

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

CITY COUNCIL WORK SESSION

THURSDAY, JUNE 4, 2009

6:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor
Marie Belpulsi
Sheila Lairson

Scott Anderson
Tom LaDu
John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruihoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council
(Chris Pozzuto served as Acting Clerk of Council)

PRIOR TO THE WORK SESSION. CITY COUNCIL GATHERED AT 5:00 PM AT 320 W. CENTRAL AVENUE TO TOUR THE NEW CITY BUILDING IN PROGRESS.

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, June 4, 2009 at 6:10 PM in Council Chambers at the City's temporary facility in the Dalco Building, 425 S. Pioneer Boulevard, Springboro, Ohio. The Work Session began 10 minutes late due to the tour of the new City Building.

ITEM 2. ATTENDANCE. No absences. Ms. Martin was absent due to a personal conflict.

At this time, Ms. Thompson informally introduced Tom West as the new General Manager at Heatherwoode Golf Course. Ms. Thompson commented that Mr. West has been really great to work with so far, and she very much appreciates his business sense with respect to golf course revenue. Ms. Thompson further commented that she is very, very encouraged by everything that Mr. West has accomplished so far.

Council Members introduced themselves to Mr. West.

Mr. West commented that he is new to the area, but he loves the facility and the area and will be relocating to Springboro.

Mayor Agenbroad welcomed Mr. West to Springboro.

At this time, Mayor Agenbroad announced that Mr. Pozzuto would serve as Acting Clerk of Council in Ms. Martin's absence.

ITEM 3. LEGISLATIVE AGENDA. –Nineteen legislative agenda items were reviewed for the June 4, 2009 City Council Regular Meeting.

CONSENT AGENDA

(All items under the Consent Agenda are considered by the City Council to be routine and will be adopted by one motion. Any City Council Member may, however, remove an item from the Consent Agenda by request. Items removed for separate

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discussion and action will be considered under the Regular Legislative Agenda following the motion to approve the Consent Agenda.)

- 1) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE FOR LOTS 1-31 IN BECK RIDGE IN SECTION ONE SUBDIVISION IN THE CITY.
- 2) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY.
- 3) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY.
- 4) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY.
- 5) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY.
- 6) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY.
- 7) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY.
- 8) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY.
- 9) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 10) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 11) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY.
- 12) **ORDINANCE: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 108-123 OF THE NORTH HILLS OF STONE RIDGE SECTION FIVE, SUBDIVISION IN THE CITY.

END CONSENT AGENDA

BEGIN REGULAR AGENDA

- 13) RESOLUTION:** A RESOLUTION ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM W.H. GREATHOUSE & MONTA D. GREATHOUSE, OWNERS OF THE PROPERTY HAVING THE SIDWELL #04-13-178-004.

No discussion.

- 14) RESOLUTION:** A RESOLUTION DECLARING THE INTENT TO APPROPRIATE VARIOUS PROPERTIES LOCATED ALONG EAST MILL STREET FROM EAST STREET TO SOUTH RICHARDS RUNEYLER DRIVE FOR PUBLIC ROAD PURPOSES.

No discussion.

- 15) RESOLUTION :** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION FOR THE PID No. 86335, WAR CR119-0.02 PROJECT. (CLEARCREEK-FRANKLIN ROAD RESURFACING PROJECT).

No discussion.

- 16) RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A PRE-APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR PROJECT YEAR 26/FISCAL YEAR 2012.

No discussion.

- 17) RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH C.A. STEMPFLEY CONTRACTOR, INC. TO COMPLETE THE EDWARDS DRIVE ROADWAY IMPROVEMENT PROJECT, PHASE 1

Mr. Anderson inquired as to whether Edwards Drive was a private road? Ms. Thompson replied no. She explained that parts of Edward Drive were private, but were publicly dedicated as part of the City's Mobility Master Plan for that portion of SR73 to provide access. She further explained that it was in the City's best interest to make that a public thoroughfare because Edwards was thinking about selling the lot across the street and was going to cut off the access to the roadway for the property owner on the northern side. In addition, the road was in bad condition and not being maintained and there were some economic development opportunities at that location in the empty lots; thus, the City thought it would be wise to see if the Edwards Family would dedicate the right-of-way to the City, which they granted.

Ms. Lairson asked if there were plans to extend Edwards Drive to access SR73? Ms. Thompson replied yes. Ms. Thompson added that the right-of-way to Edwards Drive was granted to the City at least five years ago, but due to funding issues the City is just now getting around to making those improvements.

- 18) RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DIGGIT EXCAVATING, INC. TO COMPLETE THE INSTALLATION OF AN 8" WATER MAIN LOCATED ON TAMARACK TRAIL AND RENWOOD PLACE BETWEEN BASIL STREET AND ALLSPICE COURT.

Mr. Parise asked how long this project would take to complete? Ms. Thompson stated that she was not sure, but would follow up on his question. Mr. Parise asked when the project is scheduled to start? Ms. Thompson replied, within the next three weeks, but she would double check the timing also. Mr. Parise asked if that section of the roadway would be closed during the project? Ms. Thompson replied no, they would maintain traffic during the project.

- 19) RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRUMBAUGH CONSTRUCTION, INC. FOR THE COMPLETION OF SITE DEVELOPMENT WORK

AT THE CITY OF SPRINGBORO CITY BUILDING, 320 WEST CENTRAL AVENUE, SPRINGBORO, OHIO AND VOIDING RESOLUTION R-09-28; REPLACING SAID RESOLUTION WITH THE FOLLOWING.

Ms. Thompson commented that per the advice of the City Law Director's office, staff has gone back to the original bids for Kelchner and Brumbaugh, between which there was a \$6,113.00 difference. It was the opinion of staff to again recommend Brumbaugh as the lowest and best bidder because they are already on site and know where the previous contractor (Miller Bros.) left off and would not have the types of scheduling conflicts that might occur if two different general contractors were on site. For a \$6,000 differential, it made very little sense for staff to recommend Kelchner. With respect to the deduct that was originally suggested, according to the Law Director, a construction change directive can be issued by the City Manager's office for that deduct, and staff suspects that Brumbaugh would agree to it since it is their number. Even though Brumbaugh would have the option to challenge the deduct, staff is confident that it will not be a problem. Kelchner, through their attorney, indicated to Mr. Schaeffer this week that they are in complete agreement and understand why the City went back to the open bid and accept that decision, but felt that they had no choice to challenge the original bid. Also, Kelchner expressed that they hope the remainder of the project goes smoothly and they hope to have an opportunity to work with the City on a future project.

Mayor Agenbroad confirmed with Mr. Schaeffer that everything is in order with respect to this contract and confirmed that there were no objections from Council. There were no objections.

Mr. LaDu asked if Council would have to take a separate action to rescind the resolution that Council originally adopted to contract with Brumbaugh? Ms. Thompson pointed out that the proposed resolution contains language that voids the original Resolution (R-09-28) and replaces it with one action, and was reviewed with the Clerk and the Law Director.

ITEM 4. CITY MANAGER. -Issues/Reports.

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

Council Meeting Schedule for June: Ms. Thompson reminded Council that the next Regular Meeting has been scheduled for Thursday, June 11 at 6:00 PM at Cox Arboretum. The June 18 City Council Work Session and Regular Meeting have been canceled due to the June 11 meeting.

Austin Center JEDD Update: Council will receive an electronic Agenda Packet for June 11 for the Public Hearing and Austin Center JEDD Contract legislation. Ms. Thompson asked Council Members to please check their e-mail for the packet. Approximately eight documents will be included in the electronic file including an agenda, cover memo, resolution, executive summary, JEDD Contract, map of territory, etc. If any Council Member would like a hard copy, please contact Ms. Thompson via e-mail. Ms. Thompson explained that the contract has changed very little from the last time Council reviewed it, but the Executive Summary includes what has changed. Those changes primarily are, rather than the 110% of the income tax revenue that the City would have collected it would be 100% i.e. Springboro would be made whole out of 1.75% rather than 1.5% tax rate, which would help to increase revenue. The more substantial change is the change in the JEDD district revenue from 25% to 5%, which obviously makes the pot bigger to share. The City gave up the 10% because in the long run being able to capture more of the actual JEDD revenue from the whole district rather than a 25%/75% split should be beneficial to the City, and the City would be made whole on Springboro's jurisdictional holding.

Mr. Chmiel confirmed that the split is 95%/5%? Ms. Thompson answered that it is 95%/5% now; it was 75%/25%, which is a pretty significant change. Ms. Thompson explained that it was 25% of all of the income tax revenue collected from the JEDD. The other provision is that if there is not enough revenue in the JEDD i.e. if the Board finds it does not have enough revenue, it can always vote to change it and ask for some contributions from the jurisdictions, but the Board cannot spend any money without unanimous approval and Springboro will always have a seat. All four jurisdictions have a seat on the Board; the remaining seat is appointed by the other four. Again, Springboro will always have one vote.

Mr. Schaeffer commented that the Board would always know a year in advance if the district needed money because the budget has to be submitted by September 30 and approved by December 1. Ms. Thompson confirmed that the City would always have some advance notice and there is always the provision to withdraw from the JEDD.

Ms. Belpulsi asked if the property owners had to agree to be part of the JEDD before being taxed? Ms. Thompson explained that the JEDD is being established by virtue of the map, which is primarily the right-of-way and the Miami Township parcel, which is 24 acres; hence, there is really no revenue being produced by the JEDD today. The owners of property have to petition the JEDD to be included. If the property is in Springboro, the City would have to approve, if the property is in Miamisburg, they would have to approve, and likewise in Miami Township. Again, the property owner has to petition the JEDD for inclusion. If RG Properties owns 142 acres on the northeast corner, they have to sign a petition to ask to be brought into the JEDD.

Ms. Belpulsi asked if that is voted on by the entity? In that particular case, the JEDD Board would accept it subsequent to the Township's approval.

Ms. Thompson explained that the JEDD can be created without the property owners, but they would have petitions from the affected property owners by the public hearing next Thursday night. One such owner is the farmer that farms the property in the Township, who had to sign a petition to be in the JEDD. The Transportation Improvement District (TID) has already signed because they are a property owner, as well. Also, those people that are in the right-of-way and the township also signed. Those three petitions are the only three they have right now, which will be evident at the public hearing.

Mr. LaDu confirmed that there was no Springboro property in the JEDD? Ms. Thompson confirmed that there was no property owned by the City in the JEDD, but property in the JEDD located in Springboro. She explained that the City sold what property it had in the JEDD to the TID for the ramp.

Mr. Schaeffer commented that there is City owned property in the area that could be included in the JEDD if petitioned at a later date. Ms. Thompson clarified that the City sold all of the property that could be included in the JEDD, and the City would never ask a current user to enter the JEDD because they would be subject to a higher income tax rate.

Springboro Friends and Family Event: Ms. Thompson reminded Council that the City's annual Friends and Family Event will be held on July 11 at Heatherwoode. Event sponsorships are going well. A flyer advertising the event was included in the Council packets.

New City Building Update: The City building is still on the new, current schedule of mid-September to turn the building over to the City. As the completion date approaches, they will be able to discuss public open house dates.

Mayor Agenbroad confirmed that he would be out of town on business on June 11 and that Deputy Mayor Chmiel would be presiding in his absence. Mayor Agenbroad asked to be excused from the meeting on June 11.

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

No reports.

ITEM 6. CITY COUNCIL. -Issues/Reports.

- **Library Request for Funding.** (This issue was discussed following reports.)

Mr. LaDu – No issues/reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – No issues/updates.

Ms. Lairson – Ms. Lairson announced that she would be absent from the July 2 Council meetings.

Mr. Anderson – No issues/reports.

Ms. Belpulsi – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad asked for a motion to enter Executive Session under RC 121.22(G), following the Work Session discussion, to discuss pending litigation.

Ms. Lairson motioned to enter Executive Session under RC 121.22(G), following the Work Session discussion, to discuss pending litigation. Mr. LaDu seconded the motion.

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

Library Request for Funding: Mayor Agenbroad asked if anyone had any further information since the last meeting. Mayor Agenbroad confirmed that Clearcreek Township and Warren County are not planning on making any contributions to the Library. Mayor Agenbroad commented that the Library is in the City's backyard.

Mr. Anderson commented that the Library asked for \$100,000, but he would like to see the Council do something because it is in our backyard, and it is our library and our citizens. Mr. Anderson further commented that he is hoping that if the City steps up and makes a contribution, whatever it might be, then others will recognize that and pitch in as well such as the County or the Township.

Mayor Agenbroad agreed that it is our Library and the City should do something. Mayor Agenbroad asked Ms. Thompson what she thought the City could afford to contribute if Council were to consider making a contribution?

Ms. Thompson commented that she does not have an answer to that question, but if Council would give her a number she could determine whether it is doable and would be a little easier for staff to figure out.

Ms. Belpulsi asked if the Library just needs money or if there are other things that the City could do in-kind? Ms. Thompson explained that the City spends about \$25,000/year on maintenance for the building and phone bills and has always been obligated under an agreement that was made many years ago to do those things. The budget is about \$25,000 right now, but staff is trying to help them with their fiber optic needs and related computer problems. Computer Systems Administrator Matt Lang is looking into the cost of running fiber between the City building and the Library to help them improve their connection and internet capabilities.

Ms. Belpulsi confirmed that the new fiber would increase band width? Mr. Pozzuto replied yes.

Ms. Thompson reiterated that it would be helpful if Council could provide some direction by suggesting an amount.

Mayor Agenbroad commented that he was thinking about \$25,000-\$50,000, and asking the Township to match it.

Ms. Lairson and Mr. Anderson both agreed with that recommendation.

Ms. Thompson commented that the City has a \$20-25,000 obligation to landscape Miracle Field; therefore, at least \$25,000 to help fund the Library would keep everything equal.

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Mayor Agenbroad suggested that the City put up \$25,000 or \$50,000 and if the Township could match that amount, the Library would have funding to operate on.

Ms. Belpulsi asked what the Library specifically needs the money for? Ms. Thompson answered that they need it for operations. The Library Director has cut services and staff to a minimum.

Ms. Belpulsi commented that a contribution would only help to cover the budget shortfall this year.

Ms. Thompson commented that the Library wants to be able to continue to operate until they can put a levy on the ballot.

Mayor Agenbroad added that the Library does not want to use all of their reserves to continue operations, but they are currently using reserves to operate.

Mr. Chmiel commented that anything the City would give would be contingent on the Library making every effort they can to raise funds through a levy, etc. Mr. Chmiel commented that the Library Director was pretty up front that a contribution is not a fix and they are operating with a budget shortfall year to year.

Ms. Belpulsi commented that the Library is not going to receive any money from the State Local Government Fund because it is diminishing.

Mr. Chmiel commented that the Library budget is going to continue to shrink and Library use is increasing, and the only alternative they will have is to start cutting services and hours.

Ms. Thompson asked Mr. Schaeffer if it would be reasonable for Council to make a decision to contribute a certain amount predicated on a levy within a certain amount of time and sign an agreement with the Library Board to this effect. Mr. Schaeffer replied yes.

Mayor Agenbroad asked if a proposal could be prepared for consideration for the first or second meeting in July that the City could present to the Board.

It was the consensus of Council that a contribution of at least \$50,000 would be considered to help the Library fund their operating budget contingent upon a levy being placed on the ballot.

Mr. Chmiel confirmed that Ms. Thompson would talk to the Library Director regarding the City's position regarding efforts to shore up their budget for the long term before Mr. Schaeffer prepares an agreement. Ms. Thompson replied yes.

Mayor Agenbroad offered to approach the Township regarding the City's plans to donate, and although a figure has not been decided yes, the City would like the Township to consider a contribution.

Ms. Thompson suggested letting the Township know it would be a minimum of \$50,000.

Mr. Chmiel asked if the Library has a way of cross referencing their patrons to determine whether they are Township residents or City residents in order to give the Township an idea of how many of their residents are using that facility to confirm that it is to their benefit as well to support the Library.

Ms. Thompson stated that names and address are required to obtain a Library card; therefore, she is sure the Library could provide that information. Ms. Thompson confirmed that she would obtain a usage breakdown by City and Township.

Executive Session: At approximately, 6:36PM, City Council entered Executive Session to discuss pending litigation; whereby, the City Law Director was present.

With no objections, City Council exited Executive Session at approximately 6:51 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the June 4, 2009 City Council Work Session at approximately 6:51 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 4, 2009

7:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor
Marie Belpulsi
Sheila Lairson

Scott Anderson
Tom LaDu
John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruihoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council
(Chris Pozzuto served as Acting Clerk of Council)

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, June 4, 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, Present; LaDu, Present; Lairson, Present; Parise, Present.

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MAY 21, 2009.

Mr. Parise motioned to approve the minutes of the May 21, 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; Chmiel, Yes; Parise, Yes; LaDu, Yes. [7-0]

ITEM 5. PRESENTATIONS: At this time, Mayor Agenbroad recognized Marty Heide, and invited Ms. Heide to make her comments under Presentations.

Ms. Heide introduced herself as the Warren County Outreach Coordinator for Congressman Mike Turner, who represents the 3rd U.S. District. Ms. Heide provided an update from the Congressional Office as follows: As of last Monday, June 1, travel back into the United States from any place by air, land, or sea will require a U.S. Passport for U.S. Citizens, which is part of The Western Hemisphere Travel Initiative. Usually, passports take approximately six to eight weeks to process; however, the Congressional Office can expedite passports in about 10 days, if necessary. The cost to obtain an expedited passport is currently about \$145.00. For questions, visit www.travel.state.gov and click "Passports" for information regarding

applications, fees, and regulations. Also, on Friday, June 12, the switch from analog to digital TV went into effect. Please call 1-888-CALLFCC, which has a consumer hotline, with any questions concerning the switch or visit www.dtv.gov for information. Two \$40.00 coupons are available per household to purchase converter boxes; July 31 is the deadline to obtain coupons. Several local retailers are stocking the converter boxes or they may be purchased on-line. Ms. Heidi offered to answer any questions.

Mayor Agenbroad thanked Ms. Heide for her attendance and comments.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 36 minutes to discuss the following legislation as well as other City matters. During the Work Session, Council entered Executive Session for approximately 15 minutes to discuss pending litigation; whereby, the City Law Director was present and no action was taken.

CONSENT AGENDA

At this time, Mayor Agenbroad stated the following in regard to the Consent Agenda:

All items under the Consent Agenda are considered by the City Council to be routine and will be adopted by one motion. Any City Council Member may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion and action will be considered under the Regular Agenda following the motion to approve the Consent Agenda.

Mr. Pozzuto read Legislative Items 1 through 12 as follows:

- 1) **ORDINANCE O-09-11: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE FOR LOTS 1-31 IN BECK RIDGE IN SECTION ONE SUBDIVISION IN THE CITY.
- 2) **ORDINANCE O-09-12: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY.
- 3) **ORDINANCE O-09-13: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY.
- 4) **ORDINANCE O-09-14: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY.
- 5) **ORDINANCE O-09-15: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY.
- 6) **ORDINANCE O-09-16: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY.
- 7) **ORDINANCE O-09-17: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY.

- 8) **ORDINANCE O-09-18: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY.
- 9) **ORDINANCE O-09-19: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 10) **ORDINANCE O-09-20: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.
- 11) **ORDINANCE O-09-21: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY.
- 12) **ORDINANCE O-09-22: FIRST READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 108-123 OF THE NORTH HILLS OF STONE RIDGE SECTION FIVE, SUBDIVISION IN THE CITY.

Ms. Thompson commented on Legislative Items 1 through 12 as follows:

Legislative Items 1-12 of the Consent Agenda are ordinances levying special assessments for the operation and maintenance of street lighting in certain subdivisions in the City, which are "housekeeping" items, conducted every year and assessed annually. The total cost of the assessments for 2009 is \$29,282.21. The Finance Director is required to file the assessments with the Warren County Auditor to be placed on the tax duplicate and collected in one annual installment from the property owners of the stated subdivisions by September 14, 2009. This is the first reading of these ordinances. These assessments will be included in the 2010 budget as part of the General Fund revenue, and the Finance Director recommends approval.

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

Mayor Agenbroad asked for a motion to temporarily suspend the rules.

Ms. Lairson motioned to temporarily suspend the rules. Ms. Belpulsi seconded the motion.

No discussion.

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

Mayor Agenbroad asked for a motion to approve the Consent Agenda; thereby, adopting Legislative Items 1 through 12 as indicated.

Mr. Parise motioned to approve the Consent Agenda; thereby, adopting Legislative Items 1 through 12 as indicated (Ordinances O-09-11 – O-09-22). Ms. Lairson seconded the motion.

No discussion.

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

END CONSENT AGENDA

BEGIN REGULAR AGENDA

- 13) RESOLUTION R-09-29:** "A RESOLUTION ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM W.H. GREATHOUSE & MONTA D. GREATHOUSE, OWNERS OF THE PROPERTY HAVING THE SIDWELL #04-13-178-004," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution accepts a permanent Sanitary Sewer Easement from W.H. Greathouse & Monta D. Greathouse, owners of property having Sidwell #04-13-178-004. As part of the Northwest Sanitary Trunk Sewer Improvement Project, which runs along W. Factory Road, a temporary sewer easement was created during the construction period that now needs to be established as a permanent easement in order for the City to maintain the public utility. According to the City's Public Works Director, this acceptance has been negotiated with the property owners; therefore, the Director recommends approval to accept the permanent sanitary sewer easement.

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

Ms. Belpulsi motioned to adopt Resolution R-09-29. Mr. LaDu seconded the motion.

No discussion.

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

- 14) RESOLUTION R-09-30:** "A RESOLUTION DECLARING THE INTENT TO APPROPRIATE VARIOUS PROPERTIES LOCATED ALONG EAST MILL STREET FROM EAST STREET TO SOUTH RICHARDS RUN/EYLER DRIVE FOR PUBLIC ROAD PURPOSES," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution declares the intent to appropriate various properties along East Mill Street from East Street to South Richards Run/Eyler Drive for public road purposes. In the older unplatted areas of the City, a lot of the properties were extended to the center line of the existing roadways as a matter of standard practice. The City would like to officially dedicate that portion of the roadway as right-of-way (ROW). Currently, going to the center line of the existing roadways causes some problems because the City needs to access utilities in the roadway from time-to-time. The City's Public Works Director has sent letters to all of the property owners informing them of the City's desire to acquire the ROW, which includes approximately 10 properties. Per staff recommendation, the City would compensate the property owners for those interests because even though they should be dedicated to the City as public ROW, the City does not want to be unfair after such a lengthy amount of time during which no action was taken. Compensation will be based on an actual appraisal. This declaration of intent to appropriate is being requested along East Mill Street from East Street to the South Richards Run/Eyler Drive area.

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

Mr. LaDu motioned to adopt Resolution R-09-30. Mr. Chmiel seconded the motion.

No discussion.

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

- 15) **RESOLUTION R-09-31:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION FOR THE PID No. 86335, WAR CR119-0.02 PROJECT. (CLEARCREEK-FRANKLIN ROAD RESURFACING PROJECT)," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into contracts with ODOT for the Clearcreek-Franklin Road Resurfacing Project. This project was submitted under the ARRA funding mechanism of the stimulus package for 2009. The City was fortunate enough under Warren County's total package to receive this \$185,900.00 in federal money. This project consists of resurfacing Clearcreek-Franklin Road. A few years ago, the City resurfaced a portion of Clearcreek-Franklin Road and this project would finish the resurfacing of the roadway, specifically, the lower portion to mid-way or approx. 130 f. north of the intersection of SR73 and Clearcreek-Franklin Road. If the funding for this project exceeds the monies granted, the City would be responsible for the balance. Due to the estimates the City has been receiving on a number of projects recently, it is not anticipated that the City will have to cover any overage.

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

Mr. Anderson motioned to adopt Resolution R-09-31. Ms. Belpulsi seconded the motion.

No discussion.

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

- 16) **RESOLUTION R-09-32:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A PRE-APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR PROJECT YEAR 26/FISCAL YEAR 2012," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to file a pre-application to the Ohio Public Works Commission for Issue II for project year 2012. This resolution would allow the City's Engineering Department to file pre-applications to the State for Issue II funding for 2012. **The projects identified for funding are as follows:**

Pennyroyal Road Roadway Improvements - This project would consist of reprofiling and widening Pennyroyal Road between North Main Street (SR741), and the eastern side of the Hunter Springs subdivision (Deer Trail). The road would be widened to three lanes having curb and gutter, storm sewer and sidewalk on the south side. The length of the project is approximately 1,400 f. This project was recommended for funding because it was part of the Village Park Development, and the developer that was responsible for these improvements is no longer involved in the project. In order to benefit the community and taking into consideration the City's charge of public health, safety, and welfare, the City made a decision to file for funds to complete this project. As the Village Park Subdivision or the development / businesses grow, the traffic issues will become more significant; therefore, this project is a top priority.

Pennyroyal Road Roadway Improvements - This project would consist of reprofiling and widening Pennyroyal Road between Queensgate Drive and a point northeast of the intersection of Pennyroyal Road and Clearcreek-Franklin Road. The road will be widened to 34 f. back to back of curb, having storm sewer and sidewalk on the south side only. The length of the project is approximately 2,600 f.

Red Lion Five Points Road Roadway Improvements - This project would consist of realigning, reprofiling, and widening the road to two 12' wide lanes. Because this road is considered very rural, the City elected to keep the open ditches. The installation of curbs and gutters urbanizes an area and there has been a lot of sentiment in many of the City's studies and projects with the public indicating that the rural nature of this road should not be impacted. Contrary to standard City practice, it is recommended that this project be completed with open ditches to maintain the very rural nature of the roadway in that area.

East Central Avenue (SR 73 Roadway

Improvements - The project would consist of widening the existing two-lane road to three 12' wide lanes with open ditches between North/South Richards Run and the east side of the Fieldstone Subdivision. Again, this area is transitional between the urban or more City roadways into the Township, which is why the open ditches are being recommended again for this project. The length of the project is approximately 2,200 f. If approved, the grant monies for these projects would be available in 2012.

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

Mr. Parise motioned to adopt Resolution R-09-32. Ms. Lairson seconded the motion.

No discussion.

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

- 17) **RESOLUTION R-09-33:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH C.A. STEMPFLEY CONTRACTOR, INC. TO COMPLETE THE EDWARDS DRIVE ROADWAY IMPROVEMENT PROJECT, PHASE 1," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into a contract with C.A. Stempfley Contractor, Inc. to complete the Edwards Drive Roadway Improvement Project, Phase 1. This resolution would allow the City to start a project that has been delayed for quite awhile due to funding, which is to improve Edwards Drive from Hiawatha Trail to Tahlequah Tail. The roadway is in a bad state of disrepair. The road had been private for a number of years and the City elected to make it a public thoroughfare because of the potential for some economic development and other roadway improvements in that area. The project consists of the installation of curb and gutter, replacement of pavement, installation of storm sewer, and an 8" water main, which would complete a water main loop to the existing mains on Hiawatha to Tahlequah. The Edwards Drive improvements would be completed approximately 300 f. west of Hiawatha. The funds for this project would come from the Street Capital Improvement Fund, Water Capital Improvement Fund, and Storm Water Utility Capital Improvement Fund. The City received sixteen bids for this project, which is an extremely high number. The engineer's estimate for this project was \$205,000.00, and the low bid was \$155,550.00.

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

Ms. Belpulsi motioned to adopt Resolution R-09-33. Mr. LaDu seconded the motion.

No discussion.

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

- 18) **RESOLUTION R-09-34:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DIGGIT EXCAVATING, INC. TO COMPLETE THE INSTALLATION OF AN 8" WATER MAIN LOCATED ON TAMARACK TRAIL AND RENWOOD PLACE BETWEEN BASIL STREET AND ALLSPICE COURT," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into a contract with Diggitt Excavating, Inc. to complete the installation of an 8" water main located on Tamarack Trail and Renwood Place between Basil Street and Allspice Court. This 8" water main would connect the two existing dead end water mains that currently exist in those locations and complete the loop for the water system at a cost of \$60,590.00. The engineer's estimate for this project was \$102,000.00, and the low bid was \$60,590.00. The City received 20 bids for this project. All of these projects that are coming in extremely low are indicative of the current economic conditions.

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

Mr. Anderson motioned to adopt Resolution R-09-34. Mr. Parise seconded the motion.

No discussion.

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

- 19) RESOLUTION R-09-35:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRUMBAUGH CONSTRUCTION, INC. FOR THE COMPLETION OF SITE DEVELOPMENT WORK AT THE CITY OF SPRINGBORO CITY BUILDING, 320 WEST CENTRAL AVENUE, SPRINGBORO, OHIO AND VOIDING RESOLUTION R-09-28; REPLACING SAID RESOLUTION WITH THE FOLLOWING," was read by the Acting Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into a contract with Brumbaugh Construction, Inc. for the completion of site development work at the City of Springboro City Building, 320 West Central Avenue and voiding Resolution R-09-28. On May 21, City Council passed Resolution R-09-28, which was a contract with Brumbaugh Construction, Inc. for the completion of the site development package for the new City Building. At that time, there were questions raised by another bidder concerning some of the work that was to be done and a deduct that was to have occurred within these bids. Since that meeting, the City has had conversations with both bidders and at the advice of the City's Law Director, the City has gone back to the original open bid award where Kelchner Excavating bid \$560,887.00 and Brumbaugh Construction bid \$567,000.00. The differential is \$6,113.00. Even though the Kelchner bid was \$6,000 lower, Brumbaugh Construction is currently on site and mobilized and due to other scheduling conflicts that could occur, the City has made the decision that the lowest and best bid, which by Charter is permitted, is from Brumbaugh. Staff is asking Council to award the bid to Brumbaugh Construction, the current General Contractor for the new City Building, and void the prior legislation based on the recommendation of the Law Director.

Mr. LaDu motioned to adopt Resolution R-09-35. Mr. Parise seconded the motion.

No discussion.

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

- ITEM 7. REPORTS: Mayor's Report** –The 3rd U.S. District Office Hours will be held on Friday, June 26, 1:00-2:00 PM in Council Chambers. City Council will meet again next Thursday, June 11 for a Public Hearing for the Austin Center JEDD at 6:00 PM at Cox Arboretum Metropark, 6733 Springboro Pike, Dayton, Ohio followed by the City Council Regular Meeting at the same location. The June 18 City Council Meetings have been canceled due to the June 11 Regular Meeting. The Finance Committee Meeting scheduled for June 18 has also been canceled.

City Manager's Report – Ms. Thompson thanked the Public Works Department. Ms. Thompson explained that the City had three simultaneous water main breaks last night with one very significant one on SR73 in front of the SureCare building. The City crew was on site until 2:30 AM this morning to repair that break. Ms. Thompson thanked Assistant City Manager Chris Pozzuto for his help issuing a CodeRED alert to residents and businesses regarding the water main breaks. The City did institute a 48-hour boil alert on that CodeRED message, and will receive the results of the water testing in the morning at which time the City will send another CodeRED alert to let the public know the test results. The repair was clean, but there were a number of things in the roadway such as electrical for street lights on SR73, etc. which took them quite a while to get underneath, but they did a great job. Ms. Thompson again thanked the crew for their work. In addition, Ms. Thompson announced that there will be an Audit Committee meeting on Monday, June 8 at

4:30 PM in Council Chambers to review the results of this year's City audit. Also, Ms. Thompson reminded Council that the Planning Commission will meet on June 10 for a Work Session during which a presentation will be made by a company regarding some new kinds of lighting. Incandescent and other types of lighting are being phased out and will not be manufactured in the future. The Planning Commission had intended to review the lighting code and this presentation is timely. Ms. Thompson commented that she saw a demonstration by this company at an OCMA regional conference a few weeks ago at Heatherwoode and they presented a really great way to light your community safely with less expense in the long run and with a more "green" environmentally safe method. The Planning Commission has invited Council to attend the presentation. After the Planning Commission and Council have time to review the new lighting information, they hope to open the presentation to the development community and builders, realtors, and various business owners.

Committee Reports –

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

Mr. LaDu – No reports.

Mr. Parise – Park Board – Mr. Parise commented that he and Mayor Agenbroad were honored to attend the opening ceremony for Relay for Life on Saturday, May 30 at North Park. Mr. Parise further commented that, as usual, the group carried out the whole event flawlessly. Mr. Parise also commented that he was at the park Monday after the event closed on Sunday, and no one would have ever known there was an event there. The Springboro Relay for Life is an A1 outfit that did a wonderful job, and he was glad to attend.

Mr. Chmiel – No reports.

ITEM 8. OTHER BUSINESS. No Other Business.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. No final Council or Manager Comments.

ITEM 10. GUEST COMMENTS. 1) Steve Farahay, 2940 Westminster Way, Springboro – Mr. Farahay commented that during the last month they have learned that there is a City ordinance that regulates boats, trailers, recreational vehicles or work trailers on private property in the driveway or grass. The Farahays have lived at their address for eight to nine years and they have always parked their boat in their driveway and have never had any issues. In the last month, a Police Officer has stopped by five times and cited Mr. Farahay twice and explained the City ordinance. Mr. Farahay pointed out that there are 31 other violations in their neighborhood. After talking with some of his neighbors who own boats and trailers, it seemed to Mr. Farahay that no one else is receiving any warnings or citations. Mr. Farahay asked if the City could possibly review the ordinance based on the prevalence of recreational vehicles parked in neighborhoods around the City and if the ordinance is not changed, would the City cite violations of the ordinance in a more fair and consistent manner.

Ms. Thompson addressed Mr. Farahay's comments by stating that she was not aware of his particular situation, but issues concerning the ordinance regulating parking and storage of boats, trailers, campers, i.e. recreational vehicles, has been ongoing. The City attempted to provide a seasonal allowance to park recreational vehicles, but the City did not go forward with the changes to the ordinance. Ms. Thompson offered and would be happy to look into Mr. Farahay's situation. Ms. Thompson also explained that even though the City does have an ordinance concerning the parking and storage of RVs, traditionally, if a neighbor or someone else does not complain, it is unusual for someone to be cited for a violation. The City has a property maintenance inspection company that also helps to determine where those violations are occurring around the City in addition to it being in the General Offenses code. Ms. Thompson pledged to Mr. Farahay that she would look into his particular situation to find out if it is based on a complaint or otherwise.

Mr. Farahay explained that in March, Officer Nathan Anderkin stopped by his house with a warning and stated that there was a complaint that the boat was parked in the street. Mr. Farahay further explained that they were doing yard work and moved the boat out of the driveway, and admitted that he left the boat parked in the street for five or six days. When Officer Anderkin stopped by to warn him about the ordinance he also cited Mr. Farahay for expired tags on the trailer. Mr. Farahay admitted he had not renewed the tags at the beginning of the season. Mr. Farahay stated that he paid the fine and Officer Anderkin asked him to move the boat from the road. Mr. Farahay moved the boat to the grass next to his driveway. Officer Anderkin stopped by a few days later and warned Mr. Farahay again that it was against the ordinance to park the vehicle in the grass and asked him to move it out of the grass. Mr. Farahay stated that he moved it into the driveway, but then received another visit and citation and seven days later received yet another visit and citation.

Ms. Thompson responded by stating that she and the Police Chief would certainly look into the circumstances surrounding Mr. Farahay's situation. Ms. Thompson confirmed that she had Mr. Farahay's name and address and would be in touch with him in an effort to get this situation resolved with respect to parking the boat in compliance with the code, etc. Ms. Thompson further commented that in the future Mr. Farahay is free to contact a staff member via e-mail if he has a problem. For convenience, go to the website to contact her or the Assistant City Manager, the Zoning Department or the Chief of Police; staff responds via e-mail quite frequently with City residents.

Mayor Agenbrood thanked Mr. Farahay for his comments.

Mayor Agenbrood invited any other guests that wished to be heard to approach the podium, state their name and address for the record, and make their comments accordingly.

2) Todd Kelchner, Kelchner Excavating, 50 Advanced Drive, Springboro – Mr. Kelchner commented regarding the controversies between the City and Kelchner over the bid for the municipal building site work. Mr. Kelchner further commented that his relationship with Springboro is important and he values it. Mr. Kelchner stated that he did not mean to cause any kind of trouble, but it was illegal what was trying to be done with the bids. Mr. Kelchner continued by explaining that he was extremely frustrated by the fact that no one at the City would return his phone calls. Mr. Kelchner stated that he tried to call the City Manager and the Assistant City Manager numerous times over a two month window after this project was bid. Mr. Kelchner also stopped by to see the Assistant City Manager, left his card and asked that the Assistant City Manager call him, but he never got a call. Mr. Kelchner also called the architect's representative several times and he would not call him back except when Mr. Kelchner left a very angry message and the architect's representative did call him back one night at 6:30. Mr. Kelchner stated that he got very limited information about what was going on, and he really does not appreciate it. Mr. Kelchner stated that he is a taxpayer in the City of Springboro, and was very frustrated by the lack of response from his own home town. Finally, Mr. Kelchner stated that he appreciates and respects the City's decision and understands why the City wants to award the bid to Brumbaugh.

Ms. Thompson responded by explaining to Mr. Kelchner that staff is always advised to be careful about what they say in a situation that is controversial or there is a potential threat of litigation.

Mr. Kelchner commented that they did not even consider litigation until the very end because he got so frustrated.

Ms. Thompson commented that she was well aware of that, but was advised that the Law Director's office was speaking to Kelchner. She explained that it was her understanding that there was a representative from the City Law Director's office speaking to Mr. Kelchner when he was trying to contact her and the Assistant City Manager.

Mr. Kelchner responded no, the City Law Director's office did not contact him.

Ms. Thompson stated that if the Law Director's office did not contact Mr. Kelchner, she apologizes.

Mr. Kelchner repeated that he did not receive any response from the Law Director's office until after he had extinguished every other possibility.

Ms. Thompson repeated that she was under the impression that someone was speaking to Mr. Kelchner on behalf of the City and she truly does apologize if that did not occur.

Mr. Kelchner stated that he hopes this situation does not affect anything, but it was so frustrating that no one would call him back because he just wanted to know what was going on. Mr. Kelchner wished the City good luck with the project.

Ms. Thompson thanked Mr. Kelchner and stated that she hopes the City and Kelchner get to work together in the future.

Mayor Agenbroad invited any other guests that wished to be heard to approach the podium, state their name and address for the record, and make their comments accordingly.

3) Sonny Thomas, 160 W. State Street, Springboro – Mr. Thomas inquired as to the School District's decision to reduce bussing when the last levy failed.

Mayor Agenbroad explained that the City has nothing to do with the School District's decisions.

Mr. Thomas questioned how a robust community such as Springboro does not have an adequate sidewalk system throughout the City. He stated that it would be easier for some of the kids to walk to school if the City had the sidewalk system available because there are a lot of drainage ditches instead of sidewalks. Mr. Thomas stated that he knows sometimes there are issues concerning right-of-way and private property, but he was curious what the City's thoughts were on expanding the sidewalk system.

Ms. Thompson commented that the City cannot cure something overnight that has been created over 50 or 60 years. Springboro was established in 1815 and every new subdivision that the Planning Commission has looked at in the 20 years she has worked for the City demanded sidewalk installation. Ms. Thompson commented that it is those sections in the old part of town or along the state routes that nobody has developed yet that are lacking sidewalks. The City currently has a project with ODOT to try to get sidewalk constructed from the High School north to connect to the Main Street area. After working with ODOT to secure funding, they are now trying to figure out how to get kids across the street on SR741. Crossing SR741 by the High School could be a safety issue if there is not a traffic signal or some kind of traffic control device installed. Ms. Thompson reiterated that the City is trying to get that sidewalk built, but the City needs help from the Schools and the Township in order to get everybody every place they have to go in the community because the City cannot cure it overnight on its own dime. Ms. Thompson further commented that the engineering department is currently reviewing installing sidewalk to connect the Tamarack Subdivision to SR741 through Village Park. Only one piece of sidewalk is missing within Village Park to make that connection, but they can at least take Pennyroyal Road to Deer Trail Drive to Paddock into the Graeter's Ice Cream area, but the City cannot get the Pennyroyal Road side done right now without a developer's help, but the City does not have a developer yet. Ms. Thompson added that the City is always conscious of and thinking of pedestrian connectivity, which is why a Bicycle and Pedestrian Advisory Committee is being formed for the purpose of bicycle/pedestrian access in the community.

Mr. Thomas commented that he is an avid cyclist, and it is nice to know that the committee is being formed.

Ms. Thompson informed Mr. Thomas that he could submit an application to serve on the committee. The deadline is June 19, and information is posted on the City's website. Ms. Thompson further added that the City is conscious of the bussing issue, which is raising a lot of problems in regard to getting kids to school.

Mr. Thomas commented that walking to school keeps kids in good shape and by the time they get to school they are less tired and a little more energized.

Ms. Thompson pointed out that the City has made great strides, as there were sections of town that had no sidewalks, but the City finally received State Issue II money to fund a sidewalk project that will connect the Fieldstone and Creekside Subdivisions to Main Street, which the City has been trying to do for 10 years. Ms. Thompson commented that it is a function of money and planning, and the City has the concepts, but does not always have the money. She added that the City finished the SR741 sidewalk in front of Village Park even after the developer filed for bankruptcy and now has to get the north side completed and sidewalk installed along Pennyroyal, which will provide pedestrian access in that area of town. Ms. Thompson finally commented that the City is attacking the sidewalk issue in pieces. She again encouraged Mr. Thomas to help out by volunteering for the bicycle/pedestrian committee.

Mr. Thomas commented that he would definitely look into volunteering because Springboro is a wonderful town. Mr. Thomas is originally from Dayton, but stated that Springboro is a beautiful place, the people are really cheerful and nice, and businesses are starting to come here, which is really nice.

Ms. Thompson thanked Mr. Thomas for his comments.

Mayor Agenbroad commented that he appreciated Mr. Thomas' comments and invited any other guests that wished to be heard to approach the podium, state their name and address for the record, and make their comments accordingly.

No other guests came forward.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, June 4, 2009 Springboro City Council Regular Meeting was adjourned at approximately 7:45 PM. Ms. Lairson seconded the motion.

No discussion.

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

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council