed applicants and will need to consider a motion to appoint Cynthia Fisher to the Community Service Board for a term ending December 31, 2010 and Kay von der Embse to the Community Service Board for a term ending December 31, 2011.

Ms. Lairson motioned to appoint Cynthia Fisher to the Community Service Board for a term ending December 31, 2010 and Kay von der Embse to the Community Service Board for a term ending December 31, 2011. Mr. LaDu seconded the motion.

No discussion.

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

Mayor Agenbroad asked for a motion, pursuant to Article 9 of the City's Charter, Boards, Commissions, and Authorities, Section 9.02, Removal of Members, to remove Sonny Thomas from the City's Bicycle & Pedestrian Advisory Committee and believe it to be in the best interest of the committee to give other residents of the community, who are interested in this committee's work, an opportunity to serve.

Ms. Belpulsi motioned to remove Sonny Thomas from the City's Bicycle & Pedestrian Advisory Committee. Mr. Vomacka seconded the motion.

No discussion.

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

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

ITEM 10. GUEST COMMENTS. 1) Helen Sproat, 225 S. Main Street, Springboro – Ms. Sproat introduced herself as Secretary of the Springboro Area Historical Society. Ms. Sproat thanked Council for allowing the structural repair to be done at the Null Log House; the Historical Society is very happy to have it back in working order. The upstairs has been finished with a barrier to keep people on the east side so they did not have to support the entire upstairs. It is a nice adjustment, and it looks just fine. The house is now in good structural condition and they will be using it again and they thank the City very much for taking caring of it for them. There will be more work in the future and she hopes to come back again soon. In addition, Ms. Sproat presented Council with a gift, which was a copy of her book Freedom's Trail Springboro, which is a collection of stories that Ms. Sproat tells on her tours. She hopes Council will read it because there is a lot of good Springboro information in the book.

Mr. Chmiel commented that Ms. Sproat is very busy with tours right now. Ms. Sproat answered that she has had one every weekday for two weeks and has another two weeks of tours to guide before school is out.

Mr. Vomacka thanked Ms. Sproat for doing those tours. Ms. Sproat commented that she enjoys it and thinks that it is important. Ms. Sproat further commented that the books are available at the museum; they have two new books out and this is one of them. Finally, Ms. Sproat commented that the museum is now open 11:00 AM-3:00 PM every Friday and Saturday and Council is invited to visit.

Mayor Agenbroad thanked Ms. Sproat for all the work she does; Council appreciates it and thanks her for the nice gift. Mayor Agenbroad asked Mrs. Sproat to tell her husband, Ben, who is a World War II Veteran, that Council says "hello."

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. Prior to the motion to adjourn, Mayor Agenbroad recognized Doug Buchy, who will be the Grand Marshal of this year's Memorial Day Parade. Mr. Buchy is a former school board member and U.S. Navy Retired. Mayor Agenbroad stated that this is a time when our country honors its fallen comrades as well as recognizing those who have served in the military. Mayor Agenbroad invited everyone to join the Memorial Day parade at 2:00 PM and proceed to Wade Field for a program followed by food and fun in recognition our great nation.

On a personal note, Mayor Agenbroad commented that he would like to recognize the 3rd Battalion 25th Marines from the Lima Company out of Columbus, Ohio who have begun pre- deployment training at Camp Pendleton, California with followed deployment to Afghanistan. Corporal Kyle Chmiel from Springboro is a member of the Lima Company along with 150 other neighboring Marines. We wish them all a successful mission and safe return. Please keep all of our troops serving in your thoughts and prayers.

Mr. Chmiel motioned to adjourn the meeting; whereby, the Thursday, May 20, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:37 PM. Ms. Lairson seconded the motion.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel; Yes; LaDu, 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