

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

CITY COUNCIL WORK SESSION

THURSDAY, JUNE 17, 2010

6:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor      Marie Belpulsi  
Tom LaDu                              Sheila Lairson  
Bruce Moore                          David Vomacka

CITY STAFF

Chris Thompson, City Manager  
Chris Pozzuto, Assistant City Manager  
Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

- ITEM 1.** **CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, June 17, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.
- ITEM 2.** **ATTENDANCE.** Council: All present. Staff: Ms. Thompson, Mr. Pozzuto, Mr. Schaeffer, and Ms. Martin were present.
- ITEM 3.** **LEGISLATIVE AGENDA.** –Six legislative agenda items were reviewed for the June 17 Regular Meeting.

**MOTION: TO ADOPT THE "2011" TAX BUDGET.** Mayor Agenbroad reminded Council that a motion would be in order to adopt the "2011" Tax Budget at tonight's Regular Meeting.

- 1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT-OF-WAY DEDICATION OF A PORTION OF PENNYROYAL ROAD, AND DECLARING AN EMERGENCY.

No discussion.

- 2) **ORDINANCE: THIRD READING.** AN ORDINANCE TO AUTHORIZE THE CITY OF SPRINGBORO TO FORMALLY ADOPT THE BOUNDARIES OF THE AUSTIN LAND USE & DEVELOPMENT PLAN.

Mr. Vomacka stated that he would vote "no" on this legislation at tonight's Regular Meeting.

- 3) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING SECTION 880.11(a), COLLECTION OF UNPAID TAXES; REFUNDS OF OVERPAYMENTS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, AND AMENDING SECTIONS 1042.18(a) AND 1042.18(c), PAYMENT OF BILLS; PENALTY SURCHARGES; DISCONTINUANCE OF SERVICE; APPLICATION OF RATES, CHAPTER 1042, WATER, AND AMENDING SECTION 1044.14(a) PAYMENT OF BILLS; DELINQUENCY; PENALTY SURCHARGES AND SECTION 1044.15, DELINQUENCIES; COLLECTION; TERMINATION OF SERVICE, CHAPTER 1044, SEWERS, AND AMENDING SECTIONS 1050.04(b) AND 1050.04(c), RATES AND COLLECTION OF CHARGES, CHAPTER 1050, STORM WATER, TITLE FOUR – UTILITIES, AND AMENDING SECTION 1062.06(c), RATES; BILLING AND SECTION 1062.07,

**DELINQUENCY; COLLECTION, CHAPTER 1062, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, TITLE SIX – OTHER PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.**

Ms. Thompson commented that there is a simple change to this legislation, which alters the minimum that is charged by the City for the collection of delinquent payments by a collection agency. Ms. Thompson explained that, rather than charging for collection fees from a minimum of 25% to 50%, there would no longer be a minimum fee. The City can pass on any collection agency fees to the delinquent payer, but cannot charge in excess of those fees.

Mayor Agenbroad confirmed that the legislation initially proposed a minimum fee of between 25% and 50%; the legislation currently proposes no minimum fee, but simply "up to an additional 50% of the delinquent amount." Mayor Agenbroad confirmed that this change does not require a formal amendment to the legislation.

Ms. Thompson confirmed by stating that the change has been proposed prior to the third reading.

Referring back to Legislative Item 2, Ms. Belpulsi asked if the City had any more information in regard to why Oberer, the property owners, want to be part of the Austin Land Use Plan. Ms. Thompson replied no, she has no additional information other than what has been previously discussed.

Ms. Lairson asked if the City would receive any tax revenue generated from businesses developed on the Oberer property. Ms. Thompson replied no, the City would not share the tax revenue from any of the properties. Ms. Thompson explained that the JEDD (Joint Economic Development District) includes only right-of-ways and one parcel in Miami Township.

Mr. LaDu clarified that only property is the right-of-way is part of the JEDD and subject to revenue sharing. Ms. Thompson replied yes.

- 4) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING SECTIONS 880.07(a)(3) and 880.07(a)(4), DECLARATIONS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

No discussion.

- 5) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING SECTION 230.03, CONTRACTING AUTHORITY AND PROCEDURES, CHAPTER 230, ADMINISTRATION CODE, TITLE SIX, ADMINISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A DRUG USE PREVENTION GRANT (FORMALLY KNOWN AS THE DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM) APPLICATION AND TO ENTER INTO AN AGREEMENT WITH OHIO ATTORNEY GENERAL RICHARD CORDRAY, TO CONTINUE THE "DARE" PROGRAM IN THE SPRINGBORO CITY SCHOOLS FOR THE 2010-2011 SCHOOL YEAR.

Chief Kruihoff will comment on this resolution regarding the DARE grant application at tonight's Regular Meeting.

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

**Springboro Citizens Academy Program:** Ms. Thompson referred to the Citizens Academy information she redistributed to Council for review. Ms. Thompson commented that if there are no objections staff would like to advertise the program and hold the first class in October (October 23.) Ms. Thompson also commented that she considered all of the input she received from

Council and incorporated it into the program format. She added that, although this program will be for adults, they will speak to the schools in regard to having a separate class for students to earn government credits or service credits.

Ms. Lairson asked if the City would let the school government classes know about this program, as well. Ms. Thompson replied no, the program is proposed for citizens 18 years and older. Ms. Thompson explained that during one of the staff dialogues regarding this program they agreed that it would be good to speak to the schools regarding a separate class for government students. The proposed program is designed for about 15 citizen participants and they did not want the program to become a school function. Ms. Thompson also mentioned that there is a requirement for students to complete 30 hours of community service and staff was afraid this program would become a way for students to fulfill that requirement. Ms. Thompson reiterated that they do want to talk to the schools about offering this program to students, but offering a separate version of the program that would not be combined with the program for residents. Ms. Thompson reiterated that staff was concerned that this program would be used by students to earn their 3-hours of required community service. She added that staff does not mind filling that requirement if the City can offer a program exclusively for the students and the teachers can dictate who attends the program.

Ms. Belpulsi commented that she thinks the program is a really good idea. Ms. Belpulsi further commented that the City used to sponsor a program with the schools that included a mock City Council Meeting in which high school students participated for a day.

Mr. Schaeffer added that in the Huber Heights School District the government teacher requires students to attend one Council meeting during the course of the year.

Ms. Thompson commented that staff would proceed with advertising and scheduling the program if there were no other comments. There were no other comments.

**Springboro Pointe Shopping Plaza Fire Lane/Parking Issues:** Ms. Thompson reminded Council that staff had a meeting with the business owners regarding parking issues at the Springboro Pointe Shopping Plaza on May 25. City Traffic Engineering Consultant Scott Knebel along with Lieutenant Vecchi from the Fire Department took measurements at the plaza and issued a report today, which outlines some remedies for the drop off/pick up parking issues that they think will work and will not be too costly. They have not been in touch with the property owner as of yet; the property owner was not at the meeting with the business owners and the City has not communicated with him, which is critical to resolving these issues. Ms. Thompson has asked the Fire Department to comment on Mr. Knebel's report and they are in agreement with his recommendation, which essentially turns the median along the west side of the shopping center into a parallel parking area for loading and unloading with a 5 minute limit. Ms. Thompson commented that this solution does not get the customer to the front door of any of the businesses; however, if the art store has to deliver a piece of artwork to a car or a person needs to get out of their car to walk a child into one of the businesses, five minutes would be sufficient. Ms. Thompson further commented that this solution would also involve a one-way traffic circulation pattern where drivers would circulate one way through the shopping center.

Ms. Lairson commented that the traffic needs to flow one way around the shopping center because of the backup that occurs near the entrance. Ms. Lairson further commented that the traffic should flow one way past the dry cleaners to line up to exit the shopping center.

Mr. Thompson thought Mr. Knebel did a nice job along with the Fire Department. Ms. Thompson explained that there is enough width between the store front and that first median to allow for the proposed parallel parking scenario and still have the fire lane as wide as the Fire Department requires. Ms. Thompson, Chief Kruithoff, Mr. Pozzuto, and Lieutenant Vecchi reviewed what Mr. Knebel submitted and were in agreement that it would work well. Ms. Thompson explained that the next step would be to talk to the businesses again and hopefully the property owner, as well. The new parking and traffic pattern will require quite a bit of different signage, but the City has a sign maker, and as long as Council approves, she has offered to have the City make signs to

help make this happen. However, the property owner will have to agree with the one way traffic pattern and potentially agree to a sidewalk strip along that median for people to utilize when stepping out of their cars. Ms. Thompson commented that part of the median is paved, but people continue to walk through the existing grass and landscaping. Ms. Thomson further commented that she thinks they have a good solution or a good start to helping the businesses get their customers closer to their doors for better service. Staff will meet with the business owners of the plaza again to see if the plan is agreeable and will work for them and to see if the owner will agree and to get a cost estimate for the changes to hopefully solve these parking issues. Ms. Thompson added that Mr. Knebel also had some suggestions for a delivery zone for the rear of the property where the fire lanes are located, but the Fire Department had already offered that suggestion to the property owner, but never received a response; they will try to open that discussion with the property owner again, as well. Ms. Thompson reiterated that staff will meet with the owners again, but she thinks they are going in a really good direction.

**Executive Session:** Ms. Thompson requested an Executive Session to discuss the purchase of the property.

**City Board and Commission Handbook:** Mr. Schaeffer commented that he, Ms. Thompson, and Ms. Martin met earlier this week to discuss the Board and Commission Handbook and an approach to dealing with that issue. Mr. Schaeffer requested that Council submit any input they have regarding the manual by the end of June. Mr. Schaeffer further commented that the plan is to move forward with the handbook before the first meeting in September. The Legal Committee meets the second meeting in September.

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

**Town Hall Meeting Date:** Ms. Martin commented that she would poll Council via e-mail in the near future regarding potential dates to hold a Town Hall Meeting in the fall. The dates being considered are September 21 or 28 or October 5 or 26.

**Bicycle & Pedestrian Advisory Committee:** Ms. Martin confirmed that Council received the three letters from applicants interested in serving on the Bicycle & Pedestrian Advisory Committee. The appointment to the Bicycle & Pedestrian Advisory Committee is scheduled for action at tonight's Regular Meeting.

**July City Council Meeting Schedule:** Ms. Martin noted that there is no business scheduled for the July 1 City Council Meeting at this time.

Mr. LaDu suggested canceling the July 1 meeting due to the lack of agenda items.

Mayor Agenbroad commented that with no business being brought forward on July 1, as in the past, Council will hold two meetings on July 15.

Council agreed to reschedule the July 1 meeting to July 15. Mayor Agenbroad stated that he would ask for a formal motion at tonight's Regular Meeting. Mayor Agenbroad further stated that the July 1 meeting would actually be rescheduled immediately prior to the July 15 Council Meeting in order to meet the two meeting per month requirement in the City Charter.

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

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

**Ms. Lairson** – No issues/reports.

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

**Mr. Moore** – No issues/reports.

**Mr. LaDu** – Mr. LaDu will present a Finance Committee Report at tonight's Regular Meeting under Reports. Also, Mr. LaDu made a correction to the June 3 Work Session Minutes as follows: The Minutes of the June 3 Work Session noted that Mr. Moore arrived at 5:04 PM rather than the correct time of 6:04 PM. Likewise, the Minutes of the June 3 Work Session incorrectly reflected an adjournment time of 7:30 PM; the correct adjournment time is 6:30 PM.

Ms. Martin will revise the minutes to reflect those corrections.

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

**Mayor Agenbroad** – Mayor Agenbroad will ask for a motion at tonight's Regular meeting to cancel and reschedule the July 2 meeting to July 15. In addition, Mayor Agenbroad reiterated that there would be a motion regarding the application for a liquor permit under Other Business. Mayor Agenbroad also stated that Council would need to consider a motion for appointment to the Bicycle & Pedestrian Advisory Committee at tonight's Regular Meeting.

At this time, Mayor Agenbroad asked for nominations for the appointment to the Bicycle & Pedestrian Advisory Committee.

Ms. Lairson nominated Darlene Ferris to serve on the Bicycle & Pedestrian Advisory Committee. Ms. Lairson commented that Ms. Martin had spoken with Ms. Ferris and she has expressed interest in serving on that committee.

Mayor Agenbroad asked if there were any objections to Ms. Lairson's nomination of Darlene Ferris. There were no objections.

Mayor Agenbroad stated that he would ask for a motion to appoint Darlene Ferris to the Bicycle & Pedestrian Advisory Committee at tonight's Regular Meeting under Other Business. (Ms. Ferris will fill an unexpired term ending December 31, 2011.)

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

**Executive Session:** At approximately 6:19 PM, Ms. Belpulsi motioned to enter Executive Session, under R.C.121.22(G), to discuss the purchase of property. Mr. LaDu seconded the motion.

No discussion.

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

With no objections, City Council exited Executive Session at approximately 6:53 PM; whereby, no votes were taken.

**ITEM 7. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the June 17, 2010 City Council Work Session at approximately 6:53 PM.

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

CITY COUNCIL REGULAR MEETING

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THURSDAY, JUNE 17, 2010

7:00 PM

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COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor      Marie Belpulsi  
Tom LaDu                              Sheila Lairson  
Bruce Moore                          David Vomacka

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CITY STAFF

Chris Thompson, City Manager  
Chris Pozzuto, Assistant City Manager  
Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

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**ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, June 17, 2010 at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

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

**ITEM 3. ROLL CALL.** Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Mr. Schaeffer, and Ms. Martin were present.

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF JUNE 3, 2010.

Mayor Agenbroad asked for a motion to approve the Minutes of the City Council Work Session and Regular Meeting of June 3, 2010, as corrected by Mr. LaDu at tonight's Work Session.

Mr. LaDu motioned to approve the Minutes of the City Council Work Session and Regular Meeting of June 3, 2010, as corrected. Mr. Vomacka seconded the motion.



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

**ITEM 5. PRESENTATIONS:** CHIEF ASSISTANT PROSECUTOR BRUCE MCGARY PRESENTED THE WARREN COUNTY PROSECUTOR'S OFFICE ANNUAL REPORT.

Chief Assistant Prosecutor Bruce McGary presented the Warren County Prosecutor's Annual Report to Council as follows: (A hardcopy of the report is filed with the Minutes for the record.)

### 2009 ANNUAL REPORT A REPORT FROM YOUR PROSECUTOR

**WAGNER COUNTY PROSECUTOR'S OFFICE**

**David Head**  
Prosecutor

**David Miley**  
Assistant Prosecutor

It has been an exciting year in the Prosecutor's Office. It has been a year of growth, change, and challenge. We have worked hard to improve our services to the community and to the courts. We have also worked hard to improve our internal operations. We have a lot to be proud of, and we look forward to continuing our work in the future.

Please contact us at 732-491-1343 for further information. A Prosecutor's Report goes to further information.

*David Head*  
Prosecutor

### COMMUNITY INVOLVEMENT

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### JUVENILE DIVISION

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### CIVIL DIVISION AND DELINQUENT TAX DIVISION

**CIVIL DIVISION AND DELINQUENT TAX DIVISION**

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**CHILD SUPPORT ENFORCEMENT DIVISION**

It has been an exciting year in the Prosecutor's Office. It has been a year of growth, change, and challenge. We have worked hard to improve our services to the community and to the courts. We have also worked hard to improve our internal operations. We have a lot to be proud of, and we look forward to continuing our work in the future.

Please contact us at 732-491-1343 for further information. A Prosecutor's Report goes to further information.

**THANK YOU FOR ALLOWING US TO SERVE YOU!**

Mr. McGary distributed the Prosecutor's Office bi-monthly newsletter to Council. (A copy of the Newsletter is filed with the Minutes for the record.) In addition, Mr. McGary mentioned that a lot of information is available on the Prosecutor's webpage on the Warren County website. Mr. McGary offered to answer any questions and stated that he appreciated the opportunity to present this report to Council and to the citizens of this community.

Mayor Agenbroad asked if there were any questions or comments of Council. There were no questions or comments.

Mayor Agenbroad thanked Mr. McGary for his time and presentation.

- ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 19 minutes to discuss the following legislation as well as other City business. During the Work Session, Council entered Executive Session for approximately 34 minutes to discuss the purchase of property; whereby, no votes were taken.

**MOTION: TO ADOPT THE "2011" TAX BUDGET.**

Mayor Agenbroad asked for a motion to adopt the "2011" Tax Budget.

**Mr. LaDu motioned to adopt the "2011" Tax Budget of the City of Springboro. Mr. Chmiel seconded the motion.**

No discussion.

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

- 1) **ORDINANCE O-10-25: THIRD READING.** "AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT-OF-WAY DEDICATION OF A PORTION OF PENNYROYAL ROAD, AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance approving the record plan being a right-of-way (ROW) dedication of a portion of the east end of Pennyroyal Road adjacent to the Village Park Development. The record plan contains approximately 1.2 acres of ROW and is being created due to the future Pennyroyal Road improvements that the City will construct to widen the area around Gardner Drive to the intersection of SR741 to the east and to the western boundary of the Village Park property. The roadway improvements are scheduled to be performed in 2010 with Issue II funds, which will take the road approximately to the Deer Trail area. This record plan was prepared by Kleingers and Associates and approved by the Planning Commission on April 28, 2010.

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

**Ms. Belpulsi motioned to adopt Ordinance O-10-25. Mr. Vomacka seconded the motion.**

No discussion.

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

- 2) **ORDINANCE O-10-26: THIRD READING.** "AN ORDINANCE TO AUTHORIZE THE CITY OF SPRINGBORO TO FORMALLY ADOPT THE BOUNDARIES OF THE AUSTIN LAND USE & DEVELOPMENT PLAN," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the third reading of an ordinance to authorize the City to formally adopt the boundaries of

the amended Austin Land Use & Development Plan. This plan has been amended to include 20+/- acres, AKA the Oberer Property, located at the northwest corner of Austin Boulevard and Byers Road. The property owner has asked to participate in the Austin Land Use and Development Master Plan, and this amendment would allow the property owner to do so. This ordinance has been recommended for approval by the Austin Land Use Advisory Committee (LUAC).

Mayor Agenbroad presented the item for questions/comments of Council.

Ms. Belpulsi asked for clarification regarding whether or not the Oberer Property is part of the TID (Transportation Improvement District) or the JEDD (Joint Economic Development District) or if the property owners simply want to be included in the boundaries of the plan and subject to regulation by the plan.

Mr. Pozzuto answered that the Oberer Property would not be a part of any of those entities, but would be subject to all master planning processes, land use regulations, etc.

There were no other questions or comments regarding Legislative Item 2.

**Mr. LaDu motioned to adopt Ordinance O-10-26. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, No; Lairson, Yes. [6-1]**

- 3) **ORDINANCE O-10-27: THIRD READING.** "AN ORDINANCE AMENDING SECTION 880.11(a), COLLECTION OF UNPAID TAXES; REFUNDS OF OVERPAYMENTS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, AND AMENDING SECTIONS 1042.18(a) AND 1042.18(c), PAYMENT OF BILLS; PENALTY SURCHARGES; DISCONTINUANCE OF SERVICE; APPLICATION OF RATES, CHAPTER 1042, WATER, AND AMENDING SECTION 1044.14(a) PAYMENT OF BILLS; DELINQUENCY; PENALTY SURCHARGES AND SECTION 1044.15, DELINQUENCIES; COLLECTION; TERMINATION OF SERVICE, CHAPTER 1044, SEWERS, AND AMENDING SECTIONS 1050.04(b) AND 1050.04(c), RATES AND COLLECTION OF CHARGES, CHAPTER 1050, STORM WATER, TITLE FOUR – UTILITIES, AND AMENDING SECTION 1062.06(c), RATES; BILLING AND SECTION 1062.07, DELINQUENCY; COLLECTION, CHAPTER 1062, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, TITLE SIX – OTHER PUBLIC SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance to amend various sections of the City's code pertaining to delinquent tax and utility payments and penalties. This legislation primarily concerns collection fees that are imposed on delinquent payers whether they are paying income tax or water, sewer or trash fees due to the City. A slight change has been made to the legislation, which was submitted prior to the third reading. The state had advised that the minimum that could be charged is 25% of the collection agency fee, but that language has been removed from the proposed ordinance providing essentially no minimum. The City cannot make money on the fee the collection agency charges. For example, the City cannot charge a delinquent payer 50% of the amount owed if the collection agency fee is only 25% of the amount owed. This change really is a benefit to the delinquent payer, as the City can only charge what the collection agency charges the City. In addition, this legislation will eliminate the refunding of overpayments on utility bills that are less than \$10. City policy is that if the refund check is not cashed by the person receiving the refund the City is required to send a letter asking the recipient if the check was lost or stolen and then contact the recipient to see if they would like a replacement check. If the City does not receive a response, they have to send a certified letter requesting that the person respond to the City. This policy requires the City to spend a great deal of time and money to process. The City Finance Department is asking that the City not refund any overpayment on a

utility bill that is less than \$10.

Mayor Agenbroad presented the item for questions/comments of Council.

Mr. Vomacka thanked the City Manager and the Finance Director for working with him to clarify this legislation. Mr. Vomacka added that he thinks this ordinance is a very good piece of legislation. Mr. Vomacka further added that he had a lot of reservations initially, but staff did a great job and he appreciates it.

There were no other questions or comments.

**Mr. Chmiel motioned to adopt Ordinance O-10-27. Ms. Lairson seconded the motion.**

No discussion.

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

- 4) **ORDINANCE O-10-28: THIRD READING.** "AN ORDINANCE AMENDING SECTIONS 880.07(a)(3) and 880.07(a)(4), DECLARATIONS, CHAPTER 880, EARNED INCOME TAX, TITLE FOUR – TAXATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance to amend Sections 880.07(a)(3) and 880.07(a)(4), Declarations, of the City's tax code. This legislation was initiated by some members of the Finance Committee and community who began to ask some questions about how the penalties were calculated on City income tax payments. This legislation would simplify the penalty calculation for declarations of income tax payments for both failure to file and failure to pay. For failure to file, there would no longer be a percentage per month calculated on the amount owed; it would simply be a flat rate of \$50 and would assist many, many taxpayers. For failure to pay, there would still be a percentage penalty of the amount owed, but it would not be calculated per month for every month the payment is late. In the past, the percentage has been calculated every month, but this ordinance would increase the percentage penalty from 1.5% compounded monthly to a one-time 10% penalty of the amount owed. This legislation will actually cost the City approximately \$50,000 in revenue, but it serves as an advantage to taxpayers and an advantage to those paying their estimated quarterly tax. Staff recommends approval of this ordinance.

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

**Ms. Belpulsi motioned to adopt Ordinance O-10-28. Mr. Vomacka seconded the motion.**

No discussion.

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

- 5) **ORDINANCE O-10-29: THIRD READING.** "AN ORDINANCE AMENDING SECTION 230.03, CONTRACTING AUTHORITY AND PROCEDURES, CHAPTER 230, ADMINISTRATION CODE, TITLE SIX, ADMINISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance to amend Sections 230.03 Contracting Authority and Procedures, Chapter 230 of the Administration Code to eliminate the redundancy in the approval process for contracts requiring Council's approval. This legislation is another ordinance concerning finance and accounting in the City. Currently, the City has many processes by which

expenditures are made, and if it is a capital improvement it usually begins with the Capital Improvement Program, which is a five-year program that is presented to City Council on an annual basis. The Finance Committee and staff worked together to determine how to reduce some of the redundancies that occur when the City needs to make an expenditure that has already been approved via the CIP (Capital Improvement Program), the budget, and the annual appropriation ordinance. In order to streamline that process, this ordinance proposes to exempt simple or relatively small expenditures from going through a fifth process, which would be submitting the expenditure in the form of a resolution presented to Council. However, these expenditures would still be reviewed by the Finance Committee, staff, and primarily the Finance Director. This legislation would not be removing any checks and balances; it simply would not be legislating as many.

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

**Mr. LaDu motioned to adopt Ordinance O-10-29. Mr. Moore seconded the motion.**

No discussion.

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

- 6) **RESOLUTION R-10-11:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A DRUG USE PREVENTION GRANT (FORMALLY KNOWN AS THE DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM) APPLICATION AND TO ENTER INTO AN AGREEMENT WITH OHIO ATTORNEY GENERAL RICHARD CORDRAY, TO CONTINUE THE "DARE" PROGRAM IN THE SPRINGBORO CITY SCHOOLS FOR THE 2010-2011 SCHOOL YEAR," was read by the Clerk of Council. Chief Kruithoff's comments are summarized as follows:

This resolution authorizes the City Manager to file a Drug Use Prevention Grant to continue the "DARE" program in the Springboro City Schools for the 2010-2011 school year. For many years, the City has received some assistance from the Attorney General through the process of a grant that off sets some of the costs to provide the DARE Program in the Springboro School District. This resolution is presented annually, and this year's grant would provide approximately \$16,000. The grant would not cover all of the costs of administering the program, but it off sets a good portion of the costs. DARE is still very well received with 100% support from the schools, and the students are very enthusiastic about graduating from the program. This resolution facilitates the application process and authorizes the City Manager to enter into an agreement with the Attorney General's Office to continue the program another year.

**Mr. LaDu motioned to adopt Ordinance R-10-11. Ms. Lairson seconded the motion.**

No discussion.

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

Before proceeding with reports, Mayor Agenbroad asked for a motion to reschedule the July 1 City Council Regular Meeting to July 15 immediately prior to the July 15 City Council Regular Meeting, as discussed at tonight's Work Session. (The meeting is being rescheduled due to the lack of any pending business.)

**Ms. Belpulsi motioned to reschedule the July 1 City Council Regular Meeting to July 15, as stated above. Mr. LaDu seconded the motion.**

No discussion.

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

**ITEM 7. REPORTS: Mayor's Report** – The 3<sup>rd</sup> U.S. District Representative Office Hours will be held on Friday, June 25, 1:00-2:00 PM in the Community Room. Independence Day observed July 5; whereby, the City Offices will be closed. The next City Council Work Session and Regular Meeting will be held on Thursday, July 15, 2010 beginning with the Work Session at 6:00 PM followed by the Regular Meetings at 7:00 PM in Council Chambers.

**City Manager's Report** – Ms. Thompson reported that Warren County Engineer Neil Tunison contacted her yesterday regarding the possibility of funding from a Tiger II grant, which are grant monies being issued by counties for necessary road projects at a minimum of \$10M. Mr. Tunison took the time to contact the City's traffic engineer Scott Knebel of LJB and are working together with the City of Franklin, the Miami Valley Regional Planning Commission, and Warren County to secure some funds for the north bound ramp at I-75. Ms. Thompson wanted to publicly thank Mr. Tunison for contacting her and offering to help the City with the project, and she hopes they have a very good outcome because everyone would like that project to succeed. Ms. Thompson commented that the challenge will be to make sure the project can at least meet the \$10M requirement, but they are fairly confident they can meet the minimum funding requirement if the work encompasses further improvements along SR73. Ms. Thompson and Franklin City Manager Jim Lukas will work together to help move the project forward, and Ms. Thompson hopes to have something good to report in the future.

**Committee Reports** –

**Mr. Vomacka – Architectural Review Board** – The Architectural Review Board met on Monday, June 14 at 7:00 PM in Council Chambers and had no formal business to discuss, but did have a very spirited discussion on the long term maintenance of a couple of historic properties in the community. Specifically, the Board discussed the Museum and the Null Cabin realizing that the cabin will need some substantial maintenance in the foreseeable future i.e. the next few years. The board decided to proceed by putting together a long term plan to identify what needs to be done and when with respect to maintenance and start to develop funding streams that will provide for that maintenance from monies from the Historical Society, grants, and probably from the City as well. The funding will not be requested in one lump sum, but would be spread out over several years. The Board intends to move forward with this plan during the next several meetings. The Board also agreed to meet as a group to tour those two facilities; therefore, the next Architectural Review Board meeting on July 12 will be held at 6:00 PM at the Null Cabin. Mr. Vomacka stated that anyone who would like to join them is welcome to attend.

**Ms. Lairson – Community Service Board** – The Community Service Board will meet at 6:30 PM instead of 7:00 PM on Monday, June 21 in Council Chambers. Ms. Lairson commented that with the new members attending the board wanted some extra time to brain storm new, innovative ways to let the community know about the volunteer service program. Ms. Lairson further commented that if there are volunteers in the community who would like to get involved with the program by helping their neighbors or if there are people in the community who need some help from volunteers, please contact the City.

**Ms. Belpulsi – Planning Commission** – The Planning Commission met in Work Session on Wednesday, June 9 at 7:00 PM in Council Chambers to review the following items: Revision to Approved General Plan – The Fairways PUD-R, Planned Unit Development-Residential, modification to approved dwelling design and materials; Revision to Approved Final Development Plan – Marketplace at Settlers Walk PUD, Planned Unit Development, Phase 2 Building, exterior displays. Ms. Belpulsi explained that currently there are no guidelines for exterior displays at the Marketplace at Settlers Walk; however, the Planning Commission is working with the owners to develop a plan for the different businesses in the shopping center to achieve uniformity and to allow every business to have a fair amount of advertising. The Planning Commission is also tackling the City's Planned Unit Development Ordinance, Chapter 1272 of Planning & Zoning Code, and Township Zoning within the Corporate Boundaries of the City in an effort to update

and revise these codes. The next Planning Commission Formal Meeting will be held on Wednesday, June 30 at 7:00 PM in Council Chambers, as scheduled.

**Mr. Moore** – No reports.

**Mr. LaDu – Finance Committee** – The Finance Committee met tonight at 5:30 PM to review the City's finances and found that the City's fund balances are healthy and trending as expected. The next Finance Committee meeting will be held on July 15 at 5:30 PM in Council Chambers, as scheduled.

**Mr. Chmiel – Park Board** – On behalf of the Park Board, Mr. Chmiel announced that it was his pleasure to invite the entire community to the annual Concerts in the Park series, which will take place at North Park every Tuesday in July at 7:00 PM, rain or shine. The Park Board looks forward to the community joining them for the concerts and looks forward to another great year of music at North Park.

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

A notice of an application for a new Liquor License from Flores Restaurants LLC DBA El Pueblo & Sammys Gourmet Burgers & Beer, 776 N. Main Street, Springboro, Ohio 45066 bearing the number 2788539. The Liquor License is for Permit D5(I) – Food service operation in a municipality of less than 50,000 offering full course meals, and beer and liquor sales are less than 25% of gross receipts. On premises consumption and carry-out privileges same as D-1 and D-2. The Springboro Police Division can find no cause for objection to this application, and recommends that City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control.

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

No discussion.

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

Also under Other Business, Mayor Agenbroad asked for a motion to appoint Darlene Ferris to the Bicycle & Pedestrian Advisory Committee.

**Ms. Lairson motioned to appoint Darlene Ferris to the Bicycle & Pedestrian Advisory Committee for a terming ending December 31, 2011. Mr. Vomacka seconded the motion.**

No discussion.

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

Mr. Vomacka thanked Ms. Thompson for the maintenance mowing that was performed at The Springs at Settlers Walk; the weeds have been cut down and he appreciates it. Ms. Thompson explained that Assistant Public Works Director Vince Murphy and the City's contractor National Inspection Corporation have been very diligent in finding and notifying the property owners concerning the City's regulations in regard to weeds and grass 8 inches or higher. Ms. Thompson added that there is a lot of activity at Village Park as well and the City is starting to see the impact of their efforts. There are still a lot of properties that the City is mowing and assessing to the property owners, but the amount has gone down. Ms. Thompson further added that even though there are properties in foreclosure, they are notifying the banks and explaining that City code requires contact information and maintenance of the property.


Mr. Schaeffer reminded Council that more than a year ago at the instigation of staff the City passed legislation, which requires that properties in foreclosure register with the City in order to make sure the properties are maintained while in foreclosure. Mr. Schaeffer stated that obviously it is paying off and as a result there is another jurisdiction in the immediate region that plans to adopt word for word Springboro's legislation in their community because they have seen how well it works here.

- ITEM 9. **FINAL COUNCIL AND MANAGER COMMENTS.** No final Council or Manager comments.
- ITEM 10. **GUEST COMMENTS.** No Guest comments.
- ITEM 11. **EXECUTIVE SESSION.** No Executive Session.
- ITEM 12. **ADJOURNMENT.** Mayor Agenbroad thanked the MVCC for tonight's telecast and scheduled rebroadcasts of this Springboro City Council Meeting. Mayor Agenbroad wished everyone a safe, healthy, and happy Fourth of July holiday.

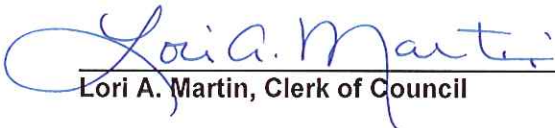
Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, June 17, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:38 PM. Mr. Vomacka seconded the motion.

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

—MEETING ADJOURNED—

  
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John H. Agenbroad, Mayor

John H. Agenbroad  
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Presiding Officer

  
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Lori A. Martin, Clerk of Council