

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

**CITY COUNCIL WORK SESSION**

THURSDAY, NOVEMBER 15, 2007

6:00 PM

CITY COUNCIL  
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor  
Scott Anderson  
Jim Chmiel

Gary Hruska  
Sheila Lairson  
John D. Parise

CITY STAFF  
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager  
Jeff Kruithoff, Chief of Police

Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** No absences.
- ITEM 3. LEGISLATIVE AGENDA.** – City Council considered 4 legislative agenda items slated for the November 15, 2007 City Council Regular Meeting.

- 1) **RESOLUTION:** A RESOLUTION APPROVING A LAW ENFORCEMENT MUTUAL AID ASSISTANCE CONTRACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF THE CITY OF SPRINGBORO WITH ALL OF THE OTHER LAW ENFORCEMENT AGENCIES IN WARREN COUNTY OHIO.

No discussion.

- 2) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO-YEAR CONTRACT WITH TIMOTHY N. TEPE AS CITY PROSECUTOR.

Mr. Hruska commented that the last time the City Prosecutor's contract was reviewed it was submitted to the Legal Committee for recommendation. Mr. Hruska stated that he is not opposed to renewing the contract for two-years, but he believes that after two-years the Legal Committee should review the contract and make a recommendation to Council.

There were no objections to Mr. Hruska's recommendation regarding this contract.

Ms. Thompson clarified that this resolution would authorize a two-year contract with a reappointment pending approval and recommendation from the Legal Committee. Ms. Thompson stated that she would modify the legislation accordingly.

Mayor Agenbroad questioned whether Council should amend the resolution by motion to include this change? Ms. Thompson offered to amend the language of the legislation prior to action at tonight's Regular Meeting. There were no objections to this course of action.

- 3) **RESOLUTION:** A RESOLUTION APPROVING THE CITY OF SPRINGBORO EMPLOYEE PAY RANGES AND ANNUAL WAGE SCALE INDEX ADJUSTMENT FOR THE YEAR 2008.

No discussion.

**AMENDMENT:**

- 4) **EMERGENCY ORDINANCE:** AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO TO INCLUDE CHAPTER 1064 ADDING PROVISIONS FOR COMPETITIVE VIDEO SERVICE AUTHORIZATIONS, ESTABLISHING FEES, DEFINING CERTAIN TERMS, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO PROVIDE CERTAIN NOTICE TO THE VIDEO SERVICE PROVIDERS OFFERING VIDEO SERVICE IN THE CITY PURSUANT TO A STATE AUTHORIZATION, AND DECLARING AN EMERGENCY.

Ms. Thompson requested that City Council waive the second and third readings of this ordinance to ensure that Springboro is ready for any authorization presented by any VSP (video service provider) outside the City's current cable franchise agreement administered by the MVCC (Miami Valley Communications Council). Ms. Thompson further explained that if AT&T obtains permission from the State to provide video service to the City of Springboro, the City would have no opportunity to charge any fees without this legislation in place.

Mr. Schaeffer explained that the Ohio Revised Code allows local jurisdictions to impose a charge, but the local jurisdiction needs to affirmatively pass legislation to establish those provisions, and the legislation would need to be in place before any VSP makes a first request to provide service to the community. Ms. Thompson added that once a VSP has made a request, the City has 10 days to respond.

Mr. Schaeffer commented that this legislation is a proactive approach to the issue rather than waiting until a request is made and holding a Special Meeting to pass emergency legislation.

Mayor Agenbroad asked Council if there were any objections to suspending the rules and waiving the second and third readings of this legislation? There were no objections.

Ms. Belpulsi stated that she would abstain from the motion to approve this legislation due to her professional association with the MVCC.

Mr. Schaeffer commented that the MVCC has been instrumental in getting the word out regarding this legislation, and almost all of the local jurisdictions are using a draft document that the MVCC has distributed. He further commented that the MVCC has played a very strong advocacy role in this process and has been very helpful to all of the local jurisdictions.

**ITEM 4. CITY MANAGER. –Issues/Reports.**

**City Council Meeting Schedule** – Ms. Thompson announced that no legislative items are scheduled for December 6, but recommended calling the Regular Meeting to order to comply with the two meetings per month required by Charter. Ms. Thompson stated that John Fabelo of Lorenz Williams will attend the December 6 Work Session to discuss the Council areas of the new city building and gather input from Council. Ms. Thompson also requested an Executive Session on December 6 concerning the sale of property. In addition, Ms. Thompson offered Council Members a tour of the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard on December 6 following the Council meetings.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · NOVEMBER 15, 2007

Ms. Thompson also commented that there were several Council Members who have a conflict with the Thursday, December 20 City Council Meetings and she recommended rescheduling those meetings to Tuesday, December 18.

Mayor Agenbroad asked Council if there were any objections to rescheduling the Thursday, December 20 City Council Meetings to Tuesday, December 18. Ms. Lairson commented that she might have a scheduling conflict with December 18. There were no other objections to this meeting schedule change.

Ms. Thompson confirmed that the Thursday, December 20 City Council Meetings would be rescheduled to Tuesday, December 18. Ms. Martin will post the meeting schedule changes accordingly.

Mayor Agenbroad also asked Council if there were any objections to Ms. Thompson's recommendations for the Thursday, December 6 Council Meetings as discussed above. There were no objections.

**Ohio EPA Certification** – Ms. Thompson will announce that the City received a certificate recognizing the City for its drinking water source protection plan endorsed by the Ohio EPA at tonight's City Council Regular Meeting under Reports. The City received certification from the Ohio EPA that its program is efficient and sufficient. The City also received a grant from the Miami Conservancy District in the amount of \$4,207 to protect the source of the City's drinking water, to conduct emergency response training and notification, and to install identifying road signs in the source water protection area, as required by the EPA.

**Citizen Assistance Program (during snow emergencies)** – Ms. Thompson commented that she has been asked to prepare some guidelines for a potential City program to assist residents during snow emergencies. (A copy of the guidelines distributed by Ms. Thompson is attached for the record.)

Mr. Hruska stated that he does not remember Council requesting this program. Ms. Thompson stated that it was requested at a previous Work Session. Mr. Hruska stated that he did not believe Council approved this program. Ms. Thompson stated that Council has not approved this program.

Mayor Agenbroad asked Ms. Thompson if she is looking for guidance from Council regarding this program? Ms. Thompson stated that she was asked to prepare guidelines for the program.

Mr. Parise stated that he is recommending this program. He explained that he sees the program as an opportunity for the City to take care of its senior citizens when there is a heavy amount of snowfall. The program is not intended to clear their entire driveway, but to make sure their aprons are not blocked. Mr. Parise further commented that it is of little or no cost to the City, and he could not see why there would be any objection to this program.

Mr. Hruska asked Mr. Parise how the program would be little or no cost to the City? Mr. Parise answered because the City plows would be out on the streets anyway. Mr. Parise commented that it might take them a little more time because of the particular sites that are noted by people who register for this, but it would only take an extra five or ten minutes to make sure their apron is plowed; it is not a matter of clearing the driveway.

Mr. Hruska commented that it would take five or ten minutes per person times however many people have registered, but if several 100 people register that adds up to a lot of money and most of the snowplowing is performed on overtime. Mr. Parise answered that this program would be utilized for over three inches of snow, which is not every snowfall.

Mr. Hruska asked Mr. Parise to specify how that is not a lot of money, if it adds up to a couple hundred people at five to ten minutes of overtime per employee? Mr. Parise answered that we will not know unless we try, will we?

Mr. Hruska is concerned about the legalities and asked Mr. Schaeffer if the City could provide this service for a select group of people using public funds? Mr. Hruska also asked who determines who is entitled to the program and who is not? Mr. Hruska commented that there might be some legal issues to consider.

Mr. Schaeffer explained that there may be some legal issues, but the general concept of supporting the senior citizens group as a particular age group in and of itself is not illegal. Mr. Schaeffer further explained that his concern during a snow emergency is speed, which is just as important as clearing individual driveway aprons. Mr. Schaeffer commented that

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · NOVEMBER 15, 2007

stopping to clean individual driveway aprons would slow down the plowing of the main streets and would probably take longer than five minutes.

Ms. Thompson commented that the guidelines indicate that the first priority is the public streets, then the plows would return to the individual driveway aprons based on a list.

Ms. Belpulsi stated that she thought Mr. Parise was suggesting a volunteer program; she did not know that this program would involve City staff. Mr. Parise responded that he would still be willing to try a volunteer program, but he is just talking about the snow removal part of the program. Mr. Parise stated that this program is just a good will gesture. Mr. Parise suggested trying the program one winter to see if there are too many problems, and if so, just suspend it, but he truly feels the program is worth trying.

Mr. Chmiel asked what kind of equipment the City has to perform this operation, would it be the regular plows or pick up trucks? Ms. Thompson explained that when the plows are on the route, it would probably be the smaller one-ton trucks that would be given the list of residents because they traditionally are used to plow cul-de-sacs, etc. The smaller trucks would plow their normal route of cul-de-sacs, and then would return to the list of addresses. Ms. Thompson further explained that the large plows could not clear a driveway apron; the equipment is too large and it would be a waste of resources. Ms. Thompson reiterated that the one-ton trucks would be used to clear the driveway aprons.

Mr. Chmiel asked if the apron would be plowed so many feet into the driveway or to the sides? Ms. Thompson answered that for the purposes of this program the apron would be where the snow collects at the end of the driveway where the plows have pushed it.

Mr. Hruska asked if the plow damages the grass, etc, would the City have to repair those damages? Mr. Hruska stated that sometimes with heavy snow it is difficult to determine where the edges of the apron are. Ms. Thompson answered yes; the City would have to repair damages.

Ms. Lairson suggested that if the City has people register for this program why not have them sign a waiver stating that the City is not responsible for any damage? Ms. Thompson answered that then the City would have to obtain their signatures, which is more work for City staff.

Mr. Hruska stated that if they damage the curb, someone would have to repair it; and would that be the City's or the homeowner's responsibility? Mr. Hruska commented that these are the things that the City needs to think about with regard to these types of programs because there is more than meets the eye.

Mr. Chmiel commented that when the plow clears one apron, it would push the snow toward the next house or out into the street.

Ms. Thompson stated that if the City requires a legal document, then the staff would have to mail it to their address and hope it is returned.

Ms. Belpulsi asked if a waiver would hold up in court? Mr. Schaeffer stated that if the City institutes a program and asks participants to sign up, he recommends that the City ask them to sign a release that is binding. Ms. Thompson commented that asking participants to sign a release would work if they come to the City building to sign up, but it would not work if the City takes names and addresses by phone. Ms. Thompson stated that these are the types of details that she would need direction from Council to determine.

Ms. Thompson further commented that from a practical perspective, if the City asks them to come to the City building to sign a waiver for the program it could be waiting for them to sign when they show up, but if you allow them to sign up by phone, the City has the burden of getting that waiver to them and from them. Ms. Thompson stated that she does not have a problem with residents coming in to sign up for the program, but she does not know if that would work.

Ms. Lairson commented that if they could not come in to sign up, the waiver could be mailed to them and they could mail it back to the City, and if the City does not receive their paperwork, then they would not be placed on the list for the program.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · NOVEMBER 15, 2007

*Mr. Chmiel asked what if the City misses someone on the list? Ms. Thompson answered that they would complain.*

*Ms. Belpulsi stated that her concern or question is how the City determines if someone has a permanent medical condition? Ms. Belpulsi asked where does this program leave a person who is not 65, but has the same kinds of restrictions. Ms. Belpulsi suggested that maybe the program should not be age based. Ms. Belpulsi stated that she understands what Mr. Parise is trying to do, but it leaves the City open to a plethora of "well what about me?"*

*Mr. Parise stated that these are just basic guidelines and stressed that he would just like a trial of the program. Mr. Parise suggested doing the program under controlled circumstances by just focusing on one area to test the program before broadcasting it throughout the City. Mr. Parise commented that they would never know unless they tried it. Mr. Chmiel commented that he thinks it is a good gesture, but does not think it is practical.*

*Ms. Belpulsi stated that she did not think the program could be done sporadically; the City could not test the program in one part of the community and not offer it to everyone else. Ms. Belpulsi also thinks it is a good gesture, but thinks it needs a little more thought. Ms. Belpulsi reiterated that she is concerned that there are other people in the community that need the same service.*

*Mr. Parise stated that he would be willing to go back to the drawing board to work out the rough edges, but sometime in the near future, if not this year, then next year he would really like to see this program implemented; he thinks it is a great program. Ms. Parise further stated that the City taxes residents for a variety of services, and he feels it would be a good gesture to give the City's senior citizens, who are already under a financial burden, a little bit of a break. Mr. Parise added that he thinks it is a win-win and a good thing.*

*Ms. Belpulsi asked if Mr. Parise had any objections to doing a little more tuning of this program? Mr. Parise stated that if he could get Council's permission and cooperation by doing that, then it would be fine. Mr. Parise stated that he is not trying to chalk up points; this is not political, and should not be a political thing. Mr. Parise further stated that we as a Council want to help the community at large, and he thinks that all of Council needs to be on the same page regarding this program. Mr. Parise reiterated that he thinks this program is a great idea, and if they can work out the kinks, he would be willing to delay it to work out something that might work a little bit more smoothly, but he would hate to see this project buried as just being impossible because he thinks it can be done.*

*Ms. Thompson mentioned that there had to be some criteria for the program, and 65 and over is the standard. With respect to the other issue of assistance for permanent medical situations needing access on a 24/7 basis, there are some handicap children in the community and those residents talk to the snowplow drivers who already help them, and therefore could easily be eliminated from the program. Ms. Thompson is not absolutely sure, because she does not want to exclude those people from assistance, but maybe this program should be strictly for senior citizens.*

*Ms. Belpulsi commented that if those types of situations exist, and Mr. Parise's concern or focus is the senior citizens, then her concern is limiting the program or being too specific to the exclusion of other people who have disabilities. Ms. Belpulsi would like to look at the program further to see if they could come up with something broader.*

*Ms. Thompson stated that if the program were too broad the City would not be able to do it, and that is her concern. Ms. Thompson explained that the City has 14 street maintenance employees and if there is a snow event usually every single one of them is working with very little rest or sleep. She reiterated that, that is the dilemma, if the program is too broad, it would be difficult to make it a success, if the program is not generous enough, the City might deny someone the service who needs it. Ms. Thompson stated that it was really hard for her to determine who would receive the service and who would not.*

*Ms. Belpulsi again asked how the City would make the determination of who or who does not receive the service? Mr. Parise answered that people would have to register for the program. Mr. Parise commented that there are people who are 65 and fully independent and still shovel their own walks, but there are others who really struggle and do nothing and are stranded. Mr. Parise stated that he did a walk-through in his neighborhood and has a list of seven names already that would like this service. Mr. Parise stated that one woman relies on her neighbors to dig her out because she cannot, and that is good if you have good neighbors, but some people are too busy with their everyday lives and do not have time to help others out.*

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · NOVEMBER 15, 2007

Ms. Belpulsi asked Mr. Parise to clarify "digging them out"? She asked Mr. Parise if when he talked to his neighbors did they understand that the idea was just to plow the apron? Mr. Parise stated yes, he did explain that to every one of them, and they understood.

Ms. Lairson asked if a resident cannot get out of their garage and down the driveway, what good would it do to clear the apron?

Mr. Hruska commented that some people park their cars on the driveway and block the apron. Mr. Hruska asked if the plow would have to come back later to plow that apron? Mr. Parise stated that, more often than not, people do not park their cars that close to the apron. He agreed that it does happen, but that it is a minority, not a majority of people.

Ms. Thompson stated that the guidelines specifically state "apron" because the City cannot plow driveways. He further stated that if someone parks their car near the apron, they would be passed by because it would not be available to plow.

Mr. Hruska commented that then they would call the City because their driveway was skipped. Ms. Thomson replied yes, they would call.

Ms. Belpulsi asked if there were any other communities that offered this kind of service or anything similar to this? Ms. Thompson stated that Centerville has a volunteer program, and volunteers sign up to help if they have a four-wheel drive vehicle or could pick up medicine for a resident, etc. Ms. Belpulsi again commented that she really did not realize this program was going to involve City staff; she thought originally, it was going to be a volunteer program.

Ms. Lairson asked if there is a way to partner with existing organizations that could help such as the Scouts or high school seniors that need community service hours rather than committing City staff and resources to the program? Ms. Lairson stated that if a severe winter storm occurs, and staff has already been plowing for a day and half just trying to get the streets plowed, then they would be out another half-day to plow the aprons. Ms. Lairson stated that it would be much more efficient if the City had another group of people providing this service rather than using staff members who are already exhausted.

Mr. Parise stated that he would be willing to volunteer to help clear two or three driveways, but he could not do a whole block of driveways, and would be willing to pitch in. Mr. Parise further stated that he is not sure the City could get people that are civic minded and willing to volunteer for the program.

Mr. Hruska stated that, that is what he thinks the program needs to be, a group of volunteer civic-minded people. Mr. Parise stated that he thinks the program would have to be more than just volunteers, because he does not think the City could get enough volunteers.

Ms. Lairson suggested that if the program is volunteer driven, maybe residents could get their whole driveway cleared. Ms. Thompson reiterated that the City could not clear driveways. Ms. Thompson stated that the City could solicit volunteers to help clear driveways, but could not go to a civic group like the Boy Scouts and tell them that they are going to participate in this program on the City's behalf. Ms. Thompson stated that the City could talk to people in those organizations to encourage their members to sign up. Ms. Thompson added that the schools could use this program to fulfill their 30-hour community service requirement. Ms. Thompson also stated that from the management perspective, it is much easier for the City to put together a volunteer program than it is for the City to plow driveway aprons, but she thinks Mr. Parise's concern is the driveway aprons and that is why he has asked for this program. Ms. Thompson stated that she does not have a problem with a volunteer program; she did volunteer coordination for a long time, and it is a simple matter of matching people up, if the City can get people to volunteer for the program.

Ms. Belpulsi suggested that, that might be the role the City plays in the program, encouraging people to volunteer. Ms. Thompson commented that she has no problem advertising the program, soliciting volunteers, and keeping the records of who is willing to volunteer, if they have a four-wheel drive vehicle or a plow, if they are willing to plow, if they are willing to take people to the doctor or to pick up medication.

Ms. Lairson commented that, as a suggestion, she would like to take this program one step further. Ms. Lairson pointed out that the City has a Park Board, Tree Authority, etc. She asked why the City could not have a Community Assistance or

**The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · NOVEMBER 15, 2007**

*Community Service Board that administers this program instead of having staff coordinate this at a time when staff already has enough to do. Ms. Lairson asked what it would take to develop another committee or group to handle this program and to solicit volunteers and coordinate these groups with the residents in need?*

*Ms. Thompson stated that the City would have to be very involved at first, but it could be handled by a board of three people who would eventually take it over. Ms. Lairson suggested even expanding the scope of the committee to assist residents year-around, not just during snow events. She added that the committee might come up with other ideas and ways to assist residents.*

*Mr. Parise commented that he is just looking for universal cooperation to get the job done, and he is willing to compromise and toss ideas around; he just thinks it is a great idea.*

*Ms. Lairson asked what it would take to form a new committee? Ms. Thompson stated that Council would simply create the committee. Ms. Martin would advertise the committee for volunteers and a Council Member would serve on the committee. Ms. Thompson stated that the proper way is to pass an ordinance that establishes and defines the role and responsibilities of the committee, how many people would serve on the committee, and how or if the committee would receive assistance or funding from the City. Once the parameters have been set, the committee could be advertised and implemented like the Park Board and other committees.*

*Ms. Lairson asked Mr. Parise if he would be willing to work with her to prepare an ordinance that would establish this committee? Mr. Parise consented. Ms. Thompson asked if it was the consensus of Council for Ms. Lairson and Mr. Parise to work with staff to define this committee. There were no objections.*

*Mr. Parise asked if it was possible to get this program underway this winter? Ms. Lairson answered that she did not see this program being implemented this winter.*

*Ms. Thompson stated that how soon the program is implemented would be Council's decision. Ms. Thompson stated that she might be able to have an ordinance prepared by January or February.*

*Ms. Belpulsi stated that maybe some of the more encompassing things could be accomplished, but she is not sure if the City could get enough volunteers and structure the program before winter. She added that the program has to be thought through.*

*Ms. Thompson suggested that it might be possible to form a list of people for this winter, but she does not see how they could get the larger program organized before this winter.*

*Ms. Parise suggested that instead of going public with the program, if everyone knew particular seniors in their area who would need this service it could still be provided to them if they call. Ms. Thompson stated that other residents would want to know why they are not receiving the same service. She explained that it would be a tough place for Council Members to be in. If others residents find out about the service, they will want to know why they were not recommended for this service. Ms. Thompson suggested that if Council would want to restrict the program to snow assistance at three inches or more, she does not think the City would get flooded with participants because they would have to sign an indemnification.*

*Mr. Hruska stated that they would all sign up after the first big snow. Ms. Thompson replied that they would have to sign up by December 15.*

*Ms. Belpulsi commented that she is reluctant to set a standard, as they would still have the problem of zeroing in on a particular age group and a particular disabled group. Ms. Belpulsi would rather form a committee and work on guidelines for the program.*

*Mr. Hruska asked Mr. Schaeffer if the City actually established a committee for this type of assistance would that put the City in the middle again? Mr. Schaeffer stated that the City does not want to be in the business of coordinating a dispatch for the program. Mr. Schaeffer stated that the City would not want to be responsible for determining if three inches of snow has fallen, and then be responsible for calling people to go out and plow; the volunteer group should take care of that.*

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · NOVEMBER 15, 2007

Ms. Lairson stated that she sees the program more as a connection in which the committee has a list of volunteers as a resource. She explained that if a resident calls for assistance, the committee would direct them to one of the volunteers or volunteer groups, and it would be up to the resident to call them for assistance. Ms. Lairson reiterated that the committee would keep a list of volunteers as a resource, but would not assign volunteers to residents needing assistance.

Ms. Thompson stated that, that process would happen after the committee is formed, until then, the City would be dispatching those requests for service. Mr. Schaeffer stated that he advises against the City dispatching the assistance. Mr. Schaeffer clarified that prior to a committee being formed and administering this program, under Mr. Parise's scenario, the City would be dispatching people to homes to assist them.

Mayor Agenbroad suggested formulating some language for Council's review and passing legislation to establish the committee, then getting the information out and soliciting volunteers in order to get the program started.

Ms. Belpulsi commented that, in the meantime, they are trying to address Mr. Parise's concern regarding the snow removal and her concern regarding the use of City staff to plow. Ms. Belpulsi suggested announcing that the City is seeking anyone who would be interested in volunteering during a heavy snow event.

Ms. Thompson commented that her concern is that without the volunteers for the committee, the City would be dispatching those people, and she got the impression from Mr. Schaeffer's comments that, that is not a good thing for the City to do.

Ms. Belpulsi suggested that if people are willing to plow and offer their name and telephone number, then if a resident calls and needs that service it would be their responsibility to call that volunteer and make those arrangements; the City would just be passing information on to the resident. Mr. Schaeffer stated that, that is essentially what the committee is going to be doing. Ms. Belpulsi stated that her suggestion is for the interim to address the snow removal issue before the committee is established. Ms. Belpulsi stated that, in her opinion, to do this program right it is going to take time to develop and recruit people for the committee. Ms. Belpulsi suggested addressing Mr. Parise's concerns for this winter season by soliciting people who would like to volunteer to assist residents who need that service.

Ms. Lairson suggested that if there are already people in your neighborhood that need help, maybe there are people in your neighborhood already willing to help, and those people could be put together until the committee is formed. Mr. Parise stated that some neighbors are close, and some are not. Mr. Parise asked if they wanted to turn this program into strictly a volunteer program where the City has no function in it at all as far as removing snow? Mr. Parise stated that he would not want to totally eliminate the City from this program because they have the equipment to remove the snow. Mr. Parise stated that a volunteer program even as far as you could take it could not equate to doing the job as efficiently as having professional snowplow drivers handling it. Mr. Parise thinks that volunteers, working in conjunction with the City, are a possibility, but he personally does not think they would get enough volunteers to do the City.

Ms. Belpulsi stated that the City only has 18 staff members or 14 staff members who can do snow removal, and as Ms. Lairson mentioned, they work around the clock when they have snow emergencies. Ms. Belpulsi is not in favor of using City staff to do this project; she is in favor of the City encouraging people that have snow plow equipment to volunteer to plow the aprons, not the whole driveway.

Ms. Lairson stated that a person who is willing and has a shovel could do it; a big piece of equipment is not needed to clear a driveway apron. Ms. Lairson reiterated that she does not think it would take a big snowplow to get somebody out of their driveway; a person with a snow blower who is willing could do it.

Mayor Agenbroad asked for direction from Council as to whether the program should start with volunteers or to formulate language designating a community service committee? Mr. Parise suggested that the City start by trying the program solely with a volunteer group, and then, if it falls a little short, they could supplement the program with a little help from the City.

Ms. Belpulsi would not be in favor of creating that caveat at this point. Ms. Belpulsi would like to see the program start with the volunteers and certainly the volunteers on the community service committee could perform that function along with volunteers willing to help with snow removal. Ms. Belpulsi again stated that she is not in favor of using City staff for this program; she does not believe it is appropriate.

Mr. Hruska agreed with Ms. Belpulsi's statement.

Ms. Lairson stated that she would not be comfortable committing staff to this program until she has actually ridden in a snowplow with them to see what they are already doing before adding to their responsibilities.

Mr. Parise responded by stating that everyone has to understand that this service is not going to be for every household. Ms. Belpulsi stated that Mr. Parise does not know that for sure.

Mayor Agenbrood asked if they wanted to formulate some language to create a committee for this program? Ms. Lairson offered that she and Mr. Parise would work on it together.

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

**Christmas in Historic Springboro Festival** – The festival will be held November 16, 17, and 18; the Parade will take place on Saturday, November 17 at Noon. The Parade begins at 11:55PM on Saturday and the Springboro Christian Church is the staging area. Council's staging number is 3, and markers will be posted as early as 9:00 AM. Ms. Martin suggested arriving a half-hour to 15 minutes early for the parade line-up. Mayor Agenbrood has been given the signage for Council's transportation.

**Planning Commission Meeting Schedule Changes** – The Planning Commission Formal Meeting scheduled for Wednesday, November 28 has been canceled. For December, the Work Session and the Regular Meeting have been condensed on Tuesday, December 11 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00.

**City Council Meeting Schedule Changes** – The City Council Meetings for December have been rescheduled from December 20 to December 18 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM.

**Volunteer/Employee Appreciation Event and Holiday Open House** – The Volunteer/Employee Appreciation Event and Holiday Open House will be held on Friday, December 14. Invitations will be sent out next week.

**Citizen Committee Update** – Ms. Martin commented that she would have a packet of information containing all of the applicants' letters of interest and resumes who are interested in serving on the various citizen committees compiled and included in the Council Packet for December 6.

**Thanksgiving Holiday** – The Thanksgiving Holiday will be observed on November 22 and 23. The City offices will be closed.

Ms. Martin announced that she would be on vacation the third week of November, November 19-23. Ms. Thompson stated that she would be on vacation that week, as well.

Ms. Belpulsi mentioned that the Warren County Municipal League Christmas Dinner would be held on Wednesday, December 12. Ms. Martin will follow up on RSVPs for that event.

Chief Kruithoff announced that Police Lieutenant Jon Wheeler returned from active duty in Iraq last night. The Springboro Police Department and various other law enforcements agencies were there to greet and escort him along with his friends and family to the police department. Chief Kruithoff would like to prepare a resolution or proclamation to present to Lt. Wheeler at the December 18 City Council meeting.

**ITEM 6. CITY COUNCIL. –Issues/Reports.**

**Mr. Parise** – No issues/reports.

**Mr. Chmiel** – Mr. Chmiel will present a Planning Commission report at tonight's City Council Regular Meeting under Reports.

**Mr. Hruska** – No issues/reports.

**Mr. Lairson** – Ms. Lairson suggested rescheduling the Tree Authority Meeting due to the rescheduling of the Council Meetings to December 18. Ms. Martin stated that she would follow up with staff liaison Vince Murphy regarding the Tree Authority meeting schedule for December.

**Mr. Anderson** – No issues/reports.

**Ms. Belpulsi** – Ms. Belpulsi will present a notice of an application for a Liquor License stock transfer for IGA at tonight's City Council Regular Meeting under Other Business.

**Mayor Agenbroad** – No issues/reports.

Ms. Thompson stated that she has modified the language for legislative item 2 (City Prosecutor's contract) as discussed earlier, and she would announce the changes to the legislation at tonight's Regular Meeting and make the physical changes to the legislation tomorrow morning.

Ms. Belpulsi commented that according to Mr. Schaeffer Council could amend the legislation verbally. Ms. Thompson stated that she would verbally state that the additional two-year term of the contract would require a review and recommendation of the Council Legal Committee. Ms. Thompson asked Council if her statement was acceptable? There were not objections.

**ITEM 7. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:51 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, NOVEMBER 15, 2007

7:00 PM

CITY COUNCIL  
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor  
Scott Anderson  
Jim Chmiel

Gary Hruska  
Sheila Lairson  
John D. Parise

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 at 7:00 PM in Council Chambers at the Springboro City 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; Anderson, Present; Belpulsi, Present; Chmiel, Present; Hruska, Present; Lairson, Present; Parise, Present.

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE NOVEMBER 1, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

**Mr. Anderson motioned to approve the Minutes of the November 1, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Hruska seconded the motion.**

No corrections.

**VOTE: Chmiel, Abstain; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 6-0-1]**

**ITEM 5. PRESENTATIONS:** STEVE STANLEY, EXECUTIVE DIRECTOR OF THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, PRESENTED AN AUSTIN INTERCHANGE UPDATE.

Mr. Stanley's presentation was postponed until his arrival following the legislative agenda.

**ITEM 6. LEGISLATION:**

Mayor Agenbroad asked for a motion to amend the legislative agenda to add item 4, an emergency ordinance.

**Mr. Hruska motioned to amend the legislative agenda to add legislative item 4, an emergency ordinance. Ms. Belpulsi seconded the motion.**

No discussion.

**VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 7-0]**

**MOTION: TO APPROVE THE 2008 BUDGET OF THE CITY OF SPRINGBORO, OHIO.**

Council met on Tuesday, November 13 to review and discuss the 2008 City Budget for approximately 2 hours. The motion to approve the 2008 Budget is now presented for action.

Mayor Agenbroad asked for a motion to approve the 2008 Budget of the City of Springboro, Ohio.

**Mr. Chmiel motioned to approve the 2008 Budget of the City of Springboro, Ohio. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes. [APPROVED 7-0]**

- 1) RESOLUTION R-07-51:** "A RESOLUTION APPROVING A LAW ENFORCEMENT MUTUAL AID ASSISTANCE CONTRACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF THE CITY OF SPRINGBORO WITH ALL OF THE OTHER LAW ENFORCEMENT AGENCIES IN WARREN COUNTY OHIO," was read by the Clerk of Council. Ms. Thompson deferred to Chief Kruthoff to comment on this item.

This resolution approves a law enforcement mutual aid assistance contract with all other law enforcement agencies in Warren County, Ohio. Periodically, it is necessary for the City to revisit mutual aid agreements and emergency operations plans to be consistent and compliant with NIMS (National Incident Management System) as directed by Homeland Security Presidential Directive 5 and Homeland Security Presidential Directive 7. This mutual aid assistance contract would update the mutual aid agreement effective in 1998.

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

**Mr. Anderson motioned to approve Resolution R-07-51. Ms. Belpulsi seconded the motion.**

No discussion.

**VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 7-0]**

- 2) **RESOLUTION R-07-52:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO-YEAR CONTRACT WITH TIMOTHY N. TEPE AS CITY PROSECUTOR," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes a two-year contract with Timothy N. Tepe as City Prosecutor. Tim Tepe has provided prosecutorial services to the City for the past two years. Mr. Tepe has served in the capacity of City Prosecutor and demonstrated a very high level of performance and exceptional rapport with City staff, police officers, police chief, and administrative staff. The City Manager and the Chief of Police recommend extending Mr. Tepe's contract for another two-year term. In addition, based on the Work Session discussion, it is recommended that the legislation state that upon review and recommendation of the City Council's Legal Committee the two-year contract may be extended for an additional two-year period. The first two years of Mr. Tepe's contract provides for a payment of \$40,000 annually; the second two years of the contract provides for a payment of \$45,000 annually.

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

**Mr. Chmiel motioned to approve Resolution R-07-52. Mr. Parise seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes. [APPROVED 7-0]**

- 3) **RESOLUTION R-07-53:** "A RESOLUTION APPROVING THE CITY OF SPRINGBORO EMPLOYEE PAY RANGES AND ANNUAL WAGE SCALE INDEX ADJUSTMENT FOR THE YEAR 2008," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item:

This resolution approves the City's employee pay ranges by position and annual wage scale index adjustment for the year 2008. This legislation recommends a pay range index change of 3% cost of living for all City employees. Based on the CPI for the Midwest area, which is 3.5%, and a survey of area communities, staff has recommended a 3% increase for all City employees.

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

**Mr. Parise motioned to approve Resolution R-07-53. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes. [APPROVED 7-0]**

**AMENDMENT:**

- 4) **ORDINANCE O-07-43: FIRST READING.** "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE

CITY OF SPRINGBORO TO INCLUDE CHAPTER 1064 ADDING PROVISIONS FOR COMPETITIVE VIDEO SERVICE AUTHORIZATIONS, ESTABLISHING FEES, DEFINING CERTAIN TERMS, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO PROVIDE CERTAIN NOTICE TO THE VIDEO SERVICE PROVIDERS OFFERING VIDEO SERVICE IN THE CITY PURSUANT TO A STATE AUTHORIZATION, AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance to amend the codified ordinances of the City of Springboro to include Chapter 1064 adding provisions for competitive video service authorizations, establishing fees, defining certain terms, and to provide certain notice to the video service providers offering video service in the City pursuant to a State authorization. Staff recommends this legislation as an emergency and recommends waiving the second and third readings. With the recently enacted Senate Bill 117, which significantly altered the way that franchise agreements or video cable provision occur in the State of Ohio, the City must protect itself and be able to enact legislation that will authorize the City to collect franchise fees from new video service providers. The City currently has a franchise agreement through the MVCC with all eight cities in the southwest suburbs of the Dayton area with Time Warner Cable. However, the recently enacted legislation "opens the door" for other providers to offer video cable service to the community, and the City would like to protect the community and to protect franchise fees if this were to occur. Therefore, staff recommends waiving the readings of this ordinance and passing this legislation as an emergency.

**Mr. Hruska motioned to suspend the rules and waive the second and third readings of Ordinance O-07-43. Mr. Chmiel seconded the motion.**

No discussion.

**VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes. [APPROVED 7-0]**

**Mr. Hruska motioned to approve Ordinance O-07-43. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: Anderson, Yes; Belpulsi, Abstain; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes. [APPROVED 6-0-1]**

**PRESENTATIONS:** STEVE STANLEY, EXECUTIVE DIRECTOR OF THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, PRESENTED AN AUSTIN INTERCHANGE UPDATE.

Mr. Stanley presented an update on the Austin Interchange Project and Financing. Mr. Stanley's comments are outlined in the Austin Interchange Briefing and spreadsheet of NEW Austin Center TIF District Finance Scenario to Proposed Scenario – 4.50%. (Copies of the outline and spreadsheet are attached for reference.)

Ms. Thompson commented that Mr. Stanley has worked very hard on the new financing, and she has seen some of the preliminary projections. (The projections are included in the attached spreadsheet). Ms. Thompson explained that the biggest issue for Miamisburg, Springboro, and Miami Township is the risk factor, which is putting up general revenue pledges against TIF financing, but this new plan would reduce the risk to the point where the spreadsheet would show zero risk. Ms. Thompson encouraged City Council to look at the preliminary projections. Ms. Thompson suggested that as the project progresses, Mr. Stanley could provide City Council with a more in depth presentation regarding the new financing plan and projections in a future Work Session.

Mr. Stanley encouraged spending a Work Session discussing the new financing plan, due to its complexity. Mr. Stanley commented that everyone is working very hard to try to reduce the risk and keep this project moving in a way that makes a lot more sense.

Mayor Agenbroad thanked Mr. Stanley for his comments.

**ITEM 7. REPORTS:**

**Mayor's Report** – The Christmas in Historic Springboro Festival will be held on November 16, 17, and 18; the Parade will take place at Noon on Saturday. The Thanksgiving Holiday will be observed on November 22 and 23; whereby, the City offices will be closed. The next City Council Work Session will be held on Thursday, December 6, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, December 6, 2007 at 7:00 PM in Council Chambers, as scheduled.

**City Manager's Report** – The City received a certificate from the Ohio EPA in recognition of its drinking water source protection plan. The EPA has instituted this program as a statewide initiative to recognize local drinking water protection efforts. In addition to receiving the certificate, the City received a grant in the amount of \$4,207 from the Miami Conservancy District in order to conduct emergency response training, to provide information and notification, and to install identifying road signs in the source water protection areas.

In addition, Ms. Thompson thanked Council for their attention and consideration during the 2008 Budget presentation and discussion on Tuesday, November 13.

**Committee Reports –**

**Mr. Parise** – No reports.

**Mr. Chmiel – Planning Commission** – The Planning Commission held a Work Session on Wednesday, November 14, 2007 at 7:00 PM in Council Chambers to review on the following items: Final Development Plan – Southeast corner Clearcreek-Franklin Road and Whispering Pines, Otterbein Neighborhood at Springboro, PUD-B, Planned Unit Development-Business, nursing home; Site Plan Review – 365 North Main Street, dental office; Preliminary Final Development Plan – Village Park PUD-MU, Planned Unit Development-Mixed Use, office component; Site Plan Review – 2748 Pennyroyal Road, proposed Jehovah's Witnesses Kingdom Hall. The next Planning Commission Formal Meeting scheduled for November 28, 2007 at 7:00 PM in Council Chambers has been canceled, as no items are slated for the agenda. The next Planning Commission meetings will take place on Tuesday, December 11, 2007 beginning with the Work Session at 6:00 PM followed by the Formal Meeting at 7:00 PM. The Planning Commission meetings will be held at the City's temporary facility located in the Dalco Building at 425 S. Pioneer Boulevard.

**Mr. Hruska** – No reports.

**Ms. Lairson** – No reports.

**Mr. Anderson** – No reports.

**Ms. Belpulsi** – No reports.

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

A notice of an application for a Liquor License business stock transfer for Springboro IGA Inc. dba Springboro IGA, 15 N. Main St., Springboro, Ohio 45066 bearing the number 84466520005. The Liquor License is for Permits C-2 and C2X, and D-3 – Carry-out of wine and mixed beverages and carry-out of beer until 1:00 a.m., five and one-sixth gallons maximum size. The Springboro Police Division can find no cause for objection to this application, and recommends that City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control.

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

the motion.

No discussion.

**VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]**

**ITEM 9.**

**FINAL COUNCIL AND MANAGER COMMENTS.** Ms. Belpulsi commented that the City held its 2008 Budget Meeting on Tuesday, November 13, and she wished to compliment the entire staff, City Manager, Assistant City Manager, Clerk of Council, and all of the Department Directors who presented the budget to Council. Ms. Belpulsi applauded staff for keeping the City's finances a top priority and for staff's recommendations for expenditures, and added that the budget was very well done.

Mayor Agenbroad thanked Ms. Belpulsi for her comments.

Ms. Thompson commented that she received a phone call today regarding some erroneous information in the newspaper concerning the cost of the new traffic signal at the Drug Mart/Springboro Pointe location. This project is a joint partnership between the Drug Mart Corporation and Springboro Pointe Plaza. The cost of the overall project is approximately \$200,000, which includes the Drug Mart parking lot improvements required by the City's traffic engineering firm prior to installing the traffic signal. The overall cost for the light and the improvements is approximately \$200,000. The newspaper reported that the City's cost for the project is \$700,000. Ms. Thompson clarified that the City's financial commitment to this project per agreement with Drug Mart and Springboro Pointe Plaza is \$66,000. In the interim, a temporary traffic signal on wire suspension has been installed, but mast arms will be permanently installed when the City receives that equipment. The mast arms will be similar to those installed at South Richards Run Road and SR73.

Mayor Agenbroad thanked Ms. Thompson for her comments.

Mayor Agenbroad invited Police Chief Kruihoff to the podium for comments.

Chief Kruihoff commented that Police Lieutenant Jon Wheeler has returned to the Springboro Police Department following active duty in Iraq. Lt. Wheeler serves in Naval Intelligence and was deployed early this Springboro. Lt. Wheeler arrived last night at approximately Midnight to a very adoring family of seven children and wife, brothers and sisters, etc. The Springboro Police Department escorted Lt. Wheeler to the police department and was joined by the City of Franklin and the Sheriff's Office and a number of other police agencies. Chief Kruihoff wished to welcome back Lt. Wheeler to the community and thank him for his service. The Police Department would like to welcome back Lt. Wheeler in a more formal manner at a future Council meeting.

Mayor Agenbroad thanked Police Chief Kruihoff for his comments, and welcomed home Lt. Jon Wheeler.

**ITEM 10.**

**GUEST COMMENTS. 1) Mike Hemmert, 115 Heatherwoode Boulevard, Springboro –** Mr. Hemmert commented that approximately two months ago he reported on the Franklin Food Pantry, which serves Springboro, Clearcreek Township, Carlisle, and Franklin. At that time, the Food Pantry risked reducing their hours due to a severe stock shortage. Following that update, the Franklin Township Trustees made a \$5,000 donation to the food pantry and the food pantry also received several anonymous donations, which has helped the food pantry maintain its status through the end of the year. Mr. Hemmert wished to thank the people of Springboro who were involved in that effort. In addition, Mr. Hemmert commented that he wished to provide an update on the business community. Mr. Hemmert stated that Encore Restaurant in Springboro closed as of Sunday. The owners of that restaurant also owned three businesses in the Cincinnati area. The former Midwest Seafood has reopened as Ocean Front Seafood. The owners of Ocean Front Seafood have lived in the Springboro area for over twenty years, and have now brought that facility back to Springboro. Bella Vino, the new wine shop on N. Main Street, formerly Mulligans and Grapes of Ruth, will have a grand opening event on Saturday from Noon to 11:00 PM with free appetizers from a number of participating businesses and wine sampling. Chris Papakirk of the Springboro Planning Commission will perform live music that night from 7:00-9:00 PM. Again, the owners of Bella Vino are from the Springboro community, and have made a

significant investment. Mr. Hemmert closed his comments by wishing everyone a happy Thanksgiving.

Mayor Agenbroad thanked Mr. Hemmert for his comments. Mayor Agenbroad asked if there were any other guests who wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

No other guests came forward.

**ITEM 11. EXECUTIVE SESSION.** No Executive Session.

**ITEM 12. ADJOURNMENT.** Mayor Agenbroad thanked the MVCC for tonight's telecast and eventual rebroadcast of this Springboro City Council Meeting. Mayor Agenbroad wished everyone the happiest of Thanksgivings and encouraged everyone to be safe, healthy, and enjoy.

**Ms. Lairson motioned to adjourn the meeting; whereby, the Thursday, November 15, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:33 PM. Mr. Hruska seconded the motion.**

No discussion.

**VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]**

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**John Agenbroad, Mayor**

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**Presiding Officer**

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**Lori A. Martin, Clerk of Council**