

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

**CITY COUNCIL WORK SESSION**

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THURSDAY, APRIL 16, 2009

6:00 PM

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**COUNCIL**

*John Agenbroad, Mayor*

*Jim Chmiel, Deputy Mayor*  
*Marie Belpulsi*  
*Sheila Lairson*

*Scott Anderson*  
*Tom LaDu*  
*John D. Parise*

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**CITY STAFF**

*Chris Thompson, City Manager*

*Chris Pozzuto, Assistant City Manager*  
*Jeff Kruihoff, Police Chief*

*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 Work Session to order on Thursday, April 16, 2009 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.** Mr. Chmiel was absent.

Mayor Agenbroad announced that Mr. Chmiel was absent as well as Mr. Pozzuto, who was attending the Dayton Business Journal's "40 under 40" awards banquet as a recipient.

**ITEM 3. LEGISLATIVE AGENDA.** *–Five legislative agenda items were reviewed for the April 16, 2009 City Council Regular Meeting.*

- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 20.2 ACRES OF LAND AT 2738 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT.

*No discussion.*

- 2) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 3.0 ACRES OF LAND AT 2748 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT.

*No discussion.*

- 3) **ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF SPRINGBORO, OHIO. (ANNUAL CODE UPDATE FOR 2008/2009)

Ms. Martin asked Council to consider waiving the second and third readings of this ordinance in order to expedite the codebook updates for 2009. There were no objections to considering a motion to waive the readings at tonight's Regular Meeting. Ms. Martin commented that this legislation represents the annual ordinance to update the City's code to include all of the legislation passed by Council over the last year. Ms. Martin will comment on Legislative Item 3 at tonight's Regular Meeting.

- 4) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND RIGHT OF FIRST REFUSAL AGREEMENT BETWEEN THE CITY OF SPRINGBORO AND MILLS DEVELOPMENT, LTD. FOR THE PURCHASE OF FIVE ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK AND THE RIGHT OF FIRST REFUSAL FOR AN ADDITIONAL 31.875 ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK.

Mr. Anderson asked when the next bump in price would be for the property at South Tech? Ms. Thompson explained that the next bump in price would occur after the purchase of the initial five acres. Mr. Anderson confirmed that the developer is aware that the price will increase for any additional acreage? Ms. Thompson replied yes.

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A RECOVERY ACT: ASSISTANCE TO RURAL LAW ENFORCEMENT TO COMBAT CRIME AND DRUGS GRANT APPLICATION AND TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS TO APPLY AND RECEIVE A RECOVERY ACT: ASSISTANCE TO RURAL LAW ENFORCEMENT TO COMBAT CRIME AND DRUGS GRANT FOR THE YEAR 2009.

Ms. Thompson stated that this item should be pulled from the agenda. Chief Kruihoff explained that Warren County was recently designated an "Urban County;" thereby, is not eligible for this grant. This grant is strictly for rural counties.

Ms. Belpulsi inquired as to whether the police department was intending to pursue another K-9 Unit through this grant? Chief Kruihoff replied yes, the department was trying to pursue a K-9 Unit with this grant. Ms. Belpulsi commented that she thought the City was being cautious about utilizing another canine? Chief Kruihoff explained that the department is being cautious with respect to having another patrol/apprehension dog; it would strictly be a drug sniffing dog, not a patrol dog.

Chief Kruihoff apologized stating that staff was not aware when preparing this legislation that the City could not apply for the grant under the "Urban County" designation.

Ms. Lairson asked why Warren County was designated an Urban County? Chief Kruihoff explained that the designation is based on population and Warren County recently reached the population threshold of 225,000 for that designation.

Mayor Agenbroad confirmed that Council would, by motion, withdraw this item from the agenda at tonight's Regular Meeting.

**ITEM 4. CITY MANAGER.**

**-Issues/Reports.**

**September '08 Windstorm/FEMA Reimbursement Update:** Ms. Thompson explained that the City spent \$204,712 in damage control during the windstorm by collecting debris, overtime, etc. and recently received the full 75% reimbursement of \$153,535.00 in costs via a final reimbursement check.

**Website:** Ms. Thompson explained that Ms. Belpulsi requested a more direct link to Council information on the City's website from the menu on the homepage. Ms. Thompson further explained that she spoke with the website developer and found that they could directly link the Council page at a very minimal cost that would take the visitor directly to the Council page containing the Council Members' pictures and information. Ms. Thompson further explained that any other way would require them to redesign a number of pages and would be more costly. Ms. Thompson suggested trying to directly link the Council page first, before making more costly changes.

Ms. Belpulsi commented that she had difficulty finding the Council information and also information regarding the Administration such as the City Manager and Assistant City Manager. She added that the Community Menu does not seem like the most logical place on the website to look for Council information, and she had asked staff to look into a more direct link to that information.

Ms. Thompson stated that they would review the links to all of the contacts on the website.

Ms. Belpulsi suggested looking at the site from an outside perspective such as someone from the community who is not familiar with the City's operations.

Mr. Anderson asked if the links page on the website included a link to the Miami Valley Communications Council? Ms. Thompson would double check regarding this link.

Ms. Belpulsi confirmed that City staff updates the website? Ms. Thompson replied yes, Ms. Martin and Mr. Pozzuto are assigned update the site.

**Costs for Sidewalk/Driveway Apron Repairs for 2009:** Ms. Thompson also addressed Mr. Parise's question at the last Work Session regarding the cost of sidewalk and driveway apron repairs, which is part of the annual street resurfacing program. Specifically, Mr. Parise asked if there would be a savings for the residents on sidewalk and driveway apron repairs because it was estimated that it would cost residents \$7.00 for sidewalks and \$8.00 for driveway aprons? Ms. Thompson commented that with the savings on the concrete replacement program bid the assumption was that the City would save money on the asphalt resurfacing program bid? Ms. Thompson explained that at the time Mr. Parise asked his question the City had not yet received the bids for the asphalt resurfacing program and did not know what the actual costs would be. Ms. Thompson further explained that the bids for the asphalt resurfacing program were opened on Tuesday and were \$74,000 under the engineer's estimate. The breakdown of the actual costs of repairs will be \$6.50/s.f. for sidewalks and \$7.00/s.f. for driveway aprons versus the \$7.00/s.f. and \$8.00/s.f. originally estimated; therefore, it has resulted in a savings for the residents and the City.

Mr. Parise thanked Ms. Thompson for her clarification.

**Austin Interchange JEDD:** Ms. Thompson attended a meeting on Tuesday where she received a draft of the JEDD agreement, which she subsequently forwarded to Mr. Schaeffer. She and Mr. Schaeffer have a meeting scheduled this Tuesday to review the draft. Ms. Thompson asked if, once she and Mr. Schaeffer have reviewed the draft, she could forward it to Council electronically to allow Council Members to begin reviewing the agreement. She explained that their schedule is very aggressive because the state law concerning JEDDs will change at the end of June requiring a unanimous vote by the township trustees. Miami Township has only three trustees, but they are fearful they might have a "no" vote and they are trying to avoid this scenario. According to their schedule, the JEDD has to be approved by June 30. With respect to the City's schedule, Council would be asked to pass legislation on May 7 basically stating that the 30-day required statutory waiting period begins for public comment to occur, which is required for any JEDD. Also, Council would have the first opportunity to ask questions and look at the JEDD agreement together on that date. Then, Council would be asked to pass the JEDD, on June 18, which is the last possible date and would allow for the required 30 days plus. Again, Ms. Thompson encouraged Council to review the draft agreement in advance to prepare for discussion. Ms. Thompson also commented that Brenda Wehmer (City Bond Counsel) was asked to review the JEDD agreement for both Miamisburg's and Springboro's benefit. Ms. Thompson explained that the JEDD would essentially be for the Austin Development District. The income tax rate in the JEDD would be Miamisburg's rate of 1.75%, which is higher than Springboro's rate and made the most sense. Also, the breakdown of revenue from the JEDD would be based on the same percentages used to determine how much each jurisdiction has paid and are the same exact percentages in the cooperative agreement. Ms. Thompson reiterated that she has not had a chance to review the JEDD, but they used the Dayton Mall JEDD Agreement between Miami Township and Miamisburg and altered some things for this draft. Again, this agreement is based on the theory that 1.75% of the income tax from 600 acres is more beneficial to any one or all of the jurisdictions than 100% of the income tax on 54 acres is to one jurisdiction.

Mr. Schaeffer explained that JEDDs resulted from the fact that townships did not have the ability to collect income tax. The JEDD concept was created in Columbus to provide townships with a tool to be able to share the income tax revenue on developments in the township contiguous to another jurisdiction, without having to annex the property or lose the income tax. Mr. Schaeffer further commented that the JEDD concept works beautifully in this situation.

Ms. Thompson reiterated that she will forward a copy of the draft JEDD agreement to Council next Tuesday for review. She further stated that there is a benefit to honoring the schedule discussed earlier because she would not want to risk this opportunity because one elected official might vote "no".

Ms. Lairson questioned the issue of one township trustee voting "no"? Ms. Thompson explained that if they vote prior to June 30 and the vote is not unanimous they are fine, if they vote after the law changes on June 30 and the vote is not unanimous then they have a problem, which is why the June 30 date is critical. Ms. Thompson stated that the schedule to adopt the JEDD agreement is as follows: Miamisburg – June 16, Springboro – June 18, Miami Township – June 23. This schedule was based on the jurisdictions' meeting schedules.

**Executive Session:** Ms. Thompson requested a brief Executive Session, following the Work Session discussion, for the purpose of discussing imminent litigation.

At this time, Mayor Agenbroad asked for a motion to enter Executive Session, under R.C.121.22(G), to discuss imminent litigation.

**Ms. Lairson motioned to enter Executive Session, following the Work Session discussion, to discuss imminent litigation. Ms. Belpulsi seconded the motion.**

No discussion.

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

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

**Calendar Update:** 3<sup>rd</sup> U.S. District Office Hours will be held on Friday, April 24 in Council Chambers from 1:00-2:00 PM. An Arbor Day Ceremony will be held on Saturday, April 25 at 8:30 AM at E. Milo Beck Park. An Arbor Day Proclamation will be presented at tonight's Regular Meeting under Presentations in celebration of Arbor Day 2009.

**Meeting Schedule:** The next Council Meetings will be held on Thursday, May 7, following a two week break. Council is scheduled to meet at the new City Building at 5:00 PM for a tour.

**Public Records / Open Records / Ethics Laws Seminar:** The MTA, MVRMA, and CLG will present a public records, open meetings, and ethics laws seminar on April 18 at Heatherwoode Golf Course for public employees and elected officials. The seminar will address the law and any recent updates or changes. Ms. Martin commented that she will continue to serve as Council's designee for the 3 hours of certified public records training required by the state for all elected officials.

Mr. Schaeffer asked if this was a certified public records training? Ms. Martin replied no. Ms. Martin explained that she would be attending the public records training required and certified by the state for all elected officials as a requirement of House Bill 9 as the Council's designee sometime next year to make sure all Council Members are in compliance.

**National Night Out:** Chief Kruthoff commented that Clearcreek Township has contacted the City regarding Springboro's participation in the National Night Out event at Patricia Allyn Park. Chief Kruthoff explained that the National Night Out event held at Patricia Allyn Park is more like a community festival; whereas, the National Night Out program is designed to be a little more intimate and neighborhood oriented. Chief

Kruithoff further explained that the City was hoping that National Night Out would coincide with the opening of the new City Building facility, but if that is not a possibility they were thinking of holding a smaller event at North Park with a little more face-to-face interaction with residents. Chief Kruithoff wanted to confirm with Council that this is the proper direction to go in with respect to this event because they are starting to plan the Township event now.

Ms. Thompson added that regardless of whether the City is able to hold a National Night Out event at the new City Building this year, she sees the new building as the future site for the City's event. Ms. Thompson explained that she thought it might be a good idea to withdraw from the combined event in the Township and have an event in Springboro this year because next year the City is definitely going to celebrate National Night Out at the new City Building.

Ms. Belpulsi asked if the City would hold its National Night Out event on the same night as the Township's event? Chief Kruithoff stated that he did not know yet.

Ms. Lairson confirmed that it is a nationwide date? Chief Kruithoff confirmed that National Night Out is usually observed the first Tuesday in August. Ms. Thompson added that residents could attend the City's event and then attend the Township event if they choose.

Chief Kruithoff further commented that the City does not want to isolate itself with respect to this event, but does want a more neighborhood oriented event. Chief Kruithoff also explained that the City has supplied the bulk of the food and much of the support and coordination for the past National Night Out events at Patricia Allyn Park. Chief Kruithoff stated that the different jurisdictions involved should decide together at the policy level if they want to have a community festival and follow that policy. Chief Kruithoff further stated that the Township event has representation from almost every department and if they want Springboro to participate, then the department would be happy to participate in a different event. Chief Kruithoff reiterated that National Night Out is supposed to be people sitting in neighborhoods on the front porch talking to each other and getting to know each other. For example, if the City has an event at North Park, it would be more intimate and more for the Springboro community. Chief Kruithoff suggested choosing a location in each area of the City as part of National Night Out at North Park, and between 6:00-7:00 PM city officials would be in the neighborhoods talking with residents. Chief Kruithoff explained that this type of format gets back to the basics of National Night Out, which is an opportunity for people to interact with their government and their neighbors, and he believes that purpose is lost in the community festival.

There were no objections from Council regarding the staff recommendation to hold a smaller National Night Out event in the City. Mayor Agenbroad confirmed that staff had their direction from Council regarding National Night Out in Springboro.

**ITEM 6. CITY COUNCIL.**

**-Issues/Reports.**

**Mr. LaDu** – No issues/reports.

**Mr. Parise** – No issues/reports.

**Ms. Lairson** – No issues/reports.

**Mr. Anderson** – No issues/reports.

**Ms. Belpulsi** – No issues/reports.

**Mayor Agenbroad** – Mayor Agenbroad confirmed the following business: a motion to excuse Mr. Chmiel at tonight's Regular Meeting following Roll Call; Council will meet at the new City Building site for a tour on May 7 at 5:00 PM; Ms. Lairson will read the annual Arbor Day Proclamation at tonight's Regular Meeting under Presentations.

**Executive Session:** *At approximately 6:28 PM, City Council entered Executive Session to discuss imminent litigation.*

*With no objections, City Council exited Executive Session at approximately 7:00 PM; whereby, no votes were taken.*

**ITEM 7. ADJOURNMENT.** *With no further discussion, Mayor Agenbroad adjourned the April 16, 2009 City Council Work Session at approximately 7:00 PM.*

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

**CITY COUNCIL REGULAR MEETING**

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THURSDAY, APRIL 16, 2009

7:00 PM

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**COUNCIL**

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor  
Marie Belpulsi  
Sheila Lairson

Scott Anderson  
Tom LaDu  
John D. Parise

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**CITY STAFF**

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager  
Jeff Kruthoff, Police Chief

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, April 16, 2009 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, Absent; LaDu, Present; Lairson, Present; Parise, Present.

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

No discussion.

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

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF APRIL 2, 2009.

Mr. Parise motioned to approve the minutes of the April 2, 2009 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. LaDu seconded the motion.

No corrections.

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

**ITEM 5. PRESENTATIONS:** ARBOR DAY PROCLAMATION. Council Member Sheila Lairson read a Proclamation in Celebration of Arbor Day – 2009. (A copy of the Arbor Day Proclamation is attached for the record.)

Mayor Agenbroad thanked Ms. Lairson for presenting the proclamation, and commented that she is Council's representative to the City's Tree Authority.

**ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for 28 minutes to discuss the following legislation as well as other City matters. During the Work Session, Council entered Executive Session for approximately 32 minutes to discuss imminent litigation; whereby, no votes were taken during Executive Session.

- 1) **ORDINANCE O-09-8: THIRD READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 20.2 ACRES OF LAND AT 2738 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT," 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 the official zoning map and rezone approximately 20.2 acres at 2738 Pennyroyal Road from (T)R-1 to R-1. This rezoning was the subject of a Public Hearing held on March 19, 2009. This land is commonly referred to as the Clearcreek Chapel property. The Clearcreek Chapel has actually initiated the rezoning request to change the zoning of the property from (T)R-1, Clearcreek Township Rural Residential District to R-1, City of Springboro Estate-Type Residential District. This rezoning will allow the City to remove township zoning from property within the Springboro corporate boundaries. This rezoning will not change the use of this property at this time; the church will remain on the property. The rezoning would allow the property owners to have up to two units per acre in density should they ever leave that site or choose to develop more land on the site.

Mayor Agenbroad presented the legislation for questions or comments of Council. No questions or comments.

**Mr. Parise motioned to adopt Ordinance O-09-8. Ms. Belpulsi seconded the motion.**

No discussion.

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

- 2) **ORDINANCE O-09-9: THIRD READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 3.0 ACRES OF LAND AT 2748 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT," 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 the official zoning map and rezone approximately 3.0 acres at 2748 Pennyroyal Road from (T)R-1 to R-1. This rezoning was the subject of a Public Hearing held on March 19, 2009. This property is currently owned by the South Miamisburg Congregation of Jehovah's Witnesses, which is a new building that was constructed on Pennyroyal Road in the last year. Again, this rezoning would contribute to the City's policy of eliminating township zoning classifications from areas within the City limits.

Mayor Agenbroad presented the legislation for questions or comments of Council. No questions or comments.

**Mr. LaDu motioned to adopt Ordinance O-09-9. Ms. Lairson seconded the motion.**

No discussion.

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

- 3) **ORDINANCE O-09-10: FIRST READING.** "AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF SPRINGBORO, OHIO. (ANNUAL CODE UPDATE FOR 2008/2009)," was read by the Clerk of Council. Ms. Martin's comments are summarized as follows:

This is the first reading of the annual ordinance approving the City's code update for 2008/2009. The purpose of this legislation is to incorporate all legislation adopted by Council over the last year into the City's codebook. This would include legislation adopted by Council during the period of February 20, 2008 to February 5, 2009. As always, this ordinance also approves and adopts amendments to the Traffic and General Offenses Codes in accordance with enactments of the Ohio General Assembly. Over the past year, these local and state amendments involved changes to nearly 200 pages of the City's code, which include amendments to the Administrative and Planning and Zoning Codes, the City's fee schedule, and substantial updates resulting from the City's Charter revisions approved by voters last November. When this ordinance is approved, all versions of the code will be officially updated through February 5 of this year and will be distributed as the 2009 Replacement Pages in both printed and electronic forms. Ms. Martin requested that Council consider waiving the second and third readings of this ordinance in order to proceed with the codebook updates in May.

**Mr. Parise motioned to suspend the rules and waive the second and third readings of this ordinance. Ms. Belpulsi seconded the motion.**

No discussion.

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

**Ms. Belpulsi motioned to adopt Ordinance O-09-10. Ms. Lairson seconded the motion.**

No discussion.

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

- 4) **RESOLUTION R-09-18:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND RIGHT OF FIRST REFUSAL AGREEMENT BETWEEN THE CITY OF SPRINGBORO AND MILLS DEVELOPMENT, LTD. FOR THE PURCHASE OF FIVE ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK AND THE RIGHT OF FIRST REFUSAL FOR AN ADDITIONAL 31.875 ACRES (+/-) OF PROPERTY AT SOUTH TECH INDUSTRIAL PARK," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to execute a purchase and right of first refusal agreement with Mills Development, Ltd. for acreage at South Tech Industrial Park. This resolution is the result of a lengthy negotiation process, and Ms. Thompson thanked City Law Director Alan Schaeffer for his help with this legislation and agreement. Mills Morgan Development wished to purchase some acreage within the City of Springboro at South Tech Industrial Park. The negotiation began concerning about 37+/- acres of land located primarily south of West Tech Boulevard, which would be south of Children's Medical Center. During the negotiations, they discussed the possibility of Mills Morgan purchasing an initial 5+/- acres and then being able to proceed over the next few years with the Right of First Refusal intent, which would give Mills Morgan the ability to purchase more land. If the City is approached by another user interested in purchasing the land, Mills Morgan would be allowed the Right of First Refusal meaning that they could either purchase the land that the other party was interested in or they could refuse to purchase the land and the City would be free to sell it to another party. Mills Morgan is a quality developer in the City's opinion with a number of buildings that can be seen from I-75 North by Fairfield Commons in that area of the exit, and their negotiations with the City were very forthright and fruitful. The negotiations finally resulted in this resolution to sell the initial five acres to Mills Morgan and to request from them a master plan for the remaining acreage

to then be able to determine in no less than four acre parcels a purchase price for the remaining 31.875 acres.

**Mr. Parise motioned to adopt Resolution R-09-18. Mr. LaDu seconded the motion.**

No discussion.

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

**WITHDRAWN:**

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A RECOVERY ACT: ASSISTANCE TO RURAL LAW ENFORCEMENT TO COMBAT CRIME AND DRUGS GRANT APPLICATION AND TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS TO APPLY AND RECEIVE A RECOVERY ACT: ASSISTANCE TO RURAL LAW ENFORCEMENT TO COMBAT CRIME AND DRUGS GRANT FOR THE YEAR 2009.

As discussed at tonight's Work Session, Mayor Agenbroad asked for a motion to withdraw Legislative Item 5, a Resolution, from the Agenda.

**Mr. Parise motioned to withdraw Legislative Item 5, a Resolution, from the Agenda. Ms. Belpulsi seconded the motion.**

No discussion.

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

- ITEM 7. REPORTS: Mayor's Report** – The 3<sup>rd</sup> U.S. District Office Hours will be held on Friday, April 24, 1:00-2:00 PM in Council Chambers. The City's Arbor Day Ceremony will be held on Saturday, April 25 at 8:30 AM at E. Milo Beck Park. The next City Council Work Session will be held on Thursday, May 7, 2009 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, May 7, 2009 at 7:00 PM in Council Chambers, as scheduled. All meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro, unless otherwise posted.

**City Manager's Report – September 2008 Windstorm Update:** Ms. Thompson reported that the City has received its final reimbursement for the clean-up effort during last year's windstorm. The City's estimated expenses were \$204,712.00 to clean-up debris and pay for overtime for police and public works. Through FEMA, the City was able to submit up to 75% of its costs due to the storm damages for reimbursement and was able to collect the 75%, which was in the amount of \$153,535.00. Ms. Thompson commented that the City's business with FEMA is officially over, and she hopes that the City does not have the occasion to have to make these types of calculations again anytime in the near future.

**Committee Reports** – No Committee Reports.

- ITEM 8. OTHER BUSINESS.** No other business.

- ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS.** Mr. Anderson thanked the City staff and the Heatherwoode staff for a fantastic breakfast this morning at the City's Business Appreciation Breakfast. Mr. Anderson commented that as a member of City Council and a member of the Springboro business community, the event was put together very well and well received. Mr. Anderson looks forward to next year's breakfast.

Ms. Thompson and Mayor Agenbroad thanked Mr. Anderson for his comments.

**ITEM 10. GUEST COMMENTS.** 1) **Beverly Carey, Carol Klein, and Zeta Runyon, Board Members of Springbrook Commons on Tamarack Trail** – Ms. Carey commented that she wanted to thank John Parise and the Board Members and the Traffic Council for the wonderful traffic light at SR741 and Tamarack Trail. She further commented that they can all come and go safely now and they really appreciate the traffic light and all of the work that was put into it.

Mayor Agenbroad thanked the guests for their comments, and stated that the City always appreciates a compliment.

Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name and address for the record and make their comments accordingly. No other guests came forward.

**ITEM 11. EXECUTIVE SESSION.** No Executive Session.

**ITEM 12. ADJOURNMENT.** Mayor Agenbroad thanked the MVCC for tonight's telecast and scheduled rebroadcasts of this Springboro City Council Meeting.

**Ms. Lairson motioned to adjourn the meeting; whereby, the Thursday, April 16, 2009 Springboro City Council Regular Meeting was adjourned at approximately 7:25 PM. Mr. Parise seconded the motion.**

No discussion.

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

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**John H. Agenbroad, Mayor**

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**Presiding Officer**

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**Lori A. Martin, Clerk of Council**