

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

**CITY COUNCIL WORK SESSION**

**THURSDAY, FEBRUARY 3, 2011**

**6:00 PM**

**COUNCIL**

**John Agenbroad, Mayor**

**Tom LaDu, Deputy Mayor      Marie Belpulsi**

**Jim Chmiel                              Sheila Lairson**

**Bruce Moore                             David Vomacka**

**CITY STAFF**

**Chris Thompson, City Manager**

**Chris Pozzuto, Assistant City Manager**

**Alan Schaeffer, Law Director**

**Lori Martin, Clerk of Council**

**ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, February 3, 2011 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Ave., Springboro, Ohio.

**ITEM 2. ATTENDANCE.** Council: Mr. Chmiel was absent. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Kruithoff, Mr. Montgomery, and Ms. Martin were present. Law Director Alan Schaeffer was absent. David Montgomery served as Acting Law Director in Mr. Schaeffer's absence.

**ITEM 3. LEGISLATIVE AGENDA. –Seven legislative agenda items were reviewed for the February 3 Regular Meeting.**

- 1) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$1,200,000 STREET IMPROVEMENT BOND ANTICIPATION NOTES, BY THE CITY OF SPRINGBORO, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

*No discussion.*

- 2) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-11-1 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 16, 2010 FOR THE YEAR 2011; AND DECLARING AN EMERGENCY.

*Finance Director Robyn Brown has requested that the second and third readings of this legislation be waived in order to properly appropriate funds for expenditure.*

*There were no objections to this request.*

*Council will consider a motion at tonight's meeting to waive the second and third readings of this ordinance.*

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR THE PAYMENT OF THE LOCAL SHARE OF THE COST OF THE

RECONSTRUCTION OF RAMP B INTERSTATE ROUTE 75 SB TO STATE ROUTE 73 EAST AND WEST. (PID NO. 88211, WARREN COUNTY – CITY OF SPRINGBORO – INTERSTATE 75 – SECTION 3.40 RAMP B – FEDERAL PROJECT NO. E100(039))

Ms. Thompson stated that the City has already received the City of Franklin's portion of the reimbursement for this project.

- 4) **RESOLUTION:** A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, RECONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO REQUIRING THE ABUTTING PROPERTY OWNERS CONSTRUCT, RECONSTRUCT OR REPAIR THE SAME. (2011 SIDEWALK/DRIVEWAY APRON PROGRAM)

No discussion.

- 5) **RESOLUTION:** A RESOLUTION SUPPORTING THE RENEWAL OF THE OHIO HISTORIC PRESERVATION TAX CREDIT.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATION FOR ZONING COMPLIANCE TO THE CITY OF SPRINGBORO FOR INTERNET CAFÉ ESTABLISHMENTS OR ANY SIMILAR USE AS DETERMINED BY THE ZONING INSPECTOR OF THE CITY OF SPRINGBORO FOR A PERIOD OF SIXTY (60) DAYS PENDING THE STUDY OF LEGISLATION REGULATING SUCH ESTABLISHMENTS, LICENSING SUCH ESTABLISHMENTS AND LEGISLATING TO PREVENT THEIR PROLIFERATION.

Ms. Belpulsi asked Ms. Thompson to comment on this legislation and questioned how this type of business differs from gambling at home on the Internet.

Ms. Thompson stated that gambling at home is illegal. Ms. Thompson explained that there is a Federal law that prohibits gambling on the internet. The Internet Cafés are not being called gambling businesses by the companies that promote them. These companies essentially will sell a customer something similar to a phone card, which can be inserted into the internet terminals to play games for a sweepstakes. These businesses use careful wording to avoid stating that an individual is gambling. They never say a customer is winning money, instead they would say that more sweepstakes are available. Ms. Thompson further explained that there are currently no court cases regarding this type of business. She added that Centerville has already approved a six-month moratorium on this type of business. Ms. Thompson commented that staff is asking for sixty days due to the fact that there is already a draft piece of legislation that City Planner Dan Boron, Zoning Inspector Dan Fitzpatrick, and Attorney Jerry McDonald are working on to regulate these types of businesses. The City is trying to make sure that the business is licensed and regulated properly. Ms. Thompson finally stated that the moratorium covers anyone who has applied for or will apply for an application for this type of business.

Ms. Belpulsi asked if this is different than slot machines.

Ms. Thompson replied yes, it is different, but similar due to the fact that a person can ultimately make money. Ms. Thompson explained that the question is whether the money a person wins resulted from gambling or winning a sweepstakes.

Mr. Vomacka asked Ms. Thompson if sixty days would be sufficient to prepare legislation to properly regulate this use.

Ms. Thompson answered that she is comfortable with the 60-day time period, and if necessary staff could request that Council extend the moratorium.

**AMENDMENT:**

- 7) **RESOLUTION:** A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN LAND LOCATED AT 325 EAST CENTRAL AVENUE FOR PUBLIC ROAD PURPOSES.

*Ms. Thompson commented that Legislative Item 7 is an amendment to tonight's original agenda. Due to the legal requirements and the required 30-day notice, it is recommended that Council go forward with this legislation at tonight's meeting. This appropriation of land is necessary for any future road improvement work that may be done in the area of 325 East Central Avenue.*

**ITEM 4. CITY MANAGER. –Issues/Reports.**

**Goals Session 2011:** *Ms. Thompson commented that Council has consistently held a goal setting session every year, and asked Council to forward any dates they would be available in the next two months to Ms. Martin. Ms. Thompson further commented that the Goals Session is usually held on a Saturday morning and ends by Noon.*

**Water and Sewer Rates:** *Ms. Thompson stated that the final reading of the legislation regarding the Water and Sewer rates will be on March 17, 2011 with all Council Members in attendance.*

*The letter to residents informing them of the rate increases will be at the post office on Monday, February 7, 2011. This schedule will give residents time to review the information and ask any questions they might have before the March 17 Council Meeting.*

*Ms. Belpulsi asked if Council could receive a copy of the letter before it is sent to residents.*

*Ms. Thompson stated that she would e-mail a copy of the letter to Members of Council along with the PowerPoint presentation that will accompany the legislation.*

**Winter Weather:** *Ms. Thompson commented that the Street Department did a fabulous job handling the ice and snow the City received in the past week. Street Maintenance Supervisor Ken Smith and Assistant Public Works Director Vince Murphy worked very diligently and did a fantastic job supervising, monitoring, and scheduling shifts. The department works in twelve-hour shifts and does a wonderful job of determining the best time to begin treating the streets. Ms. Thompson stated that she is sending breakfast to the Street Department on Monday morning on behalf of Council and the Administration as a gesture of thanks for their hard work.*

**Citizens Academy:** *Ms. Thompson thanked the Mayor and citizens who participated in the Citizens Academy; the last session was held on Saturday, January 29. All participants received a certificate of completion. She stated that they had a great group of participants. She further stated that the only thing she would change would be to hold the tour portion of the academy during warmer weather.*

*Mayor Agenbroad also thanked the staff who participated in the Citizens Academy.*

**Executive Session:** *Ms. Thompson requested an Executive Session for the purpose of discussing the sale of property.*

*At this time, Mayor Agenbroad requested an Executive Session, under R.C.121.22(G), following the Work Session discussion to discuss the sale of property.*

**Mr. Moore motioned to enter Executive Session under R.C.121.22(G), following the Work Session discussion, to discuss the sale of property. Mr. Vomacka seconded the motion.**

*No discussion.*

**VOTE:** *Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes. [6-0]*

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

**Ohio Municipal League Legislative Luncheon:** *Ms. Martin announced that the OML Annual Legislative Luncheon will be held on Tuesday, March 22, 2011 in Columbus at the State House. Ms. Martin will register for any Council Members, who wish to attend.*

**Calendar Update:** *Ms. Martin reported that Marty Heide, Warren County Outreach Coordinator for the 3<sup>rd</sup> U.S. District, canceled her office hours for January; however, Ms. Heide will resume office hours on Friday, February 25, 2011 from 1:00-2:00 PM in the Community Room on behalf of Congressman Turner. Furthermore, Ms. Heide will be attending tonight's Council Meeting to provide an update from the Congressional Office.*

**ITEM 6. CITY COUNCIL. –Issues/Reports.**

**Mr. Moore** – *No issues/reports.*

**Ms. Belpulsi** – *Ms. Belpulsi will present a Planning Commission report at tonight's Regular Meeting under Committee Reports.*

**Mr. Vomacka** – *No issues/reports.*

**Ms. Lairson** – *No issues/reports.*

**Mr. LaDu** – *No issues/reports.*

**Mayor Agenbroad** – *Mayor Agenbroad stated that Council needs to appoint a member for the Bicycle & Pedestrian Advisory Committee. Ten applicants applied for the vacancy on the committee, and after reviewing the resumes Steven Dickey seems to stand out.*

*Mr. Vomacka commented that he feels Mr. Dickey is a very good applicant, as were all of the applicants. Mr. Vomacka added that he is pleased to see such high quality people applying for the committee positions.*

*There were no objections and it was the general consensus to nominate Steven Dickey to serve on the Bicycle & Pedestrian Advisory Committee.*

*Council will consider a motion to appoint Steven Dickey to the Bicycle & Pedestrian Advisory Committee under Other Business at tonight's Regular Meeting. All other applicants will be kept under consideration for future openings.*

*Also, Mayor Agenbroad stated that Council will need to make a motion at tonight's Regular Meeting to dispose of fixed assets under Other Business.*

*Finally, Mayor Agenbroad noted that Council would also need to make a motion to amend the Agenda to add Legislative Item 7 prior to Item 6, Legislation on tonight's Regular Agenda.*

*In addition, Mayor Agenbroad complimented the Street Department for a job well done by keeping Springboro roads in safe driving condition.*

**Executive Session:** *At approximately 6:20 PM, City Council entered Executive Session to discuss the sale of property.*

**With no objections, City Council exited Executive Session at approximately 6:50 PM; whereby, no votes were taken.**

**ITEM 7. ADJOURNMENT.** *With no further discussion, Mayor Agenbroad adjourned the February 3, 2011 City Council Work Session at approximately 6:50 PM.*

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

**CITY COUNCIL REGULAR MEETING**

THURSDAY, FEBRUARY 3, 2011

7:00 PM

**COUNCIL**

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

**CITY STAFF**

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

**ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, February 3, 2011 at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

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

**ITEM 3. ROLL CALL.** Agenbroad, Present; Belpulsi, Present; Chmiel, Absent; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Jeff Kruithoff, Acting Law Director David Montgomery, and Ms. Martin were present.

Mayor Agenbroad commented that Mr. Chmiel was not able to attend tonight's meeting due to illness.

**Mr. Moore motioned to excuse Mr. Chmiel from the meeting. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [6-0]**

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF JANUARY 20, 2011.

**Ms. Belpulsi motioned to approve the Minutes of the City Council Work Session and Regular Meeting of January 20, 2011, as submitted. Mr. LaDu seconded the motion.**

No corrections.

**VOTE: Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [6-0]**

**ITEM 5. PRESENTATIONS:** MAYOR JOHN AGENBROAD PRESENTED A PROCLAMATION IN OBSERVANCE OF "FOUR CHAPLAINS DAY" ON FEBRUARY 9, 2011 TO COMMANDER ROBERT WILSON OF AMERICAN LEGION POST 805, SPRINGBORO, OHIO.

MARTY HEIDE, WARREN COUNTY OUTREACH COORDINATOR FOR THE 3<sup>RD</sup> U.S. DISTRICT, PROVIDED AN UPDATE FROM THE CONGRESSIONAL OFFICE.

Before the scheduled presentations, Mayor Agenbroad welcomed 12 students from Miami-Jacobs Career College in Springboro accompanied by their Instructor Laura Siegmann in attendance to observe this evening's meeting.

At this time, Mayor Agenbroad commented that Springboro's American Legion Post was established two years ago and Robert Wilson is the Commander of the Post. Mayor Agenbroad presented a proclamation to Commander Wilson in observance of "Four Chaplains Day" on Wednesday, February 9, 2011. Commander Wilson joined Mayor Agenbroad at the podium to receive the official proclamation. (A copy of the proclamation is attached for the record.)



Following the presentation of the proclamation, Marty Heide, Warren County Outreach Coordinator for Congressman Mike Turner approached the podium. Ms. Heide distributed a booklet to Council titled "How Our Laws Are Made." Ms. Heide commented that the booklet covers basic terminology and processes pertaining to laws e.g. what subcommittees are, how bills are started and where they go, etc. Ms. Heide also reminded Council that Congressman Turner has a Dayton District Office and a Wilmington District Office serving the constituents that live in the 3<sup>rd</sup> District of Ohio. She explained that there are case workers available to help people navigate through federal systems such as Medicare, Social Security, Veterans, Immigration, IRS, etc. Ms. Heide asked Council to please refer any citizens in need of federal assistance to either Congressman Turner's Dayton Office at 937-225-2843 or Wilmington Office at 937-383-8931. Ms. Heide further commented that Congressman Turner's Service Academy Day is April 9, which is an opportunity for young men and women living in the 3<sup>rd</sup> District or otherwise to meet representatives from all five service academies, the Naval Academy, Air Force Academy, Military Academy at West Point, Merchant Marine Academy, and Coast Guard Academy. Academy Day will be held at Centerville High School on Saturday, April 9 at 9:00 a.m. beginning with presentations and finishing at Noon. Ms. Heide added that anyone interested in attending a service academy starting at eighth grade and up; it is a good time to start preparing. Service Academy Day is a great opportunity to find out what service academy life is all about. In addition, Ms. Heide commented that Congressman Turner sponsors an art competition each year, but this year's competition has changed. It is the same procedure, process, and venue; however, due to the overwhelming participation in past years, the Dayton Art Institute is not able to hang all of the artwork. This year, the competition is limited to juniors and seniors; before the competition was offered to all high school students. The new scope of the competition will narrow down the number of entries. Ms. Heidi asked to please encourage Springboro High School to participate; it is a great opportunity. The competition offers scholarships and the winning art is hung in Washington, D.C. with other artwork from around the country for one-year. Ms. Heide offered to answer any questions of Council.

There were no questions of Council.

Mayor Agenbroad thanked Ms. Heidi for attending and asked to please give Council's regards to Congressman Turner.

**ITEM 6. LEGISLATION:** Before proceeding with the legislative agenda, Mayor Agenbroad asked for a motion to amend the agenda to add Legislative Item 7, a Resolution.

**Mr. Moore motioned to amend the Legislative Agenda to add Item 7, a Resolution. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [6-0]**

City Council held a Work Session at 6:00 PM tonight for approximately 20 minutes to discuss the following legislation as well as other City business. During the Work Session, Council entered Executive Session for approximately 30 minutes to discuss the sale of property.

- 1) **EMERGENCY ORDINANCE O-11-3: SECOND READING.** "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$1,200,000 STREET IMPROVEMENT BOND ANTICIPATION NOTES, BY THE CITY OF SPRINGBORO, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance providing for the issuance of \$1,200,000 of street improvement bond anticipation notes for the extension of West Tech Road in the South Tech Business Park TIF area. The purpose of this bond is for street improvements in the South Tech Business Park TIF area in Warren County. These notes would be converted to 10-year bonds following the end of the bond anticipation note period. The cost of the improvements will be presented this evening in the form of an ordinance authorizing supplemental appropriations i.e. the following legislation. The dollar amount being authorized is what is required by the City to provide for the issuance of the notes; therefore, the supplemental appropriation ordinance does include the \$1.2M. Finance Director Robyn Brown has written this legislation as an emergency and has requested that Council waive the third reading and adopt this ordinance tonight.

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

**Ms. Belpulsi motioned to suspend the rules and waive the third reading of this ordinance. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [6-0]**

**Mr. LaDu motioned to adopt Ordinance O-11-3. Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes. (6-0)**

- 2) **ORDINANCE O-11-4: FIRST READING.** "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-11-1 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 16, 2010 FOR THE YEAR 2011; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the first reading of a supplemental appropriation ordinance for the year 2011. The total amount of this supplemental appropriation is \$1,911,260, which includes the \$1.2M for the bond anticipation notes previously discussed under Legislative Item 1. Finance Director Robyn Brown has requested that the second and third readings of this ordinance be waived in order to properly appropriate expenditures.

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

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

No discussion.

**VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes. (6-0)**

**Ms. Belpulsi motioned to adopt Ordinance O-11-4. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [6-0]**

- 3) **RESOLUTION R-11-4:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR THE PAYMENT OF THE LOCAL SHARE OF THE COST OF THE RECONSTRUCTION OF RAMP B INTERSTATE ROUTE 75 SB TO STATE ROUTE 73 EAST AND WEST. (PID NO. 88211, WARREN COUNTY – CITY OF SPRINGBORO – INTERSTATE 75 – SECTION 3.40 RAMP B – FEDERAL PROJECT NO. E100(039))," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution provides for improvements to the southbound ramp at I-75/SR73. ODOT has permitted the City of Springboro along with the City of Franklin, who has partnered with the City, to consider this project part of the bridge and the add-lane project ODOT is constructing at I-75. This ramp improvements have to be bid separately, which requires separate legislation and separate monies. The City of Franklin agreed, via a prior agreement when the original project to improve the I-75 Interchange at SR73 was being considered, to pay for part of the improvements. The two cities have worked together very successfully with the Miami Valley Regional Planning Commission and the Ohio Department of Transportation on this project. The City has received a check from the City of Franklin to cover their reimbursement portion of the project cost for the improvements to the southbound ramp. Ramp B (southbound ramp) is secure; ODOT will receive a check for the local share amount from Franklin and Springboro as soon as this legislation is passed and Ramp B improvements will begin within 18 months depending on the completion of the first project. Ultimately, the add-lane, the bridge, and the southbound exit ramp improvements will be completed. The southbound exit ramp (Ramp B) will become a three-lane exit ramp i.e. drivers will be allowed to go straight, turn right, or turn left from the ramp. But the straight lane will also serve as an additional left turn lane; therefore, residents in Springboro exiting southbound from I-75 will actually be allowed to take two lanes into town, and these improvements will help to alleviate the back-up that occurs on a regular basis at the ramp.

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

**Mr. Moore motioned to adopt Resolution R-11-4. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad; Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. (6-0)**

- 4) **RESOLUTION R-11-5:** "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, RECONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT, RECONSTRUCT OR REPAIR THE SAME. (2011 SIDEWALK/DRIVEWAY APRON PROGRAM)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution declares the necessity of construction, reconstruction or repairing certain sidewalks and driveway aprons in the City in conjunction with the 2011 Street Resurfacing Program. The sidewalk and driveway apron improvements must be completed prior to the resurfacing program and will be marked for repair or replacement by the City of Springboro Engineering Department. The following streets will be resurfaced in 2011: Angel Court, Brookside Drive, Carnoustie Lane, Northbrook Court, and portions of Deer Trail Drive, Elkins Drive, Greenleaf Village Drive, Royal Birkdale Drive, Sharts Road, Reed Road, and Spring Mill Drive. The resolution of necessity will be followed by the ordinance to proceed with the sidewalk/driveway program at a future meeting. The abutting property owners are responsible for the sidewalk and driveway apron repairs.

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

**Ms. Belpulsi motioned to adopt Resolution R-11-5. Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes. (6-0)**

- 5) **RESOLUTION R-11-6:** "A RESOLUTION SUPPORTING THE RENEWAL OF THE OHIO HISTORIC PRESERVATION TAX CREDIT," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This resolution supports the renewal of the Ohio Historic Preservation Tax Credit. The State allows for a 25% tax credit for income taxes that are paid for any qualified rehabilitation that might happen to a historic structure within the City. The 25% incentive can also be applied to a federal tax credit of the same amount. It is a really nice incentive for people to rehabilitate historic structures. As the City does have a wonderful historic downtown, staff recommends that Council support the renewal of the tax credit through the State.

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

**Mr. Vomacka motioned to adopt Resolution R-11-6. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad; Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. (6-0)**

- 6) **RESOLUTION R-11-7:** "A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATION FOR ZONING COMPLIANCE TO THE CITY OF SPRINGBORO FOR INTERNET CAFÉ ESTABLISHMENTS OR ANY SIMILAR USE AS DETERMINED BY THE ZONING INSPECTOR OF THE CITY OF SPRINGBORO FOR A PERIOD OF SIXTY (60) DAYS PENDING THE STUDY OF LEGISLATION REGULATING SUCH ESTABLISHMENTS, LICENSING SUCH ESTABLISHMENTS AND LEGISLATING TO PREVENT THEIR PROLIFERATION)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution declares a moratorium on applications for zoning compliance for Internet Café establishments in the City. This is the second moratorium that Ms. Thompson can recall the City declaring in the 22 years she has worked for the City. The reason for this moratorium is the term Internet Café, which is something that has come up for many cities in the region, which have received applications for zoning compliance to establish an internet café in the community. This use is not a typical café that offers Wi-Fi; this is a new use that has been well thought out by the people who are providing the service. The problem is this business model could be construed as gambling, which is illegal in the State of Ohio. This type of business is not prevalent in the State

and they are not aware of any that have been approved at this point. A moratorium is recommended to give staff and the Law Director's office an opportunity to study and analyze what licensing and/or regulations are required for the City of Springboro to be able to accommodate this type of business if in fact it is desired to accommodate this type of business. There is no assumption that the businesses would not be approved or accepted in the City, but Springboro has nothing in place to regulate or license them because this is a brand new concept, a brand new business model unlike anything that the City has had brought before it. The City of Centerville has passed a moratorium; the City of West Carrollton is considering a moratorium, and the staff and Law Director's office felt it would be very prudent for the City to declare a moratorium in order to have time to essentially do the right thing. It will protect not only the City, but the vendor as well who might submit an application.

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

**Mr. LaDu motioned to adopt Resolution R-11-7. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. (6-0)**

**AMENDMENT:**

- 7) **RESOLUTION R-11-8:** "A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN LAND LOCATED AT 325 EAST CENTRAL AVENUE FOR PUBLIC ROAD PURPOSES," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution declares the intent to appropriate certain land located at 325 East Central Avenue near Hillspring of Springboro for public road purposes. This resolution is required under the Ohio Revised Code Section 719.04 under the Municipal Legislative Authorities. This resolution of intent to appropriate will allow the City to appropriate some right-of-way near the Hillspring health center for the purpose of road improvements anticipated by the City within the next five years. The improvements include resurfacing to be performed by ODOT and work the City is considering for a drop-off lane into the facility, and the right-of-way is required. Hillspring has had some change of ownership and the City has been in communication with them for probably a year on this issue. The first step in this process is to approve the resolution of intention to appropriate the right-of-way and the follow up piece of legislation is to actually proceed with the appropriation of the right-of-way. The appraised value is \$17,250, which is the value that will be included in the ordinance to appropriate the land at a later date.

**Ms. Belpulsi motioned to adopt Resolution R-11-8. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad; Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. (6-0)**

- ITEM 7. REPORTS: Mayor's Report** – The 3<sup>rd</sup> U.S. District Office Hours will be held on Friday, February 25, 1:00-2:00 PM in the Community Room. The next City Council Work Session and Regular Meeting will be held on Thursday, February 17, 2011 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers, as scheduled. The Finance Committee will be held on Thursday, February 17, 2011 at 5:30 PM in Council Chambers, as scheduled.

**City Manager's Report** – Ms. Thompson reported that the City had an inaugural group of 15 participants in the first Citizens Academy. Sessions were completed this past Saturday, January 29. The group participated in tours of the sewer plant, water plant, golf course maintenance

facility, city building, and public works department. Also, participants in the academy signed a waiver to ride along with a police officer on patrol and ride in a snow plow. Ms. Thompson thanked the Mayor and all of the department heads for attending the Citizens Academy to help present certificates of completion to the participants. Ms. Thompson commented that the City received a very nice note of thanks from one of the participants, and she appreciates the residents that did participate in the academy and hopes the next class is just as full as this one.

Mayor Agenbroad commended the staff and residents that participated in the first Citizens Academy.

**Committee Reports –**

**Mr. Moore** – No reports.

**Ms. Belpulsi – Planning Commission** – The Planning Commission met on Wednesday, January 26 to consider the following items: The Commission appointed Ms. Belpulsi, Chair, and Mr. Hans Landefeld, Vice Chair. Ms. Belpulsi commented that she was honored to be nominated to serve as Chair of the Commission again this year. The Commission also recommended to Council to favorably consider a request to rezone 10 Fairway Drive from O-R, Office-Residential Zoning District, to PUD-O, Planned Unit Development-Office. The Public Hearing for the rezoning of 10 Fairway Drive is scheduled for March 3 at 7:00 PM in Council Chambers. The Commission also approved a Site Plan Review for 20 Eleanor Drive, a Multi-Purpose Building for Minds In Motion, building exterior design and landscaping plan. The Commission wishes them much success with their Plan. Finally, the Commission approved a sign at 85-A W. Central Avenue located in the Architectural District, as recommended by the Architectural Review Board. The next Planning Commission Work Session will be held on Wednesday, February 9 at 6:00 PM in Council Chambers, as scheduled.

**Mr. Vomacka** – No reports.

**Ms. Lairson – Community Service Board** – The Community Service Board met on Monday, January 17 at 7:00 PM in Council Chambers. With the pending bad weather, the Board is currently recruiting volunteers to help citizens with snow removal, and they do have a need for more volunteers. Anyone who is interested in volunteering can contact the City or visit the City's website to complete an application.

**Mr. LaDu** – No reports.

**ITEM 8. OTHER BUSINESS.** Mayor Agenbroad asked for a motion to dispose of various fixed assets beyond repair or obsolete per the itemized disposal/destruction list submitted by the Director of Finance for the fiscal year ending December 31, 2010 as follows: Tag # 1085-1999 IBM Laptop; Tag # 1090-1999 Laptop for PD Photo System; Tag # 1100-1999 Toshiba Laptop-Projection System; Tag # 1259- 2001 Toshiba Laptop; Tag # 2027-1993 Lastec Model 721 R Mower.

**Mr. LaDu motioned to dispose of various fixed assets beyond repair or obsolete per the itemized disposal/destruction list submitted by the Director of Finance for the fiscal year ending December 31, 2010, as stated above. Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes; Vomacka, Yes. [6-0]**

Also, Mayor Agenbroad stated that 10 residents applied for the open seat on the Bicycle & Pedestrian Advisory Committee. Council has nominated Steven Dickey to serve on the Bicycle & Pedestrian Advisory Committee to fill an unexpired term ending December 31, 2012.

**Mr. Vomacka motioned to appoint Steven Dickey to the Bicycle & Pedestrian Advisory Committee to fill an unexpired term ending December 31, 2012. Ms. Belpulsi seconded the motion.**

No discussion.

**VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes. [6-0]**

Mayor Agenbroad welcomed Mr. Dickey to the Committee.

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

**ITEM 10. GUEST COMMENTS.** 1) Laura Siegmann, Instructor, Miami Jacobs Career College, Springboro – Ms. Siegmann thanked the Mayor and Council Members for welcoming the Miami-Jacobs students, who are currently enrolled in government class at the Associate College for Criminal Justice. Also, Ms. Siegmann commented that she is a Springboro resident; therefore, she has a separate interest in this Council meeting. Ms. Siegmann again thanked Council for their gracious and warm welcome.

Mayor Agenbroad commented that Council was glad to have the students in attendance and appreciates what Ms. Siegmann does for the students.

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

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

**Mr. Vomacka motioned to adjourn the meeting; whereby, the Thursday, February 3, 2011 Springboro City Council Regular Meeting was adjourned at approximately 7:30 PM. Mr. Moore seconded the motion.**

**VOTE: Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Moore, Yes. [6-0]**

**—MEETING ADJOURNED—**

John H. Agenbroad

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John H. Agenbroad, Mayor

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Presiding Officer

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Lori A. Martin, Clerk of Council