

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

CITY COUNCIL WORK SESSION

THURSDAY, AUGUST 19, 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, August 19, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

ITEM 2. ATTENDANCE. Council: All present. **Staff:** Ms. Thompson, Mr. Pozzuto, Chief Kruithoff, and Ms. Martin were present. David Montgomery served as Acting Law Director in Alan Schaeffer's absence.

ITEM 3. LEGISLATIVE AGENDA. –Four legislative agenda items were reviewed for the August 19 Regular Meeting as follows:

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

No discussion.

2) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. 0-10-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 17, 2009 FOR THE YEAR 2010; AND DECLARING AN EMERGENCY.

The Finance Director has requested that Council waive the second and third readings of this ordinance in order to properly appropriate funds for expenditure. There were no objections to proceeding with the adoption of this ordinance at tonight's Regular Meeting.

3) **RESOLUTION:** A RESOLUTION RENEWING THE APPOINTMENT OF CHRISTINE A. THOMPSON AS THE CITY MANAGER OF THE CITY OF SPRINGBORO AND AUTHORIZING THE MAYOR AND THE LAW DIRECTOR, ON BEHALF OF THE CITY COUNCIL, TO EXECUTE AN EMPLOYMENT CONTRACT UNDER WHICH MS. THOMPSON SHALL SERVE A THREE-YEAR TERM COMMENCING SEPTEMBER 6, 2010.

No discussion.

- 4) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT AND ASSIGNMENT OF PURCHASE AGREEMENT AND RIGHT OF FIRST REFUSAL BETWEEN THE CITY OF SPRINGBORO AND MILLS MORGAN DEVELOPMENT, LTD., FOR THE PURCHASE OF 3.83 ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK AND THE RIGHT OF FIRST REFUSAL FOR AN ADDITIONAL 31.875 ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK.

Mr. Vomacka inquired regarding Synergy Austin Place. Ms. Thompson explained that Synergy Austin Place is the name of a legal entity of Mills Morgan Development that would be developing the southern South Tech area.

Mr. Vomacka confirmed that Synergy Austin Place is not the company that would occupy the space. Ms. Thompson further explained that Synergy Austin Place will either build for contracts they are able to lease or spec. Ms. Thompson also commented that they did talk about the tax increment financing (TIF) issue briefly; Mr. Pozzuto will provide more information at a future date, as the City is not required to have tax increment financing in place until August 31, 2011. Furthermore, TIF will require a service agreement, which requires a construction schedule, etc.

Mr. Vomacka confirmed that the parcels being discussed are within the Springboro School District. Ms. Thompson replied yes, in Warren County.

At this time, Mayor Agenbrood noted that the Presentation of a Proclamation to Scout Master Rick Repp at tonight's Regular Meeting will be postponed. Mayor Agenbrood explained that Mr. Repp's wife, Jan, was recently in a serious car accident and requires surgery. The Repps will attend a meeting in October following Mrs. Repp's recovery.

ITEM 4. CITY MANAGER. -Issues/Reports.

Southbound Left Turn Issue at SR73/SR741: Ms. Thompson received an estimate from Scott Knebel (LJB) to re-evaluate the possibility of adding a protected left turn phase on the signal timing at the intersection of SR73/SR741. The City has evaluated traffic flow at this intersection in 2003 and 2007. Ms. Thompson commented that she believes traffic patterns have changed since the 2007 analysis, and they are not sure yet how the Austin Interchange, the SR73/I-75 project and other roadway improvements are impacting the City's traffic patterns. The southbound left turn has been an ongoing concern. Ms. Thompson asked Scott Knebel of Lockwood, Jones & Beals for a quote to provide a new proposal/update of the 2003/2007 studies. The cost would be approximately \$7,100; \$5,500 would cover the traffic counts and the technical work and \$1,600 would cover the replication of maps, drawings, etc. Ms. Thompson commented that the expenditure would be appropriate based on the fact that there are four lanes on SR741, which narrow to two lanes of traffic, and four to five lanes of traffic east to west on SR73, which narrow to one lane creating some significant traffic flow issues at the intersection. In Mr. Knebel's past reports, he suggested a few things that would only delay the other movements at the intersection. Ms. Thompson recommends going forward with a current study. Mr. Chmiel asked if the State has any say in what the City does at that intersection. Ms. Thompson replied yes.

Mr. Chmiel asked if this study would provide the State what it requires to make a determination. Ms. Thompson answered that the City would have to petition the State with the information in order to make any changes to the traffic movements at the intersection.

Ms. Belpulsi asked if the State would provide a study of the intersection. Ms. Thompson responded that most likely the State would not provide that service.

Ms. Belpulsi commented that she has inquired about the issues at this intersection several times over the years and would be in favor of doing the study especially taking into consideration the opening of the Austin Interchange.

Mr. LaDu asked if the study would be done before the SR73/I-75 project is finished. Ms. Thompson replied yes, commenting that she did not believe this project would relieve the traffic issues at that intersection.

Ms. Thompson also mentioned that she received a letter from the Ohio Department of Transportation (ODOT) today approving the two-lane turn onto the southbound exit ramp onto I-75 from SR73. ODOT stated that the two-lane turn was in the IMS (Interstate Modification Study) for the whole interchange area, but Ms. Thompson does not remember asking for two right hand turn lanes onto the southbound ramp because currently there is a continuous right.

Ms. Thompson again reiterated that the City needs the traffic study at the intersection of SR73/SR741 to determine if the impact of these major projects is real or not.

There were no objections to proceeding with the traffic study for the SR73/SR741 intersection.

New Recycling Program: Waste Management is seeking the City's input regarding the scheduling of a kick-off event for the new recycling program. They suggested that the City stage a recycling truck picking up a toter, residents putting recyclables in their toters, etc. They need to know by a certain date in order to plan for the event and the City is ready to publish the next newsletter, which features information regarding the new recycling program, and would like to coordinate. Ms. Thompson commented that if Council is agreeable staff will ask Waste Management for dates and a staging location. Ms. Thompson also suggested the night of a Council meeting as a possible date. There were no objections to this proposal.

Economic Development Update: Mr. Pozzuto reported that Thaler Machine is moving into 216 Tahlequah Trail this weekend. The move will take eight weekends, as they have over 100 machines. They should receive final occupancy by next week and should be fully operational by the end of October with 70 new employees and an additional 40 over the next two years. The company machines parts for the aerospace industry. They have extended an invitation to City officials to tour the facility once they are operational.

There were no other staff reports.

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

Ohio Municipal League Conference: The Ohio Municipal League Annual Conference will be held September 29-October 1 in Columbus at the Renaissance Hotel. Ms. Martin asked Council Members to please let her know if they plan to attend.

Town Hall Meeting Date: Ms. Martin confirmed with Council that Tuesday, October 5 will be the advertised date of the Town Hall Meeting. Ms. Martin commented that she would begin advertising the meeting beginning with the announcement on the front page of the upcoming City newsletter. Ms. Martin also asked if Council wished to send an individual invitation to each household in the City. Ms. Martin commented that the City has sent individual invitations in the past, but with the advertisement on the front page of the newsletter it would not seem necessary to send a separate postcard to every residence. Council agreed. Ms. Martin will also advertise in the local newspaper and via the e-newsletter. Ms. Martin suggested discussing the meeting format in the near future. She also suggested that, in addition to the Q & A portion of the meeting, if Council has any ideas regarding topics they would like discussed or presented, please send an e-mail to let her or Ms. Thompson know. It was confirmed that the Town Hall Meeting will be held in the Community Room.

ITEM 6. CITY COUNCIL. -Issues/Reports.

Mr. Moore – Mr. Moore will present a Tree Authority report at tonight's Regular Meeting under Reports. Mr. Moore also reported that the MVCC meeting for August was canceled.

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

Mr. Vomacka – Mr. Vomacka will present an Architectural Review Board report at tonight's Regular Meeting under Reports. Also, Mr. Vomacka informed Council that he might be late or absent from the next Council meeting (September 2).

Ms. Lairson – Ms. Lairson will present a Community Service Board report at tonight's Regular Meeting under Reports. Ms. Lairson will announce the Volunteer Informational Meeting hosted by the Community Service Board on October 18 at 7:00 PM in the Community Room. Also, Ms. Lairson informed Council that she would be absent from the September 2 Council meetings due to a professional obligation.

Ms. Belpulsi – Ms. Belpulsi announced that the August 25 Planning Commission meeting has been canceled. In addition, Ms. Belpulsi will present a notice of an application for a new liquor license at tonight's Regular Meeting under Other Business.

Mr. Chmiel – No issues/reports.

Mayor Agenbroad – No issues/reports.

At this time, Mayor Agenbroad invited Attorney John Chambers to the podium to address Council in regard to the Cox Property (2321 Pennyroyal Road, Springboro).

Mr. Chambers' comments are recorded as follows: "I am here tonight on behalf of Diane Conners. Diane Conners and her husband own what is known as the Cox Farm on Pennyroyal Road, and we are here to say to you we would love to make a gift of about 30+ acres of the most beautiful property remaining in the City of Springboro at no cost at all to the City. Now, there are some twists of course, but that is what we would like to do. Diane Conners grew up on the Cox Farm riding horses, enjoying the woods, enjoying the meadow. I know a few of you have been out to the site; I can only say until you have seen it is hard to believe that it is tucked away off of Pennyroyal Road. It is incredible; it is incredible! There are a couple of trees there. One in particular that I think may well have a shot at being a champion tree of the State of Ohio; it is incredible and it just goes with the rest of the property. And, it sits in a place surrounded by residential developments on three sides and Pennyroyal Road on the other. There is a house in the front on Pennyroyal, the old farm house that dates back into the 1830s or 40s; it has been maintained up until Sally (Cox) passed away in late 2008. It is starting to deteriorate. It is empty for the moment; we have got to do something about it. The creek that runs from Austin Road, Austin Boulevard now, down through under Pennyroyal down through the North Park land abutting the Royal Springs development, the Tamarack development all the way down through Woodridge under (State Route)73 along Community Park and on south and ultimately down all the way to Clearcreek, which thanks to the EPA for forcing the Oakwood Trailer Park to do away with its a number of years ago is now a pristine urban creek, an urban waterway. Its only one of the magnificent and pardon me for using superfluous words, but after you have been to the site you cannot help it. A magnificent stream through that piece of ground; it is something that you just want to find a way to preserve. And, Diane grew up there and she fell in love with beautiful pieces of land. Today, she and her husband live on a piece of ground outside of Traverse City, Michigan where they live a very modest lifestyle. She works for the Michigan Land Use Institute and encourages sustainable community farming and would like to see something done on this site that would be something really special. It can become another piece of the residential development in Springboro and certainly with the Austin development there are going to be a lot of people who are going to be working very nearby and some of them are going to be looking for some extraordinary home sites, and there are not very many of them nearby, but these would be those. But that is not what Diane wants to see happen. What she wants to see happen is the land to be preserved. It has been appraised within the last year including the house at about \$1,000,080, that is about 35.5 acres. She would like to give it to the City through the Clean Ohio Grant with all the strings that come with that. It is a 75/25 grant program; she is willing to take the 30.5 acres in the rear make that a Clean Ohio Grant; she will donate the 25% match. The 75% can come from the Clean Ohio; the City can have zero dollars and acquire that property. Now, I know that you have the Beck Farm and I know that you are familiar with the strings that come with the Clean Ohio Grant and they are not insignificant. On the other hand, this city, my city, has strove to be something special and it has turned out that way; it is amazing. I mean for those of

us who have been around a long time it has come a long way, and preserving pieces of that for the generations to come seems to me to be something that this Council ought to embrace, and this piece of ground has to do something. The Connors are modest people; they cannot continue to hold the land, they cannot pay the taxes, maintain the house; it is a major expense for people in their circumstances and they are going to have to do something with it. If we cannot work out something with the City eventually we are going to have to sell the land to the developers; that is where it is going to end up going. The five acres in the front aside, the piece that runs along the creek, because that is the most sensitive piece that runs under Pennyroyal, that creek needs to be preserved if at all possible. We would like to see that piece and the 30.5 acres in the back protected through the Clean Ohio (Grant). The remaining 4 acres or so up front, 5 acres with the house, we will be happy to work with the City in pretty much whatever reasonable manner you guys want to talk to us about it if you are interested in the back part. We have people who would love to buy it; we will be happy to sell it them, and then you do not have any expense. If you want access off of Pennyroyal Road you are going to need to buy some of it and one way to do that is just to buy that piece and figure out what you would like to do with it later. That piece has been appraised in the neighborhood of \$277,000. We can work it in a number of ways. If we do not need access off of Pennyroyal, we can come in off of (State Route) 741. The road system is already designed; it comes in through Hunters Ridge and the Village Park land that is on the east side of the development, the Hunters Ridge development, is there now; that road crosses over; it is dead ended both directions. It is simple enough to make the area in the back a passive park with a parking lot down there and nothing more needs to be done. The property can be given to the Village, to the Village, to the City under those circumstances for nothing and they are willing to do it. I cannot help being in this building, but reflect on the fact that when I was the Manager here in the last century there used to be a car wash next door. There was not a car wash when I was here there was a piece of ground there and the owners of that ground came to the Village and said why don't you guys buy this from us; we will sell it to you for \$75,000, someday you are going to want this property, and the Council, we talked, I said guys this is a steal this is land you know you are going to need; the price is right, buy it. They said (no), cannot afford it, got other things we need to do. You guys know the rest of the story. I have this fear that I am going to wind up going down Pennyroyal Road looking at the Cox Farm saying that we were so close to getting that done and it did not get done. It is a treasure, and I know, I understand local politics as well as anybody here, been doing it for a long time and I understand that the economy is awful. Tax revenues are down, tax requests are up, the State and the Federal government are not what they used to be, and it is getting harder and harder; you are getting requests for things that cost money and you are being asked to make choices between priorities. I understand all that; you understand it; that is why I know this is hard, but again if we can even do the back acreage. I know Clean Ohio has problems, but if you want to do it in a way that is hard to argue politically, guys, you know it is free; it is not costing us money. A treasure can be had, and if the Clean Ohio Program is not one that you are willing to take on, we are willing to talk. Diane wants to see this happen. If we want to talk about doing something where you guys want to pay for the land over time, we are willing to talk about it, we are willing to work; we really care and we want to see it happen. So, if there is something we can, do we want to do it. We have got a Clean Ohio Grant Program deadline that will come up around the first of December; we have to have our grant in. We have been involved with the Clean Ohio folks; they are excited, they have walked the land, they see it, they know what it is and we have every reason to believe we can be successful with getting the grant; so, we think that much is available. Again, you guys have to decide about whether you want to take it on. But, that is what I am here about tonight, and I would love to discuss it, if you guys have questions or want to talk about it, please do."

Mayor Agenbroad asked if Council had any questions or comments.

Mayor Agenbroad commented that he and Ms. Belpulsi have toured the property and talking about the property does not really do it justice. Mayor Agenbroad suggested that if the City is going to seriously consider this proposal it would make sense for all of Council to actually see the property and then make a decision. Mayor Agenbroad continued by stating that unless Council has an objection, a tour of the property can be scheduled when all Council Members can be there to look at the property collectively and then respond as to whether the City is willing to purchase all, part, or none of the property. Mayor Agenbroad reiterated that it only makes sense when presented an opportunity like this to at least look at it first-hand.

Mayor Agenbroad asked what dates Mr. Chambers' schedule would accommodate. Mr. Chambers answered that he would be available after Labor Day.

Mayor Agenbroad suggested a Sunday afternoon.

Mr. Chambers commented that if it works better to tour the property sooner, while he might not be available there are a couple of neighbors who maintain the property for Ms. Connors and are very familiar with the land who would be more than happy to lead the walk and could accommodate almost any date.

Mayor Agenbroad suggested that Council come up with some alternative dates that would work for all of Council and then contact Mr. Chambers.

Mr. Chambers asked if there were any other questions. There were no other questions. Mr. Chambers commented that he would let Council contemplate the proposal. Mr. Chambers reiterated that Council would have to see the property; it is just too important to ignore.

Mayor Agenbroad commented that that is why he suggested that all of Council see it first hand in order to determine what they want or what they do not want to do regarding this proposal.

Mr. Chambers commented that he has not even mentioned the ability, with a little bit of effort, to connect the property to not only Village Park, but also to North Park. Mr. Chambers explained that his dream has always been the way it has been shown on the Master Plan, which is as the connector down the creek to Community Park and southward. Mr. Chambers stated that there is no reason why this property cannot be the northern end of an incredible park system for an incredible town.

Ms. Belpulsi clarified that what Mr. Chambers is saying is that the Clean Ohio Fund will take care of 75% of the cost of the land, the Connors would donate the other 25%, and it would not cost the City any money for those 30 acres. Mr. Chambers replied yes, that is correct, other than a survey, title, i.e. the incidentals of acquiring the property.

Ms. Thompson commented, in regard to the Robbins Property (E. Milo Beck Park), that the cost to the City was approximately \$100,000 to do all of the things necessary to create the application for the Clean Ohio Grant. There was a little bit more acreage, but, in essence, it is a 25% contribution of in-kind i.e. it is an in-kind donation by Ms. Connors towards the grant if she donates 25%, which also creates a tax write off that the City hopes benefits her. Ms. Thompson explained that staff did discuss the connections and talked with the Hall Family regarding their property, and there are a lot of good things that could happen by acquiring the Cox Property. Ms. Thompson commented that she was under the impression that part of the resistance of Council in regard to acquiring this property was the Clean Ohio issue. The Clean Ohio Grant is very restrictive and there were comments made by Council about the passive requirement; Clean Ohio land cannot even be used for agriculture. Ms. Thompson further commented that according to Mr. Chambers this evening, the Connors would consider an outright offer or an outright negotiation. Ms. Thompson wants to make sure Council understands that in lieu of Clean Ohio, if that is an issue for some members of Council, the City could in fact make an offer to Ms. Conner for the property in the rear and the \$277,000 quoted on the five acres near the house and the house. Ms. Thompson stated that she just wanted to emphasize that there is more than one option for Council to consider. Ms. Thompson further stated that Clean Ohio can be a difficult result and she does not disagree that the Cox Property has the most beautiful meadow she thinks she has ever walked into in her life and she has only been there twice. Ms. Thompson also commented that agreements can be made to handle almost any condition, which can be attached to a deed. Ms. Thompson explained that if in fact Ms. Conner did not want the property to become residential and that was an agreed upon condition of Council that condition could literally be filed with the deed. Ms. Thompson reiterated that she wanted to open the door to more possibilities than Clean Ohio. Ms. Thompson added that she understands what Mr. Chambers is saying; the land is free in the sense that it is not a cost for the actual 75%/25% to purchase the land, but there will be a cost associated with the purchase of the back portion of the property

through the Clean Ohio Program and then the restrictions would certainly apply that are currently in place at E. Milo Beck Park.

Mr. Chambers referred to the \$100,000 figure mentioned by Ms. Thompson that it cost the City to apply for the Clean Ohio Grant and stated that he has a hard time understanding how this piece of land, which is significantly smaller than the Beck piece and not as laden with issues as the Beck piece, would cost as much. In addition, the City has successfully applied for this grant once; thus, the second time should be a little easier.

Ms. Thompson commented that even if it is \$50,000 to apply for the grant, there would be a cost in addition to the cost of the house and the five acres. Ms. Thompson stated that she would agree with Mr. Chambers that the critical issue is the access to the property, and she thinks the City would be remiss not to consider both pieces, because she thinks the access off of Pennyroyal is very critical.

Mayor Agenbroad again mentioned that that is why Council should visit the property and consider all of the options before making a decision.

Ms. Thompson asked if there would be a problem with a Member of Council just going out to the property on their own.

Mr. Chambers stated that all Council Members were hereby authorized on behalf of Ms. Conner to visit the property. Mr. Chambers instructed Council to park at the house, walk straight back until they see a path, a dirt road cut in the land, then go down a hill through the woods and from there they will find the meadow and from the meadow they will find cut paths that are maintained by the neighbors that take care of the property, and there are walking paths they can follow and there are bridges across the creek. Mr. Chambers would encourage Council Members to visit the property on their own if they choose to or if they would like to have one of the neighbors accompany them; just call him to make arrangements. (Mr. Chambers noted that this is obviously not an open invitation to the general public.)

Ms. Thompson suggested that this might give Council Members more opportunity to visit the property.

Mr. Chambers agreed, stating that there is no need to make it a group event.

Mayor Agenbroad thanked Mr. Chambers for sharing this opportunity with Council, and Council would "circle the wagons" and respond to him.

Mr. Chambers thanked Mayor Agenbroad and City Council.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the August 19, 2010 City Council Work Session at approximately 6:46 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, AUGUST 19, 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, August 19, 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. ROLL CALL. Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Chief Kruthoff, and Ms. Martin were present. David Montgomery served as Acting Law Director in Alan Schaeffer's absence.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF AUGUST 5, 2010.

Mr. LaDu motioned to approve the Minutes of the City Council Work Session and Regular Meeting of August 5, 2010, as submitted. Mr. Chmiel seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: A PROCLAMATION WILL BE PRESENTED TO SPRINGBORO COMMUNITY SCOUT LEADER RICK REPP. The presentation of the Proclamation to Mr. Repp was postponed. Mayor Agenbroad commented that Mr. Repp's wife, Jan, was hospitalized following a recent car accident; she is scheduled for surgery next week. The presentation will be rescheduled in September or October. Mayor Agenbroad asked that everyone keep the Repps in their prayers.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 46 minutes to discuss the following legislation as well as other City business.

1) ORDINANCE O-10-32: THIRD 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 third reading of an ordinance approving the record plan for a right of way dedication of a portion of East Mill Street. Improvements include curb and gutter, storm sewer, the new bridge, and road widening. This project will provide residents of the Fieldstone and Creekside Subdivisions with pedestrian access to the downtown area. This is the final reading of the ordinance approving the record plan for the right of way dedication for the project.

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

Mr. Vomacka motioned to adopt Ordinance O-10-32. Mr. LaDu seconded the motion.

No discussion.

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

- 2) **ORDINANCE O-10-33: 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 an ordinance authorizing supplemental appropriations for the year 2010. The first supplemental appropriation of \$375,000 covers the "initial deposit" to the Montgomery County Transportation Improvement District for the City's portion of the Austin Interchange debt payment due in December of this year. The appropriation amount will also cover the costs of the issuance of the bonds and any additional right of way acquisition that is related to the interchange project. These costs were included as part of the bond that the City Council previously approved in an agreement for the interchange construction. The second supplemental appropriation of \$180,000 covers the cost of installing solar panels on the shelters and concession areas at City parks. Staff has applied for a grant that will reimburse the City for 50% of this cost; the City will only expend this money if the grant is received.

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

Ms. Belpulsi motioned to suspend the rules and waive the second and third readings of Ordinance O-10-33. Ms. Lairson seconded the motion.

No discussion.

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

Mr. Chmiel motioned to adopt Ordinance O-10-33. Ms. Lairson seconded the motion.

No discussion.

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

- 3) **RESOLUTION R-10-20:** "A RESOLUTION RENEWING THE APPOINTMENT OF CHRISTINE A. THOMPSON AS THE CITY MANAGER OF THE CITY OF SPRINGBORO AND AUTHORIZING THE MAYOR AND THE LAW DIRECTOR, ON BEHALF OF THE CITY COUNCIL, TO EXECUTE AN EMPLOYMENT CONTRACT UNDER WHICH MS. THOMPSON SHALL SERVE A THREE-YEAR TERM COMMENCING SEPTEMBER 6, 2010," was read by the Clerk of Council. Mr. Montgomery's comments are summarized as follows:
This resolution would renew the appointment of Chris Thompson as the City Manager and

authorize an employment contract with Ms. Thompson for a three-year term commencing September 6, 2010. This legislative item, as indicated, is for the extension of Ms. Thompson's employment contract with the City for a period of three years consistent with the terms of the contract. The Mayor and Council are aware of those terms and recommend taking action on this item.

Mayor Agenbroad presented the item for questions/comments.

Mayor Agenbroad commented that Council has spent considerable time reviewing the contract and feel it is fair and ready for action.

Mr. Moore motioned to adopt Resolution R-10-20. Ms. Belpulsi seconded the motion.

No discussion.

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

- 4) **RESOLUTION R-10-21:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT AND ASSIGNMENT OF PURCHASE AGREEMENT AND RIGHT OF FIRST REFUSAL BETWEEN THE CITY OF SPRINGBORO AND MILLS MORGAN DEVELOPMENT, LTD., FOR THE PURCHASE OF 3.83 ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK AND THE RIGHT OF FIRST REFUSAL FOR AN ADDITIONAL 31.875 ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This resolution authorizes the City Manager to sign an amendment to an original purchase contract with Mills Morgan Development in 2009 for the sale of approximately 3.83 acres of City owned land at South Tech Industrial Park. This amendment will transfer the contract to another legal entity of Mills Development, known as Cinergy Austin Place, and will allow that new entity to sell back to the City the land that they purchased if the City does not put into place Tax Increment Financing (TIF) on the property by August of 2011. When the contract was first assigned in 2009, the developer requested Tax Increment Financing to pay for road construction at the site. The City is currently working with bond counsel to prepare the TIF legislation; staff will present additional information and a formal proposal at a future meeting.

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

Mr. LaDu motioned to adopt R-10-21. 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** – Theatre Under the Stars presents the musical "Annie" on August 20, 21 & 22 at 7:30 PM at the North Park Amphitheater. The 3rd U.S. District Representative Office Hours will be held on Friday, August 27, 1:00-2:00 PM in the Community Room. The next City Council Work Session and Regular Meeting will be held on Thursday, September 2, 2010 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers, as scheduled.

City Manager's Report – Ms. Thompson commented that the last time Council met she reported on the progress of the E. Mill Street Improvement Project and announced that the project would be completed almost four months in advance of the completion date originally announced. Ms. Thompson followed up by commenting that there has been little or no construction activity on E. Mill Street over the past four or five days. Ms. Thompson explained that she inquired as to why the paving was not completed and learned from the General Contractor, Barrett Paving, that they have experienced some problems with their asphalt plant and delivery has been delayed, but they

hope to have the final paving completed on Monday. Ms. Thompson further commented that the City still hopes that E. Mill Street will be paved and open by Tuesday morning when school starts, but if the contractor continues to have problems the opening will be delayed, but still should be sometime next week.

Committee Reports –

Mr. Vomacka – Architectural Review Board – The Architectural Review Board met on August 9 and reviewed a Certificate of Appropriateness (COA) for a sign at 250 S. Main Street, which was approved. The Board also reviewed a COA for the demolition of a structure at 330 S. Main Street. The request for the COA was returned to the applicant to complete the application and provide some additional detail. The next Architectural Review Board meeting will be held on September 13 at 7:00 PM in Council Chambers, as scheduled.

Ms. Lairson – Community Service Board – The Community Service Board would like the community to know that they are hosting a volunteer informational meeting on Monday, October 18 at 7:00 PM in the Community Room at the Springboro Municipal Building. The meeting is for any residents who would like to volunteer their time to help other residents who need assistance with small household tasks.

Ms. Belpulsi – Planning Commission – The Planning Commission Formal Meeting scheduled for Wednesday, August 25 has been canceled.

Mr. Moore – Tree Authority – The Tree Authority met on Tuesday, August 17 and Mr. Moore reported on the following items: The bioswales (a natural detention area) at Clearcreek Park are complete; the bioswales at North Park will be completed soon. Tree trimming has been taking place on S. Main Street to raise the canopy, and all of the summer watering is also taking place at the entrances to the City. New signs have been installed along the paths at E. Milo Beck Park and 350 trees were planted in the park in 2009. Also, the Emerald Ash Borer continues to destroy the Ash Tree population near the area of I-75 and SR73. Please be aware that it is illegal when felling an infected Ash Tree to transfer the wood from a quarantined area to a non-quarantined area; there is a \$5,000 fine attached to this offense. A lot of Ash Trees will die over the next few years due to the Emerald Ash Borer. In addition, several Memorial Tree applications have been received for tree plantings. The Springboro Class of 1958 applied for a Memorial Tree to be planted in honor and memory of Louis Paul Null, a marine and descendent of the Null Family, at North Park (September 11). Councilwoman Marie Belpulsi has also applied for a Memorial Tree to be planted at the Library, but the date has not been set for that ceremony. Furthermore, the Tree Commission Academy will be providing some classes this fall, and Mr. Moore is excited to attend the Freshman Class at the Academy to become a little more educated in order to better serve the community as well as the Tree Authority. Mr. Moore commented that he really enjoys working with the Tree Authority members; they are great people.

Mr. LaDu – Finance Committee – The Finance Committee met this evening at 5:30 PM in Council Chambers and reviewed the fund balances and activity for the month of June. Mr. LaDu reported that all things considered, the City finances are in good order. The next Finance Committee meeting will be held on Thursday, September 16 at 5:30 PM in Council Chambers, as scheduled.

Mr. Chmiel – No reports.

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

A notice of an application for a new Liquor License from Boro Drive Thru LLC, 25 S. Pioneer Blvd., Springboro, Ohio 45066 bearing the number 08402620005. The Liquor License is for Permit C-1 and C-2 – Carry out of Beer, Wine, and Mixed Beverages until 1:00 a.m. 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]

In addition, Mayor Agenbroad commented that he and several Council and Staff Members attended the Austin Interchange Dedication Ceremony and Ribbon Cutting on Monday, August 16 at 10:00 AM. Mayor Agenbroad further commented that many officials attended this ceremony, and a long awaited project has been fulfilled and the City is proud of this accomplishment.

Mayor Agenbroad also commented that the Mayor of Waynesville was in attendance and thanked Mayor Earl Isaacs for attending the Council Meeting.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Thompson thanked Council for the ratification of her new contract and to be able to continue to serve the citizens of Springboro and City Council. Ms. Thompson has been with the City for 21 years and it has been one of the most supportive experiences of her life; this is a wonderful community and it has been a wonderful Council to work with. Ms. Thompson also commented that there are staff members she will treasure for the rest of her life. Ms. Thompson thanked Council for allowing her to continue for another three years, and she hopes the City does great things in those three years. Ms. Thompson further stated that she does appreciate Council for having enough confidence to allow her to serve again. Thank you very much.

Mayor Agenbroad thanked Ms. Thompson.

ITEM 10. GUEST COMMENTS. Earl Isaacs, Mayor of Waynesville, Ohio – Mayor Isaacs commented that he was pleased to see Council Members attend the Warren County Municipal League Meeting in Waynesville last night. Mayor Isaacs further commented that it was the second Warren County Municipal League Meeting held in Waynesville, and specifically thanked Mayor Agenbroad, Ms. Belpulsi, Mr. Vomacka, Ms. Thompson, and Ms. Lairson for supporting the League.

Mayor Agenbroad thanked Mayor Isaacs, as well, stating that it was appreciated.

Ms. Belpulsi also thanked Mayor Isaacs for hosting the League event in Waynesville.

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.

Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, August 19, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:20 PM. Mr. Vomacka seconded the motion.

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

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council

