

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 11, 2009

@ 6:00 PM

COX ARBORETUM METROPARK
FIFTH THIRD CONFERENCE CENTER

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor
Marie Belpulsi
Sheila Lairson

Scott Anderson
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

Steve Stanley, Executive Director of the Montgomery County Transportation Improvement District (TID) introduced himself and welcomed everyone in attendance. Mr. Stanley announced that the purpose of this meeting was to hold a Public Hearing regarding the creation of the Austin Center Joint Economic Development District. This meeting will be a meeting of four local governments that will conduct a simultaneous Public Hearing and three of the four local governments will convene their Regular Meetings to take action tonight. Before Mr. Stanley began his presentation, he allowed each of the four local governments in attendance to convene their Regular Meeting in the following order: Montgomery County, City of Miamisburg, Miami Township, City of Springboro.

ITEM 1. CALL TO ORDER. Deputy Mayor Chmiel called the Springboro, Ohio City Council Regular Meeting to order on Thursday, June 11, 2009 at 6:00 PM at Cox Arboretum Metropark, Fifth Third Conference Center, 6733 Springboro Pike, Dayton, Ohio.

ITEM 2. PLEDGE OF ALLEGIANCE. Council dispensed with the Pledge during these proceedings.

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

Deputy Mayor Chmiel declared the Springboro City Council Regular Meeting now in session.

Mr. Stanley asked if there were any other actions required by each local government to begin the Public Hearing? At this time, each local government officially opened the Public Hearing in the following order: City of Miamisburg, Montgomery County, Miami Township, City of Springboro.

Deputy Mayor Chmiel declared the City of Springboro City Council Public Hearing open:

Mr. Stanley confirmed that the Public Hearing was officially open with all four local governments in attendance. Mr. Stanley stated that anyone that wishes to testify during the Public Hearing, including Mr. Stanley, will have to be sworn in. A member of the County Prosecuting Attorney's Office was in attendance to oversee the procedural aspects of the meeting and to administer the oath. Mr. Stanley asked that anyone

wishing to testify or present information tonight during this Public Hearing, please stand to be sworn in. The following oath was administered:


"Raise your right hand. Do you swear that the testimony you are about to give is the whole truth and nothing but the truth so help you God?" "Yes." Instruction: "When testifying, please state your name and address for the record and state that you were sworn in."

PUBLIC HEARING

THE COUNCIL OF THE CITY OF SPRINGBORO HELD A PUBLIC HEARING AT THE COX ARBORETUM METROPARK, FIFTH THIRD CONFERENCE CENTER, 6733 SPRINGBORO PIKE, DAYTON, OHIO, ON JUNE 11, 2009, AT 6:00 P.M. OR AS SOON AFTER AS THE MATTER WAS REACHED. THIS HEARING WAS TO ALLOW FOR PUBLIC COMMENT AND RECOMMENDATIONS ON THE PROPOSED AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT TO BE CONSIDERED FOR APPROVAL BY THE COUNCIL OF THE CITY OF SPRINGBORO AND THE AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT TO BE CREATED BY THAT CONTRACT.


Mr. Stanley again introduced himself as the Executive Director of the Montgomery County Transportation Improvement District (TID). Mr. Stanley stated that he has been sworn in and would conduct the initial presentation to describe briefly what is proposed tonight in terms of a Joint Economic Development District (JEDD) among the four local governments at Austin Center. Mr. Stanley was the first to testify on the subject of the Public Hearing with a PowerPoint presentation regarding the Austin Center JEDD and Contract as follows:

<p>Austin Center Joint Economic Development District</p> <p>Public Hearing June 11, 2009 Cox Arboretum & Gardens MetroPark</p>	<p>Austin Center JEDD - Agenda</p> <ul style="list-style-type: none">• Open Public Meetings• Public Hearing<ul style="list-style-type: none">– Overview of Proposed JEDD Legislation– Public Questions & Comments– Close Hearing• Miamisburg City Council Meeting• Miami Township Trustees Meeting• Springboro City Council Meeting• Adjourn	<p>Austin Center JEDD - History</p> <ul style="list-style-type: none">• Cooperative Financing Agreement in 2005<ul style="list-style-type: none">– Agreement to form JEDD among Miamisburg, Miami Township & Springboro– Intent to include only unincorporated area• Memorandum of Understanding in 2008<ul style="list-style-type: none">– Form JEDD among Miamisburg, Miami Township, Springboro, & Montgomery County– Intent to include property from incorporated & unincorporated area
<p>Austin Center JEDD - Definition</p> <ul style="list-style-type: none">• Joint Economic Development District<ul style="list-style-type: none">– Unit of local government formed by action of two or more local governments– Purpose is to facilitate economic development & improve economic welfare• Montgomery County JEDDs<ul style="list-style-type: none">– Miami Township/Dayton JEDD– Butler Township/Dayton JEDD– Miami Township/Miamisburg JEDD	<p>Austin Center JEDD - Structure</p> <ul style="list-style-type: none">• Four Contract Members<ul style="list-style-type: none">– City of Miamisburg– Miami Township– City of Springboro– Montgomery County• Governed by Five Member Board<ul style="list-style-type: none">– One appointed by each Contract Member– One appointed by majority of four appointees	<p>Austin Center JEDD - Operations</p> <ul style="list-style-type: none">• Board Meetings<ul style="list-style-type: none">– Public meetings at least quarterly– Notice to all Contracting Parties– Quorum is 4 members except for 5 vote requirements• Voting<ul style="list-style-type: none">– Actions require at least 4 approving votes– Significant actions require 5 approving votes

<h3>Austin Center JEDD - Powers</h3> <ul style="list-style-type: none"> JEDD Board has broad powers <ul style="list-style-type: none"> Levy income tax Make contracts, provide services, accept grants, etc. Municipal Contract Members may exercise their powers within unincorporated JEDD <ul style="list-style-type: none"> Miami Township must request & agree JEDD Board must request & agree Municipality must agree 	<h3>Austin Center JEDD - Territory</h3> <ul style="list-style-type: none"> Creating initial "placeholder" JEDD <ul style="list-style-type: none"> ORC authority for County membership expires June 30 Broad tax sharing tied to County membership Territory entirely in Montgomery County Initial territory parcels owned by Township & TID 	
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<h3>Austin Center JEDD - Territory</h3> <ul style="list-style-type: none"> Parcels added to JEDD territory only after unanimous approval of Contract Members Contracting Members evaluate and revise, as appropriate, revenue sharing formula as new parcels are added No agreement to change carries forward existing formula 	<h3>Austin Center JEDD - Sharing</h3> <ul style="list-style-type: none"> Revenue from territory of Initial JEDD shared by original Interchange Formula <ul style="list-style-type: none"> Miamisburg 22.267% Miami Township 57.166% Springboro 20.567% Includes income taxes and hotel/motel lodging taxes 	<h3>Austin Center JEDD - Tax</h3> <ul style="list-style-type: none"> JEDD Board will adopt 1.75% income tax Miamisburg & Springboro will credit JEDD income tax Miamisburg will collect income taxes 3% local lodging taxes from JEDD territory distributed by formula Portion of county 3% lodging tax from JEDD territory may go to JEDD
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<h3>Austin Center JEDD - Cities</h3> <ul style="list-style-type: none"> Miamisburg & Springboro income tax "protected" Guaranteed to receive minimum of income tax that would have been generated from parcels inside municipal boundaries if not added to JEDD Use 1.75% for calculation 	<h3>Austin Center JEDD - Budget</h3> <ul style="list-style-type: none"> 95% of JEDD revenue distributed to Miamisburg, Miami Township & Springboro 5% of JEDD revenue stays with JEDD Annual budget process by JEDD Board Each Contract Members contributes \$10K for JEDD start up expenses 	<h3>Austin Center JEDD - Econ Dev</h3> <ul style="list-style-type: none"> Initial development on Northeast Quadrant \$10 million infrastructure investment from County \$6 million infrastructure investment from Miami Township To be based on a Phase 1 Master Development Agreement with RG Properties
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<h3>Austin Center JEDD - Econ Dev</h3> <ul style="list-style-type: none"> Future development in other quadrants to follow additional phases of Master Development Agreement Miamisburg not required to make infrastructure investment commitment at this time Springboro not required to make infrastructure investment (other than current Consent Decree) at this time 	<h3>Austin Center JEDD - Misc</h3> <ul style="list-style-type: none"> Term is 9/1/09 - 12/31/60 No annexation during term of Contract 	
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Mr. Stanley concluded his presentation by offering to answer any questions. There were no questions asked at this time.

Mr. Stanley stated that if anyone wishes to testify, they must state their name and address for the record and state that they have been sworn in. Mr. Stanley also stated that there is a form to document persons wishing to testify and to please write their name and address on the form.

1) Greg Smith, Oberer Company, 9080 Springboro Pike, Miami Township, Ohio – Mr. Smith asked three questions regarding the actual commitment of funds to the JEDD as follows: Mr. Smith commented that based on the newspaper article, \$16M is being committed to the northeast quadrant. 1) Mr. Smith would like to know if all of the funds being committed to that quadrant are going toward public infrastructure improvements and not private improvements? 2) Mr. Smith would like to know how those funds are being guaranteed, i.e.

through general obligation bonds or some sort of agreement with the developer? 3) Mr. Smith would like to know why the northeast quadrant was funded before the Byers Road extension was funded?

Mr. Smith was asked to confirm that he had been sworn in. Mr. Smith stated that he was sworn in.

Mr. Stanley stated that Mr. Smith's first question was concerning the infrastructure investments that are called for in the agreement on the northeast quadrant. The question was, are those funds all for public infrastructure, and the answer is yes, at least that is what the agreement calls for.

Mr. Stanley stated Mr. Smith's second question was how those dollars are backed or guaranteed. He will answer that question in two ways. The first is that they do not know because some of that money is subject to full development of the master development agreement, which may justify conditions that we do not yet know. What is intended, however, in the Township's case, is that it is Tax Increment Financing (TIF). TIF revenue from that property would be used to support the infrastructure development that would then promote the development itself. In Montgomery County's case, the agreement calls for any funds that the County is able to receive from the State or Federal governments to support that infrastructure development plus the percentage applicable to the amount of the eventual sales tax that we are able to identify being generated from within the boundaries of the development itself, which is the source of revenue.

Mr. Smith asked if that source of revenue does not come from the General Fund? Mr. Stanley stated that some of the details have not developed as of yet. Obviously, the County's pledge would be non-tax revenues and would not be General Fund revenues. The Township's pledge would be Tax Increment Financing.

At this time, Deborah Feldman, Montgomery County Administrator, was sworn in to speak. Ms. Feldman stated that with respect to public funds, she wanted to make sure that it was clear that a significant portion of the investment would be for public infrastructure, but a portion would also be for parking. And, the amount of non-tax revenue pledged would be General Fund.

Mr. Stanley stated that the third question is why the northeast quadrant was funded before the Byers Road Extension. Mr. Stanley answered that the Byers Road Extension is still planned to be carried out on the same general schedule as the Interchange Project. From a practical standpoint, the Byers Road Project is running a little bit behind the Interchange Project. Until the Interchange is built, it is not likely that we are going to see development on the northwest corner and that was the judgment of both local governments and the master developer. The second answer to the question as to why the master development agreement or the developer's preference is the northeast quadrant is, that is the quadrant that we expect to be able to successfully develop first.

Mr. Stanley asked if there were any other questions? Mr. Stanley reiterated that if anyone had comments to please come forward and be sworn in, if necessary. Mr. Stanley confirmed that there were no other questions or comments and concluded the Public Hearing. Mr. Stanley instructed that if each body has an action it is required to take either to terminate or close the Public Hearing, the same order would be followed.

Montgomery County closed the Public Hearing and adjourned their meeting. The City of Miamisburg closed the Public Hearing, but will continue their Regular Meeting. Miami Township closed the Public Hearing, but will continue their Regular Meeting.

Deputy Mayor Chmiel declared the City of Springboro City Council Public Hearing closed, and will continue the Regular Meeting.

Mr. Stanley confirmed that the three local governments were in open public session. Mr. Stanley stated that it is anticipated that all three local governments will consider action on the resolution to adopt the recommended agreement with the attached exhibits concerning the economic development of the Austin Center JEDD and Contract. The three local governments proceeded with their Regular Meetings in the following order: City of Miamisburg, Miami Township, City of Springboro.

The City of Miamisburg adopted a resolution to create the Austin Center Joint Economic Development District unanimously and Mayor Dick Church made the following comments: Mayor Church thanked all of the jurisdictions, Springboro, Miami Township, Montgomery County, and the Miamisburg City School District, which is also part of the JEDD. Mayor Church stated that he has been around local government for a long time and there are communities that talk regional cooperation, but they need to take a lesson from the jurisdictions just named. Mayor Church stated that we do not talk it; we do it, and it is going to benefit all of our communities in the years ahead. Mayor Church further stated that all of the officials and jurisdictions are to be complemented, especially Steve Stanley who has been leading this effort for the last several years. Again, Mayor Church thanked Mr. Stanley and all of the jurisdictions involved stating that this is a historic occasion and one that is going to benefit our communities for the years ahead.

Miami Township adopted a resolution to create the Austin Center Joint Economic Development District unanimously and Miami Township Board of Trustees President Deborah Preston made the following comments: Trustee President Preston thanked the City of Miamisburg especially in regard to the JEDD. Ms. Preston stated that it has been about three years in the making and they are excited to be a part of it. Ms. Present again thanked everyone for their cooperation and they look for many years of continued cooperation with both the City of Miamisburg and the City of Springboro.

At this time, the City of Springboro continued its Regular Meeting as follows:

Deputy Mayor Chmiel commented that Mayor Agenbroad was not able to preside over tonight's meeting due to out of town business, and asked for a motion to excuse Mayor Agenbroad.

Ms. Belpulsi motioned to excuse Mayor Agenbroad from the meeting. Mr. LaDu seconded the motion.

VOTE: Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes. [6-0]

ITEM 4. APPROVAL OF MINUTES: No Minutes were submitted for Approval.

ITEM 5. PRESENTATIONS: No Presentations.

ITEM 6. LEGISLATION: Deputy Mayor Chmiel commented that Council conducted a Public Hearing at 6:00 PM to receive public comment and recommendations concerning the following legislative item in regard to the Austin Center JEDD.

- 1) RESOLUTION R-09-36:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AUSTIN CENTER JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BETWEEN THE CITY OF MIAMISBURG, MONTGOMERY COUNTY, MIAMI TOWNSHIP, AND THE CITY OF SPRINGBORO," was read by the Clerk of Council. Ms. Thompson commented on this legislation as follows:

The purpose of this legislation is to create the contract for the Austin Center Joint Economic Development District (JEDD). The City of Springboro feels very strongly that this district will be a huge benefit to the local jurisdictions, but also to the entire region. We encourage City Council to pass this legislation tonight. As the other jurisdictions have, the City of Springboro has been through many sessions to discuss the value of this legislation, and staff does recommend approval.

Deputy Mayor Chmiel presented the item for questions/comments. No questions/comments.

Deputy Mayor Chmiel asked for a motion to adopt the Resolution.

Mr. LaDu motioned to adopt Resolution R-09-36. Mr. Parise seconded the motion.

No discussion.

VOTE: LaDu, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes. [6-0]

ITEM 7. REPORTS: Mayor's Report – The June 18 City Council Meetings have been canceled due to tonight's Regular Meeting. The Finance Committee Meeting scheduled for June 18 has also been canceled. The next City Council Meetings will be held on Thursday, July 2, 2009 beginning with the Work Session at 6:00 PM followed by the Regular Meeting 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 – No report.

Committee Reports –

Mr. LaDu – No report.

Mr. Parise – No report.

Ms. Lairson – No report.

Mr. Anderson – No report.

Ms. Belpulsi – No report.

ITEM 8. OTHER BUSINESS. No Other Business.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Deputy Mayor Chmiel commented that the City of Springboro is very pleased to be able to join in this agreement with all of its partners, and he would also like to give special thanks on behalf of Springboro to City Manager Chris Thompson and Law Director Alan Schaeffer, who worked really hard on the City's behalf. Deputy Mayor Chmiel further commented that Springboro is really happy to be a part of this project, and stated that Mayor Church was right; it is quite a historic event for all of us.

ITEM 10. GUEST COMMENTS. No Guest Comments.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

ITEM 12. ADJOURNMENT. With no further business or discussion, Deputy Mayor Chmiel adjourned the Thursday, June 11, 2009 Regular City Council Meeting at approximately 6:45 PM.

Final comments of Steve Stanley, Executive Director of the Montgomery County Transportation Improvement District:

Mr. Stanley commented that it is his pleasure to work with all of the jurisdictions and do the really terrific things they have done over the last six years. As difficult as some of these tasks have been and will be, with even more difficult ones as we go forward with this project, we are going to keep getting this project done because all of you made this happen. Mr. Stanley introduced the primary attorney who did most of the drafting, Michael Booth of Sebalby Shillito & Dyer. Instructions: Both sets of agreements for the Dayton Mall JEDD (Miamisburg) and the Austin Center JEDD are available tonight for the signature of all parties required to sign. Do not leave without signing the agreements. Thank you.

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council