

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

CITY COUNCIL WORK SESSION

THURSDAY, MAY 21, 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

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, May 21, 2009 at 6:00 PM in Council Chambers at the City's temporary facility in the Dalco Building, 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2. ATTENDANCE. No absences.

ITEM 3. LEGISLATIVE AGENDA. *–Four legislative agenda items were reviewed for the May 21, 2009 City Council Regular Meeting.*

- 1) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE STORMWATER DRAINAGE AND RETENTION FACILITY EASEMENTS AND AGREEMENT WITH RG PROPERTIES, INC. AND BENEFITED PARTIES.

No discussion.

- 2) **RESOLUTION:** A RESOLUTION APPROVING THE CITY OF SPRINGBORO EMPLOYEE PAY RANGES AND ANNUAL WAGE SCALE INDEX ADJUSTMENT FOR THE YEAR 2009 AS AMENDED.

Ms. Belpulsi asked how these two new police dispatch positions were created and what their duties would be? Chief Kruihoff explained that, as a result of the restructuring of the Dispatch Center, two positions were created, Police Office Manager and Police Customer Service Manager. Chief Kruihoff explained that the Police Customer Service Manager position description is based on the same job description of the City's Customer Service Manager Lois Boytim because the City would be maintaining a separate reception point for the Police Department. The pay scale for this position is the same, as well. The dispatcher position's rate of pay was \$19.96/hour. This new position would be an approximate \$6.00/hour reduction in that rate and would more accurately reflect the dispatcher's current duties. The dispatchers are not handling dispatch calls, but they are a public point of reception for the police.

Ms. Belpulsi asked Chief Kruihoff to describe their duties? Chief Kruihoff explained that the Police Customer Service Manager would handle finger printing, answering non-emergency calls, directing

pedestrian and phone traffic in and out of the police department, etc. Chief Kruithoff further explained that the Police Office Manager's duties are similar to those of the current Lead Dispatcher and include UCR Federal Crime Reporting and grant writing, but the position more accurately reflects the position of an office manager. Chief Kruithoff added that in place of the six dispatchers that were employed when he came to Springboro, the Dispatch Center staff would be reduced to two Customer Service Managers with possibly some part-time customer service help.

There was no further discussion regarding this item.

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION FOR THE PID NO. 86227, WAR SR 73/741 – 4.11/13.95 PROJECT. (LED TRAFFIC SIGNALS ON SR73 / SR741)

Ms. Belpulsi confirmed that the City would receive \$198,000.00 of federal stimulus monies for the LED traffic signal lights, and asked what would happen if the project cost more? Ms. Thompson explained that the City would have to make up the difference in cost. Ms. Belpulsi asked if the project were to cost less, would the City get to keep the excess funds? Ms. Thompson replied no, the City would have to pay it back. Ms. Thompson explained that this funding would work similarly to other ODOT grants in that the City would have to prove the money was spent on the project, then submit the costs, and finally, is reimbursed for the costs.

Ms. Lairson referred to the black decorative street light poles along N. State Route 741. Ms. Lairson commented that the poles are looking really rusty and asked if the City had plans to sand and paint the poles or if the City maintains them? Ms. Thompson commented that she believes the City is responsible for the maintenance of those poles. She further commented that Wagoner Smith replaces the lights; therefore, she would begin by following up with Wagner Smith to determine whether they would scrape and repaint those poles.

Mr. LaDu referred to the Scope/Description on the Legislative Cover Memorandum where it is stated that the City will "install 3 battery backups for identified signals," but the signals are not identified. Mr. LaDu asked where the battery backups would be installed? Ms. Thompson commented that the City already has battery backups at SR73/Pioneer Boulevard and at SR741/Lytle Five Points Road. Ms. Thompson further commented that the three battery backups would be installed at the traffic signals at SR73/SR741, Pennyroyal Road, and Clearcreek-Franklin Road. Ms. Thompson added that the battery backups only last four to six hours, but it really helps the City to mobilize with street signs, etc. when those major intersections are operational for a few hours. She further added that the batteries are not inexpensive, but are well worth the cost.

Ms. Lairson asked if the City has considered solar powered lights? Ms. Thompson explained that the technology for solar powered lights is not quite there yet; it is too risky, and not guaranteed. She further explained that there are issues concerning brightness and other factors to consider. Ms. Thompson added that the Planning Commission is looking at lighting alternatives for parking lots, etc. based on information she received at an OCMA conference. These lighting methods are not solar, but are more "green" and use less intense light that covers more area, and the cost savings is significant because the bulbs do not need to be changed for 15 years. This type of lighting is called induction lighting; there is LED lighting too, but the induction lighting makes a real difference. Ms. Thompson commented that the Planning Commission would be receiving a demonstration of lighting alternatives at their next Work Session on June 10 and would have subsequent discussions regarding exterior lighting in the City. The Planning Commission decided to review the exterior lighting code because there are some challenges with the current lighting methods being used such as high pressure sodium, low pressure sodium, and incandescent. Existing lighting methods are being phased out and parts and equipment will not be available anymore. The companies Green Light America and Bane worked together to produce this induction lighting product and the Planning Commission asked them to make the same presentation that they made at the OCMA regional conference. Ms. Thompson suggested that the City could help to promote this type of lighting within the development and business communities by having a demonstration for them, as well. She explained that it would cost \$400 to \$500 more to use induction lighting, but it would be a significant savings in the long term, provide better lighting, which would require fewer poles, and would save on replacement bulbs. Ms. Thompson also commented

that she would like to get this type of lighting installed in the parking lot of the new City Building if timing allows. Again, it might cost a little more, but would require fewer poles and provide much safer lighting at a much reduced maintenance cost.

As the chair of the Planning Commission, Ms. Belpulsi commented that Council is certainly invited to attend the Planning Commission meeting on June 10 to hear that lighting presentation for a firsthand look at the new technology.

Ms. Thompson commented that she would send Council a reminder of the date of that presentation.

There was no further discussion regarding this item.

- 4) **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.

No discussion.

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 imminent litigation.

Council Meeting Schedule for June: Ms. Thompson confirmed that Council would be meeting on June 11 for the Austin Center JEDD Public Hearing at 6:00 PM at Cox Arboretum. Ms. Thompson asked if Council would like to convene a Regular Meeting on June 11 at Cox Arboretum following the Public Hearing to act on the Austin Center JEDD Agreement or return to Council Chambers to convene the Regular Meeting? Ms. Thompson explained that the other two jurisdictions, the City of Miamisburg and Miami Township, plan to convene their Regular Meetings at Cox Arboretum following the Public Hearing.

It was the consensus of Council to convene the Regular Meeting on June 11 at Cox Arboretum following the Public Hearing for the Austin Center JEDD. A notice of this meeting schedule change will be posted and advertised. The plan is for Council to convene a Regular Meeting and proceed with the Regular Order of Business. Council will not conduct a Work Session on June 11. Due to the fact that Council will conduct their Regular Meeting on June 11; the Council Work Session and Regular Meeting for June 18 have been canceled.

Mr. LaDu asked if there would be a presentation before the Public Hearing on June 11? Ms. Thompson explained that Steve Stanley would facilitate the Public Hearing and present a brief introduction.

Mayor Agenbroad announced that he would be out of town on June 11. It was confirmed that there would be six members of Council present at the Public Hearing and Regular Meeting on June 11, and Deputy Mayor Chmiel would preside in Mayor Agenbroad's absence. Ms. Thompson noted that the only legislative item scheduled for the June 11 Regular Meeting agenda is the JEDD Agreement, which will be reviewed tonight and again on June 4.

Council Tour of New City Building: Ms. Thompson reminded Council that a tour of the new City Building is scheduled for 5:00 PM on June 4. This tour was rescheduled from May 7 due to weather conditions.

Heatherwoode General Manager: Ms. Thompson announced that new Heatherwoode General Manager Tom West will attend the Council Work Session on June 4 at 6:00 PM for a very informal opportunity to meet and greet Council.

Austin Center JEDD Update: Ms. Thompson distributed a copy of an "Executive Summary of Changes to Austin Center Joint Economic Development Agreement Since the May 1, 2009 Draft" for discussion following the Executive Session or after the Regular Meeting if necessary. Ms. Thompson explained that there have

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · MAY 21, 2009

Mayor Agenbroad asked Council for a consensus regarding the Legal Committee's recommendation to move forward with this training program?

Ms. Lairson commented that, as the Chair of a new committee full of people who have never served on a government committee before, this type of training would be very helpful. Ms. Lairson explained that it took a few meetings for the board members to get comfortable and a lot of the questions that were asked concerned liability and other pertinent issues. Ms. Lairson reiterated that it would be helpful to have this kind of training or guidelines regarding liabilities, procedures, etc. for committee members to reference.

Mr. Chmiel pointed out that every citizen member of a committee is representing the City when they are appointed to serve and make decisions and recommendations.

Ms. Lairson commented that Ms. Martin helped her get some things together for her last board meeting in regard to public records requests and what types of records the board needs to keep, and she thinks it is very important for the people who serve on City committees to know those kinds of things. Finally, Ms. Lairson stated that she would like to see the City present this type of training.

It was the consensus of Council that the Legal Committee should review this training tool, as it would be beneficial to the City to pursue this program.

Ms. Lairson – No issues/reports.

Mr. Anderson – Mr. Anderson asked when Council would discuss the Library's request for monies?

Mayor Agenbroad commented that it is his understanding that the Library is trying to decide whether or not to put a levy on the ballot and when the board makes that decision, they would let Council know whether or not they need assistance.

Ms. Thompson commented that her understanding was that the \$200,000 that the Library requested was to bridge the gap in their budget until they pass a levy.

Mayor Agenbroad commented that the County and the Township were not going to contribute any funding to the Library.

Mr. Anderson stated that he was asking if the Library was expecting a response from the City?

Mr. Chmiel suggested that Council at least needs to discuss the request and give the Library a response. He added that if Council could find out more about what responses they have received since they presented their request to Council that might help determine what the City is willing to do, as well.

Mayor Agenbroad asked Ms. Thompson if it was her understanding that the Township is not planning to give the Library any funding assistance? Ms. Thompson answered that she has not been advised about what the Township is going to do with respect to this request.

Mr. Parise confirmed that the County has officially turned down the Library's request for assistance. Mayor Agenbroad replied yes, but the County did indicate that they would help the Library in their efforts towards a levy.

Mayor Agenbroad further commented that in response to Mr. Anderson's question, Council did say they would get back to Ms. Carroll regarding her request. The question is, is Council willing to contribute any money in response to the Library's request?

Ms. Belpulsi commented that she thinks Council needs to discuss the request.

Mr. Parise agreed that he would like to set aside a future date and time to talk about the Library's request.

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · MAY 21, 2009

Mr. LaDu suggested putting the topic on the agenda for a future Work Session.

Mayor Agenbroad recommended scheduling the discussion for the June 4 Work Session. Ms. Belpulsi suggested adding the discussion to the Work Session agenda.

Ms. Martin will make a note to schedule a discussion regarding the Library's request for the June 4 Work Session.

Ms. Belpulsi – *No issues/reports.*

Mayor Agenbroad – *No issues/reports.*

Executive Session: At approximately 6:22 PM, City Council entered Executive Session to discuss imminent litigation; whereby, the City Law Director was present.

With no objections, City Council exited Executive Session at approximately 6:55 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the May 21, 2009 City Council Work Session at approximately 6:55 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, MAY 21, 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 Kruthoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, May 21, 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 7, 2009.

Mr. LaDu motioned to approve the minutes of the May 7, 2009 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Ms. Lairson seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: No Presentations.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 22 minutes to discuss the following legislation as well as other City matters. During the Work Session, Council entered Executive Session for approximately 33 minutes to discuss imminent litigation; whereby, the City Law Director was present and no actions were taken.

- 1) RESOLUTION R-09-25:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE STORMWATER DRAINAGE AND RETENTION FACILITY EASEMENTS AND AGREEMENT WITH RG PROPERTIES, INC. AND BENEFITED PARTIES," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to execute a storm water drainage and retention facility easements and agreement with RG Properties. This legislation will allow the City to enter into an agreement with RG Properties, the owners of 142 acres of property within the new Austin Interchange Area on the northeast quadrant of the interchange. South Tech Industrial Park has always had a regional retention area that the City has maintained for a number of years, and it is the City's obligation to continue to retain and detain the storm water for the properties north of the Children's Medical Center Site. Furthermore, the City is obligated to retain and detain storm water for any new users or current users in the South Tech Industrial Park, and due to that obligation, the City has quite a large retention site now. With the addition of the 142 acres requested by RG Properties to bring the storm water from their northeast quadrant down to the City's retention area in the southeast quadrant, it would cost the City a great deal of money to improve the facility. However, RG Properties has offered through this agreement to pay to construct a \$400,000 to \$450,000 upgrade to the facility at no cost to the City. Obviously, it is to the property owner's benefit to not have to use four to five acres of prime development property to build a storm water retention facility on their corner, and it would provide the entire district with more of a regional retention effort. The City also has obligations under the its contract with Children's Medical Center, who are current users at South Tech Industrial Park, to make the retention/detention area an attractive area by including park benches, etc. in order to make it an amenity rather than an eyesore. This project would really help the City to accomplish that goal. The project also requires that RG Properties maintain all of the piping and other infrastructure from the northeast quadrant to the retention/detention site, but the City would maintain the actual retention pond, thereby controlling it and enabling the City to fulfill its obligations to Children's Medical Center and the other South Tech users, as stated before. Basically, the City's analysis is that this agreement is a win-win situation. The City's engineers have looked at all of the quantities and all of the other more detailed parts of this agreement and determined that the City can indeed retain the water for the 142 acres on the northeast quadrant plus meet its obligations by expanding the site. Again, RG Properties would be paying the entire cost of the site expansion project, which is estimated to be approximately \$400,000 to \$450,000.

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

Ms. Lairson motioned to approve Resolution R-09-25. Mr. LaDu seconded the motion.

No discussion.

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

- 2) **RESOLUTION R-09-26:** "A RESOLUTION APPROVING THE CITY OF SPRINGBORO EMPLOYEE PAY RANGES AND ANNUAL WAGE SCALE INDEX ADJUSTMENT FOR THE YEAR 2009 AS AMENDED," was read by the Clerk of Council. Chief Kruithoff's comments are summarized as follows:

This resolution approves amendments to the Employee Pay Ranges and Wage Scale Index Adjustment for 2009 to include two new police department positions. The City began downsizing its dispatch operation in 2004. The proposed job descriptions would be added to the catalogue of job descriptions in the City to more accurately describe what the employees in the Dispatch Center will be doing. These changes include moving from a position that was a Dispatch Court Clerk to a position of Police Customer Service Manager, which is similar to the Customer Service Manager position at the public point of reception in the City and moving the position of Lead Dispatcher to the position of Police Office Manager. These new job descriptions would facilitate this change in the structure of the Dispatch Center.

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

Mr. Parise motioned to approve Resolution R-09-26. Ms. Belpulsi seconded the motion.

No discussion.

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

- 3) **RESOLUTION R-09-27:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION FOR THE PID NO. 86227, WAR SR 73/741 – 4.11/13.95 PROJECT. (LED TRAFFIC SIGNALS ON SR73 / SR741," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into contracts with ODOT to install LED Traffic Signals on SR73/741. This contract represents the traffic signal upgrades that the City received stimulus funding for in the amount of \$198,000, which allows the City to replace the existing incandescent traffic signal lamps with LED technology lamps on SR73 and SR741. This contract would also allow the City to install three battery backups for signals in those areas, interconnect three traffic signals between Pennyroyal Road and Lytle Five Points Road, and upgrade the signal at Pennyroyal Road. The City was fortunate enough to receive stimulus money through the ARRA (American Recovery and Reinvestment Act) for this project.

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

Mr. Parise motioned to approve Resolution R-09-27. Mr. LaDu seconded the motion.

No discussion.

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

- 4) **RESOLUTION R-09-28:** "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," was read by the 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 for the new City Building at 320 W. Central Avenue. The City had an original contract for the site development portion of the new City Building project with Miller Brothers Construction, but unfortunately, Miller Brothers succumbed to some bankruptcy issues and essentially went out of business. In light of that situation, the City was forced to rebid the project. Most of the initial site development work was completed by Miller Brothers, but the final site work e.g. asphalt parking lots, grading, and landscaping was not completed. The original contract for this project was \$596,039.00; the balance remaining on the contract is \$348,718.95. When the City rebid the project, the City had two bidders, Brumbaugh Construction, who is the General Contractor for the City Building project, and Kelchner. The differential in the bid amounts was \$6,887.00, and at this time, even though the differential was in favor of Kelchner the City asked for a deduct on some dirt removal that was also a factor in the bid. The deduct was offered to both bidders for consideration and in the final analysis the lowest and best, and most responsible bid was by Brumbaugh Construction Inc. at \$524,500.00. The City does anticipate a bid bond release of \$66,000.00, which lessens the liability for the City to a differential of \$175,781.00 minus the \$66,000.00 for a total of \$109,781.05.

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

Mr. Chmiel motioned to approve Resolution R-09-28. Mr. Parise seconded the motion.

No discussion.

A member of the audience asked to comment on this item. Mayor Agenbroad responded by stating that public comments may be made under Agenda Item 10: Guest Comments.

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

ITEM 7. REPORTS: Mayor's Report –The 3rd U.S. District Office Hours will be held on Friday, May 22, 1:00-2:00 PM in Council Chambers. Memorial Day will be observed on Monday, May 25; whereby, the City Offices will be closed. The Memorial Day Parade will be held on Monday, May 25 beginning at 2:00 PM on S. Main Street beginning behind the Speedway Gas Station and proceeding to Wade Field. Al Fields will be the World War II Parade Grand Marshal representing the United States Army. The next City Council Work Session will be held on Thursday, June 4, 2009 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, June 4, 2009 at 7:00 PM in Council Chambers, as scheduled. All meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro, unless otherwise posted.

City Manager's Report – Regional Cooperation Report (CLG & Greater Cincinnati Efficiency Council):

Ms. Thompson commented that a lot of what the City does is not very visible, but the City does strive to meet with other jurisdictions and work on a regional basis to look at ways to save on economy of scale and services particularly with the statewide effort to cause governments and jurisdictions to work together. This past week Ms. Thompson attended a meeting with the Center for Local Government (CLG) and the Greater Cincinnati Efficiency Council, which is a group of business people and elected officials in the Cincinnati region. Ms. Thompson commented that one of the items that came out of this very productive meeting was the need to start looking at the Cincinnati-Dayton corridor and many of the statements that were made during that meeting were very encouraging because the Cincinnati group really feels that Dayton needs some assistance in a positive manner and she believes they are probably accurate in their assessment. It was also productive to get this group together with the Center for Local Government and try to encourage the CLG to become the vehicle by which jurisdictions can research possible projects together and make those projects happen. Cities often get very busy at the staff level and cannot accomplish these projects on their own; thus, the CLG staff would be utilized to help facilitate a group effort to make things happen. In light of that initiative, there is a meeting of the Southwest Ohio Regional Refuse Group next Wednesday. Ms. Thompson explained that there are sixteen jurisdictions interested in a refuse collection contract, which would be bid to serve hundreds of thousands of customers versus maybe 6,000 in one community, and based on this economy of scale the price should be reduced. Currently, the City has a contract with a waste hauler through 2010, but the City would certainly be interested in participating in this opportunity to have a collective refuse contract when the City's contract expires. This type of contracting has been practiced in the Columbus area with great success, and the attorneys who worked on the project in Columbus will attend the meeting next Wednesday to talk to the group about how they proceeded through that process. The City also participates in economic development efforts on a regional basis. For example, there is a very large effort in Montgomery, Miami, and Greene Counties right now to utilize economic development services and combine forces on incentives for businesses to come to these three counties, and because the City is in a small portion of Montgomery County Springboro was included in the summit, which was extremely beneficial and interesting. The group plans to go forward with a Work Force Development Subcommittee, an Economic Development Subcommittee, and a Steering Committee to oversee the effort. The committee membership includes people of authority in the region such as the President of DP&L, who will head the Economic Development section. In addition, today, the I-70/75 Group sponsored an Economic Development Day at Sinclair Community College with Wright State University and the University of Dayton participating, which is an annual event that she and Mr. Pozzuto attended. Ms. Thompson finally commented that the City really does try to expand beyond its boundaries and is happy to be able to advise Council and invite Council to participate in some of these regional efforts and initiatives, which enables the City to take advantage of our entire region.

Committee Reports –

Mr. LaDu – No reports.

Mr. Parise – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

Mr. Chmiel – Planning Commission – The Planning Commission met on Wednesday, May 13 in Work Session to discuss the following item: Revision to Approved Signage Package – The Falls Apartments in The Springs Planned Unit Development. After discussions with the applicant, the Commission found it necessary to obtain some additional information and further consider how the City might possibly be able to accommodate some of the applicant's requests for additional signage or combining signage that is currently on site. In addition, the Planning Commission also discussed zoning code revisions with respect to Exterior Lighting. The Planning Commission's Formal Meeting, scheduled for Wednesday, May 27, has been canceled. The next Planning Commission Work Session will be held on June 10, 2009 at 7:00 PM in Council Chambers, as scheduled. At the next Work Session, the Commission will see a demonstration regarding induction lighting and additional LED lighting as potential alternative lighting methods to assist the City in upgrading the lighting ordinances to reflect the technologies being used today.

ITEM 8. OTHER BUSINESS. No Other Business.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Mr. Chmiel commented that on Tuesday, May 19 he had the opportunity to attend a Ribbon Cutting Ceremony at the new Iron Gate Realtors Office located at SR73 and Richards Run Road. Mr. Chmiel commented that the office is very nice, and the staff is excited to be in their new quarters. Over 50 realtors are working out of that office building, and they are anxious for anyone who is looking to buy or sell a home to stop in and visit them, and the City would like to welcome Iron Gate's new location to the business community.

ITEM 10. GUEST COMMENTS. 1) **John Dietrich, Employed by Kelchner Incorporated, 50 Advanced Drive, Springboro, Ohio** – Mr. Dietrich apologized for being out of order earlier in the meeting stating that he thought he would have a chance to speak at that time. Mr. Dietrich commented that he wanted to talk a little bit about the contract or the resolution (Legislative Item 4) Council just passed with Brumbaugh. Mr. Dietrich proceeded to make the following comments as quoted: "One of the problems with it is that as the City Manager stated, we were the low bidder at \$560,000; Brumbaugh was \$567,000. Then, the only thing that the bid had was a unit price for removing some soil, and on a publicly bid job you can add or deduct based on alternates or unit prices, but that's not what happened in this case and we've been trying to state our case for about a month and a half now. We just found out after hours last night that you were actually going to award it to Brumbaugh today so we really did not have a whole lot of time. What the City did is have the engineering firm contact both companies after the bids were made public and all the numbers known and ask them a question, 'How much credit would we get to remove to take out the 2,000 yards of soil?,' which again in a publicly bid job, you cannot do. The only justification I received today from the City was that the engineering firm had two different people, one call Kelchner and one call Brumbaugh. It doesn't matter, you can't do that. You either have to award Kelchner the project and give us a deduct change order based on that or you have to go by the unit prices in the bid. And, if you go by the unit prices in the bid we were also the low bidder against Brumbaugh. Now, I can tell you for a fact that Brumbaugh did not give you the credit that you asked for. The City asked for a credit for the 2,000 yards of dirt. What Brumbaugh did, and I know they couldn't give you that number because Brumbaugh is the general contractor and we are the site work contractor. They actually had our number because we bid to them as a GC. What they did is they saw how much we were ahead of them; they guesstimated what our credit was going to be and knew it was going to be somewhere between \$25,000 and \$30,000 and made theirs \$42,500 so that they would be the low bidder. They could not have given you the credit for that work because they were getting multiple bids and we gave them a number; they knew what our credit was going to be close to. If it's a public bid and if it's not described, you can't call the contractor and say, 'Oh, by the way, we're taking this work out, what credit would you give us?' They're the on-site contractor; they knew what our number was and they wanted to get the job and you guys just allowed them to by-pass the public bidding process and negotiate the job. And, that's what you guys have done. Our attorney was talking to or trying to contact Mr. Scherer, but it was after hours today so we're going to see whatever we can do tomorrow to file a protest because it was not bid properly. The proper thing to do was to award us the job and then do a deduct change order for that work or rebid it, and you guys just negotiated it like a private job, which isn't supposed to happen. So, those are my comments. Thank you."

The CITY of SPRINGBORO Ohio CITY COUNCIL MINUTES · MAY 21, 2009

Mayor Agenbroad asked if Mr. Schaeffer would like to respond to Mr. Dietrich's comments? Mayor Agenbroad introduced Alan Schaeffer, City Law Director.

Mr. Schaeffer made the following comments as quoted: "I'm Alan Schaeffer the Law Director for the City of Springboro and we've looked into the issue obviously. The challenge is a serious one; it's one we want to take seriously, and looking into it the actions of the City in dealing with the contractors actually through the City's consulting engineers, architects, we believe it was properly handled in all appropriate fashions. There's a very critical fact in this process that we believe is different than has been presented to you, which deals with the question of unit pricing. The unit pricing that's been referred to that there was unit pricing requested in the contract for the removal of dirt that after you get into it was determined to be insufficient, contaminated, organic, not load bearing, whatever, what would it cost on a unit price to remove that dirt bring in new dirt, replace it, compact it, etc. That's one component of the bid; removing this 2,000 cubic yards of dirt was a separate portion of the bid and the request in the bid documents was to simply roll into your total cost that item. When it was discovered after the bid that the 2,000 cubic yards had been erroneously put in, we went to both bidders and did so in a fashion that assured a separation of questions, comments, concerns that might come up so it was completely appropriate and above board and asked them for their deducts. Nothing was negotiated, each party got an equal opportunity to look at it, and they did, and when the figures came back it turns out that Brumbaugh is the low bidder with that item of work taken out. And so, we think that the City acted totally appropriately, 100% above board, did not take any short cuts, nobody was prejudiced by the process; it is what it is, and Brumbaugh turns out to be the low bidder."

Mayor Agenbroad thanked Mr. Schaeffer for his comments. Mayor Agenbroad stated that Mr. Dietich's comments would be duly noted for the record.

Mayor Agenbroad confirmed that there were no other Guest Comments under item 10. Seeing no one else come forward, Mayor Agenbroad again reminded everyone that the Memorial Day Parade is Monday, May 25 at 2:00 PM. Mayor Agenbroad commented that it is a community event with patriotism afterwards followed by food, and it is a good way for the community to say thank you to our veterans who paid tribute by giving up their tomorrow for your today.

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. LaDu motioned to adjourn the meeting; whereby, the Thursday, May 21, 2009 Springboro City Council Regular Meeting was adjourned at approximately 7:27 PM. Mr. Chmiel seconded the motion.

No discussion.

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

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council