

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

CITY COUNCIL WORK SESSION

THURSDAY, MARCH 17, 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, March 17, 2011 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Ave., Springboro, Ohio.
- ITEM 2. ATTENDANCE.** Council: All present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Kruthoff, Mr. Schaeffer, and Ms. Martin were present.
- ITEM 3. LEGISLATIVE AGENDA.** –Seven legislative agenda items were reviewed for the March 17 Regular Meeting.

- 1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING FEES AND RATES FOR MONTHLY TRASH COLLECTION, THEREBY AMENDING APPENDIX A OF CHAPTER 1464 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO; REPEALING THE INCREASE TO THE CITY'S WATER AND WASTEWATER SERVICE CHARGES BASED ON THE INFLATIONARY INDEX AS AUTHORIZED BY SECTION 1464.04, APPENDIX A, OF CHAPTER 1464 OF THE CODIFIED ORDINANCES, REPEALING ANY INCREASE IN WATER AND WASTEWATER RATES OTHERWISE PREVIOUSLY AUTHORIZED FOR IMPLEMENTATION IN 2011, 2012 AND 2013 AND IN LIEU OF ALL SUCH INCREASES, INCREASING THE CITY'S WATER RATES AND WASTEWATER RATES EFFECTIVE APRIL 1, 2011, JANUARY 1, 2012 AND JANUARY 1, 2013; AND AMENDING PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES, TITLE FOUR-UTILITIES, CHAPTER 1050 STORM WATER, SECTION 1050.03 RATES AND COLLECTION OF CHARGES AND DECLARING AN EMERGENCY.

Mr. LaDu stated that he would comment on this legislation during tonight's Regular Meeting.

- 2) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-11-05 AND DECLARING AN EMERGENCY. (2011 SIDEWALK/DRIVEWAY APRON PROGRAM)

No discussion.

- 3) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 0.36 ACRES OF LAND LOCATED AT 10 FAIRWAY DRIVE, FROM O-R, OFFICE-RESIDENTIAL DISTRICT, TO PUD-O, PLANNED UNIT DEVELOPMENT-OFFICE.

No discussion.

- 4) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE REGULATING COMPUTERIZED INTERNET SWEEPSTAKES CAFES WITHIN THE CITY OF SPRINGBORO TO ESTABLISH STANDARDS FOR LICENSING, REGULATING, AND CONTROLLING THESE CAFES AND PREMISES UPON WHICH THEY ARE LOCATED UNDER CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO AND DECLARING AN EMERGENCY.

No discussion.

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ODOT PRELIMINARY LEGISLATION AS PRESENTED FOR THE COMPLETION AND APPOINTMENT AS THE LPA – LOCAL PUBLIC AGENCY FOR THE URBAN PAVING PROJECT WAR-741-15.67, BEING THE RESURFACING OF NORTH MAIN STREET FROM SR 73 TO THE NORTH CORPORATION LIMIT.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ACCESS POINT A INTERSECTION PROJECT MANAGEMENT AND FINANCING AGREEMENT WITH THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT.

No discussion.

- 7) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXECUTE ALL DOCUMENTS NECESSARY WITH RLG AUSTIN, LTD., GCG AUSTIN LTD AND VICTORY 4, LLC TO SELL 6+/- ACRES OF LAND WITHIN THE SOUTH TECH BUSINESS PARK PER THE AMENDED AND RESTATED CONSENT DECREE AND AMENDED AGREEMENT OF JUNE, 2007 AMENDING ALL PRIOR AGREEMENTS.

Ms. Thompson requested that Item 7 be read before Item 6. The agenda for tonight's Regular Meeting will be amended to reverse the order of Legislative Items 6 and 7.

ITEM 4. CITY MANAGER. –Issues/Reports.

Executive Session: *Ms. Thompson requested an Executive Session, following the Work Session discussion, for the purpose of discussing the purchase of property.*

Christmas Festival: *Ms. Thompson commented that she forwarded an e-mail to Council regarding a request to increase the City's sponsorship for this year's Christmas Festival. The Festival Committee has requested that the City increase its contribution from \$2,500 to \$4,000 due to other sponsors not being able to contribute at the level they did previously*

Ms. Lairson asked if the increased sponsorship would be in addition to the services that the City already provides for the festival.

Ms. Thompson stated that, as in previous years, the sponsorship would be in addition to the services provided by the City.

Mayor Agenbroad commented that between sponsorship and services the City spends an estimated \$8000 to \$10,000 per year on the festival. The City provides electric, portable restrooms, police and service department hours. Mayor Agenbroad questioned how much money the festival committee currently has. Mayor Agenbroad further commented that Council has already been approached for money for the Null Cabin, and the Baseball Association may possibly ask for a donation for fireworks, as well. Mayor Agenbroad added that the Christmas Festival is a wonderful event for the City; however, Council needs to keep in mind that other community organizations might approach them as well for a contribution.

After some discussion and consideration of the services provided to the Christmas Festival and possible future expenditures of Council, it was decided that Council would continue to support the Christmas Festival at the past sponsorship level of \$2500.

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 purchase of property. Mr. Vomacka seconded the motion.

No discussion.

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

Business Appreciation Breakfast: Mr. Pozzuto commented that the City has received approximately 50 RSVPs for the Business Appreciation Breakfast; it looks like there will be a good turnout. Mr. Pozzuto confirmed that all Council members, with the exception of Mr. LaDu and Ms. Belpulsi, will attend the breakfast.

Recycling Program: Mr. Pozzuto reported that the Recycling Program is doing very well. Data has been received for approximately a three to four month period. The estimated annual cost savings is targeted to be approximately \$104,000 per year. This includes a decrease in fees due to the switch to a bi-weekly collection schedule, which will save the City approximately \$80,000 per year and the increase in recycling, which will save the City approximately \$23,000 per year. The new recycling program will allow the City to see a return on investment in approximately 2.5 years. Mr. Pozzuto stated that in terms of the environment recycling is up approximately 12% in the community.

Mr. LaDu commented that he has seen the collectors struggling when residents put their trash container and recycling container too close together. Mr. Pozzuto responded by stating that he would include information in the next newsletter illustrating the correct way to place the containers.

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

Calendar Update: Ms. Martin reported that Marty Heide, Warren County Outreach Coordinator for the 3rd U.S. District, will be in the Community Room on Friday, March 25, 2011 from 1:00 to 2:00 PM conducting office hours representing Congressman Turner.

Springboro Chamber Business Expo: Ms. Martin reminded Council that the Annual Springboro Chamber Business Expo will take place on Saturday, March 19 from 10:00 AM to 4:00 PM at Springboro High School.

Board and Commission Handbook: Ms. Martin commented that work is ongoing in regard to the board and commission handbooks. The short version, City Boards and Commission Guide, will be used to recruit people to volunteer for City boards and commissions. There will also be an

expanded version, *Board and Commission Handbook*, which will serve as a training manual for appointed committee members.

Ms. Martin stated that she has been working with Greg Opt of The Graphic Image since the beginning of the project and it is coming along very nicely. Ms. Martin explained that Mr. Opt also produces the City newsletter and does a wonderful job with that publication. Ms. Martin hopes the project will be complete by the end of March.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Moore – No issues/reports.

Mr. Chmiel – No issues/reports.

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

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

Ms. Lairson – No issues/reports.

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

Mr. LaDu will also report on the Warren County Combined Health District Annual Business Meeting that he recently attended.

Mayor Agenbroad – No issues/reports.

Executive Session: At approximately 6:24 PM, City Council entered Executive Session to discuss the purchase of property.

With no objections, City Council exited Executive Session at approximately 6:54 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the February 17, 2011 City Council Work Session at approximately 6:54 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 17, 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, March 17, 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, Present; LaDu, Absent; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Kruthoff, Alan Schaeffer, and Ms. Martin were present.
- ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MARCH 3, 2011.

Ms. Lairson motioned to approve the Minutes of the City Council Work Session and Regular Meeting of March 3, 2011, as submitted. Mr. Vomacka seconded the motion.

No corrections.

VOTE: Lairson, Yes; LaDu, Abstain; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes. [6-0-1]

- ITEM 5. PRESENTATIONS:** No presentations.
- ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 24 minutes to discuss the following legislation as well as other City business. During the Work Session, City Council entered Executive Session for approximately 30 minutes to discuss the purchase of property; whereby, no votes were taken.

At this time, Mayor Agenbroad asked for a motion to amend the Legislative Agenda to transpose Legislative Items 6 and 7 i.e. Legislative Item 7 will be read first followed by Legislative Item 6.

Ms. Belpulsi motioned to amend the Legislative Agenda, as stated above. Mr. LaDu seconded the motion.

No discussion.

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

- 1) **ORDINANCE O-11-6: THIRD READING.** "AN ORDINANCE AMENDING FEES AND RATES FOR MONTHLY TRASH COLLECTION, THEREBY AMENDING APPENDIX A OF CHAPTER 1464 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO; REPEALING THE INCREASE TO THE CITY'S WATER AND WASTEWATER SERVICE CHARGES BASED ON THE INFLATIONARY INDEX AS AUTHORIZED BY SECTION 1464.04, APPENDIX A, OF CHAPTER 1464 OF THE CODIFIED ORDINANCES, REPEALING ANY INCREASE IN WATER AND WASTEWATER RATES OTHERWISE PREVIOUSLY AUTHORIZED FOR IMPLEMENTATION IN 2011, 2012 AND 2013 AND IN LIEU OF ALL SUCH INCREASES, INCREASING THE CITY'S WATER RATES AND WASTEWATER RATES EFFECTIVE APRIL 1, 2011, JANUARY 1, 2012 AND JANUARY 1, 2013; AND AMENDING PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES, TITLE FOUR-UTILITIES, CHAPTER 1050 STORM WATER, SECTION 1050.03 RATES AND COLLECTION OF CHARGES AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance to amend fees and rates for water and sewer utilities and trash collection service and storm water utility. Mr. LaDu presented the information on the following slides:

<p>Water / Sewer Rates</p> <p>Why are rates being increased?</p> <ul style="list-style-type: none">•Population growth from 5,000- over18,000 residents from 1989-present•Water plant construction = \$14M•Sewer plant construction = \$18M•Unfunded state mandates•Unfunded federal requirements<ul style="list-style-type: none">• General inflation	<p>When will the new rates be effective?</p> <ul style="list-style-type: none">•The new rates will become effective on April 1, 2011 <p>How do the new rates effect me ?</p> <ul style="list-style-type: none">•75% of all water and sewer customers use 5000 gallons of water or less per month• at 5000 gallons per month the increase will result in an \$8.62/ per month increase the first year; \$13.90 /per month increase in year 2; and a \$7.89 /per month increase the 3rd year.	<p>What will the City do to minimize the rate increase ?</p> <ul style="list-style-type: none">• the storm water utility monthly fee of \$3.00 will be waived thru the remainder of 2011 and reduced by \$1.00 per month thru 2013• each customer will receive a \$1.00 per month reduction on their trash fee for the next 3 years• no cost of living increase for water and sewer for the next 3 years
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For questions please contact the City at 937-748-4343 and the Utility Department will be able to assist you in answering questions concerning your bill.

Mr. LaDu also commented that staff has been directed to look into the possibility of putting together a "hardship" program for citizens on fixed incomes or hardship of some kind. The Finance Committee received a report tonight concerning that issue and legislation will be prepared for Council consideration in the near future to address that issue. The information was based on information received from Warren County, Duke Energy, and based on some percentage of the federal poverty level. Mr. LaDu added that he appreciated the most recent City Notes newsletter, which

included water conservation tips. Mr. LaDu pointed out that residents do have some control over the increase because the less water you use the less the increase will affect you. Mr. LaDu thanked Council for their indulgence and would recommend passage of this ordinance tonight.

Mayor Agenbroad asked if Staff or Council had any other comments regarding this item.

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

Mr. LaDu motioned to adopt Ordinance O-11-6. Mr. Chmiel seconded the motion.

No discussion.

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

- 2) **EMERGENCY ORDINANCE: SECOND READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-11-5 AND DECLARING AN EMERGENCY. (2011 SIDEWALK/DRIVEWAY APRON PROGRAM)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance to proceed with the 2011 Sidewalk/Driveway Program. Property owners affected by the program can either pay for the improvements to their properties or be assessed for the cost on their property tax bill. This year the estimated cost for concrete work is \$7.00 per s.f. for sidewalk and \$8.00 per s.f. for driveway apron, which requires thicker concrete. Actual costs will be verified when bids are submitted.

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

No action required at this time.

- 3) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 0.36 ACRES OF LAND LOCATED AT 10 FAIRWAY DRIVE, FROM O-R, OFFICE-RESIDENTIAL DISTRICT, TO PUD-O, PLANNED UNIT DEVELOPMENT-OFFICE," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance to rezone approximately 0.36 acres of land located at 10 Fairway Drive from O-R, Office-Residential District, to PUD-O, Planned Unit Development-Office. This rezoning was the topic of a public hearing on March 3, 2011 and was approved by the Planning Commission on January 26, 2011. This zoning amendment will allow for a converted residence on Fairway Drive owned by Chris Cornyn, who operated a law office within the building. The proposed rezoning would use the current O-R District as the basis and the additional single use of a day spa. All issues were worked out with one of the neighbors through the City Law Director's Office, and that neighbor, Mr. Boys, attended the public hearing and spoke before Council. Staff recommends approval of this ordinance to rezone 10 Fairway Drive.

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

No action required at this time.

- 4) **EMERGENCY ORDINANCE: FIRST READING.** "AN ORDINANCE REGULATING COMPUTERIZED INTERNET SWEEPSTAKES CAFES WITHIN THE CITY OF SPRINGBORO TO ESTABLISH STANDARDS FOR LICENSING, REGULATING, AND CONTROLLING THESE CAFES AND PREMISES UPON WHICH THEY ARE LOCATED UNDER CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO 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 an ordinance regulating internet sweepstakes cafes within the City of Springboro to establish standards for licensing, regulating, and controlling these cafes and premises upon which they are located under Chapter 850 of the Codified Ordinances of the City of Springboro. Staff worked very closely with Gerry McDonald from the City Law Director's office on this legislation. Internet sweepstakes cafés are apparently the latest rage and there are some located in Springfield and other communities across the state. It is a form of sweepstakes via a phone card purchase that one can utilize in a machine that is quite similar to a video slot machine or a video poker machine. There is some question around the state as to whether this is a form of gambling, which is not permitted in the State of Ohio. In researching and looking at the particular processes that these internet sweepstakes cafés use, the Staff elected to write this

legislation and recommend it to City Council because they feel it is proper to license these businesses, regulate their location, and be able to involve the Police Department in background checks and other various forms that will be used in the City's process to make sure that owners/operators are licensed within the City of Springboro. Staff is asking that this licensing legislation be passed to regulate these structures within the ED (Employment Center District), which is essentially west of Clearcreek-Franklin Road and in some of the City's more industrial area. It also states in the legislation that this type of business cannot abut residential property. The City does not want to encourage any development of these types of facilities that would be a disturbance to residential neighborhoods. Part of the neighborhood that the City is protecting is actually township property, but it is along factory and staff felt it was important to restrict this type of business activity in that area. The licensing price for a facility would be \$2,500; the licensing of each device would be \$35.00. The Police Department would be responsible for receiving a number of reports from the Building and Zoning Inspector, who would compile all of this information from the applicant then forward it to the Police Department for background checks to make sure the owners and operators are conducting the business that they state they are conducting. Ms. Thompson thanked Gerry McDonald and Alan Schaeffer's office for preparing this legislation. Vandalia is currently passing similar legislation and a number of communities have asked the City to forward its legislation to them, which Ms. Thompson has done.

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

No action required at this time.

- 5) **RESOLUTION R-11-13:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ODOT PRELIMINARY LEGISLATION AS PRESENTED FOR THE COMPLETION AND APPOINTMENT AS THE LPA – LOCAL PUBLIC AGENCY FOR THE URBAN PAVING PROJECT WAR-741-15.67, BEING THE RESURFACING OF NORTH MAIN STREET FROM SR 73 TO THE NORTH CORPORATION LIMIT," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

A resolution authorizing the City Manager to execute the ODOT preliminary legislation and appoint the LPA for the resurfacing of North Main Street from SR73 to the Northern Corporation Limit. This is the preliminary step in this ODOT (Ohio Department of Transportation) project. Approximately two miles of North Main Street will be resurfaced in 2012. The local match is 20% for all of the resurfacing related items such as the markings and grinding of the pavement, which amounts to \$226,200. The Engineering Department has reviewed the project and Springboro's cost for this project will total \$814,220; the project will cost approximately \$2M upon completion.

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

Ms. Lairson motioned to adopt Resolution R-11-13. Mr. Vomacka seconded the motion.

No discussion.

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

- 6) **RESOLUTION R-11-14:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXECUTE ALL DOCUMENTS NECESSARY WITH RLG AUSTIN, LTD., GCG AUSTIN LTD AND VICTORY 4, LLC TO SELL 6+/- ACRES OF LAND WITHIN THE SOUTH TECH BUSINESS PARK PER THE AMENDED AND RESTATED CONSENT DECREE AND AMENDED AGREEMENT OF JUNE, 2007 AMENDING ALL PRIOR AGREEMENTS," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

A resolution authorizing the City Manager to enter into an agreement with RLG Austin, Ltd., GCC Austin Ltd. and Victory 4, LLC to sell 6+/- acres of land within South Tech Business Park per the amended consent decree and amended agreement of June 2007, which amended all prior

agreements. The six acres of land are located in the northern most and western most portion of the Springboro property at the Austin Interchange area. This property was part of a Consent Decree originally as an exchange parcel and then in the amended Consent Decree the land became available for sale to RG Properties in the amount of approximately six acres at a price of \$100,000 per acre, which is appropriate for that area. The City intends to sell the six acres per the Consent Decree and the restated Court Order, which will allow the City to proceed to the next piece of legislation, which is an access point project to install the curb and gutter and asphalt on Austin Boulevard adjacent to the northern access point and save some money on the economy of scale of having both the north and south side of Austin Boulevard completed at the same time. The proceeds from the sale of the land will pay for the project and the City's obligation to pay back the note originally used to purchase the 80+/- acres at South Tech. It all comes together with the second piece of legislation; this piece is simply within the confines of the Consent Decree to sell the six acres at \$100,000 per acre.

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

Ms. Belpulsi motioned to adopt Resolution R-11-14. Mr. Vomacka seconded the motion.

No discussion.

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

- 7) **RESOLUTION R-11-15:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ACCESS POINT A INTERSECTION PROJECT MANAGEMENT AND FINANCING AGREEMENT WITH THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

A resolution authorizing the City Manager to enter into an Access Point A Intersection Project Management and Financing Agreement with the Montgomery County Transportation Improvement District. The City has agreed to construct the entrance to the 54-acre site at the southeast corner of the Austin Interchange, which is Springboro property owned by RG Incorporated. RG Properties eventually will be developing the 54 acres under the Consent Decree. The Consent Decree requires the City to build an internal road system for that development that was completed back in 2005. At the time that the City completes the internal road system in total, it would certainly be deducting this particular part of the project from that cost. The City is completing this now for the economy of scale with the north side being completed by RG Properties and the south side by the City, and will utilize the \$600,000 from the sale of the land that was previously approved to pay off the original note the City accepted to pay for the acreage in 2005, which was about \$51,000. Approximately, \$309,000 will be applied to the note and the other \$295,000 will be utilized for the construction of the of the access point consisting simply of curb, gutter, and small portion of asphalt. Again, the proceeds from the sale of the six acres will be divided between the City's obligation to pay off the note upon the advice of the City's Bond Counsel Brenda Wehmer and the construction of the Access Point A Intersection Project.

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

Mr. Vomacka motioned to adopt Resolution R-11-15. Ms. Lairson seconded the motion.

No discussion.

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

ITEM 7. REPORTS: Mayor's Report – The Springboro Chamber Business Expo will be held on Saturday, March 19, 10:00 AM-4:00 PM at Springboro High School. The 3rd U.S. District Office Hours will be held on Friday, March 25, 1:00-2:00 PM in the Community Room. The next City Council Work Session will be held on Thursday, April 7 at 6:00 PM followed by two Regular Meetings to begin consecutively at 7:00 PM in Council Chambers. In addition, a public hearing will be held on Thursday, April 7, 2011 beginning at 7:00 pm in Council Chambers for a request to rezone approximately 2.43 acres of land located at 945 W. Central Avenue in Springboro, Ohio from ED (Employment Center District) to B1 (Highway Business District). City Council will hold a Special Meeting on Thursday, April 21 at 5:30 PM in the Community Room to discuss City goals. The Finance Committee will meet on Thursday, April 21 at 5:00 PM in Council Chambers.

City Manager's Report – Ms. Thompson thanked Mayor Agenbroad on behalf of all of the female employees of the City to whom he was gracious enough to extend some Springboro Lions Club roses to; the gesture was very much appreciated. Ms. Thompson further commented that she knows that Mayor Agenbroad is very active in the Lions Club and she wanted to thank you on behalf of everyone at the City for your contribution to that organization.

Mayor Agenbroad thanked Ms. Thompson for her kind comments.

Committee Reports –

Mr. Moore – No reports.

Mr. Chmiel – No reports.

Ms. Belpulsi – Planning Commission – The Planning Commission met in Work Session on Wednesday, March 9 to review the following items: New Business – Rumford Industrial Group, West Tech Drive located just west of the squash court, proposed to build a distribution center with three to four buildings within one facility and the Commission has given the developer some guidance on how to proceed with the plan for formal approval next month. Revision to Approved General Plan – The Springs PUD, Planned Unit Development. The Commission continued to hear from the developers of The Springs. They had some good dialogue, a lot of the residents were back in attendance they us some good input. They gave the developer some direction some things they wanted to see changed and expect they will back to the March 30 meeting to take action and if the Commission decides to vote on the plan then it will come to Council for consideration at the second meeting on April 7. Ms. Belpulsi added that the intent is to have guest comments regarding The Springs at the first meeting on April 7 and the reading of the Resolution at the second meeting since there would only be one reading of the legislation before Council would vote on it and there is no opportunity for input from the community we are hoping that the community will come to the first meeting to for input then Council if they choose can vote at the second meeting.

Mr. Vomacka – Architectural Review Board – The ARB met on Monday, March 14 at 6:00 PM in Council Chambers. The first order of business was to consider a request for certificate of appropriateness for 10 Parker Drive, which the applicant wanted to put a new steel roof on the building and also wanted to put a photovoltaic solar array on the building. The business is Watkins. The ARB approved the new roof as appropriate it is needed that is obvious from the street. However, the Architectural Review Board guidelines do not permit structures on the roof that are clearly visible from the streets; any kind of mechanical equipment on the roof has to be hidden. If a photovoltaic array is hidden it will not be able to get sun and will not work. That being the case the ARB could not approve the request for the photovoltaic array and was not appropriate within the current guidelines. The Board did decide and the board was sympathetic to the applicant's request; it is just a matter of what we can and cannot do. The ARB is now asking the Planning Commission formally to reexamine the ARB guidelines; they have not been reviewed in ten years and some things need to be updated in the guidelines. A formal request to review the guidelines should be forwarded to the Planning Commission in the near future.

Ms. Thompson commented that City Planner Dan Boron is aware that the ARB would like to review and update the guidelines and intends to contact Ms. Belpulsi as the Planning Commission Chair to schedule as an agenda item. She added that the zoning code in total is on the planning goals list for 2011 and were trying to create a plan to review the zoning code and the town center issues particularly moving along. Planning Commission should anticipate seeing something regarding this review and hopefully the RFP will be out for the zoning code in total.

Mr. Vomacka commented that the other item on the ARB agenda was the continuing discussion regarding the maintenance of the Null Log House. Tim Raberding, a member of the ARB, has volunteered to head up a small subcommittee with a few ARB members and couple of people from the Historical Society to meet in a work session rather than the whole group trying to tackle the issues and making very little progress they will put a work session together and actually create something that the ARB can look at in more detail and he truly appreciates Tim taking this on because they have tried for a couple of months now and not made much progress and as far as he is concerned he is the single best person this committee to take this charge on. The next Architectural Review Board meeting will be held on Monday, April 11, 2011 at 6:00 PM in Council Chambers, as scheduled.

Mr. LaDu – Finance Committee – The Finance Committee met this evening to discuss and review the financial reports for January as well as final discussion on the water and sewer utility legislation passed earlier this evening. The next Finance Committee meeting will be held on April 21, 2011 at 5:00 PM in the Community Room prior to the Council Special Meeting mentioned under the Mayor's Report.

ITEM 8. OTHER BUSINESS. Under Other Business, the following motion was made:

As discussed at the Work Session, Mayor Agenbroad asked for a motion to appoint Assistant City Manager Chris Pozzuto to the Tax Incentive Review Committee (TIRC) of Warren County.

Ms. Belpulsi motioned to appoint Assistant City Manager Chris Pozzuto to the Tax Incentive Review Committee (TIRC) of Warren County. Mr. Vomacka seconded the motion.

No discussion.

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

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Mr. Vomacka commented that he golfed at Heatherwoode Golf Course today and the course is in great shape and the marvelous people from Billy Casper are still working there; it is a well run operation. At the conclusion of the day, he was talking with one of his playing partners, who is from Gainesville, Florida, and he mentioned that Gainesville is the 44th best place to live in the United States. Mr. Vomacka stated that he presented one of the City's golf balls with the logo showing that Springboro is the 41st best place to live.

Mr. Pozzuto stated that during the Work Session he had commented on the recycling program in response to an inquiry from Mr. LaDu. Mr. Pozzuto commented that back in November the City instituted a new recycling program with some larger totes that were provided to the residents at no additional cost. The program also went to an every other week pick up schedule for certain areas of the City. The program has been operating for about three or four months and the City now has some data and is happy to report that the program is doing very well. Recycling has increased over those 3 months by about 12% saving the City about \$24,000 in tipping fees. Mr. Pozzuto explained that when the community recycles more, the City pays less in trash tipping fees and has actually seen that reduction. Mr. Pozzuto further commented that in addition to the every other week pick-up schedule for recycling, Waste Management through their contract with the City has lowered their price for recycling service, which has amounted to approximately

\$14,000 in savings over two months –December and January, which is the only have data the City currently has. Extrapolated over the entire year, the total projected savings is approximately \$104,000, which is great. The City spent approximately \$250,000 on the toters, which gives the City a return on its investment in about 2.5 years. The program is working well and the City appreciates all of the residents who have participated in the program by increasing their recycling; keep it up! It not only saves the environment, but it saves taxpayer dollars, as well.

Mayor Agenbroad thanked Mr. Pozzuto for the information.

- ITEM 10. GUEST COMMENTS. 1) Mike Hemmert, 115 Heatherwoode Boulevard, Springboro –** Mr. Hemmert stated that he wanted to make a few comments in regard to tonight's legislative items. Specifically, the first item, the water and sewer rates that are being increased 51% for every resident and business over three years. At Council's initial presentation on February 17, it was stated that some type of relief was going to be looked at for senior citizens; he was very glad to hear that. He operates a small business as well at 305 W. Central Avenue, and many of his customers are retired folks on fixed incomes. These new rates will be a hardship for many of them. Many of them who have spoken to him personally about it have expressed deep concerns about what it is going to do to them. Mr. Hemmert addressed Mr. Tom LaDu by stating that it was good to hear him mention it again tonight and apparently Mr. LaDu will have something for Council to look at; he thinks that is great. He hopes City Staff and Council will come up with a viable plan to assist some of these folks and will be looking for that in the very near future. In regard to the first reading of the rezoning at 10 Fairway Drive, where the zoning is proposed to be amended to allow for medical day spas; he was unable to attend the public hearing, but he wanted to just go on the record and say that he is in favor of the amendment. He believes the building owner Chris Cornyn has made many improvements to that property over the years and he thinks he should be commended for that. He remembers years ago before Chris bought it that the property was very run down and looked bad right at the corner of Fairway and SR73. The applicant involved is Angie Wolf for the medical spa. He has spoken to Angie several times since the original application was filed with the Zoning Inspector, and there has been much frustration on her part. Henceforth, of course, a law suit was filed and then a recent agreement was worked out between Mr. Cornyn and Mr. Schaeffer (City Law Director) on behalf of the City's interests. He just hopes that this Council will vote in favor of allowing Angie Wolf to bring another small business to Springboro; he just sees it as a win-win for all.

Mayor Agenbroad thanked Mr. Hemmert for his comments.

Mayor Agenbroad asked any other guests that wished to be heard to please come to the podium and state their name and address for the record and make their comments accordingly.

There were no other guest comments.

- 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. Mayor Agenbroad also wished everyone a happy St. Patrick's Day.

Mr. Vomacka motioned to adjourn the meeting; whereby, the Thursday, April 7, 2011 Springboro City Council Regular Meeting was adjourned at approximately 7:31 PM. Mr. LaDu seconded the motion.

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

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council