

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

CITY COUNCIL WORK SESSION

THURSDAY, SEPTEMBER 18, 2008

6:00 PM

COUNCIL

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 Kruthoff, Police Chief

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, September 18, 2008 at 6:00 PM in Council Chambers at the City's temporary facility in the Dalco Building, 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2. ATTENDANCE. No absences.

Mayor Agenbroad noted that City Manager Chris Thompson is out of town. Assistant City Manager Chris Pozzuto would be filling in for Ms. Thompson during tonight's Council meetings.

ITEM 3. LEGISLATIVE AGENDA. –Six legislative agenda items were reviewed for the September 18, 2008 City Council Regular Meeting.

1) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING SECTIONS 244.29 (C)(2), 244.29(D)(2) AND 244.29(G)(3), TRAVEL AND MISCELLANEOUS EXPENSES, CHAPTER 244, EMPLOYEES GENERALLY, TITLE SIX – ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

No discussion.

2) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-08-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 18, 2007 FOR THE YEAR 2008; AND DECLARING AN EMERGENCY.

No discussion.

3) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,700,000 OF REVENUE RENEWAL NOTES BY THE CITY OF SPRINGBORO, OHIO FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES IN THE CITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES; AUTHORIZING

NECESSARY AND APPROPRIATE DOCUMENTS; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES; AND DECLARING AN EMERGENCY.

Mr. Parise referred to the cover memo, which states that the City will continue to apply proceeds from the sale of the land until the principal is paid in full. Mr. Parise asked what the City owes on the note now? Mr. Pozzuto answered that the City owes \$2.7M. Mr. Pozzuto explained that the City is renewing \$2.7M of the note; the original note was \$4.6M; therefore, the City has reduced the note considerably since 2004.

Mr. Schaeffer asked if the recent changes in the market have affected the City's refinancing? Mr. Pozzuto commented that the rates have been very favorable for the City because of the City's bond rating, and in general, the interest rates are lower for these types of notes.

- 4) **RESOLUTION:** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (WARREN COUNTY)

No discussion.

- 5) **RESOLUTION:** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (MONTGOMERY COUNTY)

No discussion.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT WITH EARTH & PIPE CONTRACTING INC. FOR YANKEE ROAD SANITARY SEWER, PHASE II.

Mr. Anderson asked if the City or the contractor did soil borings in preparation for this project? Mr. Pozzuto replied that he does know who did the soil borings, but he would guess it was Bowser-Morner because the City usually uses them for soil borings. Mr. Pozzuto explained that the soil borings were done according to standards for this project. Mr. Pozzuto further explained that the Public Works Director described the soil as quicksand, and they would never have known about this type of soil using standard boring samples. Mr. Pozzuto added that typically, boring samples would reveal any problems, but in this case the bad soil happened by chance to fall between the test sites, which were spaced a maximum of 400 feet apart.

Mr. Schaeffer explained that the problem is that they drill at certain distances apart and they do not drill every 10 feet. In this case, they drilled at intervals of a maximum of 400 ft. using the proposed manhole locations, but despite this testing they still ran into 180 feet of unstable ground between these soil borings.

Mr. Anderson confirmed that they did their due diligence. Mr. Pozzuto answered that he believes so, but unfortunately, this is one of those situations where due diligence was still not enough. Mr. Pozzuto explained that 99% of the time the soil borings that were performed for this project would have been perfectly adequate. However, in this instance, the contractor just happened to hit bad soil between those borings.

Mr. Schaeffer added that virtually all construction contracts for this type of work contain a sub-surfaces soil condition provision because it is not uncommon to encounter unexpected conditions. Mr. Schaeffer further added that unless samples are taken every ten feet; it is possible to miss something very easily and that is apparently what happened during this project. Mr. Pozzuto commented that in 99% of the cases boring every ten feet is not even necessary.

Ms. Belpulsi asked if the City knew of the bad soil in advance would it have compromised the project? Mr. Pozzuto explained that if the soil borings had revealed the bad soil, the project would have most likely been designed differently and cost \$125,000 more than the bid. Mr. Pozzuto further explained that the City would have gone forward with the project because it eliminated the Brookside lift-station, and the City is trying to eliminate all of the lift stations possible because of the costs and maintenance associated with them.

ITEM 4. CITY MANAGER.

–Issues/Reports.

WINDSTORM UPDATE: Mr. Pozzuto provided a windstorm update as follows: (The windstorm occurred Sunday, September 14, 2008.)

Beginning Sunday night after the windstorm had subsided, the City's entire street crew was in the City assessing damage and removing large trees from South Main Street and Lytle Five-Points Road, which were blocking traffic. The trees were removed within 30 minutes after being dispatched. Most of the City was without power, with only a few pockets having power, which were a small portion of McCray Farms, North Main Street, and portions of Heatherwoode. Water and sewer systems were fully operational and always functional despite power the outage. Mr. Pozzuto commented that there was an individual who was spreading rumors in certain City neighborhoods that the City water was contaminated, which was not true. The City's water and sewer systems have emergency generators that were functioning properly. The 911 Emergency Call System was also always functional. On Monday, the decision was made to create a debris dumpsite at North Park to collect debris until Sunday, September 21. The City has been staffing the dumpsite from 8:30AM–7:30PM each day. As of Monday night, a few more additional pockets of the City had power, mainly areas in the northern quadrant of the City serviced by DP&L. The City Building had phone service, but no power on Monday. The City Building remained open despite power outage to respond to residents' calls and concerns. On Tuesday, debris collection at North Park continued. Late Tuesday night, power had been restored at the City Building, but phone service had ceased. All calls were transferred to Warren County. The 911 Emergency Call System remained operational as always. Late Wednesday morning, phone service to the City Building was restored. The decision was made to pick up any remaining debris curbside Thursday and Friday, September 18th and 19th while also keeping the dumpsite operational and accepting debris. Power was restored to about 50% of the City – DLM area, South Pioneer, parts of downtown, Creekside, and Fieldstone. By Thursday (today), 97% of the City had power. Curbside debris pick up began and will continue tomorrow. All traffic signals are operational. Those residents without power are encouraged to call Duke Energy directly to report their outage. Ninety-nine percent of the City should have power restored by Friday, September 19. As far as communications, the City's website has been updated daily from Sunday as new information became available; two CodeRed System messages were sent on Monday, September 15th and Wednesday, September 17th, and e-newsletters were also sent on Monday, September 15th and Wednesday, September 17th as new information became available. In addition, Ms. Thompson participated in a conference call with Duke Energy every day at 10:30 AM to receive updates concerning the status of power in the area. The City does not have specific costs associated with the response to the storm at this time, but should have more specific numbers next week. Some of the costs involved include: overtime for public works and police employees, hauling and dumping charges for dumpsters for bagged debris, renting tub grinder next week to assist with debris pile at North Park, extra man hours for Veolia staff to man lift stations 24 hours a day until power was restored, costs associated with Wagner Smith for traffic lights, and extra fuel for generators at lift stations.

Mr. Pozzuto also reported that two sections of the south wall of the new City Building were knocked down with the scaffolding. It will take approximately seven days to restore the wall, but it should not delay the estimated timeframe for the project. The damage would be covered by the contractor's insurance, and the contractor will repair the wall on Tuesday.

Mr. Pozzuto extended a special thanks to Tim Abbott of Duke Energy, the City Public Works Department and Police Department. Also, thanks to Council Member John Parise who helped at the debris dumpsite at North Park along with Mr. Pozzuto, Ms. Thompson, Lieutenant John Wheeler, Finance Director Robyn Brown and many more. Mr. Pozzuto commented that staff did a wonderful job and the street crew responded very quickly. Customer Service Manager Lois Boytim staffed the front desk during the power outage at the City Building and Administrative Secretary Sharon Rottert volunteered to answer questions.

Mr. Anderson asked if the City could send e-mail next week encouraging residents to register their cell phone numbers with the Code Red System. Mr. Pozzuto commented that they have done that in the past and will continue to encourage residents to register with CodeRed. Mr. Pozzuto added that many people have added their cell phone numbers to the Code Red System and signed up for the City's e-newsletter since the storm.

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

Calendar Update: 3rd U.S. District Representative Office Hours will be held on Friday, September 26 from 1:00 to 2:00 PM in Council Chambers; Springboro Day at Heatherwoode will be held on Sunday, October 12. The CIP will be presented to Council on Thursday, October 16 at 5:00 PM in Council Chambers at the beginning of the Work Session.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. LaDu – No issues/reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – No issues/reports.

Ms. Lairson – Ms. Lairson will present a Finance Committee Report at tonight's City Council Regular Meeting under reports.

Mr. Anderson – Mr. Anderson reported that he attended the networking event for elected officials presented by the MVCC at Yankee in Centerville last night, which was organized by Ms. Belpulsi. Mr. Anderson commented that the event was well attended and a great opportunity to network with other local and state officials.

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.

Mayor Agenbroad – No issues/reports.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the September 18, 2008 City Council Work Session at approximately 6:24 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, SEPTEMBER 18, 2008

7:00 PM

COUNCIL

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 Kruthoff, 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, September 18, 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; LaDu, Present; Lairson, Present; Parise, Present. City Manager Chris Thompson was absent.

In addition, Mayor Agenbroad announced that Assistant City Manager Chris Pozzuto would serve as Acting City Manager at tonight's meeting in Ms. Thompson's absence.

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

Mr. Anderson motioned to approve the Minutes of the September 4, 2008 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Ms. Lairson seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 24 minutes to discuss the following legislation as well as other City matters.

- 1) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTIONS 244.29 (C)(2), 244.29(D)(2) AND 244.29(G)(3), TRAVEL AND MISCELLANEOUS EXPENSES, CHAPTER 244, EMPLOYEES GENERALLY, TITLE SIX – ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE

CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the second reading of an ordinance amending Travel and Miscellaneous Expenses, Chapter 244, Employees Generally. The purpose of this legislation is to amend the travel policy as it pertains to reimbursement of travel expenses for employees and members of City Council. Currently, the only option available for travel related expenses is for the employee or City Council Member to submit all detailed receipts for actual expenses. The proposed legislative amendments simply allow for an employee or member of Council to accept a per diem rate as established by the General Services Administration for travel that day excluding any meals provided in conference registration fees. This option allows for less auditing and accounting time for the Finance Department and potentially saves on travel related expenses for the City.

No action required at this time.

- 2) **ORDINANCE O-08-32: FIRST READING.** "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-08-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 18, 2007 FOR THE YEAR 2008; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the first reading of an ordinance authorizing the supplemental appropriation of monies for 2008. In 2005, the City sold to the Transportation Improvement District of Montgomery County (TID) approximately five acres of City owned property at South Tech Business Park for approximately \$258,000 for the ROW necessary for the north bound off-ramp of the proposed Austin Interchange. However, according to the agreement, if the TID did not need the entire five acres, the City would buy back the portion not needed for the off-ramp. The TID has exercised due diligence and does not need 2.842 acres of that land. By the 2005 agreement, the City is obligated to buy back the land for a cost of \$147,000. This legislation will appropriate the money to buy back that property.

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

At this time, Ms. Martin commented that the Finance Director has requested that City Council waive the second and third readings of legislative agenda items 2 and 3 in order to properly appropriate expenditures and to meet certain obligations.

Mr. Chmiel motioned to waive the second and third readings of Legislative Agenda Items 2 and 3, Emergency Ordinances. Mr. Parise seconded the motion.

No discussion.

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

Mr. Parise motioned to adopt Ordinance O-08-32. Ms. Lairson seconded the motion.

Mayor Agenbroad presented the item for questions/comments.

Mr. LaDu questioned whether the appropriation amount is \$294,000 or \$147,000? Mr. Pozzuto commented that the total appropriation amount is \$294,000. Mr. Pozzuto explained that the City has to pay the amount out of the Lands and Buildings Fund. Therefore, the money is appropriated from the General Fund and transferred to the Lands and Buildings Fund, and the \$147,000 for the land is then paid out of the Lands and Buildings Fund. In other words, the appropriation amount totals \$294,000, but the City is only expending \$147,000.

VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes; Lairson, Yes.

- 3) **ORDINANCE O-08-33: FIRST READING.** "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,700,000 OF REVENUE RENEWAL NOTES BY THE CITY OF SPRINGBORO, OHIO FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES IN THE CITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES; AUTHORIZING NECESSARY AND APPROPRIATE DOCUMENTS; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the first reading of an ordinance providing for the issuance of not to exceed \$2,700,000 of revenue renewal notes for the purpose of acquiring real property for municipal purposes in the City. This legislation will renew the real estate acquisition revenue note that matures on October 31, 2008 for the amount of \$2.7M. The original note of \$4.6M was used to purchase approximately 89 acres of land at South Tech Business Park for economic development purposes. As the land is sold, the City pays down the note. The City has paid off almost half of the original note with the proceeds from the land sales at South Tech. This legislation will simply renew the note for the balance of \$2.7M.

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

Ms. Belpulsi motioned to adopt Ordinance O-08-33. Mr. LaDu seconded the motion.

No discussion.

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

- 4) **RESOLUTION R-08-41:** "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (WARREN COUNTY)," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

Mr. Pozzuto's comments refer to both Legislative Agenda Items 4 and 5, Resolutions concerning both Warren and Montgomery Counties. These resolutions accept the annual amounts and rates as determined by the Warren County and Montgomery County Budget Commissions. The purpose of the proposed legislation is to authorize the City to accept the amounts and rates as determined by the respective Budget Commissions prior to October 1, 2008. The legislation includes Schedule A, which shows the amount approved by the Budget Commissions from real estate property tax and the estimate of tax rates to be levied. The acceptance of the amounts and rates from Warren and Montgomery County is a formality each year, which verifies for the City of Springboro revenue projections from real estate property taxes and the homestead and rollback amounts calculated by the counties.

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

Mr. LaDu motioned to adopt Resolution R-08-41. Ms. Belpulsi seconded the motion.

No discussion.

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

- 5) **RESOLUTION R-08-42:** "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (MONTGOMERY COUNTY)," was read by the Clerk of Council.

Refer to comments under Legislative Agenda Item 4.

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

Mr. LaDu motioned to adopt Resolution R-08-42. Mr. Anderson seconded the motion.

No discussion.

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

- 6) **RESOLUTION R-08-43:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT WITH EARTH & PIPE CONTRACTING INC. FOR YANKEE ROAD SANITARY SEWER, PHASE II," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This resolution authorizes the City Manager to execute Changer Order No. 1 to the contract with Earth & Pipe Contracting for the Yankee Road Sanitary Sewer Project, Phase II. Earlier this year, the City worked on the Yankee Road Sanitary Sewer Project, which eliminated the lift station at Brookside. The City tries to eliminate any lift stations throughout the sewer system whenever possible due to maintenance costs and problems association with the stations, and installing a gravity sewer in that area will help to alleviate that problem. However, during the project, the contractor ran into some really bad soil for about 180 linear feet. The Public Works Director likened the soil to quicksand, which is not something typically found in Ohio. Unfortunately, the soil borings that were done before the project began did not reveal this bad soil. At this time, staff is asking Council to authorize the change order for this project at a not exceed amount of \$125,000.

Mayor Agenbroad presented the item for questions/comments.

Mr. Parise confirmed that the soil boring samples were taken 400 feet apart and asked how deep the borings were? Mr. Pozzuto answered that he did not know the standard depth for a soil boring. Mr. Pozzuto commented that he thinks, in this situation, the spacing would be more important. Typically, a soil boring is taken every 400 feet for this type of project; however, the bad soil was encountered within 180 feet between those borings. Mr. Pozzuto added that 99% of the time soil borings would show bad soils; however, in this case, the locations of the soil borings that were taken just missed the bad soil.

Mr. Anderson motioned to adopt Resolution R-08-43. Mr. LaDu seconded the motion.

No discussion.

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

ITEM 7. REPORTS:

Mayor's Report – The 3rd U.S. District Representative Office Hours are scheduled for Friday, September 26, 1:00-2:00 PM in Council Chambers. Springboro Day at Heatherwoode will be held on Sunday, October 12. The next City Council Work Session will be held on Thursday, October 2, 2008 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, October 2, 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. In addition, Mayor Agenbroad commented that if anyone has driven by the K&W, they probably saw a sign that reads "Keep Johnny in your prayers." Mayor Agenbroad explained that John Moore lives in Springboro and was seriously injured trying to help someone during the windstorm. Mr. Moore is in the hospital and we pray for his full recovery. Mayor Agenbroad added that National City Bank has set up a fund, the Firefighters John and Meredith Moore Fund, and he urged anyone who could afford to give to the fund to please make a

donation. Mayor Agenbrood further added that a lot of the firefighters are helping out. Mr. Moore lives in Springboro and used to work for the Fire Department. He now works for the Kettering Fire Department, but was in Springboro trying to help someone when he was injured. Mayor Agenbrood asked everyone to keep Mr. Moore in their prayers.

City Manager's Report – Mr. Pozzuto briefly updated the community regarding what has transpired in the City as a result of the windstorm last Sunday. As of this morning, Duke Energy estimates that about 97% of the community has power; however, Duke Energy encourages anyone still without power to call them at 513-421-9500 to register their address. Mr. Pozzuto explained that Duke Energy will flip the main transmission line and assume that everyone has their power restored from the feed back; however, there may be certain circuits within that main transmission line that for whatever reason -a fallen tree or blown transformer- does not enable certain sections of the line to reenergize. Again, Duke Energy wants people to call and report their address if they are not receiving power or if they have a specific problem. The number is 513-421-9500. Duke hopes to have about 99% of their service area up by tomorrow. Then, they will focus on the individual problems and hope to have power restored to everyone by the weekend. Duke has been working diligently to restore power and the City has been in communication with Duke daily to receive updates concerning power. Mr. Pozzuto also commented that despite the rumors that were being spread, the City water and sewer systems were operational at all times during the storm. Mr. Pozzuto explained that unfortunately, there was an individual telling residents in some of the City's neighborhoods that the water system was contaminated, which is absolutely not true. The City's water systems were working even though the City lost power because there were back up generators functioning at all of the City's facilities; therefore, the City did not lose water service at any time. Finally, Mr. Pozzuto commended the City's staff. Mr. Pozzuto and City Manager Chris Thompson were out yesterday picking up debris and trying to help out, but the Police and Street Departments did an exceptional job during the storm. The first night, which was Sunday, the street crews were out within 30 minutes after the storm and had all the major roads cleared. Unfortunately, the traffic signals were out, which was beyond the City's control, but the Street Department did have streets open. Mr. Pozzuto again praised all of the City staff, Police Department, Street Department, etc. as everyone pulled together and did a great job. Mr. Pozzuto also commended the community. Everyone was very patient, and the City appreciates that people brought debris to North Park where the City set up a debris dumpsite. Finally, Mr. Pozzuto stated that, as usual, the Springboro community came together and helped one another throughout the community.

Committee Reports –

Mr. LaDu – No reports.

Mr. Parise – No reports.

Mr. Chmiel – No reports.

Ms. Lairson – Finance Committee – The Finance Committee met today at 5:30 PM, and all of the City's finances are in order.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

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

A notice of an application for a Liquor License business stock transfer for Jackson Fish Inc. formerly DBA as The Springs, 80 Edgebrook, Springboro, Ohio 45066 bearing the number 4198296. The Liquor License is for Permits D-5 – Night Club Permit. 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: Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; Parise, Yes; LaDu, Yes. [APPROVED 7-0]

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Mr. LaDu wished to echo the Assistant City Manager's compliments to the staff and the citizens of Springboro in dealing with the windstorm. Also, Mr. LaDu thanked the MVCC Staff and Board of Directors for the candidates' forum last night held at Yankee Trace in Centerville.

Ms. Lairson commented that she wished to acknowledge how the community pulled together to help their neighbors to clear debris and by storing food in their freezers for others who did not have power. Ms. Lairson thanked the IGA for grilling and serving their surplus food to the community. Also, the Centerville Church of Christ distributed flyers in the Springboro area announcing a big dinner on Tuesday evening to feed those who were without power in the community. Ms. Lairson thanked all of those people that helped out during the storm.

Mr. Anderson thanked the residents of Springboro for pulling together during the storm and showing their community spirit. He thanked his neighbors especially because they were going house-to-house cutting down the trees that fell in their neighbors' yards. Mr. Anderson also commented that City staff, the Police, and everybody at the City did a fantastic job in these last few days during this crisis. In addition, Mr. Anderson encouraged residents to register their cellular phone numbers with the City's CodeRed System. Residents can register on the City's website. The CodeRed System has everyone's home phone numbers, but if home phones were not working residents could not receive the CodeRed Messages. Mr. Anderson commented that he received the CodeRed messages on his cell phone, and it was another way to receive information from the City.

Mr. Pozzuto added that the City has e-newsletters that residents can sign up to receive at the City's website. Mr. Pozzuto commented that if the power was out at home, some individuals might have been able to receive those e-mails at work. Mr. Pozzuto further commented that residents can register with the CodeRed System and sign up to receive e-newsletters at the City's website. Mr. Pozzuto explained that the City utilized both of those systems during the storm to communicate with residents. The City sent CodeRed messages and e-newsletters to residents on September 15 and 17. Mr. Pozzuto added that the City tried to utilize all of its modes of communication to keep citizens informed during the storm.

Mr. Parise extended kudos to Chris Thompson and Chris Pozzuto. He commented that it is not in the job descriptions of these two managers to pull up their sleeves and get their finger nails dirty, but they were both out working with the troops and hauling debris and chopping and grinding it. Mr. Parise commented that he had the pleasure and opportunity to join them for a little while at the North Park debris dumpsite, but he was not there as long as they were there working. Mr. Parise further commented that he thought it was pretty special for City management to be out there grinding it out with the troops; it is something profound. Kudos of the month goes to both Chris Thompson and Chris Pozzuto.

Ms. Belpulsi commented that the City staff did an incredible job during the past week, and she saw Mr. Parise working very hard at the debris dumpsite at North Park on Tuesday and thanked him for helping as well. Ms. Belpulsi also thanked the community. She commented that everyone came together, and she is glad we are all living here together.

Mayor Agenbroad commented that our sense of community is one more reason why Springboro is special.

ITEM 10. GUEST COMMENTS. 1) Rob Miller, 265 Foliage Lane, Springboro – Mr. Miller thanked the City for their efforts during the storm. In addition, Mr. Miller thanked the City for inviting the South Community Theater to

North Park for the "You're a Good Man Charlie Brown" theater production. Mr. Miller commented that it was a fantastic three-day event. The crowd was the largest he has ever seen for movies, music, or any other event that has been held at North Park, and it was great to see the different age groups too. Mr. Miller explained that the only down part of the night was once again vandalism on the way over to the park. It is a constant, repetitive issue over there. The residents pay for it, and the City executes the payment of that vandalism to be fixed. Mr. Miller's concern is it continues to happen; more and more people are in the park area after hours. Mr. Miller commented that he read in the newspaper on the 11th that one of his neighbors had been arrested who has been asked in the past as well as the rest of the neighbors to kind of police and encourage the kids to leave the park at dark because typically that is when the vandalism is occurring. Mr. Miller explained that his neighbor was sent to jail and is under charges, which will hopefully be suspended, but his concern is if the residents of that neighborhood can no longer act as adults and encourage the kids to leave the park at night and quit vandalizing, what is next. Mr. Miller pointed out that the lights have not been approved in the past on the bridge or in other areas, and he is assuming the City is tired of paying the bills. Mr. Miller added that the sail over the amphitheater was a pretty big expense, and the paint removal on the brand new bathrooms that he thinks was only two weeks old by the time the first graffiti appeared on those. He further added that the bridge was a big expense, and it is now red in a large section. Mr. Miller stated that it is frustrating as a citizen because he does not know what to do, and his neighbors do not know what to do. They are the ones watching people come back and forth through their yards. Mr. Miller reiterated that it is a concern because he has kids and he does not like people walking through his yard and he does not like to have to worry about who is coming through the park. Mr. Miller commented that just the other night they tried stealing a generator around 1:30 or 2:30 in the morning from one of the nice neighbors who was sharing electricity with all of their other neighbors. Mr. Miller stated that he would like some help, he does not know who to approach, but taking it into their own hands –his wife is expecting him to be the next one in jail- is obviously not going to be the right approach, but something needs to change. Finally, Mr. Miller stated that the community is paying too much money, and the kids are going to get hurt one way or another. Mr. Miller thanked Council for their attention.

Mayor Agenbrood stated that he appreciated Mr. Miller's comments. Mayor Agenbrood commented that the City shares his misery regarding the hazards and cost factors. Mayor Agenbrood further commented that the Police Department is aware of the problems and have prosecuted to the fullest extent of the law, if and when they can catch the vandals by word of mouth or with the help of the residents. Mayor Agenbrood stated that the City does everything it can to try to eliminate that problem, but unfortunately without information or evidence the City cannot prosecute.

Mr. Miller commented that the likelihood of the residents doing that now is a lot less than it once was because if he asks for their names he can be viewed as harassing them. Mr. Miller stated that this has happened to him often with the skateboarders coming through the yards that are cursing, but what are they to do? Mr. Miller explained that if he takes it into his own hands and gets their names or asks them to stay put until the police come then he is the one holding them against their will, which he will get charged for. Mr. Miller commented that it was not a big issue until two weeks ago and what occurred in March, he really did not have that much of a concern. Mr. Miller further commented that his wife warned him over and over not to do it and the neighbors warned him not to do it, but he did not really have a big concern about approaching them until his neighbor was arrested. Now they are at wits end because if he does exactly as he is asked, which is to report them, they are not going to be there if they call the police so the next thing would be to ask for their names or hold them, and then he is at fault and has a lot more charges on his head than they do for being in the park after dark.

Mayor Agenbrood thanked Mr. Miller for his additional comments. Mayor Agenbrood asked if there were any other guests that wished to be heard to come forward and state their name and address for the record and make their comments accordingly.

2) Terry Easton, Springboro - Mr. Easton introduced himself on behalf of the Springboro Christmas Festival and also on behalf of the Springboro Area Historical Society, which produces the festival. Mr. Easton commented on last year's festival by reporting that they had a very good year and attendance was up 20%, which calculates to 60,000 people. Mr. Easton commented that size is not their goal, quality is. Mr. Easton explained that last year, one of the big improvements to the festival was the children's area. The children's

area was a tent entirely devoted to activities for kids up to the age of 10. Paint Brush Pottery and the Gymnastics Training Center provided activities, which the kids really enjoyed. Magicians and magic shows, and a puppet show with beautiful hand carved marionettes performing Sleeping Beauty were also part of the entertainment. Jim McCutcheon, who is sort of a legendary guitarist in the area, performed as well. Also, a fellow dressed up as Charles Dickens, who was known as a magician, told the stories of Dickens' life and performed some magic tricks. Again, the children's area was one of the major improvements to the festival last year. Mr. Easton stated that he is here tonight to ask for support from the City for the festival. He explained that they go throughout the community and talk to people and organizations both large and small asking them to support the festival. Also, they have put a pledge button on their website springborofestivals.org to raise funds as well. Mr. Easton further commented that among the new contributors this year is the Greener Pastures Foundation, and High Concrete helped them out last year and helped out again quite readily this year. There is also another large employer in Springboro that is willing to be a sponsor, and Boston Stoker will do the Christmas Coffee House this year. Mr. Easton stated that in addition to those he has already mentioned, Liberty Savings Bank would be contributing too. Finally, Mr. Easton commented that they are looking for about a dozen major sponsors, and are hoping that the City will be one of those. Mr. Easton thanked the Council for their attention.

Mayor Agenbroad thanked Mr. Easton for his comments. Mayor Agenbroad asked if there were any other guests that wished to be heard to come forward 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.

Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, September 18, 2008 Springboro City Council Regular Meeting was adjourned at approximately 7:31 PM. Mr. Anderson seconded the motion.

No discussion.

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

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council