

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

CITY COUNCIL WORK SESSION

THURSDAY, MARCH 6, 2008

6:00 PM

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Sheila Lairson
John D. Parise

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

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Work Session to order on Thursday, March 6, 2008 at 6:00 PM in Council Chambers at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2. ATTENDANCE. No absences.

ITEM 3. LEGISLATIVE AGENDA. – City Council considered 3 legislative agenda items slated for the March 6, 2008 City Council Regular Meeting.

- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF CONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO AS DESCRIBED IN RESOLUTION NO. R-07-5. (2007 SIDEWALK/DRIVEWAY APRON PROGRAM)

No discussion.

- 2) **ORDINANCE: THIRD READING.** AN ORDINANCE CREATING A COMMUNITY SERVICE BOARD THAT SHALL SERVE AS A REFERRAL SOURCE FOR INDIVIDUALS AND ORGANIZATIONS WITHIN THE COMMUNITY WHO PROVIDE VOLUNTEER SERVICES TO RESIDENTS IN NEED.

No discussion.

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THEREBY RATIFY AN AGREEMENT TO PURCHASE CERTAIN PROPERTY ON LOWER SPRINGBORO ROAD FROM THE ESTATE OF RUBY MAY HAZELWOOD.

No discussion.

ITEM 4. CITY MANAGER. –Issues/Reports.

Bond Rating: Ms. Thompson, Mr. Pozzuto, Finance Director Robyn Brown, and Assistant Finance Director Beth Eaton prepared a Presentation to Moody's Investors Service to seek a bond rating. (A copy of the Presentation to Moody's Investors Service dated March 10, 2008 is filed with the minutes for the record.) The Presentation is a profile of the City, which includes Demographics & Community, Economic Development, and Financial Review & Strategy. The presentation to Moody's was scheduled for this Monday and Tuesday; however, the winter weather conditions have delayed the trip to New York until early April. The City's Bond Counsel Paul Stubbins believes that the City might receive a double A rating; a single A rating is the highest rating.

Ms. Belpulsi asked what has changed that would affect the City's rating? Ms. Thompson explained that the negative fund balance has been reconciled, which would have prevented the City from qualifying and the City's indebtedness ratio. Management tools such as the strategic plan and comprehensive land use plan are also factors affecting the City's eligibility for a good rating, and were included in the presentation to Moody's. The presentation will serve as a guide through this bond rating process. The recent Citizen Satisfaction Survey also demonstrates current management activity, but mainly the City has been proactive at managing debt and planning, which will bring the rating to a double A or even a single A rating.

Ms. Belpulsi confirmed that a good bond rating would allow the City to obtain lower interest rates? Ms. Thompson replied yes.

Mr. Anderson asked how often the City would have to renew its bond rating? Mr. Schaeffer explained that the City would submit financial information, etc. on an annual basis for a new rating each year.

MVRPC Bikeway Planning Project: Approximately six months ago, the City asked the Miami Valley Regional Planning Commission (MVRPC) to consider Springboro as a recipient of planning services for bikeway, bike-path connectivity free of charge. Springboro was selected as one of ten communities to receive those services. The project will require the participation of residents, engineers, and elected officials from the City to form a committee/consulting group. Ms. Thompson has asked Hans Landefeld to assist with this group project. Mr. Landefeld is a resident, a member of the City's Planning Commission, and a bike advocate. Mr. Landefeld plans to make a presentation to Council regarding the bikeway project at a future Council meeting.

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

Certified Public Records Training Update – All Council Members received their certificates from the State Attorney General certifying that each of them has completed the Ohio Public Records Law training required by the Ohio Revised Code. Ms. Martin will attend as the designee on behalf of the newly elected City Council Members sometime within the next four years to meet the training requirement based on each term served.

OEC Financial Disclosure Statements – All completed OEC Financial Disclosure Statements have received and will be processed and forwarded to the Ohio Ethics Commission by the April 15 deadline.

Calendar Updates – The Charter Review Commission will hold their first meeting next Wednesday, March 12 at 6:00PM at Springboro Library. The City Council will hold a Special Meeting next Thursday, March 13 at 6:00PM in Council Chambers and a Special Meeting next Sunday, March 16 at Noon in Council Chambers. Both Special Meetings pertain to the City Council vacancy. The 3rd U.S. District Office Hours have been canceled for March. Congressman Turner's field representative, Marty Heide, will resume office hours on Friday, April 25, 1:00-2:00PM in Council Chambers. The Springboro Chamber of Commerce Annual Business Expo ("That Spring Thing," Hometown Expo) will be held on Saturday, March 8, 10:00AM-4:00PM.

At this time, Mr. Pozzuto announced that the City's Business Appreciation Breakfast will be held on Thursday, April 10, 8:00-10:00AM at Heatherwoode.

Mr. Schaeffer commented that he will serve as a legal resource to the Charter Review Commission, but will not be in

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attendance at the first Commission meeting on March 12. Mr. Schaeffer will attend Charter Review Commission meetings as necessary. Mr. Schaeffer also commented that he would be out of town next week. Attorney Mike Sandner will attend the upcoming City Council Special Meetings as legal counsel. Also, Mr. Schaeffer addressed issues concerning the procedures and circumstances under which deliberations could occur at the upcoming Special Meetings regarding the City Council vacancy. Mr. Schaeffer advised that Council could enter Executive Session on Thursday night to consider resumes, but any decisions concerning those resumes should occur outside of Executive Session during the public meeting. In reference to the Thursday and Sunday Special Meetings, Council would convene the Special Meeting, which is a public meeting, then would enter Executive Session if that is Council's decision and during that Executive Session, Council may deliberate and review resumes on Thursday and may conduct interviews and then deliberate to reach a consensus in Executive Session on Sunday. Any actions resulting from the Executive Sessions at either Special Meeting should be taken during the public meeting. Again, Attorney Mike Sandner will attend the Special Meetings on both Thursday and Sunday to assist with this process.

Mr. Parise asked if anything discussed in Executive Session would have to be brought up during the public meeting? Mr. Schaeffer explained that Executive Session provides for discussion and deliberation regarding the appointment of a public official, which includes reviewing resumes and reaching an informal consensus regarding an appointment. The actual appointment or formal act of appointing a person to fill the position would occur in the public meeting.

Mr. Parise clarified that Council would make a decision in Executive Session, then reconvene the public meeting to announce the applicant that the majority of Council has chosen? Mr. Schaeffer reiterated that the Council would exit Executive Session and reconvene the public meeting to make a formal decision.

Ms. Thompson added that if Council reached a consensus in Executive Session, a Council Member would have to make a motion to schedule interviews or make an appointment during the public meeting.

Mr. Parise asked if Council would have to come out of Executive Session with one choice for the appointment? Ms. Thompson replied no, Council Members could nominate multiple candidates for a vote.

Ms. Belpulsi confirmed that discussion and deliberation occurs in Executive Session and motions are made during the public meeting to nominate certain candidates; for example, "I would like the following people to be considered for interviews."

Ms. Thompson commented that Council could vote on nominees individually as well during the public meeting.

Mr. Schaeffer commented that presumably Council would know coming out of the Executive Session if more than one applicant will be considered, which is the purpose of the Executive Session.

Mr. Parise clarified that Council may deliberate regarding the resumes in Executive Session and narrow down the applicants, for example, to five out of ten, then return to the public meeting to deliberate regarding the remaining five? In response, Ms. Thompson explained that there would be two Special Meetings. The meeting on March 13 would be for the purposes of reviewing resumes and determining which to interview, and during the public portion of the meeting Council would consider a motion stating that the following applicants have been selected for interviews at a Special Meeting on March 16.

Mayor Agenbroad commented that Council would decide whether they wanted to review all of the applicants or a select few at the Special Meeting on Thursday, March 13 and then conduct interviews at the Special Meeting on Sunday, March 16. Council would deliberate regarding the resumes and appointment in Executive Session and return to the public portion of the meeting to take formal action regarding interviews or an appointment.

Mr. Parise asked if Council narrows down the list of applicants during the Executive Session on Thursday, they would then return to the public meeting to announce the finalists for interviews? In response, Ms. Thompson explained that Council would take formal action regarding who they have selected to interview during the public portion of the meeting, then Ms. Martin would schedule interviews beginning at Noon on Sunday, which is the published start time for that meeting.

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Mr. Parise asked if narrowing the list of applicants to be considered for interviews during the Executive Session is not in fact a form of voting? Mr. Schaeffer explained that because entering Executive Session for this purpose is an exception to the public meetings law and is an allowable and acceptable subject for Executive Session, the fact that Council reaches a general consensus does not mean Council has violated the public meetings law. Mr. Schaeffer further explained that if Council entered Executive Session and deliberated regarding the final candidates, then exited Executive Session and immediately adjourned the public meeting; whereby, Ms. Martin notified five people to inform them that they were the finalists, then that would be inappropriate and everything that followed would be void or would not count. Council must exit Executive Session and vote publicly regarding that which they have reached a consensus on in Executive Session, which complies with the law.

Mayor Agenbroad explained that no formal action is taken during Executive Session and Council Members are not bound by the deliberations that occur in Executive Session because no formal votes are taken. The formal vote is taken during the public portion of the meeting; therefore, a Council Member could change their decision when it comes to a formal vote if they desire. The consensus building and deliberations that occur during Executive Session are simply the methods by which Council would try to reach a general consensus, but if Council does not reach a consensus, Council Members are free to vote in open forum as the wish.

Mr. Anderson confirmed that Mayor Agenbroad would be out of town during the Special Meeting on Thursday, March 13. Mayor Agenbroad responded by stating that he would be out of town, but would be participating in the Special Meeting via speakerphone.

Mr. Anderson asked if Mayor Agenbroad could participate in Executive Session via speakerphone? Mr. Anderson commented that no one would know who was on that phone line. Mr. Anderson also commented that he thought Council would be conducting their discussion in public. Ms. Thompson answered that Council could hold their deliberations in public, and did not have to enter Executive Session to discuss this appointment.

Ms. Belpulsi also asked if Mayor Agenbroad could participate in the Executive Session discussion via phone? Mr. Schaeffer stated that he would have an answer to that question soon, but stated that Mayor Agenbroad cannot vote unless he is present at the meeting. Mr. Schaeffer added that Council may get Mayor Agenbroad's input regarding this appointment, but Mayor Agenbroad would not be able to vote by telephone.

Ms. Thompson confirmed that Mr. Schaeffer would follow up with her regarding Mayor Agenbroad's participation in an Executive Session via phone. Mr. Schaeffer replied yes, he would advise her.

City Council Vacancy Update – Ms. Martin reported that the City has received resumes from 12 applicants in response to the City Council vacancy. The deadline to submit applications is Monday, March 10 at 4:00PM.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – The Legal Committee met tonight at 5:30 PM in Council Chambers. Mr. Chmiel was elected to Chair the Legal Committee this year. The Committee decided to meet on a quarterly basis to address legal issues. The next Legal Committee Meeting will be held on June 5 at 5:30 PM in Council Chambers.

Ms. Lairson – No issues/reports.

Mr. Anderson – Mr. Anderson commented that while driving through the historic district recently he observed a large illuminated blue and white sign at the intersection of Market Street that appears to be out of character for the downtown area.

Ms. Thompson stated that she is aware of the sign and intends to ask the City Planner, Dan Boron, if the sign has been reviewed by the Architectural Review Board for compliance, but based on the guidelines, it does not appear to meet the requirements.

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

Mr. Chmiel – Mr. Chmiel requested that Council receive copies of the resumes that the City has received up to this point in response to the City Council vacancy in order to have a little more time to review them, rather than waiting until the Monday deadline to receive all of the resumes. In response, Ms. Martin stated that she was prepared to distribute copies of the resumes she has received thus far. Ms. Martin confirmed that she would forward the balance of the resumes following the deadline on Monday at 4:00PM.

Mayor Agenbroad – Mayor Agenbroad asked Chief Kruthoff to respond to a letter he received from a resident regarding parking law enforcement. Chief Kruthoff will follow up. Mayor Agenbroad attended a ribbon cutting and open house on February 27 at Woodhull Company on Commercial Way. In addition, Mayor Agenbroad distributed some reference materials used to conduct past interviews for City Council vacancies. Mayor Agenbroad commented that this would be the fourth time since he has served on Council that Council has had to appoint a Council Member. He added that these materials are simply ideas Council might want to review for the purpose of interviewing applicants. Mayor Agenbroad asked Council to contract Ms. Thompson or Ms. Martin with any changes or suggestions regarding the interview materials or process.

Mr. Parise asked if the meeting scheduled for Thursday, March 13 is a Regular Meeting with a Work Session? Ms. Thompson answered that it would be a Special Meeting beginning at 6:00PM, which would be convened with roll call, etc. Ms. Thompson added that the Sunday meeting would begin at Noon and finish when the interviews were complete, as posted.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:43 PM.

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425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 6, 2008

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

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

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, March 6, 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, Present; Belpulsi, Present; Chmiel, Present; Lairson, Present; Parise, Present.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE FEBRUARY 7, 2008 CITY COUNCIL WORK SESSION AND REGULAR MEETING, THE MINUTES OF THE FEBRUARY 17, 2008 CITY COUNCIL SPECIAL MEETING, AND THE MINUTES OF THE FEBRUARY 21, 2008 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Ms. Belpulsi motioned to approve the Minutes of the February 7, 2008 City Council Work Session and Regular Meeting, the Minutes of the February 17, 2008 City Council Special Meeting, and the Minutes of the February 21, 2008 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Parise seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 6:00 PM tonight for approximately 43 minutes to discuss the following legislative items as well as other matters before the City.

- 1) ORDINANCE O-08-3: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF CONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO AS DESCRIBED IN RESOLUTION NO. R-07-5. (2007 SIDEWALK/DRIVEWAY APRON PROGRAM)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance levying special assessments for the construction and repair of sidewalks and driveway aprons in the City associated with the 2007 Sidewalk/Driveway Apron Program. The total cost of the assessments will not exceed \$4,522.50. Designated property owners have until September 8, 2008 to pay for improvements abutting their property. Following the deadline, the cost of the improvements will be assessed by the Warren County Auditor.

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

Mr. Anderson motioned to adopt Ordinance O-08-3. Ms. Belpulsi seconded the motion.

No discussion.

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

- 2) ORDINANCE O-08-4: THIRD READING.** "AN ORDINANCE CREATING A COMMUNITY SERVICE BOARD THAT SHALL SERVE AS A REFERRAL SOURCE FOR INDIVIDUALS AND ORGANIZATIONS WITHIN THE COMMUNITY

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WHO PROVIDE VOLUNTEER SERVICES TO RESIDENTS IN NEED," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance creating a Community Service Board. This Board would serve as a referral source for individuals and organizations within the community will to provide services to residents in need. For example, a resident in need of a service such as snow shoveling or lawn mowing could contact to board and be referred to a individual or organization able to provide that service on a volunteer basis.

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

Ms. Lairson clarified that this Board would not directly provide any service; they would compile a database of individuals and organizations, which could include established agencies or individual volunteers willing to provide volunteer services to residents in need. The Board would be a resource to residents, who contact the City requesting assistance, but the City would not perform the service or directly refer the request to the volunteer or organization. It would be the responsibility of the person requesting help to contact the organization or individual volunteer provided by the Board.

Ms. Belpulsi motioned to adopt Ordinance O-08-4. Mr. Chmiel seconded the motion.

No discussion.

VOTE: Parise, Abstain; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes. [APPROVED 5-0-1]

- 3) **RESOLUTION R-08-21:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THEREBY RATIFY AN AGREEMENT TO PURCHASE CERTAIN PROPERTY ON LOWER SPRINGBORO ROAD FROM THE ESTATE OF RUBY MAY HAZELWOOD)," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item.

This resolution authorizes the City Manager to execute an agreement to purchase 3.83 acres of land from the estate of Ruby May Hazelwood located on Lower Springboro Road adjacent to Clearcreek Park. The purchase price is \$57,500.00. The land will be used to expand Clearcreek Park by 3.83 acres, and will be incorporated into the existing open space. Once the property is acquired in April, the Park Board will begin working to incorporate this land into the existing Master Plan for Clearcreek Park.

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

Mr. Anderson motioned to adopt Resolution R-08-21. Mr. Parise seconded the motion.

No discussion.

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

ITEM 7. REPORTS:

Mayor's Report – The Springboro Chamber of Commerce Business Expo will be held on Saturday, March 8, 10:00AM-4:00 PM at Springboro High School; a City Council Special Meeting will be held on Thursday, March 13 at 6:00PM in Council Chambers; Good Friday will be observed Friday, March 21; whereby, the City Offices will be closed. In addition, Mayor Agenbroad attended a ribbon cutting ceremony and open house at Woodhull Company on February 27, and welcomed them to the City's business family. The next City Council Work Session will be held on Thursday, March 20, 2008 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, March 20, 2008 at 7:00 PM in Council Chambers, as scheduled. Also, a Public Hearing will be held on Thursday, March 20 beginning at 7:00PM in Council Chambers to amend Chapter Twelve, Section 1271, Parking Regulations. The Finance Committee will meet on March 20 at 5:30PM in Council Chambers, as scheduled. Meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro, unless otherwise noted.

City Manager's Report – Ms. Thompson commented that the City strives to create connectivity through sidewalks and bikeways/bike paths and different types of intermodal transportation that enhance the community and allow people to move from neighborhood to neighborhood. Approximately six months ago, the City applied for funds from MVRPC to initiate a bike planning process to determine where bikeways and bike paths could be established within the City. Rather than spend thousands of dollars to construct bikeways, the planning process would utilize some of the existing paved streets and highway berms. The City received notification this week that Springboro is one of ten communities that received MVRPC planning services to plan for bikeways, and will be attending a kick-off meeting on May 8. The City will be looking for some citizen volunteers for this project, particularly bike enthusiasts.

Committee Reports –

Mr. Parise – No reports.

Mr. Chmiel – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – Planning Commission: The Planning Commission held their Regular Meeting on Wednesday, February 27 to act on the following item: Town Center Overlay District Approval – Digestive Specialists, 75 West Eleanor Drive, ground signs [APPROVED]. The Commission also discussed 2008 Planning Commission Priorities. The Planning Commission Work Session scheduled for Wednesday, March 12 has been canceled, as there are no agenda items slated for discussion. The next Planning Commission Regular Meeting will be held on Wednesday, March 26 at 7:00PM in Council Chambers, as scheduled.

ITEM 8. OTHER BUSINESS. Ms. Thompson commented that the City has sought through its bond counsel the opportunity to make a presentation to receive a bond rating from Moody's Investors Service. The presentation was planned for this Monday and Tuesday; however, the appointment has been postponed to the beginning of April due to the winter weather conditions. The City's bond counsel is very encouraged that Springboro could receive a very high rating, either an A or AA rating, which is very significant for the community and for the City. A high bond rating will allow the City to borrow money when necessary at a very preferred rate. Staff has prepared a presentation that will be presented at Moody's in New York on April 7. The presentation ended up becoming a very nicely condensed, but informative publication regarding City finances, economic development, and demographics of the community. The presentation will be published on the City's new website in the near future for the community to reference.

Ms. Thompson also mentioned that the City has a new website, and encouraged people to visit the site and provide feedback. People who have already visited the new website have reacted very well by signing up for the City's e-newsletter. Ms. Thompson added that the new website has not been formally launched, but again encouraged people to visit the new site.

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.

Mr. Parise motioned to adjourn the meeting; whereby, the Thursday, March 6, 2008 Springboro City Council Regular Meeting was adjourned at approximately 7:12 PM. Ms. Lairson seconded the motion.

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No discussion.

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

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council