

CITY OF SPRINGBORO
425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL WORK SESSION

THURSDAY, JULY 17, 2008

5:30 PM

John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Sheila Lairson

Jim Chmiel
Tom LaDu
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

NOTICE: THE CITY COUNCIL WORK SESSION BEGAN AT 5:30 PM ON JULY 17.

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, July 17, 2008 at 5:30 PM in Council Chambers at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2. ATTENDANCE. Mr. Anderson and Ms. Lairson were absent.

ITEM 3. PRESENTATION. –**Citizen Satisfaction Survey Report was presented by the Miami University Center for Public Management and Regional Affairs.**

Ms. Thompson introduced Mark Morris from Miami University's Center for Public Management and Regional Affairs to present the results of the City's Citizen Satisfaction Survey performed in February/March of this year. Mr. Morris introduced himself as the Project Leader, and thanked the City on behalf of The Center. Mr. Morris referred to the final report that was distributed to Council and presented an overview of the survey process. (A copy of the final report, "City of Springboro Community Survey Results, July 2008," will be filed with the minutes for the record.) Initially, The Center met with Ms. Thompson and Mr. Pozzuto in order to discuss and fine-tune the survey instrument to meet the City's needs. The survey included questions used by other communities as well. The survey questioned residents regarding quality of life and services in Springboro, and was broad based providing a baseline for future surveys. The City's newsletter mailing list was used to extract a random sampling of residents. Out of approximately 6,000 households, the Center randomly sampled approximately 2,000. The survey was mailed to the randomly selected households, followed by a post card reminder, followed by another survey, and finally, a second post card reminder. The survey response rate was approximately 45%, which is high for a community of Springboro's size. Mr. Morris explained that the survey is not a vote, but a way to collect information regarding the attitudes and opinions of the residents and has a shelf life of about six months, as those attitudes and opinions will change over time. It is recommended that the City conduct a survey every three to four years. Mr. Morris explained that every two years would create survey burn out, but every three years would establish a trend, and the same questions would be used again in future surveys for comparison. Mr. Morris commented that the Center would certainly be willing to perform the survey again for Springboro.

Mr. Morris briefly reviewed certain data in the report. The net data table includes the following results: Households Mailed – 1,838, Households Responding – 819, Response Rate – 44.5%, Confidence Interval @ 95% – $\pm 3.2\%$. About 100 addresses were lost due to vacant or undeliverable addresses. Mr. Morris reviewed the breakdown of percentages of respondents based on demographics (Page 4 of the report). Mr. Morris also reviewed the attached Appendices, which are the actual Survey Instrument, Warren County Profile, 2000 Census Data –Mr. Morris pointed out that the Census Data is based on the year 2000 population numbers and any current numbers would be rough estimates–, and the Code Book, which is a list of questions and variables, and frequencies of all the responses on every variable, in essence, the raw data. Finally, Mr. Morris reviewed the key findings of the report i.e. items of importance or interest. Most of the respondents were 1-5 year residents, and half of the respondents were fairly new residents within 6-10 years. Residents are overwhelmingly satisfied living in Springboro at a rate of 89% indicating that they were either very satisfied or satisfied. In terms of the two variables of length of residency or time and change, 73% indicated that Springboro stayed about the same over the past five years, and 62% were happy and intend to stay five years. Based on the survey results, Springboro has a relatively stable population overall. With respect to growth, 54% of the respondents think the City should pursue moderate growth; however, moderate is not defined. There were much lower percentages in response to aggressive growth and no growth. In surveying changing conditions over time, most respondents think the City has stayed about the same; however, street and road repair improved with respect to snow/ice removal and road repairs. According to the survey results, in general, people think things are getting better in Springboro. Regarding Police questions, most respondents were satisfied, but not many had contact with the police. The Zoning Department reflected overall satisfaction with nearly equal percentages indicating that zoning enforcement had stayed the same over the past several years or had no opinion at all. In regard to Parks and Recreation, the overall respondents were satisfied with the current park facilities in Springboro and indicated that the parks have stayed the same or are improving. Some respondents were not aware of some of the City's parks or did not know that the City had parks. A criticism with respect to the parks was a lack of promotion and information regarding parks and programs. Questions regarding City Government and how well connected people felt to their government, met expectations. One-third of the respondents disagreed with the statement that they do not have any say about what City government does compared to 31% in other Ohio communities and 45% based on the American National Election Study 2004 (Page 22). The three questions concerning government resulted in levels consistent with other local governments and were above average when compared to two other national measures. With respect to City Communications, the survey showed that the City newsletter is very popular and is the number one way residents receive information about the City. The survey also showed a growing interest in the City's website, but many residents have never visited the website, which may simply be an awareness issue and might be an opportunity to send more electronic communications to residents. Mr. Morris spoke briefly on content analysis i.e. what are the survey results really saying. With respect to quality of life issues, respondents under Additional Comments, indicated that they enjoy their neighbors, Springboro is a safe community, location and proximity is a real strength among other things they liked most about the community. Dislikes were taxes, income tax credit adjustment, school taxes, certain public services such as street cleaning, and some indicated that they feel disconnected with City leadership or feel City management is not listening. Mr. Morris added that there were not many comments regarding the new City Building project, but people were really frustrated with government/taxes, which is not unique to Springboro or any community that they would survey. In conclusion, Mr. Morris commented that the City should be really pleased with the overall general satisfaction in Springboro and what the City is doing and the direction the City is headed. Mr. Morris also commented that the biggest challenge the survey presents is how to define moderate growth.

Mr. Chmiel asked if the same questions would be used on the next survey or could they use the respondents' comments to mold future questions? Mr. Morris explained that in order to compare results the questions should be the same unless something significant were to change and the City would like to specifically survey responses concerning that change. Perhaps a question could be formulated to dig deeper into the growth question to further define moderate growth i.e. what does moderate growth mean to the community, do they view "moderate" as a pace, etc. Mr. Morris commented that there is nothing in the survey results that jumped out as a key "hot-button" issue for Springboro or that people are really unhappy or upset about.

Mr. LaDu asked Mr. Morris if there was any reason to take action based on the survey results or would they simply use these results for future comparisons? Mr. Morris commented that the results do present opportunities, for example, to increase communications based on the comments regarding parks, and he reiterated that the moderate growth issue could be addressed as well. Mr. Morris added that there are some comments that are beyond the City's control such as those concerning the schools, but the streetscape look and appearance (e.g. wayfaring signs) could be revisited in a future survey if the City plans to continue to upgrade the plan.

Ms. Belpulsi asked Mr. Morris if he saw a correlation between the lifestyles of the residents, which she described as fairly young, busy professionals who are mostly busy with school activities and the residents not being aware of City amenities such as the parks? Mr. Morris explained that Springboro has a lot of young professionals involved with school activities and they might not be aware of City programs. Mr. Morris commented that they typically deal with smaller communities many of which do not have parks, but younger people are usually interested in parks; however, the results of this survey did not reflect that.

Ms. Thompson commented that the community has over 1,000 baseball participants, but over 50% of the respondents did not have an opinion regarding baseball fields. Ms. Thompson also commented that she was surprised to see that the highest percentage of respondents favored moderate growth.

Mr. Morris commented that people are interested in restaurant and retail and convenience retail. Ms. Thompson explained that the City commissioned a marketing study for restaurants, which showed that there are not enough rooftops for restaurants in Springboro. The City would be more likely to attract niche restaurants by trying to determine which specific types of restaurants would work, then try to convince them that they might be successful in this community. Ms. Thompson added that it is difficult to convince restaurants to come to Springboro when the market says otherwise.

Mr. Morris stated that Council could funnel any further questions they might have regarding the survey through Ms. Thompson. Mr. Morris encourages the City to conduct another survey in three years, and if The Center is available at that time, they would be happy to conduct the City's survey again.

Mayor Agenbroad thanked Mr. Morris for his presentation and stated that The Center did a great job on the survey.

ITEM 4. LEGISLATIVE AGENDA. –Six legislative agenda items were reviewed for the July 17, 2008 City Council Regular Meeting.

Mayor Agenbroad commented that Mr. Anderson and Ms. Lairson were absent due to vacations and would need to be formally excused at tonight's City Council Regular Meeting.

- 1) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR VILLAGE PARK, PHASE I DEVELOPMENT AND DECLARING AN EMERGENCY.

No discussion.

- 2) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE COVE AT SETTLERS WALK SUBDIVISION, SECTION THREE, AND DECLARING AN EMERGENCY.

No discussion.

- 3) **RESOLUTION:** A RESOLUTION ACCEPTING THE CONVEYANCE OF 1.748 ACRES OF LAND TO THE CITY OF SPRINGBORO FROM VARIOUS PROPERTY OWNERS FOR THE PROJECT WAR-75-3.40, THE PENNYROYAL BRIDGE PROJECT OVER INTERSTATE 75.

Mr. Parise asked if the City is going to accept this acreage under public domain to use in the bridge expansion project? Ms. Thompson explained that ODOT is taking the parcels under eminent domain, then ODOT will give those easements to the City of Springboro. She further explained that the ODOT project consists of raising the Pennyroyal Road Bridge over I-75. ODOT's bridge specifications require a better clearance on the interstate making it necessary to raise the bridge.

Mr. Chmiel asked for the project timeline? Ms. Thompson did not know the project dates, but stated that the project will begin sometime this year.

- 4) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN A JOINT APPLICATION FOR AN OHIO LOCAL GOVERNMENT SERVICES AND REGIONAL COLLABORATION GRANT THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT.

No discussion.

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALLIED TECHNICAL SERVICES, INC. TO REPLACE THE THREE (3) EXISTING CONTROL VALVES FOR HIGH SERVICE PUMPS #1, #2 AND #3 AT THE WATER TREATMENT PLANT.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HASLER FINANCIAL SERVICES, LLC FOR THE LEASE OF AN IM440 POSTAGE METER AND A M3003 FOLDER/INSERTER MACHINE.

No discussion.

ITEM 5. CITY MANAGER. –Issues/Reports.

10-Yr. Financial Projections/Bond Issues: *Ms. Thompson explained that she will bring the 10-Yr. Financial Projections to the August 7 Work Session for discussion. The bond issues that Council will be asked to consider amount to \$21.055M, most of which is refinancing of water issues and multi-purpose bonds. The maturity dates on the refinanced bonds will continue, but the City will save on the interest by combining the bonds into one issue rather than refinancing them separately. Staff compared rates, etc. through the Ohio CAF (Capital Asset Financing) Program and found that the CAF Program will not accept refinanced issues. Of the \$21.055M, new debt consists of \$1M for the Street Resurfacing Program for 2008, \$3M to replace the concrete streets with asphalt, and \$5M for the new City Building. Ms. Thompson will have a recommendation and numbers on the debt payment for the concrete street program by August 7; the \$3M estimate is a 2008 number. Staff does not recommend a 5-year debt payment for the City Building, as it does not want to burden the City finances to that extent. As a combined debt, it would only cost \$60,000.00 more for a 10-year debt payment versus a 5-year debt payment.*

Mr. Chmiel asked if the concrete street replacement program would be completed in one project and how would it affect next year's street resurfacing budget? Ms. Thompson commented that it would reduce the amounts that were included in the CIP for street resurfacing varying anywhere from \$100,000.00 to \$200,000.00.

Mr. Chmiel asked if the City would try to add new projects or more streets to the program? Ms. Thompson explained that financing the concrete street program will take anywhere from \$100,00.00 to \$200,000.00 out of the street resurfacing budget for the next five years. Ms. Thompson further explained that Council could decide to include budget expenditures for additional streets or decide just to eliminate that money from the

street resurfacing budget. In the past, staff has had to piecemeal the concrete streets into the CIP, which might continue for another five, ten, or fifteen years. Council has the option of reducing the street resurfacing budget by \$200,000.00 in 2009 by approving the concrete street program financing. Ms. Thompson confirmed that she would present the \$3M Concrete Street Program as part of the consolidation debt, but pointed out that all of the bonds would be adopted separately; therefore, the legislation for the concrete streets bond could be eliminated if Council decides not to fund the \$3M.

Mr. LaDu asked if the concrete streets would be done in lieu of keeping up with the rest of the streets? Ms. Thompson replied no, it would just be additional debt. Ms. Thompson explained that all of the money for the concrete streets would be included in the bond issue, and the street resurfacing program would continue according to the CIP.

Ms. Thompson commented that the more the City borrows the less it pays in fees and interest. She reiterated that the City could not refinance through the Ohio CAF Program because it could not roll all of the necessary bond issues into one issue under that program. Ms. Thompson intends to present the bond legislation for a first reading on August 7 in order to move the process along, as there is some urgency due to interest rates. The recommendation is to waive the third reading to lock in the interest rates by the end of August.

New City Building: Ms. Thompson reported that the lowest and most responsible bidder, Brumbaugh Construction, was given the value engineering and asked to verify what they can do to reduce those costs. Ms. Thompson and the architects will meet with Brumbaugh on July 28 to receive the results. Lorenz Williams has asked for a day or two to review the information, but if all goes well Ms. Thompson plans to submit the legislation for the construction contract for Council approval at the July 31 Special Meeting. If all does not go well, e.g. the bidder can only value engineer down \$500,000, then they will go to the second lowest and most responsible bidder and begin the process again, as it would be illegal to work with both bidders at the same time.

Mr. Chmiel asked why they were not considering both bids at once? Mr. Schaeffer explained that they could not bid against each other. Mr. Chmiel asked if that was because it gives them the opportunity to collaborate? Mr. Schaeffer explained that the real issue is that in the public bidding arena the laws, rules, and regulations require that everyone is operating on the same playing field. Negotiating with the bidders after the bid opening, but prior to award, requires starting with the low bidder because you do not want to change the playing field for any one party by combining with two parties. The legal right to have the parties bid against each other is the bidding process itself.

Mr. Chmiel questioned this phase of the bidding process? Mr. Schaeffer explained that the City is now beyond the lowest and best bidder phase, and does not have to award the contract to the lowest and best bidder. In fact, it might not be the lowest and best bidder once this process is complete. The ability to have the bidders compete occurred when the project was originally bid. Now, the process involves a very comprehensive list of things that the City wants the lowest and best bidder to look at and price. If the bidder can bring the cost down, then in effect it becomes a change order.

Ms. Thompson referred to it as a change order deduct because they were the original lowest and best bidder and the City has now presented them with the deduct change orders to consider. They could not do that with both bidders at the same time because the bid process is already complete and the lowest and best bidder was selected. Mr. Schaeffer explained that the other part in the process is that there are subcontractors bidding to multiple contractors in this process. With most general contractors, it would be a big deal if they did most of the work with 25% of their own forces, which means that 75% of the work will be performed by subcontractors. If the bidders have their favorite subcontractors and the subcontractors have their favorite general contractors other contractors would not necessarily be getting the best price. The City is now looking at one bidder who is getting prices from the field, and there is no competition for those subcontractors' prices. In short, Mr. Schaeffer commented that this is an appropriate, but time consuming process. However, the time spent up front will save ten-fold or more at the back end.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 17, 2008

Ms. Thompson commented that one of her concerns is getting the contract let and the building under cover by winter. She explained that it could create a \$200,000.00 to \$300,000.00 issue if the building is sitting open all winter. Ms. Thompson further commented that this is one of the issues they have been pushing with the contractor, which is to have the building winter ready because they do not want a change order to keep the building heated or dry. She added that the site would be finished by the end of this week. If they can get the process going on August 28 and bring the contract to Council on July 31 at the Special Meeting or the August 7 Regular Meeting to award the bid, they could pour the footer and foundation the next day. She added that the potential for this legislation to be presented on July 31 has been included in the notice for the Special Meeting. Otherwise, the legislation will be presented on August 7. Ms. Thompson asked for discussion regarding whether Council would be willing to award the contract on July 31 or would be more comfortable waiting until August 7. Ms. Thompson added that a week might or might not make a significant difference with respect to the winter issues.

Mayor Agenbroad commented that there would be six Council Members present on July 31 and Mr. Chmiel would be on speakerphone to comment.

Ms. Belpulsi commented that she is not comfortable voting on the legislation to construct the new City Building unless the full Council can vote on it. Ms. Belpulsi further commented that she understands Mr. Chmiel will be on the telephone, but he cannot vote over the phone. Ms. Belpulsi stated that it is important for this particular project for all of Council to be present to vote. If it is just a week later until August 7, she does not see it making much difference, and reiterated that this project is too important not to have everyone present for the vote.

Mr. Chmiel commented that he feels bad that he cannot attend the July 31 Special Meeting, but he does not have a problem either way. He further commented that he does not see this project creating a divide on Council concerning the approval of the project.

Mr. Parise concurred with Mr. Chmiel's comments. Mr. Parise commented that he does not see this project as being controversial or expect there to be dissension among the ranks, which would make one vote that critical. Mr. Parise believes everyone is pretty much on board with the project.

Mr. Chmiel stated that based on the way it was explained tonight, if it is not a good decision, he trusts that everyone is going to see that whether he can vote or not, but the fact that the project might be delayed could create issues.

Mayor Agenbroad commented that if any Council Members have reservations, they would hold off until August 7 anyway to vote on the contract.

Ms. Belpulsi stated that she is not suggesting that this is a controversial issue and she does not see it that way, but she does see it as a very important project and would like each Council Member to be able to vote on it.

Mayor Agenbroad confirmed that the contract might not be ready on July 31 regardless.

Ms. Thompson will send all of the information she has on August 30. She reiterated that they meet with the contractor on August 28 and Lorenz Williams will need a day to verify the information. Ms. Thompson will not know until Wednesday, August 30, what the final determination will be, but as soon as she finds out; she plans to communicate that with Council. Again, the potential for this legislation to appear on the July 31 Special Meeting agenda has been advertised in the notice. Ms. Thompson added that she would probably know the outcome by Monday, August 28.

Ms. Belpulsi asked what if the contract is awarded, the building process begins, and change orders begin to occur that could increase the cost by several hundred thousand dollars? Mr. Schaeffer explained that this value engineering would be incorporated into the contractor's final bid. Ms. Belpulsi confirmed that even if

expenses built up over the next six months due to the cost of materials such as steel that would not affect the cost? Mr. Schaeffer explained that the contractor is giving the City a fixed price contract.

Ms. Thompson explained that a change order would only occur if there were unknown soil or subsurface conditions even though they did soil borings, but standard issues that the contractor should have accounted for would be the contractor's responsibility. Ms. Thompson commented that during demolition and excavation they did run into substructures underground such as foundations.

Ms. Belpulsi stated that she had been asked why the City is doing the site work without the construction contract? Ms. Thompson explained that they would have had to wait until now just to begin the groundwork. Mr. Schaeffer commented that, if the contract were awarded today, it would take at least two months to lay the first brick. Ms. Thompson reiterated that the City would have lost all of these months if the groundwork had not been completed in advance because they could not speed up getting the spec book ready, getting the bids out, advertising, etc.

Village Park Park Grant – Ms. Thompson spoke with Representative Shannon Jones today who told her that the City was granted \$100,000.00 to use at Village Park. The money will be used for clean up, detention, and some hardscape for the walk trail among other items. The City will recognize Representative Jones for her support and efforts at a future Council meeting.

City Building Groundbreaking – After the City building contract is awarded, staff and Council will schedule the official groundbreaking ceremony.

You're a Good Man Charlie Brown Theater Production at North Park – Mr. Pozzuto reported that Playhouse South will be hosting a live theater production of "You're a Good Man, Charlie Brown" at the North Park Amphitheater September 5-7 at 7:30 PM on Friday and Saturday and at 3:00 PM on Sunday. The program is free to the public. Playhouse South will be publicizing the production and will canvass the City with flyers. The City will help to publicize the event with community signs, press releases, website information, and a newsletter article in the current newsletter. If the production works out well this year, they plan to make it an annual event with a different play every year.

ITEM 6. CLERK OF COUNCIL. –Issues/Reports.

MVCC Board Dinner/Program for Elected Officials: A "Save the Date" announcement has been distributed regarding the dinner/program for elected officials on Wednesday, September 17, 2008 sponsored by the MVCC Board. The purpose of the event is for local elected officials to meet candidates running for state office from the local districts. Another "Save the Date" announcement will be issued followed by a formal invitation.

WCML Meeting: Another "Save the Date" announcement was distributed regarding the Warren County Municipal League's monthly meeting in August. Former Congressman Rob Portman will be the guest speaker at the meeting held at the Golden Lamb in Lebanon on Wednesday, August 20. The meeting will begin at 6:00, with Dinner at 7:00 PM.

3rd District U.S. Representative Report: Ms. Martin reported that Congressman Mike Turner's field representative, Marty Heide, would attend tonight's City Council Regular Meeting to present an update from the Congressional Office under Guest Comments. Ms. Heide will conduct district office hours in Springboro on Friday, July 25 from 1:00-2:00 PM in Council Chambers.

Calendar Updates: The Community Service Board is scheduled to hold their second meeting on Monday, July 21 at 7:00 PM and will hold regular meetings on the third Monday of each month at 7:00 PM in Council Chambers. The Land Use Master Plan Subcommittee is scheduled to meet on Monday, July 28 at 6:00 PM. The last two summer concerts at North Park will be held on Tuesdays, July 22 and July 29. National Night Out will be held on Tuesday, August 5 at Patricia Allyn Park from 5:00-9:00PM. Sergeant Wilson was very pleased to hear the all of the Council Members would be able to volunteer at the grill during the event. All

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · JULY 17, 2008

Council Members have been scheduled for a shift and will receive a shirt to wear at the event. They are anticipating nearly 2,000 people this year for that event. A City Council Special Meeting will be held on Thursday, July 31, 2008 at 5:30 PM in Council Chambers to discuss the Charter review recommendations and ward redistricting.

Mr. Chmiel confirmed that he would teleconference with Council for that meeting? Ms. Martin replied yes, she is prepared to have Mr. Chmiel on speakerphone during the meeting.

Mayor Agenbrood commented that the only topics that Council would be discussing on July 31 would be the Charter Review Commission's recommendations, and potentially, the City Building construction contract. Mayor Agenbrood further commented that he would like all seven Council Members to be present to discuss the ward redistricting.

Mr. Parise stated that Mayor Agenbrood committed to discussing the ward redistricting issue on July 31 at the last Work Session.

Mayor Agenbrood confirmed that Council has to have the Charter Review complete by the August 7 Council Meeting, but the ward redistricting does not have to be done until November.

Mr. Parise commented that there is a deadline for the ward redistricting. He explained that if the redistricting is going to be acted upon, it needs to happen by November in order to submit it to the Board of Elections a year before the next election.

Ms. Martin stated that the redistricting would have to go through the legislative process.

Mayor Agenbrood suggested talking about the ward redistricting on July 31, then when all seven Council Members were present they could act on it.

Ms. Martin confirmed that the ward redistricting topic was included in the notice for the Special Meeting regardless of whether the topic is discussed or not.

Mayor Agenbrood confirmed that the Special Meeting would begin at 5:30 PM on July 31 in Council Chambers.

ITEM 7. CITY COUNCIL. –Issues/Reports.

Mr. LaDu – *Mr. LaDu commented that he had asked Mr. Schaeffer about recusing himself in regard to the Easton Property. Mr. LaDu asked if he should also consider the same for Village Park because he lives on Deer Trail. Mr. Schaeffer confirmed that Mr. LaDu was referring to the City accepting the funding for Village Park from the State. It was uncertain whether the City would pass legislation to accept the funds. Mr. Schaeffer explained that the State is going to award the City \$100,000.00. He further explained that even if Council has to pass legislation to accept the grant in a formal fashion, the question is what special benefit have you, as an individual, derived from that act; in this case, he would say there is no special benefit. If, for example, they were developing a big mall in your district and there were roadway improvements and the potential that it would increase (or decrease) your property values, then you would have to recuse yourself.*

Mr. LaDu referred to legislative item one, and asked if he should abstain when Council is just approving the record plan for Village Park? Ms. Thompson answered that if it were a rezoning for the same property, Mr. LaDu would have to recuse himself, but this is a record plan that the Planning Commission has recommended that Council accept after the fact. Mr. Schaeffer commented that approving the record plan is really an administrative act and there is not a lot of Council discretion in approving them.

Ms. Thompson explained that the deed for the sixteen acres of parkland at Village Park is held by the City of Springboro. The grant money is being given to the City of Springboro to be used for parkland the City owns by deed, and the park has green space requirements, etc., which are documented. With respect to Council

accepting the grant money for the park, Ms. Thompson explained to Mr. LaDu that he would be acting on behalf of the community because the land is owned by the City, not the developer.

Mr. Parise – Mr. Parise reported that the July Park Board meeting was canceled, but he would have a slight committee report regardless.

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

Ms. Belpulsi – Ms. Belpulsi will present a notice of an application for a liquor license stock transfer at tonight's City Council Regular Meeting under Other Business. In addition, Ms. Belpulsi asked for consideration to amend the July 3, 2008 City Council Work Session Minutes to correctly reflect her comment on Page 5, Paragraph 11, by adding the word "not" before the words "think it is inappropriate or unreasonable . . ." in the first sentence as follows: "Ms. Belpulsi stated that . . . but she does **not** think it is inappropriate or unreasonable for any Council Member to question that kind of purchase and to make sure there are policies in place."

Council will include this amendment during the motion to approve the minutes at tonight's City Council Regular Meeting.

Mayor Agenbroad – Mayor Agenbroad reminded Mr. Chmiel that he should abstain from the vote on the July 3, 2008 Council Meeting Minutes due to his absence.

ITEM 8. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:50 PM.

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425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL REGULAR MEETING

THURSDAY, JULY 17, 2008

7:00 PM

John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Sheila Lairson

Jim Chmiel
Tom LaDu
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruihoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, July 17, 2008 at 7:00 PM in Council Chambers at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2 PLEDGE OF ALLEGIANCE. Mayor Agenbroad led the Pledge of Allegiance.

ITEM 3. ROLL CALL. Agenbroad, Present; Anderson, Absent; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Absent; Parise, Present.

Mr. Parise motioned to excuse Mr. Anderson and Ms. Lairson from the meeting. Mr. LaDu seconded the motion.

No discussion.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes. [APPROVED 5-0]

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE JULY 3, 2008 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mayor Agenbroad stated that during tonight's Work Session Ms. Belpulsi asked to amend the minutes of the July 17 Work Session.

Mr. LaDu motioned to approve the Minutes of the July 3, 2008 City Council Work Session and Regular Meeting as amended to correctly reflect Ms. Belpulsi's comment on Page 5, Paragraph 11 by adding the word "not" before the words "think it is inappropriate or unreasonable . . ." in the first sentence as follows: "Ms. Belpulsi stated that . . . but she does **not** think it is inappropriate or unreasonable for any Council Member to question that kind of purchase and to make sure there are policies in place." Ms. Belpulsi seconded the motion.

VOTE: Agenbroad, Yes; Chmiel, Abstain; Parise, Yes; LaDu, Yes; Belpulsi, Yes. [APPROVED 4-0-1]

ITEM 5. PRESENTATIONS: No Presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 5:30 PM tonight which began with a report from Project Leader Mark Morris of the Miami University Center for Public Management and Regional Affairs regarding the Citizen Satisfaction Survey for approximately 38 minutes followed by a 42 minute discussion of the following legislation as well as other matters before the City.

- 1) **EMERGENCY ORDINANCE: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR VILLAGE PARK, PHASE I DEVELOPMENT 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 a record plan for Village Park, Phase I Development. Staff recommends proceeding with the first and second readings of this ordinance, but suspending the third reading until the subdivider's agreement and performance bond are submitted by the developer. This record plan is for the west side of N. Main Street opposite Remick Blvd. in the Village Park Development. This phase contains seven acres all of which is the right-of-way along Gardner Road, Village Park Boulevard, Anna Drive, and SR 741.

No action required at this time.

- 2) **EMERGENCY ORDINANCE: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE COVE AT SETTLERS WALK SUBDIVISION, SECTION THREE, 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 a record plan for The Cove at Settlers Walk Subdivision, Section Three. Staff recommends proceeding with the first and second readings of this ordinance, but suspending the third reading until the water system capacity, subdivider's agreement, and performance bond are submitted by the developer. This section is located at the northeast corner of Lytle Five Points Road and Settlers Walk Boulevard, and is the third and final section to be built in The Cove Subdivision. Section Three contains approximately 3.6 acres of which 3.1 acres are contained in 14 lots with 0.5 acres in the right-of-way. This plan was presented by Kleingers and Associates and was approved by the Planning Commission on June 25, 2008.

No action required at this time.

- 3) **RESOLUTION R-08-33:** "A RESOLUTION ACCEPTING THE CONVEYANCE OF 1.748 ACRES OF LAND TO THE CITY OF SPRINGBORO FROM VARIOUS PROPERTY OWNERS FOR THE PROJECT WAR-75-3.40, THE PENNYROYAL BRIDGE PROJECT OVER INTERSTATE 75," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution accepts the conveyance of 1.748 acres of land from various property owners for the Pennyroyal Bridge Project over I-75. The Ohio Department of Transportation has new criteria for the height of their bridges, and as a result will be replacing the Pennyroyal Bridge. This project will begin sometime this year, and will allow for better clearance for interstate traffic such as trucks. ODOT requires this land for the project and will then convey the land to the City of Springboro. The following property will be accepted for this project: 0.894 Acres from Anna Lee B. Russell, Trustee & Wayne W. Russell, Trustee, 0.289 Acres from William E. Wilson, 0.227 Acres from David A. & Michel Neeley, 0.238 Acres from Willard Bernard, Jr. & Georgia Bernard, 0.100 Acres from Mary Wright, AKA Mary L. Wright.

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

Mr. Parise motioned to adopt Resolution R-08-33. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes; Belpulsi, Yes. [APPROVED 5-0]

- 4) **RESOLUTION R-08-34:** "A RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN A JOINT APPLICATION FOR AN OHIO LOCAL GOVERNMENT SERVICES AND REGIONAL COLLABORATION GRANT THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City's participation in a joint application for an Ohio Local Government Services and Regional Collaboration Grant through the Ohio Department of Development. The request to participate in this grant application came through the Miami Valley Communications Council to collectively apply for a government-owned fiber optic telecommunications cable to be used in the development of a regional broadband telecommunications network primarily to be used as an economic development tool for the eight member cities of the MVCC. The City of West Carrollton has volunteered to seek the funding and be the fiduciary agent for this project. This simply authorizes Springboro to be a participant in the application for that funding. A number of communities are applying for these funds with joint resolutions because it is something that the State is trying to promote as regional collaboration. The grant is usually based on the number of jurisdictions that are participating. There are eight member cities in the MVCC participating in this grant, which is the maximum, and the group could receive up to \$80,000.00 in funding.

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

Mr. Chmiel motioned to adopt Resolution R-08-34. Mr. LaDu seconded the motion.

No discussion.

VOTE: Belpulsi, Abstain; Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes. [APPROVED 4-0-1]

- 5) **RESOLUTION R-08-35:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALLIED TECHNICAL SERVICES, INC. TO REPLACE THE THREE (3) EXISTING CONTROL VALVES FOR HIGH SERVICE PUMPS #1, #2 AND #3 AT THE WATER TREATMENT PLANT," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manager to enter into an agreement with Allied Technical Services, Inc. to replace the three existing control valves for high service pumps #1, #2, and #3 at the Water Treatment Plant. The City's Public Works Director Barry Conway has recommended this legislation to replace the three existing control valves at the Water Treatment Plant with 12" Golden Anderson Air Cushioned Swing Check Valves. The inability to maintain the existing valves and excessive repair costs associated with the valves made it more practical to replace all three valves at once at a cost savings. Allied Technical Services, Inc. bid \$48,735.00 and Hydro Controls, Inc. bid \$58,125.00. The recommendation is to accept the bid from Allied Technical Services.

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

Mr. Parise motioned to adopt Resolution R-08-35. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes; Belpulsi, Yes. [APPROVED 5-0]

- 6) **RESOLUTION R-08-36:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HASLER FINANCIAL SERVICES, LLC FOR THE LEASE OF AN IM440 POSTAGE METER AND A M3003 FOLDER/INSERTER MACHINE," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manager to enter into an agreement with Hasler Financial Services, LLC for the lease of an IM440 Postage Meter and an M3003 Folder/Inserter Machine. The existing Postage Meter is at the end of its useful life, and the lease of the new postage meter would be a replacement lease. Hasler Financial Services will allow the City to eliminate the old lease and replace it with the new lease because the City will also be leasing a Folder/Inserter Machine from the company. With the new finance software system, community residents will notice that their water bills have changed significantly. The City will no longer send post cards, which will be replaced with an 8.5x11 sheet of paper showing a water usage chart, which graphs the customer's water usage over the past 12 months in addition to the billing information. Due to the new billing format and the number of utility accounts –the City has in excess of 7,000 accounts– the Finance Director has requested that the City lease the Folder/Inserter Machine, which can also be used by the Tax Department and the Accounts Payable Department. Again, the City has over 7,000 accounts in the utilities billing system, and to manually fold and insert 7,000 envelopes would be a very inefficient use of staff time. Staff requests that this lease be approved.

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

Mr. LaDu motioned to adopt Resolution R-08-36. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes; Belpulsi, Yes. [APPROVED 5-0]

ITEM 7. REPORTS:

Mayor's Report – Mayor Agenbroad attended a ribbon cutting ceremony this evening for Dr. Gandhi's new office building on SR 741, and welcomed Dr. Gandhi to the community. Prior to that event, Mayor Agenbroad attended the Senior Meeting of 50 and older. The next Senior Meeting is August 21 from 2:30-4:30 PM with entertainment at Clearcreek Christian Assembly. The last two dates of the Concerts in the Park Series at North Park Amphitheater are July 22 and 29. The 3rd U.S. District Representative Office Hours are scheduled for Friday, July 25, 1:00-2:00 PM in Council Chambers. In addition, City Council will hold a Special Meeting on Thursday, July 31, 2008 at 5:30 PM in Council Chambers. The next City Council Work Session will be held on Thursday, August 7, 2008 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, August 7, 2008 at 7:00 PM in Council Chambers, as scheduled. All meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro, unless otherwise posted.

City Manager's Report – The City's Springboro Friends and Family Event will be held tomorrow evening, Ms. Thompson explained that this program started three years ago by which the City employees raise money and contribute their own money to help each other. The City collects money throughout the year through a payroll deduction for the Springboro Friends and Family Program; each employee that joins the program has to contribute between \$1.00-\$5.00 per pay period. The City is currently collecting over \$5,800.00 per year from the employees. The program did not qualify for a 501.c3 status; therefore, employees are making non tax-deductible contributions. The purpose of the program was initiated three years ago when City employee Denise Payne's two-year old child was diagnosed with a rare form of cancer. While trying to determine how the City could help the Payne family, the City created this fundraising event to help each other and the people in our community that we work with everyday. In the past year, this program has helped a number of employee families such as Lieutenant Wheeler. While serving in Iraq, the City helped Lieutenant Wheeler's family with support. The City also suffered the loss of the Mechanic and was able to help his widow with some financial assistance. Ms. Thompson commented that this is an important event to the City, and she is very proud of the staff and very thankful to City Council for letting the City have this program. Ms. Thompson added that many of the Council Members would be at the event tomorrow night, and she wanted to say how much she appreciates it.

Committee Reports –

Mr. LaDu – No reports.

Mr. Parise – Park Board Concerts in the Park – Mr. Parise reported that the Park Board meeting scheduled for July was canceled, but he attended the Concerts in the Park on Tuesday evening. Mr. Parise commented that The Kim Kelly Orchestra was playing and he enjoyed the music and so did the crowd. Mr. Parise further commented that he worked the crowd and got some input, and several people said that this was the best band they had heard there in several years. Mr. Parise stated that he would like to add kudos to The Kim Kelly Orchestra for their fine show and to thank the Park Board for making an excellent choice.

Mr. Chmiel – Planning Commission – The Planning Commission met in Work Session on Wednesday, July 9 at 7:00 PM in Council Chambers to review the following items: Final Development Plan – Richards Run Planned Unit Development-Mixed Use, southeast corner East Central Avenue (SR 73) and South Richards Run Road, proposed office building; Final Development Plan – Stolz Industrial Park Planned Unit Development, south end Advanced Drive, proposed manufacturing facility. The next Planning Commission meeting will be held on Wednesday, July 30, 2008 at 7:00 PM in Council Chambers, as scheduled.

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 Bastion Inc. dba Roosters, 257 W. Central Ave., Springboro, Ohio 45066 bearing the number 05039790005. The Liquor License is for Permits D-5 and D-6 – Night Club Permit, and Sunday Sales. 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. LaDu seconded the motion.

No discussion.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes. [APPROVED 5-0]

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Belpulsi commented that she wished to make a clarification regarding her abstention from voting on Legislative Item 4, a Resolution to participate in a joint application for an Ohio Local Government Services And Regional Collaboration Grant. Ms. Belpulsi explained that she neglected to mention during the Work Session that she would be abstaining from the vote on that resolution because the process was initiated through the Miami Valley Communications Council. Ms. Belpulsi works for the MVCC and abstained from the vote to avoid any conflicts of interest.

ITEM 10. GUEST COMMENTS. 1) Marty Heide, 7861 Dearpath Court, Springboro – Ms. Heide introduced herself as the Warren County Outreach Coordinator for Congressman Mike Turner representing the 3rd U.S. District. Ms. Heide provided an update from the Congressional Office as follows: Two items were presented. The first item was a reminder regarding the economic stimulus package checks. Warren County has 2,183 individuals that have not filed and of those people 1,545 are over 65. A lot of senior citizens are still not aware that they need to file a 1040Z Form by October 15, 2008 in order to receive their check. Springboro has 137 individuals that have not filed, who are eligible to file, 99 of which are over 65. The second item is a program that Congress Turner has for young men and women graduating from high school and desiring to enter one of the five military service academies, Air Force Academy in Colorado Springs, U.S. Military Academy in West Point, Merchant Marine Academy in Kings Point, Coast Guard Academy in New London, and Naval Academy in Annapolis. Congressman Turner is allowed five individuals to attend each one of the academies at one time. This opportunity is available to any young man or woman interested in attending on of the academies under the following criteria: they must be single, they must not have to support anyone, and they must not be pregnant. An applicant must have a nomination from their Congressional Representative from either Senator Brown or Senator Voinovich in order to be considered by the Military

Academy. Congressman Turner has an application process, which includes an application, a 500 word essay, three letters of reference, high school transcripts, and a photograph due at the Congressman's office on October 15 by 5:00 PM; applications are no longer accepted at 5:01 PM. The Congressman's office hosts Academy Day in Springboro every April for interested applicants. This year's attendance was about 90 people; which was a good attendance. Again, they make the deadline of October 15 at 5:00 PM very clear to all applicants. This opportunity to attend one of the academies on a Congressional nomination is a free education valued at approximately \$250,000.00 and is a huge honor, and an honor for Congressman Turner to be able to provide a nomination. The commitment is great; it is a five-year commitment once you graduate plus five years of service following graduation. The Dayton District Office can be called for specifics regarding the application process, and they are receiving applications now. In November, Congressman Turner has appointed an Academy Review Board and will hold interviews at Springboro High School. The interviews are conducted by four individuals; it is a 20-minute interview. The announcements regarding the nominations are made on December 31. Ms. Heide commented that they get some absolutely fantastic individuals applying from all over the district. She added that applicants have to be athletic, show scholastic ability, and show community service on their application i.e. they are looking for well-rounded individuals because military academies have physical and academic regimens that must be met. Finally, Ms. Heide commented that if anyone has any questions and would be interested in serving on the Academy Review Board, please let her know; they need about 20 people.

Ms. Heide offered to answer any questions. There were no questions.

Mayor Agenbroad thanked Ms. Heide for her comments and asked her to give Mr. Pozzuto the information regarding the economic stimulus program filing deadline for the upcoming City newsletter.

Mayor Agenbroad asked if there were any other guests that wished to be heard to please come to the podium and state their name and address 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 scheduled rebroadcasts of this Springboro City Council Meeting.

Mr. Chmiel motioned to adjourn the meeting; whereby, the Thursday, July 17, 2008 Springboro City Council Regular Meeting was adjourned at approximately 7:24 PM. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes; Belpulsi, Yes. [APPROVED 5-0]

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council