

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

CITY COUNCIL WORK SESSION

THURSDAY, JULY 15, 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, July 15, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

Mayor Agenbroad reminded everyone that there are two Regular Meetings scheduled tonight. The first Regular Meeting represents the rescheduled meeting of July 1, which will be followed by the Regular Meeting of July 15. Mayor Agenbroad commented that he would observe the Pledge of Allegiance at the first Regular Meeting and also would ask for a motion to defer Reports to the second Regular Meeting.

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

ITEM 3. LEGISLATIVE AGENDA. –Ten legislative agenda items were reviewed for the July 15 Regular Meeting.

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

The Finance Director has requested that Council waive the first and second readings of Legislative Item 1 in order to properly appropriate funds for expenditures.

2) EMERGENCY ORDINANCE: FIRST READING. AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,250,000 OF BONDS BY THE CITY OF SPRINGBORO, OHIO, FOR THE PURPOSE OF PERMANENTLY FINANCING OUTSTANDING NOTES ISSUED TO PROVIDE FUNDS FOR THE PURPOSE OF PAYING THE COST IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO, THE CITY OF MIAMISBURG, OHIO AND THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT OF CONSTRUCTING AN INTERCHANGE ON INTERSTATE 75 AT THE INTERSECTION WITH SPRINGBORO ROAD/AUSTIN PIKE, AND

CONSTRUCTING RELATED SURFACE STREET PROJECTS, INCLUDING BYERS ROAD, AUSTIN PIKE AND SPRINGBORO ROAD, BY CONSTRUCTING, RECONSTRUCTING, IMPROVING, WIDENING, GRADING, DRAINING, LANDSCAPING, CURBING, PAVING, LIGHTING, RELOCATING AND INSTALLING UTILITIES, CONSTRUCTING SIDEWALKS AND BIKEWAYS, INSTALLING TRAFFIC SIGNALIZATION, AND ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AUTHORIZING A SECOND AMENDMENT TO THE COOPERATIVE AGREEMENT, AND DECLARING AN EMERGENCY.

Ms. Thompson noted that the second and third readings of Legislative Item 2 need to be suspended to meet the August deadline. Ms. Thompson commented that the City's Bond Counsel Brenda Wehmer is in attendance to answer questions concerning the Austin Interchange permanent financing, which is in the form of bonds not to exceed \$4,250,000. Ms. Thompson further commented that Ms. Wehmer has spent extensive time on this project to make sure the City is protected under both the bond legislation and the second amendment to the Cooperative Agreement. Ms. Thompson introduced Ms. Wehmer and stated that she was kind enough to attend the meeting tonight to make sure that everything included in the packet was sufficiently explained.

Ms. Belpulsi asked if a synopsis of this legislation could be presented at tonight's Regular Meeting. Ms. Belpulsi pointed out that the City has been through eight revisions of the second amendment to the Cooperative Agreement and asked if Ms. Wehmer was satisfied with the final revision.

Ms. Wehmer answered that she is satisfied that the major points are covered. Ms. Wehmer explained that the legislation that authorizes the financing and the execution of the second amendment to the Cooperative Agreement authorizes the City Manager to accept necessary changes before the agreement is actually executed. Ms. Wehmer emphasized that there would be some minor tweaks to some of the language. To reiterate, the legislation is not yet in final form, but Council is delegating that authority to the City Manager and legal counsel to finalize it, but the major substantive issues are set forth in the legislation, which include the cross guarantee collateralization and that Springboro is not financially responsible for Byers Road or Austin Pike in any way, only the interchange, and Springboro's other commitments are outside of those other road projects, which are not contained in the second amendment at this point. Again, Ms. Wehmer is satisfied that the main points are adequately covered, but there is a little tweaking still required to the definitions section of the Cooperative Agreement.

Ms. Belpulsi commented that she thinks it is important to emphasize that the City will have no expenses related to Byers Road and other associated roadway projects in order for people to fully understand what the City has committed to because it is a very big project and Springboro's part is very small within the big picture.

3) ORDINANCE: FIRST READING. AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT OF WAY DEDICATION OF A PORTION OF EAST MILL STREET.

No discussion.

4) RESOLUTION: A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 WITH BARRETT PAVING MATERIALS, INC. FOR THE EAST MILL STREET ROADWAY IMPROVEMENT PROJECT.

Ms. Thompson explained that, had the problem concerning the bridge piers been discovered in time i.e. during the test borings, the City would have paid the difference regardless. It is not as if someone else would have absorbed the cost even if the borings had shown that the bridge piers had to be deeper than anticipated creating changes to the project; it would still have been the City's cost to bear. Ms. Thompson stated that it is Mr. Schaeffer's legal opinion that the City is responsible for the cost of this change. As stated in the legislative cover memorandum, the City would have been required to pay for any changes resulting from the depth of the bridge piers;

therefore, it is reasonable to assume that there would be no benefit to pursue any type of restitution. Ms. Thompson wanted to make sure that everyone understood that staff conferred with the Law Director regarding this issue and it was determined that the cost of the change is the City's responsibility.

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II GRANT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WASTE MANAGEMENT TO PROVIDE RECYCLING TOTERS TO THE CITY OF SPRINGBORO BID AS AN ALTERNATE IN THE WASTE MANAGEMENT CONTRACT FOR WASTE HAULING SERVICES APPROVED BY CITY COUNCIL APRIL 15, 2010.

Ms. Belpulsi asked if an overview of this legislation could be presented at tonight's Regular Meeting. Ms. Belpulsi commented that she has received several phone calls inquiring as to why the City is offering this program and several residents have also asked about the holiday pick-up schedule, specifically, if one of the pick-up dates falls on a holiday do they have to wait a month to have their recyclables picked up.

Ms. Thompson stated that one of the reasons the City is offering this augmented recycling program is that the tipping charges for waste will actually be reduced due to the increase in recycling. Additionally, the City is really trying to promote not only the "green" aspect of the recycling program, but it literally means saving the City money. Ms. Thompson also stated that the trash fund is very healthy and the City is obligated to give that back to the residents who helped to build that fund and the recycling program is one of the ways for the City to do that. Ms. Thompson further stated that Public Works Director Barry Conway confirmed with Waste Management that if the pick-up date for recyclables falls on a holiday, pick-up would only be delayed until the next day; the same way it is handled with trash pick-up.

Mr. Chmiel asked if any Township residents on the City borders have expressed any interest in the program and would the toters be available to those residents to purchase and use.

Ms. Thompson commented that if they use Waste Management for trash service then she is sure they would sell those residents a toter; however, the City cannot pay for it because City tax revenue will fund the program. Ms. Thompson reiterated that if those residents are in a Waste Management pick-up area, then Waste Management would be more than happy to sell them a toter for recycling.

Mr. Vomacka asked if Waste Management would continue to pick up excess recyclables that do not fit in the toter.

Ms. Thompson commented that if a resident finds that the toter is not large enough for their use they can request to switch it out for a larger toter at no cost, but they can only switch once at no charge. Ms. Thompson further commented that if residents find that they are consistently setting recyclables beside the bin because they still do not have enough room, the recommendation will be to switch to a bigger toter by calling the Utility Department and requesting a larger recycle bin. The City does not expect people to know for sure what size toter they need right away; however, if the resident switches toters more than once they will be charged for the second time.

Mr. LaDu commented that the informational pamphlet and postcard were very good and positive in presentation, but asked what residents should do with their old recycle bins. Ms. Thompson replied by stating that residents can keep their old recycle bin or throw it away by recycling it.

Ms. Lairson recommended that if residents want to throw away their old recycle bin they should mark it as trash or to recycle so Waste Management will know to pick it up.

- 7) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A COPS SECURE OUR SCHOOLS GRANT APPLICATION, AND TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, TO INSTALL NEW CAMERAS, UPDATE EXISTING CAMERAS, AND IMPLEMENT A PORTABLE COMMUNICATIONS SYSTEM WITHIN THE SPRINGBORO CITY SCHOOL DISTRICT.

No discussion.

- 8) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A COPS HIRING RECOVERY PROGRAM GRANT APPLICATION, AND TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, TO PERMIT THE HIRE OF ONE (1) POLICE OFFICER.

Ms. Belpulsi asked if the City is down a police officer. Chief Kruithoff replied yes. Chief Kruithoff explained that this is the police officer that Council agreed to consider hiring after July 1. Chief Kruithoff further explained that because of the delay in filling this position the City is now eligible to submit this grant, which will pay for the first three years the officer serves. Chief Kruithoff reiterated that this position is a replacement, but because of budgetary issues it was decided to not hire the new officer until July 1.

- 9) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE AN OPTION TO PURCHASE LAND FROM THE ESTATE OF THOMAS OWEN STOLZ.

No discussion.

- 10) **RESOLUTION:** A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN RIGHT OF WAY AND/OR TEMPORARY CONSTRUCTION EASEMENT ALONG THE SOUTHSIDE OF EAST CENTRAL AVENUE (STATE ROUTE 73) NEAR HILLSPRING LOCATED AT 325 EAST CENTRAL AVENUE.

No discussion.

ITEM 4. CITY MANAGER. –Issues/Reports.

Executive Session: Ms. Thompson requested a brief Executive Session to discuss the purchase of property.

ICMA Conference: Ms. Thompson requested Council signatures permitting her to attend the ICMA Conference in October. Ms. Thompson explained that the discounted registration deadline is July 30.

The Springs Subdivision: Ms. Thompson commented that meetings and activities concerning The Springs Subdivision are ongoing and Mr. Schaeffer has helped to keep it all sorted out. Ms. Thompson further commented that there might be some investors who are interested in buying all of The Springs, but the big questions are the roadway and the clubhouse. The City has not had inspectors in the clubhouse for at least three years when they boarded it up during receivership, and have not been there since then to inspect. Ms. Thompson also commented that the good news is that there is some interest in the subdivision as least for The Springs residents who have really suffered through all of this. The investors do own the two unfinished homes and are going to make sure those houses are finished and sellable. The investors are also trying to make sure they have easements, etc. to access the waterfall and entrance area for clean up and maintenance. Ms. Thompson added that the investors seem to be making a good faith effort to move things in a positive direction at The Springs.

Clubhouse at Settlers Walk: The City did receive some complaints about the weeds and grass at the Clubhouse at Settlers Walk, which was taken care of Monday and Tuesday of this week. The City has asked NIC (National Inspection Corporation), the City's property maintenance

inspection company, to really investigate and track down who is responsible for those properties i.e. which bank owns the property. The City is asking NIC to notify the responsible parties concerning foreclosed properties rather than the City mowing the grass at its own expense because the City will never see that assessment money. Ms. Thompson again stated that the City through NIC is trying to find out who the receiver or owner of those properties are because much of that property is still owned by a bank and it is still a problem and maintenance issue, which staff and NIC have been working on for weeks. The HOA did contact the City this past Friday and Ms. Thompson let them know that NIC has been working on it for a couple of weeks. Ms. Thompson explained that there are certain notification requirements. The City cannot make a decision today and proceed the next day to take care of it; the City has to abide by the law. In the case of the Settlers Walk Clubhouse, the notification period had expired and the grass was cut by the City this week.

Sand Bunkers at Heatherwoode Golf Course: Ms. Thompson commented that there were several sand bunkers at Heatherwoode that were scheduled for renovation next year, but the very hard, sustained rainfall recently destroyed some of the bunkers leaving Golf Course Superintendent Mike Eaton with about eight bunkers to restore. Fortunately, the City had budgeted for some emergency repairs at the golf course in 2010 and the amount is sufficient enough to cover the repairs even though the bunkers were extensively damaged. Ms. Thompson further commented that Mr. Eaton is already working on the repairs based on an estimate of approximately \$16,000 to restore all of those bunkers. Also, they are responding to a resident on hole number six. The resident's chimney has been severely damaged from golf balls because of the placement of the tee box.

Ms. Belpulsi asked how this issue would be resolved.

Ms. Thompson explained that the tee box is positioned on hole number 6 in a way that the natural swing of 90% of the population is going to hit this house from that tee box. Ms. Thompson added that they have three or four huge evergreens trying to protect the house. Ms. Thompson further explained that there is room to move the tee box and Mr. Eaton thinks it will enhance the golf course; therefore, they have decided the re-position the tee box to resolve this issue.

Solar Panels at Clearcreek Park: Mr. Pozzuto reported that the solar panel system has been recording since May 25 and has produced 323 kilowatt hours. In order to start generating SRECS (Solar Renewable Energy Credits), the system has to generate 1,000 kilowatt hours. Therefore, within two months, the City is already a third of the way to one SREC, which is what the contractor predicted the system would generate. The system averages approximately 50 kilowatt hours per week and the usage at the park is approximately 200 kilowatt hours; therefore, the City is almost entirely off setting its energy usage at the Community Park shelter.

Ms. Lairson asked if the usage is even year around or is it used more during the summer.

Mr. Pozzuto explained that more energy is used during the summer. He further explained that usage does drop during the winter, but so does the amount of energy being generated because there is less direct sunlight. Mr. Pozzuto reiterated that the solar system is generating exactly what the contractor said it would. In addition, the City submitted the funding request of \$90,000 to the State of Ohio for phase two of the project to be completed next year. Mr. Pozzuto also stated that residents can monitor the solar panel system on the City's website.

Friends & Family Event: Ms. Thompson mentioned that tomorrow is the fifth Friends & Family Event, which is the City employee fundraiser. Ms. Thompson thanked Pickrel, Schaeffer, and Ebeling, Veolia Water, Billy Casper Golf, and Wade Insurance for being major sponsors this year. In addition, Mayor Agenbroad assisted with a contribution from the Military Order of the Purple Heart. Lorenz Williams also made a \$500 contribution. The shotgun golf is nine holes and registration begins at 2:00 PM. Following golf, social hour begins at 6:00 PM with dinner at 6:30 PM. Ms. Thompson thanked Council for allowing staff to hold this event again this year and for their support.

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

Calendar Update: Concerts in the Park, July 20 & 27; 3rd U.S. District Office Hours Friday, July 30, 1:00-2:00 PM in the Community Room.

Town Hall Meeting Date: Ms. Martin commented that after polling Council via e-mail in regard to potential dates to hold a Town Hall Meeting in the fall, the consensus is Tuesday, October 5. Details and meeting format will be discussed at a future Work Session.

Joint Meeting with Clearcreek Township Trustees: Ms. Martin commented that some conflicts have arisen with the meeting date of July 22. Ms. Martin asked Township Administrator Dennis Pickett if he could forward some dates that the Trustees would be available over the next two months, but she has not yet received a reply.

Ms. Belpulsi asked if there is anyone else staff could contact because this meeting has been very difficult to schedule. Ms. Belpulsi commented that she was really disappointed that Council was not able to meet with the Trustees because the City has some really good joint projects to discuss.

Ms. Thompson commented that the invitation letter was originally addressed to the President of the Trustees.

Mayor Agenbrood asked Ms. Martin to send an e-mail to Mr. Pickett following the Trustees' meeting tomorrow to follow up on rescheduling the meeting.

Warren County Municipal League Special Event: The WCML is partnering with the Hamilton County Municipal League to host an evening with the Ohio State Legislators on July 29 at the Boy Scout Achievement Center, 10078 Reading Road in Evendale, Ohio at 6:00 PM. Ms. Martin asked Council to please e-mail her if they are interested in attending this event.

Board and Commission Handbook Update: Ms. Martin explained that she and Mr. Schaeffer spoke this week and Mr. Schaeffer will be working on the Board and Commission Handbook over the next two weeks and hopes to have a revised version of the book by Friday, July 23. Ms. Martin is working on the smaller publication for committee applicants.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Vomacka – Mr. Vomacka will present an Architectural Review Board report at tonight's Regular Meeting under Reports.

Ms. Lairson – Ms. Lairson commented that she was contacted by a resident on Tamarack Trail regarding the median by the pool, and after some inquiry it appears that no one is responsible for the maintenance of it. Ms. Lairson further commented that apparently there was a gentleman who managed the pool and mowed the median, but he no longer manages the pool. The resident Ms. Lairson spoke to stated that he had mowed the median, but the grass has died and now it is very gravely and dangerous to mow. The resident is concerned and would like to know what can be done to better maintain the median.

Mr. LaDu commented that it would depend on who owns the median.

Ms. Lairson commented that the problem is no one knows who is responsible for it.

Ms. Thompson added that there is no Home Owners Association for that subdivision.

Ms. Lairson described the location as the median in the road at the entrance to the subdivision.

Ms. Thompson suggested that the City could do something similar to the median in front of Fifth Third Bank on Remick Boulevard. Ms. Thompson offered to have staff look at it and maybe plant

grass seed to fill it in, but explained that it would be more costly for the City to put flowers in the median.

Ms. Lairson commented that the resident is not asking for landscaping, but he would be willing to mow it for as long as he lives there if it was safer to mow. Ms. Lairson explained that the resident is concerned that if he mows it rocks will be thrown and hit someone or something and he would be responsible.

Mr. LaDu asked if the median was deeded to the City.

Ms. Thompson commented that it is in the right of way and the City would have the right to access it and maintain it.

Ms. Lairson asked if she could meet with Ms. Thompson to discuss the issue in order to be able to follow up with resident. Ms. Lairson commented that she and the resident discussed a couple of ideas that she would like to share with Ms. Thompson, which might be feasible by just talking to people in the neighborhood.

Ms. Thompson recalls sending Assistant Public Works Director Vince Murphy to that area to talk to a resident about two years.

Ms. Lairson confirmed that it was the same resident who spoke to Mr. Murphy and City Engineer Raj Sharma.

Ms. Thompson offered to follow up by asking Mr. Murphy to revisit this issue and provide some ideas that she can share with Ms. Lairson who in turn can share with the resident.

There were no objections to following up in regard to this issue.

Ms. Belpulsi – Ms. Belpulsi will present a Planning Commission report at tonight's Regular Meeting under Reports. In addition, Ms. Belpulsi will present a notice of an application for a Liquor License transfer at tonight's Regular Meeting under Other Business.

Mr. Moore – No issues/reports.

Mr. LaDu – Mr. LaDu asked if the Pennyroyal Road project will take place this year and if the City would keep traffic flowing during the project.

Ms. Thompson confirmed that the project is scheduled for this year. She explained that although the original intention was not to keep traffic maintained, it has been decided that the City will receive an alternate bid to maintain traffic during that project.

Mr. LaDu also inquired regarding the connection through Village Park Drive to Paddock.

Ms. Thompson answered that she did not believe that connection would be made this year or until someone develops part of that property. The City installed sidewalk, but does not anticipate paying for that connection. The City does anticipate a developer paying for that connection when the nine-acre townhouse area is developed adjacent to Deer Trail.

Ms. Thompson also commented that it would probably be an extra charge to maintain traffic during the Pennyroyal Project, but the residents have tolerated construction at Austin, at the bridge on Pennyroyal Road, and on SR73 at I75. Ms. Thompson explained that she and Mr. Pozzuto indicated to the Public Works Department that they would have to keep traffic maintained during the project and they have asked for a price from the contractor to do that. Ms. Thompson does not feel the City can close another road right now.

Mr. Chmiel – Mr. Chmiel commented that he would announce the remaining dates for the Concerts in the Park series at tonight's Regular Meeting under Reports.

Mayor Agenbroad – Mayor Agenbroad confirmed that the timing of the signals at the Austin Interchange has been adjusted and traffic flow has improved.

Ms. Thompson replied yes, adjustments to the timing of the signals have been made.

At this time, Mayor Agenbroad asked for a motion, at the request of the City Manager, to enter Executive Session to discuss the purchase of property.

Executive Session: At approximately 6:39 PM, Mr. LaDu motioned to enter Executive Session, under R.C.121.22(G), to discuss the purchase of property. Mr. Chmiel seconded the motion.

No discussion.

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

With no objections, City Council exited Executive Session at approximately 6:58 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the July 15, 2010 City Council Work Session at approximately 6:58 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JULY 15, 2010
(RESCHEDULED FROM JULY 1)

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, July 15, 2010 (*RESCHEDULED FROM JULY 1*) 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:** No minutes were submitted for approval.

ITEM 5. **PRESENTATIONS:** No presentations were scheduled.

ITEM 6. **LEGISLATION:** No legislation was submitted for consideration.

Mayor Agenbroad asked for a motion to defer Reports to the July 15 Regular Meeting directly following this meeting.

Ms. Belpulsi motioned to defer Reports to the second Regular Meeting tonight. Mr. Vomacka seconded the motion.

No discussion.

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

ITEM 7. **REPORTS:** Mayor's Report. Reports deferred.
City Manager's Report.
Committee Reports.

ITEM 8. **OTHER BUSINESS.** No other business.

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

ITEM 10. GUEST COMMENTS. At this time, Mayor Agenbroad invited guests to comment. There were no guest comments.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

At this time, Mayor Agenbroad commented that Council held a 39-minute Work Session to discuss legislation slated for the July 15 Regular Meeting, which will follow this meeting, as well as a 17-minute Executive Session to discuss the purchase of property. Mayor Agenbroad stated that there are no further Executive Sessions needed and no other business before Council.

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

Mr. Vomacka motioned to adjourn the meeting; whereby, the Thursday, July 15, 2010 (RESCHEDULED FROM JULY 1) Springboro City Council Regular Meeting was adjourned at approximately 7:04 PM. Mr. LaDu seconded the motion.

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

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JULY 15, 2010

7:00 PM

COUNCIL

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- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, July 15, 2010 at 7:04 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.
- ITEM 2. PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was observed at tonight's first Regular Meeting (*RESCHEDULED FROM JULY 1.*)
- 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 JUNE 17, 2010.

Ms. Lairson motioned to approve the Minutes of the City Council Work Session and Regular Meeting of June 17, 2010, as submitted. 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:** MARTY HEIDE, WARREN COUNTY OUTREACH COORDINATOR, REPORT FROM THE 3rd U.S. DISTRICT CONGRESSIONAL OFFICE.

Ms. Heide introduced herself and distributed a handout, which she described as a really good resource for Federal Government Agency Contacts. (A copy of the handout, "Federal Government Agency Contacts," is filed with the minutes for the record.) Ms. Heidi reminded Council that if members of the community need assistance with social security for example they can always contact Congressman Turner's office where case workers are available to handle interaction between constituents and agencies. Ms. Heide pointed out that this list is a good resource because the websites all end in ".gov," which is very important because that suffix assures that it is an official government website. The handout includes the major agency

websites, but Ms. Heidi noted a few on page three including the U.S. Department of Health and Human Services website at "healthcare.gov," which is going to be very important because effective September 23 is the first phase of the new Affordable Care Act. The other website Ms. Heide noted was the Library of Congress "www.thomas.loc.gov," "thomas" for Thomas Jefferson and "loc" for Library of Congress. The Library of Congress website can be used to search a specific Bill number or a word in the Bill and provides information such as the date the Bill was introduced, the status, co-sponsors, and a CRS (Congressional Research Service) summary or full text of the bill. The Congressional office uses this resource frequently to determine the status of a Bill. Also, the list includes the House of Representatives website at "www.house.gov" and Senate website at "www.senate.gov." Ms. Heide commented that Congressman Turner's website was inadvertently omitted from the list, which is "www.turner.house.gov." Congressman Turner's website features current issues, votes, and congressional activities.

Mayor Agenbroad and Council thanked Ms. Heidi for her presentation.

Ms. Heide added that they do encourage people to contact Congressman Turner's office if they need assistance with federal issues, but this list serves as an additional resource and they can provide copies to constituents by mail. The phone number for the Dayton District Office is 937-225-2843.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 39 minutes to discuss the following legislation as well as other City business. During the Work Session, Council entered Executive Session for approximately 19 minutes to discuss the purchase of property; whereby, no votes were taken.

1) EMERGENCY ORDINANCE O-10-30: FIRST READING. "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-10-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 17, 2009 FOR THE YEAR 2010; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the first reading of a supplemental appropriation ordinance for 2010, which would increase the total 2010 appropriations by \$385,400. This supplemental appropriation is proposed by the Finance Director to cover certain costs incurred by the City as follows: a change order for the East Mill Street Project; printing and posting charges for the new recycling program, purchase of recycling totes that will be provided to residents through the new recycling program, and relocation of a cart path and tee box at Heatherwoode Golf Course.

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

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

Ms. Belpulsi motioned to suspend the rules and waive the second and third readings of Ordinance O-10-30. Mr. LaDu seconded the motion.

No discussion.

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

Mr. Chmiel motioned to adopt Ordinance O-10-30. Ms. Lairson seconded the motion.

No discussion.

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

- 2) **ORDINANCE O-10-31: FIRST READING.** "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,250,000 OF BONDS BY THE CITY OF SPRINGBORO, OHIO, FOR THE PURPOSE OF PERMANENTLY FINANCING OUTSTANDING NOTES ISSUED TO PROVIDE FUNDS FOR THE PURPOSE OF PAYING THE COST IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, MIAMI TOWNSHIP, MONTGOMERY COUNTY, OHIO, THE CITY OF MIAMISBURG, OHIO AND THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT OF CONSTRUCTING AN INTERCHANGE ON INTERSTATE 75 AT THE INTERSECTION WITH SPRINGBORO ROAD/AUSTIN PIKE, AND CONSTRUCTING RELATED SURFACE STREET PROJECTS, INCLUDING BYERS ROAD, AUSTIN PIKE AND SPRINGBORO ROAD, BY CONSTRUCTING, RECONSTRUCTING, IMPROVING, WIDENING, GRADING, DRAINING, LANDSCAPING, CURBING, PAVING, LIGHTING, RELOCATING AND INSTALLING UTILITIES, CONSTRUCTING SIDEWALKS AND BIKEWAYS, INSTALLING TRAFFIC SIGNALIZATION, AND ACQUIRING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AUTHORIZING A SECOND AMENDMENT TO THE COOPERATIVE AGREEMENT, 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 providing for the issuance of \$4,250,000 bonds to permanently finance Springboro's share of the cost of the Austin Road Interchange at I-75 and authorizing a second amendment to the Cooperative Agreement between the Montgomery County Transportation Improvement District, Miami Township, City of Miamisburg, and City of Springboro.

Ms. Thompson introduced the City's Bond Counsel, Brenda Wehmer, to comment on this legislation. Ms. Thompson commented that Ms. Wehmer has been working diligently to make sure the City's issues concerning the permanent financing of the interchange are complete and appropriate.

Ms. Wehmer approached the podium and made the following comments: This ordinance will authorize the financing for the interchange in the amount of approximately \$4.2M, which will refund the outstanding notes that were previously issued in the amount of \$3.9M to pay for some additional right-of-way costs necessary to finish the project and transaction costs for the bond. The legislation will also authorize the second amendment to the Cooperative Agreement, which will set forth in more detail than the original agreement the cross collateralization guarantees for the flow of money with respect to the anticipated TIF revenues to repay this financing. There is a substantially complete second amendment in Council's Agenda Packet and the legislation will authorize the City Manager to make final adjustments to the language of the agreement before it is executed. The second amendment to the Cooperative Agreement also makes it clear that the City of Springboro is only responsible for the actual interchange project i.e. its share of the interchange project, which is slightly less than one-fourth of the share the other jurisdictions are responsible for paying. Springboro is not responsible for the cost of Byers Road or Austin Pike improvements, which are being paid for by the other jurisdictions. Ms. Wehmer offered to answer any questions regarding the legislation and Cooperative Agreement.

Mayor Agenbroad presented the item for questions/comments.

Ms. Thompson confirmed that the City's share of the interchange project is approximately 20%; therefore, the City is not incurring a debt that was ever anticipated to be beyond its means particularly if the City makes debt payments from the TIF revenues that will be generated at the South Tech Industrial park areas. Ms. Thompson also confirmed that based on this legislation the City will have a debt payment due in December of this year.

Ms. Wehmer explained that because of the way the financing is structured there is some federal earmarked money allocated to the project. Because the TIF money has not started flowing

sufficiently enough due to the lag in development and real estate taxes, the parties have decided to utilize the Federal earmarks to pay debt service for the first few years, but it works on a reimbursement basis. The City has to actually make a year of debt service payments to jump start the reimbursement process. Once those payments are made on the debt, the TID (Transportation Improvement District) will request reimbursements from the federal earmarks that are being held by the State, which will be used to pay debt service for the next year and the process will repeat. The federal earmarks combined with the existing TIF monies are expected to take the City through a point where development is expected to be in place to fully fund the rest of the debt service. To reiterate, some payments will need to be made in December and in 2011 to jump start the repayment of the debt service. At this point, based on the preliminary numbers prepared by financial advisors that have been hired by the TID and Finance Director Robyn Brown's accounting, the monies currently in the TIF fund should be sufficient enough to pay Springboro's portion of those debt service payments. The County has collected and Ms. Brown has received some TIF money already, which is being reserved for this purpose.

Ms. Thompson stated that she wanted to make Council aware of the upcoming debt payments. She explained that originally they did not anticipate having a debt payment as soon as 2010, but with the reimbursement funds and the City's current TIF revenues, which is about \$149,000 with no new development, City will be able to fund the first debt payments.

Mr. LaDu confirmed that Council would see legislation for supplemental appropriations in the future as well as legislation to accept the reimbursements next year.

Ms. Thompson replied yes, those legislative actions would be needed to properly appropriate the funds.

Ms. Wehmer clarified that the TID would be accepting the federal reimbursements and would apply them to future debt payments.

There were no further questions or comments.

Mayor Agenbroad thanked Ms. Wehmer for her explanation of this legislation.

As discussed at the Work Session, Mayor Agenbroad asked for a motion to suspend the rules and waive the second and third readings of this ordinance.

Mr. LaDu motioned to suspend the rules and waive the second and third readings of Ordinance O-10-31. Mr. Vomacka seconded the motion.

No discussion.

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

Ms. Belpulsi motioned to adopt Ordinance O-10-31. Mr. Vomacka seconded the motion.

No discussion.

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

- 3) **ORDINANCE: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT OF WAY DEDICATION OF A PORTION OF EAST MILL STREET," 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 East Mill Street between Mound Park Drive and South Richards Run. The roadway improvements are currently underway and will be completed well before the anticipated

completion date of December. The City has obtained land from the adjacent property owners in order to complete this roadway construction project and now that property is being dedicated as right-of-way along East Mill Street. The record plan was prepared by Apex Engineering and approved by the Planning Commission on June 30, 2010.

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

No action required at this time.

- 4) **RESOLUTION R-10-12:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 WITH BARRETT PAVING MATERIALS, INC. FOR THE EAST MILL STREET ROADWAY IMPROVEMENT PROJECT," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes Change Order No. 1 with Barrett Paving Materials for the East Mill Street Roadway Improvement Project. This change order was included in the supplemental appropriation approved under Item 1 on tonight's legislative agenda. When the test soil borings were performed for the E. Mill Street Project particularly near the bridge, the borings were not deep enough to properly test for the pylons for the replacement bridge. The location of the borings did not indicate the proper depth necessary for the pylons and the City now must cover the cost to make sure this project is constructed safely and properly. Any failure on the City's part to properly drive the pylons would compromise the bridge construction. The cost of the entire change order is \$102,822.29, which will come from the Street Capital, Water Capital, and Sewer Capital Improvement Funds to cover the change order; no money will be expended from the General Fund. The Public Works Director recommends that the City go forward with the change order to properly complete this project on the current accelerated schedule.

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

Mr. Vomacka motioned to adopt Resolution R-10-12. Mr. LaDu seconded the motion.

No discussion.

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

- 5) **RESOLUTION R-10-13:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II GRANT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City to prepare and submit an application to participate in the OPWC (Ohio Public Works Commission) Issue II Grant Program. The City filed an application in 2008 to receive funding for the reprofiling and widening of West Factory Road. The project is located between W. Market Street and the western City corporation limit. The project will consist of reprofiling and widening the road to two lanes per City standards of 29 ft. with curb and gutter, storm sewer, and sidewalk. The City is requesting that this project be completed at an estimated cost of \$1.147M with the OPWC's share at \$562,050 and the City's share at \$585,000 to be budgeted in fiscal year 2011.

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

Mr. Chmiel motioned to adopt Resolution R-10-13. Mr. LaDu seconded the motion.

No discussion.

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

- 6) **RESOLUTION R-10-14:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WASTE MANAGEMENT TO PROVIDE RECYCLING TOTERS TO THE CITY OF SPRINGBORO BID AS AN ALTERNATE IN THE WASTE MANAGEMENT CONTRACT FOR WASTE HAULING SERVICES APPROVED BY CITY COUNCIL APRIL 15, 2010," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This resolution authorizes an agreement with Waste Management to provide recycling totes to the City of Springboro, which was bid as an alternate in the Waste Management contract for Waste Hauling Services approved April 15, 2010. This resolution will authorize the City to purchase approximately \$260,000 of recycling totes. Residents received letters this week explaining the new recycling program, which will begin in November. Every resident in the City received a letter and a postcard to mail back to the City, which indicated the new recycling totes being offered. Currently, residents have an 18-gallon toter, but the City is now offering a 35-gallon, a 64 gallon, or a 96 gallon toter. When the resident receives the letter, they are asked to mail the postcard back to the City indicating their choice of toter size and Waste Management will deliver those totes sometime in October. Most residents received the information on Tuesday, and the City has already received 600-700 response cards as of today. The program has been well received, but they have received a few questions about the program including one concerning the pick-up schedule. Due to the larger totes, the pick-up schedule will be every two weeks. Another question concerned the holiday schedule. If the pick-up day falls on a holiday, the recyclables will be picked up the next day only delaying the schedule by one day that week. The City will be posting information on the website and in the newsletter regarding when the two week pick-up schedule will begin and will post reminder dates. Mr. Pozzuto commented that this is a very exciting program, as the City is trying to be more "green" and this program will certainly help the City accomplish that objective.

Mayor Agenbroad presented the item for questions/comments.

Ms. Belpulsi asked if Mr. Pozzuto could comment on the reasons why the City is offering this recycling program and how the program saves the City and taxpayers money.

Mr. Pozzuto explained that all of the different enterprises in the City have their own fund and the Trash Fund where the recycling program will be funded from is quite healthy, which is good to report. The idea is to provide a higher level of service to the community at no charge to residents. With the money in the Trash Fund, the City is able to offer this program without raising any fees, taxes, etc. Also, the more the City recycles the less the City has to pay in trash tipping fees i.e. if the City recycles more it pays less for trash disposal. Springboro recycles about 13% of recyclables and the national average is about 32%; therefore, the City stands to gain a lot by recycling to help the environment and by saving money on trash tipping fees.

Ms. Belpulsi motioned to adopt Resolution R-10-14. Ms. Lairson seconded the motion.

No discussion.

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

- 7) **RESOLUTION R-10-15:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A COPS SECURE OUR SCHOOLS GRANT APPLICATION, AND TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, TO INSTALL NEW CAMERAS, UPDATE EXISTING CAMERAS, AND IMPLEMENT A PORTABLE COMMUNICATIONS SYSTEM WITHIN THE SPRINGBORO CITY SCHOOL DISTRICT," was read by the Clerk of Council. Chief Kruithoff's comments are summarized as follows:

This resolution authorizes the City to file a COPS Secure Our Schools Grant Application to install new cameras, update existing cameras, and implement a portable communications system within the Springboro City School District. This is the third year the City has applied for this grant and was successfully awarded this grant the previous two years. The City merely acts as the fiduciary agent for the grant; all of the grant materials and any funding match is the schools district's responsibility; however, the local police department has to apply for the grant on the school district's behalf because the funding comes from the Community Justice Department. This grant will be a continuation of the two previous grants by installing cameras in additional unsecured areas and updating the school district's infrastructure and information systems, which should allow police officers to view some of those cameras on their in-car computers. In the event that an officer would have to respond to a call at the school they would have a pretty good idea of what is going on inside the school. Currently, school staff and administrators rely on Nextel technology when responding to an incident at the schools; however, the system updates will include an 800 MHz communications system, which will allow school administrators and the school resource officer to communicate in and between facilities.

Mayor Agenbroad presented the item for questions/comments.

Ms. Lairson asked if the cameras at the schools are part of an internal system within the schools or could they be viewed at the police station. Chief Kruithoff explained that currently it is an internal system, but hopefully the upgrades will provide for a web-based system rather than an intranet system, which would allow the cameras to be viewed from outside the facilities.

Ms. Lairson asked if the school was locked down, would the officers be able to see what is going on in the school from the police station.

Chief Kruithoff replied yes, once the system is updated.

There were no other questions/comments.

Mr. Vomacka motioned to adopt Resolution R-10-15. 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-10-16:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A COPS HIRING RECOVERY PROGRAM GRANT APPLICATION, AND TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, TO PERMIT THE HIRE OF ONE (1) POLICE OFFICER," was read by the Clerk of Council. Chief Kruithoff's comments are summarized as follows:

This resolution authorizes the City to file a COPS Hiring Recovery Program Grant Application to permit the hire of one (1) police officer. During the budget process, Council approved the hiring of one police officer in fiscal year 2010, but the hiring process was delayed until July 1 to lessen the impact on the 2010 budget. In the intervening months, the Cops Hiring Recovery Program Grant became available and the City qualifies for the grant because the Police Department would actually be adding an officer. If the City is awarded the grant, then the cost for the new officer is picked up by the federal government for the first three years and the City would have to agree to pick up the fourth year.

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

Mr. LaDu motioned to adopt Resolution R-10-16. Mr. Moore seconded the motion.

No discussion.

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

- 9) **RESOLUTION R-10-17:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE AN OPTION TO PURCHASE LAND FROM THE ESTATE OF THOMAS OWEN STOLZ," was read by the Clerk of Council. Mr. Schaeffer's comments are summarized as follows:

This resolution authorizes the City to exercise an option to purchase land from the Thomas Owen Stolz Estate. Clearcreek Park was a gift from Tom Stolz to the City, which has been highly developed and has been a wonderful resource for the City as an active park. Immediately to the north of Clearcreek Park is another 47 acres +/-, which was also owned by Tom Stolz and is now owned by the estate. In Mr. Stolz's will, he gave the City an option to purchase the remaining 47 acres subject to the feasibility of obtaining financing. This legislation would simply take advantage of the right to maintain the City's first position with respect to the purchase of the property subject to the City's ability to finance the purchase, and the will provides the City ample time to attempt to secure financing. Mr. Schaeffer requests that Council approve this legislation in order to submit it to the trustee of the estate and officially be on record that the City is proceeding with its right to pursue financing to purchase the additional 47 acres. In addition, according to the will, Mr. Stolz left 25% of the net estate to the City, which would be 25% of the purchase price of the 47 acres; therefore, if the City is able to secure the financing to purchase the property there would be some extra money to work with.

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

Ms. Belpulsi motioned to adopt Resolution R-10-17. Mr. Vomacka seconded the motion.

No discussion.

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

- 10) **RESOLUTION R-10-18:** "A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN RIGHT OF WAY AND/OR TEMPORARY CONSTRUCTION EASEMENT ALONG THE SOUTHSIDE OF EAST CENTRAL AVENUE (STATE ROUTE 73) NEAR HILLSPRING LOCATED AT 325 EAST CENTRAL AVENUE," was read by the Clerk of Council. Mr. Schaeffer's comments are summarized as follows:

This resolution states the City's intent to appropriate certain right of way and/or a temporary construction easement along the south side of East Central Avenue near Hillspring located at 325 East Central Avenue. The City is engaged in roadway work along the south side of SR73 in front of Hillspring. This legislation allows the City to obtain temporary easements for construction purposes as well as permanent right-of-way, as needed. The operators of Hillspring, who owned the property when they built the facility, remain the operators, but they no longer own the real estate. The real estate company that owns the property is based in California and for some reason they have been very non-communicative. In order to keep the roadway improvements moving ahead, the City will go forward with this legislation, but does expect to work everything out with the property owners. Again, the recommendation is to pass this legislation to prevent the project from being delayed.

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

Mr. LaDu motioned to adopt Resolution R-10-18. Mr. Chmiel seconded the motion.

No discussion.

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

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

City Manager's Report – Ms. Thompson made the following comments regarding the City's new recycling program: The City hopes to increase recycling and possibly surpass the national average of 39.3%, which will save residents money. Ms. Thompson noted that last week a resident asked her what was the catch to the program and she explained that there is no catch. This program will improve the community's response to recycling and further reduce the community's waste ultimately saving taxpayer dollars; therefore, Ms. Thompson credited the program to great local government. Ms. Thompson also noted that she, Mr. Pozzuto, and Public Works Director Barry Conway worked on the program with the City's waste hauler Waste Management and everyone involved worked very hard to get reasonable pricing to be able to afford to provide this program for City residents. Ms. Thompson also commented that the City is hoping to be able to offer some more services to the community in the fall that staff is working with Council to develop, which will be non-fee related services. Ms. Thompson commented that the City is here to serve the public and that is what this Council directs staff to do. Ms. Thompson stated that she wanted to remind residents to respond to the recycling totes postcard; it is important for the City to know what each resident wants because the sooner the City can order the totes the better. She explained that it takes about six weeks to receive the totes after the order is placed because they are specialized for Springboro with the City logo and a recycling logo. Ms. Thompson added that they got a great idea from another community, Montgomery, which created a magnet that lists all of the items that can and cannot be recycled. The City intends to produce something similar to help residents know what to recycle.

Committee Reports –

Mr. Vomacka – Architectural Review Board – The Architectural Review Board (ARB) met on Monday, July 12 at 6:00 PM at the Null Log House to tour the Cabin and view the current condition of the structure for maintenance planning purposes. Mr. Vomacka explained that the ARB was combined several years ago with the City's Historical Commission and while the group only goes by the one name the group has both sets of responsibilities. On Monday night, they met as a combined group at the Null Log House to review the condition of the house and status of the maintenance first hand. They received a very interesting history lesson on construction of and maintenance of the facility over the years. The piece of information that surprised Mr. Vomacka the most was that the house was built in 1798 and in 1813 there was a massive earthquake that created the New Madrid Fault near St. Louis and the Null House was moved off its foundation. It was only when they rebuilt the house in the 1990s that the house was put back onto its foundation. The group mainly focused on repairs that might be needed over the next several years, which include replacement of window sills, recaulking between many of the logs, exterior siding, which does not resemble any type of modern siding, and repainting the roof. Following the tour, the group discussed where they could apply for grant money and who is going to take the lead in looking for grant money to help cover the cost of repairs over the next several years. The ARB along with City Planner Dan Boron, who is the staff liaison to the ARB, will work together to identify some potential funding sources and report to the City Manager in order to go through the proper channels. The ARB had a happy and productive meeting and plan to meet again next month on August 9 at 6:00 PM at the Historic Museum in downtown Springboro to look at potential repairs and needed maintenance at that facility, as well. Mr. Vomacka commented that anyone who would like to join them is most welcome.

Ms. Lairson – Community Service Board – The Board meets this Monday, July 19 to discuss activities to help with the volunteer drive to build the volunteer pool. Ms. Lairson reminded the public that this service is not just a winter program. This program is for anyone who needs help with any kind of work in the yard or around the house that a volunteer could help with. If any resident needs assistance, please call the City or visit the City's website and download the application to request help. The Board will be glad to connect a resident in need with a volunteer to assist them.

Ms. Belpulsi – Planning Commission – The Planning Commission has met twice since the last Council meeting. The Commission held their formal meeting on June 30 to consider the following items: Revision to Approved General Plan – The Fairways PUD-R, Planned Unit Development-Residential, modification to approved dwelling design and materials. Ms. Belpulsi explained that this modification is considered a major change to the General Plan and the Planning Commission's recommendations will be forwarded to Council for consideration on August 5. Revision to Approved Final Development Plan – Marketplace at Settlers Walk PUD, Planned Unit Development, Phase 2 Building, exterior displays. Ms. Belpulsi explained that the Planning Commission has been working with owners of the Marketplace to create some guidelines that would apply to exterior displays for the Marketplace. Ms. Belpulsi thanked the representatives of the Settlers Walk Marketplace because they worked well together and did a good job. Record Plan – East Mill Street, right-of-way dedication. Ms. Belpulsi stated that Council approved this record plan at tonight's Regular Council Meeting. In addition, the Planning Commission met in Work Session on July 14 to discuss the following items: Sandwich Board Signs – Marketplace at Settlers Walk PUD, Planned Unit Development; Discussion – Review of Township Zoning within Corporate Boundary. Ms. Belpulsi explained that the Commission further discussed signage at the Marketplace at Settlers Walk, and, over the next few months, will review the City's current PUD ordinance, which needs to be updated. The Commission is also reviewing Township zoning that lies within the corporate boundaries of Springboro. The next Planning Commission Formal Meeting will be held on Wednesday, July 28 at 6:00 PM in Council Chambers. Finally, Ms. Belpulsi announced that the Planning Commission has changed their regularly scheduled meeting time from 7:00 PM to 6:00 PM until further notice.

Mr. Moore – No reports.

Mr. LaDu – No reports.

Mr. Chmiel – Park Board – The Park Board is still offering two free concerts for City residents. The remaining dates in the Concerts in the Park series are Tuesday, July 20 and Tuesday, July 27 at 7:00 PM at North Park. The Board invites everyone to join them for the concerts.

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

A notice of an application for a Liquor License transfer from JDH II Investments Ltd, 25 S. Pioneer Blvd., Springboro, Ohio 45066 to Boro Drive Thru LLC DBA Boro Drive Thru, 25 S. Pioneer Blvd., Springboro, Ohio 45066 bearing the number 0840262. The Liquor License is for Permit D-5, D-6 – Night Club Permit, On premises consumption Spirituous Liquor and consumption or carry out of Beer, Wine, mixed beverages until 2:30 a.m. and Sunday Sale of Liquor, wine, mixed beverages until Midnight. The Springboro Police Division can find no cause for objection to this application, and recommends that City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control.

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

No discussion.

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

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Mayor Agenbroad commented that, as discussed at the Work Session, the timing of the signals at the new Austin Road Interchange seems to be helping the flow of traffic, but the City will continue to monitor the signals and flow of traffic at the site.

At this time, Mayor Agenbroad announced that Springboro Chamber of Commerce Executive Director, Anne Stremanos, is retiring after ten years of serving the community and she has brought the community to another level. The City appreciates Ms. Stremanos' work and the partnership the City has shared with her. On behalf of the entire City, Mayor Agenbroad wished Ms. Stremanos the best of luck in her retirement. Council applauded Ms. Stremanos.

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. Chmiel motioned to adjourn the meeting; whereby, the Thursday, July 15, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:45 PM. Mr. LaDu seconded the motion.

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

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council