

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

CITY COUNCIL WORK SESSION

THURSDAY, JANUARY 14, 2010
(RESCHEDULED FROM JANUARY 21)

6:00 PM

COUNCIL

John Agenbroad, Mayor

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

CITY STAFF

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

THE FINANCE COMMITTEE MET ON JANUARY 14 AT 5:30 PM IN COUNCIL CHAMBERS.

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, January 14, 2010 (rescheduled from January 21, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Ave., Springboro, Ohio.
- ITEM 2. ATTENDANCE.** All present. (City Law Director Alan Schaeffer was absent; Acting Law Director David Montgomery was present.)

Before Council reviewed the legislative agenda, Mayor Agenbroad invited Todd Robinson, President of the Springboro Clearcreek Baseball Association (SCBA), to present a proposal to hold a fireworks display and Independence Day Event on July 3 during the weekend of their annual baseball tournament.

Mr. Robinson introduced himself as the President of the SCBA. Mr. Robinson commented that there are about 1,100 players in the program and most of their games are played at Clearcreek Park, but they also use Community Park. The SCBA holds a Fourth of July baseball tournament every year. They bring in about 66 teams for the tournament. Over 50 of the teams are from surrounding areas outside the City and travel to Springboro for the competition, and the SCBA thought it would be nice to put on a fireworks display for them every year. In talking with the City, the Fire Department, and the Police Department, they cannot have the fireworks display at the park because there is not enough access to roads and no parking. Mr. Robinson got in touch with Springboro Schools Superintendent Dr. David Baker, who has given the complex to the SCBA to use for an event on that day, the Saturday of the Fourth of July weekend, which is July 3. The event would be a festival for the City of Springboro and Clearcreek Township for the purpose of getting the community together. Mr. Robinson commented that he wanted to answer five questions: who, what, when, where, why. Who: The fireworks committee in cooperation with the SCBA, SAYE Soccer, Saturday Basketball, Springboro Lacrosse, Springboro Pee Wee Football, and other youth organizations in Springboro. They are trying to get all of the youth organizations together for this event. Once the SCBA decided the event was not going to be held on the baseball fields, they thought they should get all of the youth organizations together; they all volunteer and all use the City. Tentatively, the event would be called the "Springboro Festival of Independence." They are looking at having fireworks, a live band, Police and Fire Department demonstrations, and vintage baseball tournaments. Mr. Robinson explained that there are old vintage baseball teams that play around the area such as the Cloudbusters, who play at Carillon Park, and the Cincinnati Red Stockings. They would invite the vintage teams to play a baseball tournament on the grounds of the high school for people to watch and enjoy.

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They are looking at having a cruise-in because it does not cost anything and it would be another activity for people to participate in or another area people can enjoy. They are looking at inflatable rides for the kids. Mr. Robinson commented that the SCBA's Opening Day brings about 3,000 to 4,000 people to Clearcreek Park and they have inflatables for the kids, which they really enjoy. They are looking at having games, food and merchant vendors, a garage-less sale, which is a garage sale. Mr. Robinson explained that people pay \$20 for a spot and bring their stuff and everyone can go to one spot for the garage-less sale, which would be in another section of the high school complex. Mr. Robinson further explained that because they have the high school complex they have the advantage of a large area to use. He would also be looking for a vendor to pay for an appraiser to do appraisals on-site like the Antiques Road Show, and anyone from the garage-less sale who would like to know if an item has any value could bring it over. When: Saturday, July 3 starting between 11:00AM and 1:00PM and ending after the fireworks display. They are expecting the fireworks to end around 10:30 or 11:00 PM. The entire complex would be cleared of people, hopefully, by 11:30PM to Midnight. Where: Springboro High School. Why: to promote social well being for the residents of the Springboro/Clearcreek Township area exemplifying community spirit and good will while encouraging its residents to participate in community activities. By holding the Fourth of July festival, the residents of our community will have another grand activity to take pride in. This festival will keep Springboro residents in Springboro instead of traveling to other Fourth of July displays thus promoting business in Springboro. Also, it might keep people from setting off their own fireworks. Mr. Robinson explained that he has done some research regarding other populations and events in the area as follows: the Centerville Americana Festival will be held on Monday if the Fourth of July is on a Sunday. Centerville's population is around 22,000; their fireworks cost \$40,000, and the City contributes \$25,000. Kettering's population is around 53,000; their fireworks cost \$35,000, and the City contributes the entire amount. Centerville brings in about 40,000 people to their event every year. Mr. Robinson thinks a festival here could bring a lot of those people; he thinks a lot of people go to Centerville from here because we do not have our own fireworks. Mr. Robinson explained that the reason for him being here tonight is to request a donation in the amount of \$7,500 from the City that will offset the cost of the fireworks. Mr. Robinson has a quote from Lynch Pyrotechnics, which is \$15,000 for a 25-minute display, and that price beats the cost of other fireworks. Mr. Robinson reiterated that for a 25-minute display, it is a decent price and the company takes care of everything. Mr. Robinson also commented that in January, the fireworks committee began bi-monthly meetings, the second and fourth Thursdays of the month at Dr. Baker's office. Mr. Robinson closed by commented that they hope that this event will grow into something that can eventually stand on its own, and it has been the consensus from the beginning that the hardest part is to do it the first year. Mr. Robinson thinks that if they do this event in Springboro for one year; it will start flowing and train rolling on its own and it is something he wants to see the churches involved in, the kids involved in, the veterans involved in, the Eagles and the Lions clubs involved in; he would like all of the community organizations to get together. Mr. Robinson finally commented that the Christmas in Springboro Festival is a pretty fun event and this is an excuse to do it again.

At this time, Mayor Agenbroad stated that he had a couple of questions for Mr. Robinson and he is sure other Council Members do as well.

Mayor Agenbroad commented that this event is not self-supporting and asked Mr. Robinson if the City were to give a donation this year would it become an on-going request each year, which is a concern.

Mr. Robinson answered that he would not say that he would not come back next year to ask for \$5,000 or \$2,500, but eventually the idea is for the event to be self supporting. Mr. Robinson commented that this event would benefit the whole community; it is not just for the benefit of the baseball association.

Mayor Agenbroad asked if the Township has made a donation toward the event.

Mr. Robinson stated that Dr. Baker confirmed with him that the Township is looking at spending money and donating to the event. Mr. Robinson commented that when he asked how much the Township would donate, they wanted to know how much the City would donate. Mr. Robinson reiterated that he needs \$15,000 for the fireworks and he is asking the City to pay for half. Mr. Robinson added that they are also requesting \$10,000 from Duke Energy to be a major sponsor. The budget for the event is \$25,000.

Mr. Chmiel confirmed that the \$25,000 budget would include the fireworks display. Mr. Robinson replied yes, \$25,000 would enable them to have the event without other sponsors. Mr. Robinson explained that the toughest part of fundraising for the event is that he cannot go to sponsors with any numbers such as 10,000 people attend this event because this is the first year of the event. Mr. Robinson further explained that if they hold the event and 20,000-30,000 people show then he can go to sponsors to request money based on real numbers. He added that the more sponsors he gets the less money he

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has to request from the City. Mr. Robinson would like the City to at least give at the blue sponsorship level, which would be \$2,500 every year and then the City of Springboro could be listed as a top sponsor on the website, without necessarily saying how much was donated.

Ms. Lairson asked Mr. Robinson if the idea was to set up a separate non-profit organization exclusively for this event. Mr. Robinson replied yes, they have a bank account already set up, which is actually set up in part with the SCBA because they are already a 501c(3). Mr. Robins explained that once the event starts growing they can set up a separate account, but funds for the event will be held in the SCBA account in the meantime.

Ms. Lairson asked if they were going to charge the vendors. Mr. Robinson answered that the vendors would be charged. Mr. Robinson explained that he has already quoted the vendors \$100 per space because it is the first year and he has no benchmark for attendance. He added that vendors' costs would increase next year if the event is a success.

Mr. Robinson also commented that this year would be a great year to start the event because they would not be in direct competition with Centerville's event, which will take place on Monday this year. He further commented that another part of the budget would pay for advertisements on Channel 7 and radio ads. Mr. Robinson added that they have contacted a couple of different radio stations regarding a live broadcast from the event for the entire day.

Ms. Belpulsi asked Mr. Robinson if there were any other celebrations going on in the area on that day. Mr. Robinson replied no, not as far as he knows. Mr. Robinson commented that, to the best of his knowledge, none of the following communities had an event scheduled on that day: Franklin (pop. 13,000), Trenton (pop. 11,000), Carlisle (pop. 6,000), Waynesville (pop. 4,000) Five Points and Hunter (pop. 2,000). He added that Miamisburg or Lebanon would be the only two other places in the area to go for fireworks if those communities have a fireworks display on that night.

Ms. Lairson asked if Franklin canceled their fireworks. Mr. Robinson replied no, he just did not know which day, Saturday, Sunday, or Monday, they were going to have a fireworks display.

Mr. Robinson further commented that they were ready to have this event last year, and he hears the same question from a lot of people who ask why the City does not have fireworks. Mr. Robinson also commented that the SCBA will benefit from this event by increasing membership and the size of the tournament because they are going to have fireworks as well, but he also thinks it will be good for business and good for the community and there is nothing else going on in the community during the summer. Mr. Robinson added that he has been in touch with the woman that runs the Freedom Festival, who is attending the fireworks committee meeting right now, and requested that she do an event in conjunction with the SCBA's event and they would hold the event for two days instead of one especially will all of the other activities.

Mr. Chmiel commented that Mr. Robinson's enthusiasm is fantastic and he hopes there is someone that can carry the torch for this event when he moves on. Mr. Chmiel further commented that it can be tricky to keep an event like this ongoing. Mr. Chmiel also commented that it is difficult situation because the City is spending the people's money and Council has already gone through the whole budget process. He added that given the current economy and certain commitments the City already has to the festivals, etc, there is a lot of concern regarding whether the event can sustain itself at some point to some degree.

Mr. Robinson commented that he believes it will be self sustaining. He explained that they are already planning to take donations as people drive in. They plan to have kids accepting donations to see if people will throw in a dollar or two per car; he would be fine if he knew people would give \$5.00 for a car load as they came in, but he cannot anticipate the attendance. Mr. Robinson explained that the request for a donation from the City is seed money to make sure they get the event off the ground and do it right. He added that the fireworks would be set off in the outfield of the high school baseball field, and people could sit in the new stands at Springboro High School to watch the fireworks from the ground up.

Mr. Moore commented that there are several people in his ward that participate in the baseball events. They asked him, as the newly elected councilman in their ward, to address the need for additional baseball diamonds. His question is, if there is money that would come available from this event, would that be a resource from which the SCBA might be able to fund the construction of several of the baseball diamonds then teams would not have to resort to using Franklin's fields or elsewhere.

Mr. Robinson explained that the SCBA made an agreement with the City Park Board last year to give them \$10,000 for the construction of three new fields. One of those fields has been completed, and it is his understanding that the third field

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cannot be built because of a pipeline. Mr. Robinson also recognized that Assistant City Manager Chris Pozzuto and Assistant Public Works Director Vince Murphy have been wonderful to work with; the partnership is wonderful. Mr. Robinson continued explaining that the SCBA has paid \$3,000 of the \$10,000 promised, and he has a cashier's check with him tonight for the remaining \$7,000. Mr. Robinson stated that the SCBA contributes a lot of money to maintain the fields, as well. For example, they split the price to add new dirt to the fields 50/50 three years ago. The SCBA always steps up to help with the costs and they pay for the maintenance of the ball diamonds throughout the year. The City cuts the grass, but the SCBA has a service maintain the ball diamonds, which they pay for, and they receive a lot of good comments regarding the fields especially during the tournament. Mr. Robinson stated that it costs a little more than it normally would, but they have a good working relationship with Mr. Pozzuto and Mr. Murphy Vince, which makes them happy.

Mr. Moore stated to Mr. Robinson that what he was asking was if the event was a moneymaker would there be additional money to spend in order to expedite some of these issues regarding the baseball fields such as additional baseball diamonds. Mr. Robinson answered that the SCBA is willing to spend that money out of their pocket anyway. Mr. Robinson explained that if the event makes \$20,000; he would keep that in the bank until the next year in order to keep the event going. If they earn a lot of money that he does not want to keep floating in an account for half a year, then he would split it among the other youth organizations that are helping. For example, SCBA would receive some; SAYE Soccer would receive some, and anybody who donated it. Mr. Robins stated that if the event is going to stand on its own then it needs to stand on its own; otherwise, he would be coming back to the City and asking for \$7,500 every year and he does not want to be in that position. Mr. Robinson further stated that he would rather make a more modest request to ensure that the City is still contributing so that he can say, yes, the City donates every year to the event and it is their tax dollars going up in the sky that they are looking at from their house.

Ms. Belpulsi asked Mr. Robinson if he had any other fund raising activities in mind. Ms. Belpulsi confirmed that the event has a \$25,000 budget, and at this time they have no money at all for the event. Mr. Robinson answered that they have \$2,500 from the SCBA, from their own pocket.

Ms. Belpulsi commented that she thinks the project sounds wonderful, but thinks that it might be too big. She asked Mr. Robinson if they could start out a little bit smaller and let it grow. Mr. Robinson answered that a lot of their ideas such as the garage-less sale do not require any extra funds; the inflatables would be monitored by volunteers, etc. Mr. Robinson commented that a parade takes a lot to organize, but once it is organized it goes. They are not planning to have a big name band or big carnival rides that cost tons of money; they are trying to keep costs down and having a cruise-in, for example, does not cost anything either. They can charge \$5.00 per car for the cruise-in and give each entry a little plaque for their car.

Ms. Belpulsi confirmed that they contacted Duke Energy for a donation of \$10,000. Mr. Robinson stated that they are asking Duke Energy to be a major sponsor, which means the name Duke Energy would be part of the event.

Ms. Belpulsi asked Mr. Robinson what the \$10,000 from Duke Energy would be used for. Mr. Robinson explained that the \$10,000 would cover the general costs like advertising, tables, inflatables, tents, etc. anything that is over and above or beyond. Mr. Robinson added that they can sell glow wrist bands to earn additional monies. They were also thinking about having a basket sale. He explained that basket sales are their biggest fundraiser every year for the SCBA. They make 50 baskets and make \$6,000 by selling raffle tickets for each basket s, which could make a great deal of money; each organization would put in a basket.

Mr. LaDu asked Mr. Robinson if they were looking for police services to be provided on top of the cash donation because police services are an expense, as well. Mr. Robinson agreed that police services are an expense and he would leave that up to the City's discretion, if the City would provide police as an in-kind service and the Township wants to do it that too, that is fine.

Mr. LaDu pointed out that police services had not come up and it is bad enough going up and down Main Street, but if they are talking about thousands of people trying to get out of high school area and down Main Street at 10:30 or 11:00 at night, then it would require police.

Ms. Thompson commented that she and the Chief Kruthoff did a very quick calculation based on Sergeant Wilson's e-mail, which she shared with Council at the last Work Session, and the City's minimum with the day's activities and traffic control would be \$3,000 and that would amount would assume certain things the City does not know for certain. Ms. Thompson

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reiterated that the calculation was based on Sergeant Wilson's comments regarding traffic control and a more intense number of police officers need later in the day for coverage. Ms. Thompson explained that the minimum of an in-kind contribution would be calculated on an average salary at "x" amount of dollars per hour plus time and a half. Ms. Thompson again explained that when she and Chief Kruihoff calculated, based on the information they received, it amounted to approximately \$3,000 and that would be a skeletal type of crew.

Mr. LaDu asked Mr. Robinson about the expense of port-o-lets. Mr. Robinson answered that that type of expense would come from the \$10,000 from Duke Energy, and he understands that they have port-o-lets at the site. Mr. Robinson commented that during the season, the SCBA pays for the port-o-lets at the Clearcreek Park.

Mr. Pozzuto commented that there are restrooms at Clearcreek Park. Mr. Robinson stated that they also have port-o-lets at the park, which he thinks the SCBA pays for. Mr. Pozzuto further commented that he knows the City has a number of purchase orders for port-o-lets, but not during the season.

Ms. Thompson commented that the City has always asked SCBA to partner. There are 1,100 kids in the organization and the City does not pick and choose who is from the township and who is from the City. The township reduced the City's inside millage that was utilized for parks and recreation programs a few years back when it became a controversial issue. The split the City used to receive on the inside millage was reduced to \$75,000 per year, which was to pay off the Library, etc., etc., and in essence there is no financial support for the township residents that play ball at Clearcreek and Springboro Parks. Ms. Thompson further explained that, due to building permit revenue being non-existent right now, the City is unable to provide three additional baseball diamonds without some assistance from the association and because they are not all Springboro residents it seemed like a fair and equitable deal. The City has partnered with the SCBA for many years and helped to pay for the construction of the concession and restroom facility, but that is really why the City asks for the association list to help support the township children playing at the City's facilities.

Mr. Robinson commented that they also get quite a lot of kids from Centerville and surrounding communities. Mr. Robinson commented that they are trying to build a softball program now because the programs around them are falling apart. Mr. Robinson stated that people want play in the SCBA, and they are proud of that and do a lot at that park; they use that park every day, including Sundays, 24/7 during the season.

Mayor Agenbroad asked if there were any other questions or comments of Council. There were no other questions or comments. Mayor Agenbroad thanked Mr. Robinson for his time and presentation; Council does appreciate it, and the City would be in touch with him.

ITEM 3. LEGISLATIVE AGENDA. – Two legislative agenda items were reviewed for the January 14 City Council Regular Meeting.

- 1) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING SECTION 232.01, EMPLOYMENT BY MUNICIPALITY, CHAPTER 232, LAW DIRECTOR, TITLE SIX – ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY.

Mayor Agenbroad commented that staff has requested that Council waive the second and third readings of this ordinance in order to clarify language concerning the employment of the City Law Director and to proceed with the approval of the following resolution to enter into a new two-year contract with the City's current Law Director Alan Schaeffer.

- 2) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALAN B. SCHAEFFER AND PICKREL SCHAEFFER & EBELING FOR LEGAL SERVICES AS LAW DIRECTOR FOR THE CITY OF SPRINGBORO, OHIO FOR THE CALENDAR YEAR JANUARY 15, 2010 THROUGH JANUARY 14, 2012.

No discussion.

ITEM 4. CITY MANAGER. – Issues/Reports.

Council "Meet and Greet" with Department Heads: Ms. Thompson confirmed that Council will have a brief "meet and greet" with Department Heads and Assistants on February 4 at 5:30 PM in Council Chambers prior to the Work Session. Computer Systems Administrator Matt Lang will also be invited to attend.

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Legislation to amend Chapter 287, Community Services Board § 287.01(A), Creation, Members: Ms. Thompson referred to the proposed ordinance under Council's review to increase the Community Services Board Membership from five (5) to seven (7) members. Ms. Thompson suggested that Council review the proposed legislation for consideration at the February 4 Council Meeting.

Ms. Lairson commented that she would talk to the Community Services Board at their meeting next week concerning the proposal to expand the board's membership in lieu of a recommendation.

Council Annual Goals & Objectives Meeting 2010: Ms. Thompson asked Council to set a date for the 2010 goals and objectives meeting for 2010.

After a brief discussion regarding everyone's availability, it was determined that Council would hold a Special Meeting on Saturday, February 27 at 8:30 AM in the Community Room to discuss and establish the City's 2010 goals. Ms. Martin will post and advertise the Special Meeting accordingly. As suggested at the last Work Session, Council will e-mail ideas and topics for discussion to Ms. Thompson to add to the list of staff recommended goals.

Ms. Belpulsi again asked if Council Members would think about topics they would like to discuss or issues or projects that they would like to see as a goal or objective for the coming year for the City. From there, Ms. Thompson can create a list in addition to what staff is suggesting as goals for 2010.

Federal Stimulus Money: Ms. Thompson commented that there would be more stimulus money available, but the stipulations are pretty stringent; projects must be shovel ready and a contract must be let in 90 days. Spoke to Steve Stanley, Executive Director of the Transportation Improvement District (TID) and the Austin Road group via e-mails and there are landscaping costs that are part of the local share of the funding for the interchange. It was suggested that the landscaping for the interchange would be a perfect project for stimulus money because it is shovel ready. The interchange is ready to open in June and the landscaping is ready to go in as soon as the weather allows. The potential for federal funding would help to offset \$200,000 of landscaping on the project, which is the direction that the TID is going to take to try to get some of that stimulus money into the project. The only other projects the City could apply are resurfacing projects because they are usually ready, but anticipate that a huge number of communities will apply for resurfacing projects. Everyone is hoping that the Austin Landscape Project is a little different, which might help to improve chances of being awarded the funding. Otherwise, there is really no activity regarding the Austin Interchange Project other than the permanent financing is being pursued and all of the entities involved will be asked to consider legislation and review information in regard to the permanent financing. Ms. Thompson asked Mr. Stanley for information because she does not want it to be rushed as it has been in the past. The legislation is often presented in a less than timely fashion and everyone is pressured to take action in a very short timeframe. Miamisburg has not received any information regarding the permanent financing either, but it is something that the three entities involved will have to do.

Ms. Belpulsi asked why the bridge is not open. Ms. Thompson explained that the construction trucks are using the bridge, but it was a conscious decision by ODOT and the TID not to open the bridge until the interchange was open in part because there is no traffic signalization on SR741 yet.

Ms. Thompson also mentioned that she is still working with ODOT in regard to the repairs needed on Pennyroyal Road due to all of the damage caused by truck traffic during the interchange project.

ODOT for I75/SR73 Bridge Improvement Project: Ms. Thompson reported that there is some money left on the table from the original work on the bridge on I-75 over SR73 and they consulted with MVRPC regarding the possibility of keeping that money on the table for the ramp project. Franklin and Springboro agreed that monies that are still available on the table would actually make the improvements for the southbound exit ramp, which is now only two lanes, but would expand to three lanes, which would allow the driver to go left, right, or straight across to re-enter the interchange and would help relieve the traffic back-up during peak hours. Franklin and Springboro need to petition ODOT to assign a number to that project and MVRPC has agreed to let the cities use the money left on the table to fund that southbound exit ramp. They are meeting with ODOT tomorrow to address these issues. They are fairly confident they can get a number assigned and possibly get the project on the books for MVRPC to schedule the project for the first available fiscal year, which could be as soon as next year or two years from now, but they do not want that money to disappear. Also, Ms. Thompson commented that she has not spoken with Mr. Schaeffer recently concerning the BP Property, but the City never received a response in

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regard to purchasing the property outright or making an offer. The City still intends to go forward with that north bound ramp someday based on the City's mobility plan and should probably start talking about really pursuing the BP property with respect to seeing if the property owner would sell to the City or finding out what eminent domain might require because ODOT has a number of rules regarding that. Ms. Thompson stated that she assumed this year might be a good year to at least start moving down that path in case in 2015 there is more money available, which sounds far off, but is not for ODOT projects. Ms. Thompson commented that a northbound ramp at the I-75/SR73 interchange would be a pretty big improvement for Springboro residents.

City Building: Ms. Thompson reported that they are still working on some HVAC problems particularly in the server room and have to make some adjustments that require parts, which they are waiting to receive. Locks have been changed and cleaning has been accelerated. Ms. Thompson added that everyone seems to be comfortable in their spaces and seems to be working efficiently. Also, they are trying to reduce the glare in some of the windows with a film covering and the large glass on the second level in the lobby area; which will probably have to be covered with film, as well.

Mr. Pozzuto asked Council to check their calendars in regard to the Business Appreciation Breakfast on Thursday, April 22 at Heatherwoode at 8:00AM and mark the date.

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

Bicycle and Pedestrian Advisory Committee: Ms. Martin confirmed that Council received a packet of letters of interest from applicants for the vacancy on the Bicycle & Pedestrian Advisory Committee. The next BPAC meeting is on February 15, which leaves a little time to review those applicants.

Calendar Update: The next City Council Work Session and Regular Meeting will be held on February 4; agenda packets will be delivered on January 29. Martin Luther King Jr.'s Birthday will be observed on Monday, January 18; whereby, the City offices will be closed. The 3rd U.S. District Representative Office Hours will be held on Friday, January 29, 1:00-2:00PM, in the Community Room.

Elected Officials Training Opportunity: Ms. Martin confirmed attendance for the training program for newly elected officials sponsored by the Miami Valley Communications Council (MVCC) and the Miami Valley Risk Management Association (MVRMA) on Wednesday, February 3, 2010, 8:00AM-3:00PM, at Yankee Trace Golf Club. The program is titled, "Now, What Did I Get Myself Into?!"

ITEM 6. CITY COUNCIL. – Issues/Reports.

Mr. Moore – No issues/reports.

Mr. LaDu – Mr. LaDu will present a Finance Committee report at tonight's Regular Meeting under Committee Reports.

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

Ms. Lairson – Ms. Lairson was approached by a resident that lives behind the Minds in Motion property and he is very concerned about the deterioration of the tree line between the business and the residential area. Ms. Lairson talked the resident about it, who has not approached the owner of that business yet. Ms. Lairson suggested that the resident make a friendly, neighborly inquiry to find out if the business plans to do anything about the trees. Ms. Lairson commented that the resident was mainly asking if the maintenance of the tree line was a requirement in the deed of the property and who would enforce that if the property owner did not maintain it.

Ms. Belpusi remembers Planning Commission discussing this issue and she knows they took some trees out, but she thought they had to replant some of those trees.

Ms. Thompson suggested looking back at the Planning Commission Minutes because she remembers discussing that property line, but she does not remember if there were any requirements.

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Ms. Belpulsi remembers that originally the Minds in Motion business was supposed to plant trees there because there was a gap.

Mr. Chmiel commented that if they were required to maintain a buffer; it should fall under their requirements. Ms. Thompson stated that it might be in the plan requirements, but it should not be in the deed.

Ms. Thompson will follow up regarding this issue.

Ms. Lairson commented that the other concern the resident had was that Minds in Motion changed their playground area, which has changed the way that property drains. The residents are now having a problem with water accumulation and standing water on their properties since that change was made. Ms. Lairson commented that the resident believes he had talked to City Engineer Raj Sharma about the drainage issue.

Ms. Thompson will follow up on this issue as well.

Ms. Lairson asked if, in regard to the waterline project on Clearcreek Franklin Road, could they possibly keep the cones up overnight. She explained that there is big drop in the road in the area where the contractor dug it out and the existing concrete in the middle of the lane, and she has seen cars almost lose control when their wheel catches in the hole.

Ms. Thompson stated that the City would ask the contractor to keep the cones up overnight or offer to replace them with City cones. Ms. Thompson would like to make sure the cones are night reflective.

Ms. Thompson also mentioned to Ms. Lairson that the contract to construct the sidewalk on SR73 to Royal Drive will be presented in February. Ms. Lairson thanked Ms. Thompson for the update.

Ms. Belpulsi – No issues/reports.

Mr. Chmiel – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad announced that the City received a very nice letter from the Library thanking the City for its donation of \$50,000 in 2009 toward operations. In regard to the Bicycle and Pedestrian Advisory Committee, Mayor Agenbroad asked Council if they would prefer to review the applicants between now and February 4 before considering an appointment or would they like to reconvene the Work Session following tonight's Regular Meeting to discuss an appointment. The general consensus was to review the letters of interest from the applicants in preparation to make an appointment on February 4.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the January 14, 2010 City Council Work Session at approximately 6:54 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JANUARY 14, 2010
(RESCHEDULED FROM JANUARY 21)

7:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor
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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, January 14, 2010 (rescheduled from January 21) at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

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

ITEM 3. ROLL CALL. Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. (City Law Director Alan Schaeffer was absent; Acting Law Director David Montgomery was present.)

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF JANUARY 7, 2010. Mayor Agenbroad noted that no minutes were submitted; Council will consider the approval of the January 7 and the January 14 meeting minutes at the February 4 Regular Meeting.

ITEM 5. PRESENTATIONS: FIRST LEGO LEAGUE "FIRST MOVERS" PRESENTATION. Members of the First Lego League "First Movers" presented their proposal for a bus transportation system in Springboro that would transport people in need of transportation to selected destinations. The transportation system would be called the "First Movers Bus Company." (A copy of the proposal made by the students of the First Lego League "First Movers" is attached for the record and reference.)

Mayor Agenbroad thanked the group for their presentation and also thanked them for their hard work and commitment to our great City.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 54 minutes to discuss the following legislation as well as other City matters.

- 1) **ORDINANCE O-10-2: FIRST READING.** "AN ORDINANCE AMENDING SECTION 232.01, EMPLOYMENT BY MUNICIPALITY, CHAPTER 232, LAW DIRECTOR, TITLE SIX – ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY," was read by the Clerk

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of Council. Ms. Thompson's comments are summarized as follows:

This is the first reading of an ordinance amending Section 232.01, Employment by Municipality, Chapter 232, Law Director. The purpose of this ordinance is to clear up some ambiguity in the code as it pertains to the employment of the City Law Director. In consultation with the Legal Committee Chair and Law Director Alan Schaeffer, it was determined that it would be a benefit to the City and to the community to allow for Council approval of successive terms for the Law Director position and correct the language currently in the ordinance.

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

As noted at the Work Session, Mayor Agenbroad asked for a motion to suspend the rules and waive the second and third readings of this ordinance in order to expedite the approval of Legislative Agenda Item 2, a resolution regarding the employment of the Law Director.

Ms. Belpulsi motioned to suspend the rules and waive the second and third readings of Ordinance O-10-2. Mr. Chmiel seconded the motion.

No discussion.

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

Mr. LaDu motioned to adopt Ordinance O-10-2. Mr. Vomacka seconded the motion.

No discussion.

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

- 2) **RESOLUTION R-10-1:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALAN B. SCHAEFFER AND PICKREL SCHAEFFER & EBELING FOR LEGAL SERVICES AS LAW DIRECTOR FOR THE CITY OF SPRINGBORO, OHIO FOR THE CALENDAR YEAR JANUARY 15, 2010 THROUGH JANUARY 14, 2012," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into an agreement with Alan B. Schaeffer and Pickrel Schaeffer & Ebeling for Legal Services as Law Director for a two-year term. As stated in the previous legislation, it was determined that current Law Director Alan Schaeffer with Pickrel, Schaeffer and Ebeling would be wise to have a new contract for a two-year term with successive two-year terms as approved by City Council. The City's current contract with Mr. Schaeffer has been suspended in lieu of the proposed contract to initiate a new two-year term with Pickrel, Schaeffer, and Ebeling with Alan Schaeffer specifically designated as the Law Director.

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

Mr. Chmiel motioned to adopt Resolution R-10-1. Mr. Vomacka seconded the motion.

No discussion.

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

- ITEM 7. REPORTS: Mayor's Report** – Martin Luther King Jr.'s Birthday will be observed on Monday, January 18; whereby, the City offices will be closed. The 3rd U.S. District Office Hours will be held on Friday, January 29, 1:00-2:00PM in the Community Room. The next City Council Work Session and Regular Meeting will be held on Thursday, February 4, 2010 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers.

City Manager's Report – No report.

Committee Reports –

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Mr. Vomacka – Architectural Review Board – The ARB met on Monday, January 11 and approved two new signs in the City at National Bank and Trust, replacing Community Bank, and Dave’s Barber Shop. Both recommendations will be forwarded to the Planning Commission for review and approval.

Ms. Lairson – No reports.

Ms. Belpulsi – No reports.

Mr. LaDu – No reports.

Mr. Moore – No reports.

Mr. LaDu – Finance Committee – The Finance Committee met this evening at 5:30 PM in Council Chambers with the Finance Director and Assistant Finance Director and all things considered the City’s finances are in good shape. In late February or March, the Finance Committee will be recommending changes in the City’s capital purchase approval program, which are purchases already approved through the City’s CIP and budget and are brought before Council redundantly through the legislative process and changes in the interest and penalties pertaining to quarterly tax payments.

Mr. Chmiel – No reports.

ITEM 8. OTHER BUSINESS. Mayor Agenbroad noted that Council would be reviewing applicants for the Bicycle & Pedestrian Advisory Committee in preparation to appoint a new member to the committee on February 4.

In addition, Mayor Agenbroad stated that City Council would have to reconvene the Work Session, directly following the Regular Meeting, to consider the SCBA proposal made by President Todd Robinson earlier at tonight’s Work Session.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. No final Council and Manager comments.

ITEM 10. GUEST COMMENTS. 1) **Michael Mills, President Woodland Greens Homeowners Association (WGHA)** – Mr. Mills introduced himself as the Woodland Greens Homeowners Association President and commented briefly on his personal background and history as a Springboro resident. Mr. Mills commented that he is representing the WGHA by opposing the request to rezone 6.29 acres of land on Lytle-Five Points Road from (Office-Residential) OR to PUD-B (Planning Unit Development - Business). Mr. Mills outlined the basis for the WGHA’s opposition to the rezoning in a handout, which he presented to Council. Mr. Mills closed his comments by stating that he, as well as the other Woodland Greens Board Trustees, and residents of Woodland Greens ask City Council to reject this rezoning request. Mr. Mills offered to answer any questions. (A copy of Mr. Mills’ presentation is attached for the record and reference.)

Mayor Agenbroad asked if Council had any questions.

Mr. Vomacka asked Mr. Mills if he was speaking officially as a representative of the Woodland Greens Board or is he speaking for himself. Mr. Mills answered that he and the board members attended the last Council meeting and they have consulted other neighbors within Woodland Greens, and everyone is in support of their position. Mr. Mills commented that he also has made numerous calls to other residents who live in Sycamore Springs and McCray Farms to make them aware of how this rezoning could impact them by setting a precedent for additional B-1 zoning.

Mr. Vomacka asked Mr. Mills if his board has voted to approve or disapprove this action. Mr. Mills answered no, not officially.

Ms. Belpulsi asked if Mr. Mills is familiar with the B-2 uses that have been suggested for this piece of property. Ms. Belpulsi explained that the reason she is asking this question is that she also serves on the Planning Commission and the commission struggled with this request for quite awhile. Ms. Belpulsi further explained that when Planning Commission considered the PUD-B and restricted the uses of the B-2 zoning of that parcel of land because the B-2

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districts takes in a plethora of businesses, a lot of retail, etc., which would certainly generate a tremendous amount of traffic, they narrowed down the uses and eliminated most of them. Under the proposed rezoning, the only difference would be the daycare center and the bank; other than those two, the uses are the same as in an O-R district. Ms. Belpulsi commented that she did not know if Mr. Mills was familiar with the process and she wanted to make sure he did not misunderstand the zoning in question.

Mr. Mills stated that he does understand the zoning and knows that the only B-2 uses that are proposed are a daycare and a bank and there is the intent to keep everything else O-R or fall within the O-R guidelines. Mr. Mills also commented that there are places along State Route 741 that are vacant for those types of businesses that already exist.

Ms. Belpulsi stated however that that is not the proposal they are looking at, and they have to deal with the proposal that is presented to the City.

Mr. Mills stated that what is approved and the changes that might occur through the process over time is his concern.

Mr. Mills explained that it has been his experience that what has initially been approved and suggested is very seldom what is finally implemented.

Ms. Belpulsi commented that it has been her experience that once the final approval is given the developer has to come back and request new uses through the site plan process.

Mr. Mills stated that he understands that the initial approval and what is finally implemented is subject to reviews, but his point is what is initially approved in comparison to what the initial implementation is, are seldom the same. There are probably some minor differences and he is referring to this as whole meaning with regard to the parking lot, green space and expanding the parking lot and obtaining approval, which is a change, but he understands that there is not any process in order to do that. Mr. Mills added that immediately following the last Council meeting, the board met and did fully support opposition to the rezoning even though there is no vote in the minutes, but there is the full support of all of the board members, and he wanted to make that clarification.

Mayor Agenbroad thanked Mr. Mills for his comments.

2) Skip Shafer, CSFive Points Representative, developer/owner of the property – Mr. Shafer introduced himself as one of the members of CSFive Points, the owner of the property proposed to be rezoned and in question. Mr. Shafer wanted to address some of the questions and concerns raised at the last meeting. Mr. Shafer stated that the current zoning is O-R and it was not the owner's intent to submit a proposal for a PUD-B to make this property a more intensive use. Mr. Shafer explained that what they were trying to do is to clarify a couple of the uses in the City's current zoning. For example, it states that schools are allowed under the O-R zoning, but in speaking with staff a couple years ago it could be a quasi daycare and school. In other words, if it serves both functions it does not come under one definition or the other. Mr. Shafer stated that he guessed Minds in Motion, for example, fits in one particular category and the Day Academy might fit in a different category. They looked at the code to determine how to best accomplish placing a daycare in this category. As far as the intensity of the use, if a school were located on this site generally they are a little bit more intensive because they start and stop at a specific time; whereas, with a daycare usually has pick-ups dispersed a little bit throughout the day, which is really more in keeping with an office category. Their intent is to stay within the uses that are currently allowed in O-R with the exception of the other B-2 use that they are requesting to be allowed in this district, which would be a bank. Mr. Shafer explained that a bank is in a little bit different category because they had a general site plan that shows buildings on it and he guessed a bank would potentially locate in that building. Mr. Shafer referred to the Liberty Bank on the corner of Park Lane and State Route 73, which looks generally like an office building, but has a drive through on one side of it and the City's B-2 district does list banks with or without drive-thru facilities. The plan they have submitted for Planning Commission review right now shows buildings and does not show any drive-thru facilities. If a drive-thru were to be added to the site it would have to come back to the City for approval of that particular plan. Mr. Shafer stated that they followed staff's suggestions to rezone the entire property to the PUD category and under O-R districts under yard requirements is a side yard requirement of 10 feet on both sides. Before the Public Hearing, Mr. Shafer did call the adjoining property owners to

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discuss the issues before the public meeting and did not have the opportunity to actually meet them until after the first public meeting. He did meet with two of the adjoining neighbors off-site and continued that meeting on-site to really look at the existing buffer line that is in place. One thing that is really important to them is a pretty good stand of trees fairly much on the border. He suggested possibly looking at preserving the first 10 feet on the property, which fairly well encompasses those large trees, and then do a grading line. Mr. Shafer commented that Mr. Vomacka raised the point at the last meeting that, under the current zoning, they could not grade to the property line and a lot of those trees or all of those trees would be gone. Mr. Shafer stated that what they would be willing to do is to preserve the first 10-ft. then add another 10 ft. of buffer. By preserving that first 10 ft., there is another qualification for the grading of this site. There is a 20 ft. drop from east to west with the east side being the highest side. They worked the preliminary grading for a building that would be placed on the east side of the access road and that building would be about 9-10 ft. below the grade of the adjoining property to the east. It would be the front property closest to Lytle-Five Points Road. By preserving the first 10 ft., they would have to grade beyond that 10 ft. and install some type of retaining wall to lower the grade down sufficiently enough to actually build on that site. Mr. Shafer stated that it does create some practical difficulties in building the site, but they are willing to take a look at that to preserve the first 10 ft. and whole stand of trees. There are probably some trees that are 18-24 inches in diameter, and they would like to keep them also. Mr. Shafer reiterated that he did meet with the adjoining property owners, but he did not get any other kind of response other than he was hoping to discuss these issues further, which he wanted to point out to Council regarding this issue. Mr. Shafer commented that the B-2 uses has already been addressed and there has been a lot of discussion about what could really go in this category, and again it is not his preference to go with any other uses than what has been discussed, which are the two uses from that category, banks and daycare centers. One other issue that was raised was traffic, and, in preparation over the last several months with the Planning Commission, they have done a traffic study to address the impacts of this development on traffic, and he guesses it has been accepted that the traffic is very minimal according to what the study showed. Mr. Shafer offered to answer any questions.

Mayor Agenbroad asked if Council had any questions.

Ms. Lairson asked if Mr. Shafer already had a buyer for this property. Mr. Schaeffer answered that they have a buyer for the daycare center.

Mayor Agenbroad thanked Mr. Shafer for his time and comments.

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

As mentioned before, Mayor Agenbroad stated that Council would reconvene the Work Session to continue discussion regarding the SCBA proposal.

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. Vomacka motioned to adjourn the meeting and reconvene the Work Session; whereby, the Thursday, January 14, 2010 Springboro City Council Regular Meeting was adjourned at 7:38 PM. Ms. Lairson seconded the motion.

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

At approximately 7:42 PM, City Council reconvened the Work Session.

Mayor Agenbroad referred to SCBA President Todd Robinson's presentation during the Work Session earlier this evening regarding an event and fireworks display over the Fourth of July weekend. Mayor Agenbroad stated that he commends Mr. Robinson for all of his vigorous efforts. Mayor Agenbroad asked for Council's comments regarding the proposal. Mayor Agenbroad confirmed that Mr. Robinson gave Ms. Thompson the check for \$7,000, which was the

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remaining balance from the SCBA to construct the two baseball diamonds. Ms. Thompson replied yes, she received the check.

Mr. Chmiel asked if there was any money in this year's budget that could be delayed or eliminated that would not increase appropriations i.e. without spending more than what was budgeted.

Mayor Agenbroad commented that part of the \$7,000 from the SCBA could be used.

Mr. Pozzuto commented that the City actually did budget to receive that \$7,000 from the SCBA.

Mr. Moore confirmed that the \$7,000 was not extra money and should not be considered with regard to this request. Ms. Thompson confirmed that it was not extra money.

Mr. Chmiel stated that he is not in favor of adding to what Council has already committed to in the budget to keep the City's finances in order, but he does not have a problem delaying or not performing a project or purchase that was already budgeted for to make this event a possibility if that is Council's choice. Mr. Chmiel would like to see if there are any creative changes that could be made in the City's current appropriations toward a contribution.

Ms. Thompson commented that the City does not have enough ball diamonds and that is a need, as Mr. Moore had commented. Ms. Thompson stated that she would have to check with the Finance Director, but she doubts there are any funds available in the budget for a contribution. She explained that the City's income tax was down around 4% at the end of 2009 and Council knows the projections of 8-10% decrease in revenues in 2010.

Mr. Moore commented that it is still kind of vague in regard to what it is going to cost for police services. He further commented that \$3,000 is the estimated minimum, but they have no idea how much it would actually cost and how high that cost would be. Mr. Moore does not think that the cost associated with police services for the event was budgeted and to him it comes down to what the people are going to be more disgruntled about. Mr. Moore explained that the people that talk to him do not like to have to go to Franklin and then be put on a waiting list and not get a good time to practice or play ball. He stated that the situation is really frustrating to the people involved. Mr. Moore added that if the money is available to finish what they need regarding the baseball diamonds, then they should be finished, but he agreed with Mr. LaDu and Mr. Chmiel that maybe this is not the year to make a contribution to the event.

Mr. Chmiel commented that the two baseball diamonds are already committed. One baseball diamond is finished and the other two are in the process of being constructed.

Mayor Agenbroad commented that the one ball diamond cannot be completed due to the gas line. Mr. Pozzuto explained that they originally thought they could fit three ball diamonds, but can only fit two because of the gas line.

Ms. Thompson commented that the City does not have any help as far as baseball diamonds. The traveling teams experience the frustration with the scheduling, which are SCBA baseball teams. They also incorporated softball and traveling teams, which used to be independent and they would hope to get some practice time and they have incorporated that into the SCBA umbrella so that everyone could cooperate because for years the City put it on the coaches to contact the SCBA and schedule some time because they all live here and have a right to use the fields. The SCBA is 1,100 kids and at least 50-70% are not residents of the City, but Patricia Allyn Park in Clearcreek Township is not available for use. It is a real tough situation and has been for 30 years. When the City developed Clearcreek Park it probably could have been more efficient, but the City designed the ball diamonds to meet the wishes of Tom Stolz, who donated the land with the request that the diamonds be spread out, which they all realized could be done more efficiently. There is a lot of pressure on the City to provide ball diamonds, but a certain amount of the people playing ball are not residents of the City, and the City has tried for all these years to accommodate everyone and she thinks the City has done a good job. Ms. Thompson explained that the City asked for the money from the SCBA because funds have really dried up as far as building permit money to pay for park improvements and the City felt it was important for the SCBA to contribute because they are not all Springboro residents. Also, the City has no more park land or any place to go to put more ball diamonds.

Ms. Belpulsi asked why Patricia Allyn Park does not have ball diamonds. Ms. Thompson commented that she believes soccer and lacrosse are played on the fields at that park.

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Ms. Belpulsi commented that Mr. Robinson was very enthusiastic and if it was something she would be more comfortable with supporting money wise she would be willing to consider a contribution, but the City is looking at an 8-10% reduction in income tax revenue and cannot give staff raises this year because the City does not have the money. Ms. Belpulsi commented that she does not think that it is in the City's best interest right now to contribute to this event. Ms. Belpulsi also stated that she could not grasp what this event was going to be and they have no money, and she is not comfortable with the City contributing \$7,500 to it; she thinks the event should start out a little smaller. Ms. Belpulsi pointed out that if the City has police and public works personnel and liability issues concerning the event it becomes a cost to the City. Ms. Belpulsi commented that if the City is going to be part of this event these are the things we need to think about. Ms. Belpulsi finally commented that she would not mind giving something, but she could not in good conscience agree to donate \$7,500 with the current budget issues.

Mayor Agenbroad suggested giving something smaller or making a donation contingent upon the SCBA actually having the event rather than just donating the money outright. Mayor Agenbroad explained that if they actually pull it off and raise the money they say they are going to raise then the City could make a pledge to that amount. Mayor Agenbroad commented that the City continues to support the Christmas festival even though it is supposed to be self supporting, and he thinks the festival is wonderful for Springboro, but the festival has raised money for the Historical Society and now money is needed from the City to repair the Null Log House. Mayor Agenbroad further commented that he would not have a problem pledging "x" amount of dollars contingent upon the group raising the money and if they do not raise the money for the event, the City still has the \$7,000 to finish constructing the baseball diamonds. Mayor Agenbroad also suggested that if they combine the event with the Freedom Festival, it might be helpful because they do have some money and could support each other.

Ms. Belpulsi commented that she did not think they held the Freedom Festival any longer. Mayor Agenbroad commented that they want to start it again and have asked him to meet with them to talk about it.

Mayor Agenbroad also commented that if the City does make a donation, it should be made clear that the City wants nothing to do with organizing or managing the event. Mayor Agenbroad also stated that he is not sure if the event will get off the ground, but at least the City will have made a pledge to contribute if it does. If the SCBA is able to raise the money and get the volunteers to pull it off and make it an annual event, it would be great to have fireworks in Springboro.

Ms. Lairson commented that she is in support of some kind of fireworks display; she thinks it has been needed here for awhile. Also, Ms. Lairson commented that she thinks it is great that Dr. Baker is willing to let the SCBA use that property for the event because there really has not been a place to do fireworks, but she agrees with Ms. Belpulsi that if the City can find a little bit of money somewhere in the budget that would be acceptable, but not \$7,500.

Mayor Agenbroad suggested a donation of \$2,500.

Ms. Lairson commented that the donation is definitely going to have to be less, and contingent upon the event really happening.

Mayor Agenbroad suggested \$2500, contingent upon the event actually happening.

Ms. Lairson stated that she thinks there are ideas that Mr. Robinson mentioned that could definitely be downsized, such as the advertising. She commented that having a radio station do a live broadcast all day long is extremely expensive.

Mayor Agenbroad suggested that they could scale back on the fireworks. He explained that maybe they could start out with a smaller less expensive fireworks display the first year rather than the proposed \$15,000 for 25 minutes. Mayor Agenbroad again suggested putting the ownership back on the group to raise the money up front, and the City could make a contribution contingent upon the event occurring.

Mr. Moore commented that he has not known other communities where a fireworks display is an all day event like what is being proposed from 11:00AM-11:00PM with activities for the kids, etc. Mr. Moore commented that usually at most events people come for the fireworks for an hour or two and go home. Mr. Moore stated that he thinks the timeframe could be scaled way back. Mr. Moore commented that he still generally agrees with Mr. Chmiel and Mr. LaDu if the

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City can find \$2,500 and postpone another project he would agree. Otherwise, the budget is done and has been approved and voted on. Mr. Moore stated that he wished the SCBA would have come to Council to make their request prior to the budget being finalized.

Mr. Vomacka commented that if the City did not have money when the budget was discussed, then the City does not have the money now. Mr. Vomacka stated that he does see it as the big question of asking for it then or now. Mr. Vomacka commented that, although he really likes fireworks, he thinks they need to try to hold the festival without fireworks for a year and do all of the other things they are talking about doing because most of them are volunteer activities. Mr. Vomacka further commented that if they can get a core level of action going for one year, then he would be very interested in seeing if the City could support them in the future. Mr. Vomacka reiterated that he would like to see them get something going before the City and the Township contribute. Mr. Vomacka commented that he watched the Christmas Festival grow from something small to something much larger today and he watched the Freedom Festival wither on the vine and go away, at least for a couple of years. He further commented that it takes people to make those types of events happen and money is a nice part of it, but it really takes a lot of volunteer effort, as it does with the Christmas Festival. Finally, Mr. Vomacka commented that he thinks they need to show something real first.

Mr. Chmiel commented that the Dog Daze Festival held downtown was the best event second to the Christmas Festival and they did not ask for anything and that festival brought people in from everywhere. Mr. Chmiel further commented that it can be done; it is just a matter of how organized the group is.

Ms. Thompson commented that she spoke with Township Administrator Dennis Pickett and one of their concerns is the sustainability of the event. Ms. Thompson commented that Mr. Robinson has great energy and it was awesome to hear him be so excited about this event, but what happens when his children stop playing baseball. Ms. Thompson also commented that she did not get a clear cut answer when he was asked if the account for the event would be separate from the SCBA account, but what she heard was that this event would be financed by a separate checking account under SCBA's umbrella, and she still does not understand if it is separate or not.

Ms. Lairson stated that she felt that it was the same people and the same organization, but they would be putting the money for the event in a separate account. Ms. Lairson further stated that it really needs to be a separate entity.

Ms. Thompson commented that Centerville gives to the Americana Festival, but it is a separate event run by residents on a committee. They make a lot of money on those vendor booths that line State Route 725 and the fireworks show is held at the high school. They have a committee that has sustained and preserved that event year after year. Ms. Thompson agreed with Mr. Vomacka's and Mr. Moore's comments that maybe the proposed event should be one or the other for the first year's event. In other words, either only do fireworks where people show up at the high school and leave or have the festival to establish if there is an interest. Ms. Thompson commented that the proposal is so ambitious, and the budget is \$25,000. Also, Ms. Thompson commented that that was the first she had heard about any of the other organizations being involved. Ms. Thompson reiterated Mayor Agenbroad's questions, which were will the event be an annual event and will they come back to ask the City for a donation year after year.

Ms. Thompson asked Mayor Agenbroad if when he said he would be willing to pledge if they raised the money did he mean the \$15,000 for the fireworks or the total budget of \$25,000. Mayor Agenbroad answered that it would be whatever they raise to be able to pull this off. Mayor Agenbroad explained that if they have the event then they would have the City's contribution and if they do not have the event they will not have the City's check. In other words, the City will make a pledge, but not spend the money until the City knows they are indeed going to have this event.

Mr. LaDu and Ms. Thompson asked how the City would know if they are going to be able to raise the money and have the event. Mayor Agenbroad stated that the City would commit to it like anything else. Mayor Agenbroad explained that that is how he handled the Memorial Day Parade. Every year he got commitments and when the event was over he received the money.

Mr. LaDu pointed out that they need the money to pay for the fireworks.

Mayor Agenbroad commented that if they only raise \$5,000, the City would know the event is not going to happen. Mayor Agenbroad further commented that if they raise \$15,000, then the City would know it could contribute to the

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event. Mayor Agenbroad added that the City will know early on if they are going to raise the money, as their deadline is July.

Mr. Vomacka commented that the problem with Mayor Agenbroad's approach is that they need capital now to cover the costs up front. For example, they need to make a down payment on the fireworks or buy the light bracelets. Mr. Vomacka stated that if the City says it will not give them money until it sees that the event is really going to happen they cannot do the things they need to do to really make it happen.

Mayor Agenbroad commented that if the event was a success and the City did not contribute or did not at least do something, he thinks it would be very bad for the community. If the City offers to provide police services at its own expense at least they would know that if they raise the money the City will back them up. Mayor Agenbroad commented that there are lots of ways for the City to contribute to this event.

At this time, Police Chief Kruithoff asked to make a few comments. Chief Kruithoff commented that he spoke with Sergeant Don Wilson and there may be subtleties that Council may not be aware of in regard to this request. Chief Kruithoff commented that the group does not have a clear plan and they do not know which groups are going to participate, which is why it was hard to determine what it would cost for police protection. Chief Kruithoff also commented that this community is hurting when it comes to business donations for events. The City holds a National Night Out event and the Township puts on a community National Night Out event at Patricia Allyn Park. Chief Kruithoff commented that when someone in the community goes to businesses for donations the businesses are deflated and might say they are the fifth person today that wants them to donate something. Chief Kruithoff stated that someone has to have the leadership to say this is what the City can tolerate right now. Chief Kruithoff further stated that if the City approves this request or supports another event something else is going to get lost. The community already has a lot of things that are occurring and the Police Department is tangentially involved in so many of them. Chief Kruithoff pointed out that this donation from Duke Energy is not going to be new money from Duke Energy it is going to come from their sponsorship of the community festival at Patricia Allyn Park or donations they make to National Night Out or donations they make to DARE or the Explorer Program. Chief Kruithoff stated that he wanted to bring those two points forward and asked that Council consider them in their discussion.

Ms. Belpulsi inquired regarding the Null Cabin commenting that the Historical Society has come to the City for money to refurbish the Null Log House and it was determined that there were structural issues and the City had to close the house. She further confirmed that they wanted money to do several things and the City told them no.

Ms. Thompson clarified that the City had a liability at the house, but did not have a cost to fix it. Staff told the Historical Society that the City would have to get a cost estimate, which is in process.

Ms. Belpulsi asked if the City would absorb that whole cost.

Ms. Thompson replied yes, the City has to because the City owns the house. Ms. Thompson reminded Ms. Belpulsi that when the City asked Helen Sproat of the Historical Society to try to do some fundraising to help defray the costs, Ms. Sproat's response was that it was the City's responsibility because we own the house.

Ms. Belpulsi commented that she has a problem with the event because, although it is a very exciting proposal, it seems to be all over the place with respect to a plan.

Mayor Agenbroad had asked Ms. Thompson to contact the Township Administrator Dennis Pickett because he was told the Township was going to donate "x" "y" and "z" in terms of dollars and cents. The Township's response was that they would contribute fire and police services, but are not willing to give any money. Mayor Agenbroad suggested that maybe that is what the City would be willing to do to provide police services and the City's and the Township's contributions to the event would be the same as far as providing in-kind services. Mayor Agenbroad commented that he wanted Council to consider all of the options and give the proposal serious consideration before discussing the Township's intention to only donate in-kind services. Mayor Agenbroad asked if Council would be comfortable with that approach i.e. if the group raises the money, the City will be more than glad to provide police services, which would give Sergeant Wilson more time to determine what will be needed in terms of police services.

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Mr. Moore asked Mayor Agenbroad if that approach would include the \$2,500 dollar pledge. Mayor Agenbroad replied no, it would simply be the in-kind donation of police services

Ms Belpulsi added that it would not only be police, but also public works services would be necessary.

Ms. Thompson commented that if they are planning to do what they propose, a 12-hour plus event, it amounts to a 13-14 hour day. Ms. Thompson further commented that she and Chief Kruihoff did not calculate the cost estimate for police services for the entire day; the scope of the event has changed since Sergeant Wilson's email.

Mayor Agenbroad commented that they may find out that they are not able to get the donations they need and will have to start scaling back the event, but at least it is back in their hands and the City is providing some kind of support.

Ms. Lairson wanted to clarify that the baseball tournament is happening on that same day as the proposed event.

Ms. Thompson replied yes, the baseball tournament runs all weekend. She pointed out that they are not only providing staffing for the big baseball tournament all day in one location, but they will have this other event going on at this other location that they are going to advertise on TV and radio.

Mayor Agenbroad commented that he throws the first pitch out every year at this baseball tournament and they have 100 plus people working at the ball park on that day. Mayor Agenbroad stated that they will have all the volunteers they need if they pull off this event.

Ms. Thompson commented that it will be difficult to maintain both events; it does and will require a whole lot of people

Mr. LaDu also commented that he had some concerns with events taking place at two locations at the same time.

Ms. Lairson commented that, being on the Expo Committee, she is aware of all of the organization required to just run that one event e.g. the parking, layout, etc. Ms. Lairson explained that it seems like the group has a lot of things going on and a lot of logistics need to be worked out. She stated that she is not sure if they have any idea of what is really involved in running an event like they are proposing. Ms. Lairson further commented that it is one thing to organize a baseball tournament where "x" number of teams are scheduled to play on "x" number of diamonds. Ms. Lairson suggested that they need to scale the event down.

Mayor Agenbroad asked for a consensus on whether the City offers in-kind services like the Township has offered, if the event goes forward.

Ms. Thompson commented that the Township has offered their fire personnel which of course is going to be required for the pyrotechnics and has offered their police for traffic. Ms. Thompson commented that the City would have the public works side of it, but she asked if there was a limit on the in-kind services.

Mayor Agenbroad suggested that the in-kind services should be within reason, and commented that the cost estimate is around \$3,000-4,000 right now.

Ms. Thompson stated that there is a statutory requirement for safe ingress and egress.

Chief Kruihoff commented that the police have a larger responsibility for the safety of people when they are assembling. Chief Kruihoff stated that the police department will have to dedicate what is necessary based on the crowds and activities; it would be difficult to set a limit on the in-kind donation.

Ms. Lairson commented that the City could limit that in-kind service by limiting the number of hours, for example, if the event was within a shorter time frame.

Chief Kruihoff agreed that if there is an affirmative process, then they could better determine a cost. Chief Kruihoff also commented that when people wait for fireworks they use illegal fireworks.

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Ms. Thompson commented that Sergeant Wilson recommended as many as eight officers during the fireworks and prior to that time officers to actually guard the fireworks.

Ms. Belpulsi inquired regarding the City's liability with respect to this event. Ms. Thompson explained that the event is being proposed on school property; therefore, the school district carries the liability.

Ms. Belpulsi asked if the City donates money to pay for the fireworks it would have no liability. Ms. Thompson answered that the fireworks company is bonded and has to carry a minimum of one million dollars of insurance. Ms. Thompson does not believe the City would have any liability.

Mr. Moore tried to clarify whether the City would be liable if it was a sponsor of the fireworks.

Ms. Lairson mentioned that Mr. Robinson proposed setting the fireworks off over a field during one of the old time baseball games.

Mayor Agenbroad commented that the liability falls on the property owner, which is the school district. Mayor Agenbroad confirmed that Council agreed to offer an in-kind donation in response to the SCBA request for a donation to help sponsor a festival with fireworks event. It was the consensus of Council to offer an in-kind donation in the form of police and public works services for the proposed event.

With no further business or discussion, Mayor Agenbroad finally adjourned the Thursday, January 14, 2010 Springboro City Council Work Session at 8:14 PM.

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council

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