

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

CITY COUNCIL WORK SESSION

THURSDAY, AUGUST 2, 2007

6:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

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 Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** Mr. Chmiel was absent. Ms. Thompson was also absent.
- ITEM 3. LEGISLATIVE AGENDA.** –City Council considered 6 legislative agenda items slated for the August 2, 2007 City Council Regular Meeting.
- 1) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING SECTION 1226.05, STATE ROUTE 73 ACCESS PLAN, CHAPTER 1226, MOBILITY MASTER PLAN, TITLE TWO – PLANNING, PART TWELVE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY.

No discussion.
 - 2) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE IN THE MCCRAY FARMS SECTION NINE SUBDIVISION IN THE CITY AND DECLARING AN EMERGENCY.

No discussion.
 - 3) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE DECLARING THE NECESSITY OF PROVIDING CERTAIN MAINTENANCE IN THE HEATHERWOODE SUBDIVISION OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY.

The Finance Director has requested that City Council waive the second and third readings of this ordinance in order to certify the assessments to the Warren County Auditor's Office by the September 10, 2007 deadline.

Ms. Belpulsi asked why the City did not receive this legislation sooner? Mr. Pozzuto explained that the City did not receive

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the information needed to proceed with this legislation until very recently. Mr. Pozzuto further explained that the City is allowed to assess the properties for the maintenance, but the Homeowners Association must request that the City to administer the assessments. Mr. Pozzuto added that the same circumstances apply to the McCray Farms Section Nine assessments (Legislative Item #2).

Mr. Hruska asked if the assessments are ongoing or assessed annually? Mr. Pozzuto explained that it depends on the Homeowners Association (HOA) covenants. For example, the McCray Farms assessments occur every ten years according to the covenants for that subdivision. The Heatherwoode assessments occur every four years, but the Heatherwoode HOA is trying to lengthen their assessment period. Mr. Pozzuto added that it is more paperwork for the City, if the assessments are renewed more frequently.

Ms. Belpulsi confirmed that the residents of the subdivision have to vote to make changes to the covenants. Mr. Pozzuto replied yes. Mr. Schaeffer commented that it is a difficult process to amend HOA covenants.

Mr. Hruska commented that a large majority is needed to amend the covenants. Mr. Pozzuto replied yes, but it depends on the covenants, sometimes 75% is required or 100%, etc. Mr. Schaeffer added that if the covenants are silent, 100% of the residents would be required to amend the covenants.

4) EMERGENCY ORDINANCE: FIRST READING. AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE BECK RIDGE SUBDIVISION, SECTION ONE, AND DECLARING AN EMERGENCY.

The developer, Ro Mc Go Properties, LLC, Charles Robbins (owner), has requested that City Council waive the second and third readings of this ordinance in order to start marketing the property, selling lots, and constructing a model. The developer has met all of the requirements for approval including submittal of the water system capacity fee, subdivider's agreement, and performance bond.

Mr. Parise asked Mr. Pozzuto to clarify the status of this record plan by reconciling the dates on the letter of request to waive the readings (July 19), the date of the cover memo (July 11), which states that the developer has not met the requirements of the record plan, and the date the record plan was approved by the Planning Commission (July 25). Mr. Pozzuto explained that when the cover memo was prepared on July 11, the developer had not yet submitted the water system capacity fee, subdivider's agreement, or performance bond. Mr. Pozzuto further explained that as of today the developer has made his final payment and has submitted all required paperwork. Mr. Parise confirmed that the developer is paid in full to the City. Mr. Pozzuto replied yes.

Mr. Pozzuto stated that the developer has requested that City Council waive the second and third readings of this ordinance, and again confirmed that the developer has met all requirements for approval of this record plan.

Mayor Agenbroad asked if there were any objections to waiving the second and third readings of this ordinance? There were no objections from City Council regarding this request.

5) RESOLUTION: A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A SECURE OUR SCHOOLS-COPS GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH OHIO ATTORNEY GENERAL MARC DANN, TO APPLY AND RECEIVE THE SECURE OUR SCHOOLS-COPS GRANT FOR THE SPRINGBORO CITY SCHOOLS FOR THE 2007-2008 SCHOOL YEAR.

Ms. Belpulsi confirmed that the City is applying for this grant, which requires a 50% match, but the schools will provide the matching funds. Mr. Pozzuto replied yes, and he explained that even though this grant mainly benefits the schools, by law, the school district is not allowed to apply for the grant. Mr. Pozzuto further explained that the City acts as the fiduciary agent in the application process and the funds flow through the City, but the City will not expend any funds toward this grant.

Mr. Anderson asked if it is possible to request more money through the grant program for the school district's benefit? Mr. Pozzuto commented that the grant request is based on the cost of the actual equipment, and the grant program requires the

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beneficiary to match the grant at 50%.

Ms. Lairson commented that typically grants for schools are match grants, which require the applicant to establish the cost of the equipment and to provide matching funds. Mr. Pozzuto elaborated that if the actual cost of the equipment is "X" dollars, the state would pay 50% and the school district would be required to pay 50%.

AMENDMENT: Mayor Agenbroad stated that City Council would need to consider a motion to amend the legislative agenda to include Legislative Item #6, a Resolution.

- 6) **RESOLUTION:** A RESOLUTION OF SUPPORT FOR THE STATE ROUTE 741 AND MIAMISBURG-SPRINGBORO PIKE/ AUSTIN PIKE FULL MOVEMENT ACCESS LOCATION PLAN IN PARTNERSHIP WITH THE CITY OF MIAMISBURG, MIAMI TOWNSHIP, THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, MONTGOMERY COUNTY COMMISSION, THE OHIO DEPARTMENT OF TRANSPORTATION AND THE DAYTON-MIAMI TOWNSHIP JEDD.

Mr. Pozzuto explained that this is a resolution of support from City Council to recommend to the State of Ohio Department of Transportation (ODOT) to accept the access management plan for the South Tech area and for the new Austin Road Interchange. Essentially, for the City's benefit, the City is endorsing the plan and hopes ODOT accepts the plan, which provides for a traffic signal at West Tech Boulevard, whenever it is warranted. The City has been counting on this traffic signal all along and that has not changed since early discussions with ODOT. Mr. Pozzuto further explained that ODOT was always under the impression that they did not have to have an access management plan, but Steve Stanley, Executive Director of the Montgomery County TID, found a reference in the state code that requires the adoption of an access management plan, which is good for the City because once ODOT accepts the plan it is on the books and cannot be challenged. The City's main objective in supporting this plan is to obtain a traffic signal at West Tech Blvd., which will help South Tech Business Park and all of the City's new and existing businesses located there. In short, this resolution is asking ODOT to accept this access management plan as it is presented. Mr. Pozzuto added that the plan was put together by Montgomery County over the past year, and it is finally at the point where Montgomery County can present it to ODOT for adoption.

ITEM 4. CITY MANAGER. -Issues/Reports.

Economic Development: Last week, Mr. Pozzuto, the Office of Economic Development for Warren County, the State of Ohio Department of Development along with Congressman Turner's office made a few business visits in Springboro, specifically Victory Wholesale, Pioneer Electronics, and VST (Vapor Systems Technology). Mr. Pozzuto explained that Warren County has started a group approach to business retention, which involves local and regional government representatives making business retention visits as a group. Mr. Pozzuto commented that it was very beneficial to have all of those levels of government talking to the businesses. Mr. Pozzuto reported that Victory Wholesale, Pioneer Electronics, and VST are doing very well in Springboro and adding employees. Mr. Pozzuto further reported that they found during their retention visits that existing businesses were adding employees. Mr. Pozzuto commented that the economy seems to be back and flourishing and businesses seem to be adding a lot of employees and jobs, which has a direct impact on income tax revenue for the City. Mr. Pozzuto also reported that the City has great relationships with both Warren and Montgomery County in supporting business retention efforts in the City. He added that Springboro is fortunate to have two counties working for businesses and economic development in the community.

Mr. Hruska asked if this business retention program targets businesses of a certain size or have they visited smaller businesses? Mr. Pozzuto commented that the program is targeting the City's large businesses; VST is probably the smallest business they would visit, which employees about 45 people. Mr. Pozzuto further commented that the City hired Nick Motto as a Business Retention Specialist to canvass all of the community's smaller employers, which are just as important to the City.

Ms. Belpulsi commented that she is really glad to see this program in action; it is a really tremendous effort.

Mr. Pozzuto also reported that national studies show that 80-85% of all job creation in communities is created by existing businesses; therefore, it is very important to visit Springboro's businesses and make sure the City is meeting their needs. Also, the City is part of the Business First! Program in Montgomery County, which helps the City with endeavors at South

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Tech.

Concerts in the Park: This year's Concerts in the Park series wrapped up on Tuesday night. Attendance was good, but a little less than previous years. Mr. Pozzuto explained that the weather did not cooperate for the first three concerts. Mr. Pozzuto thanked the Rotary Club for helping with concessions at the concerts.

Mr. Parise asked if the concerts would get a better turn out if the Park Board chose a month when the weather was not so unpredictable? Mr. Pozzuto replied yes, and the Park Board could consider another month, but the series has always been held in July; thus, they have continued to schedule the series during that month. Mr. Parise commented that more people might attend if the weather was cooler.

Ms. Belpulsi asked if the Park Board has considered expanding the concert series like Centerville, which has concerts all through the summer? Ms. Belpulsi also asked if the Park Board has tried to book theater/acting groups to use the stage for outdoor plays? Additionally, Ms. Belpulsi commented that she has had several people talk to her about advertising for the concerts, and one suggested a banner over S. Main Street. Mr. Pozzuto explained that the concerts are advertised in the newspapers at least once per week during the series, on the website, via e-newsletters, and banners are placed at North Park and in front of the City building. Mr. Hruska added that the concerts are also announced at City Council meetings. Mr. Pozzuto commented that direct mail is an advertising option, but would cost \$5,000-\$6,000. Mr. Pozzuto stated that he was not sure what more the City could do to advertise the concerts. In addition, Mr. Pozzuto stated that the Park Board has discussed expanding the concert series, but they wanted to wait and see how the amphitheater held up for the first couple of years to determine if the facility could accommodate more people and more events. The Park Board intends to discuss expanding the programming at the amphitheater in the future. Mr. Pozzuto further stated that, as far as theater/acting groups, the City has been approached by the "Shakespeare in the Parks" group, but does not have them or any other theater group signed yet. However, these groups do know about the facility and are interested in using it.

Ms. Belpulsi provided the name of a resident in Springboro who is involved in theater and asked if they had been in contact with the City? Mr. Pozzuto replied no. Mr. Belpulsi commented that she would refer this resident to Mr. Pozzuto, if the City were interested in expanding the programs at the amphitheater.

GATV Cable Channel Changes: Time Warner sent a notice to the City stating that effective Tuesday, August 28 Government Access Channel GATV II is moving from Channel 21 to Channel 6. Staff confirmed that Time Warner would be notifying its customers of the changes in the channel line up. Mr. Pozzuto will make an announcement at tonight's City Council Regular Meeting regarding the GATV channel change. The GATV channel change will be posted on the City's website as well.

Heatherwoode Golf Course Update: The City received a report from Tom Barnhart, Heatherwoode General Manager, stating that Heatherwoode averaged approximately 200 rounds of golf per day for the month of July. Mr. Pozzuto added that business is going well at Heatherwoode and the weather has helped. Mr. Pozzuto stated that he would report this information at tonight's City Council Regular Meeting under the City Manager's Report.

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

Ms. Martin made the following comments and announcements:

Conferences: The OML Annual Conference will be held September 20-22 in Cleveland, OH. The NLC Annual Congress of Cities Conference will be held November 13-17 in New Orleans, LA. The advance fee registration deadline for the NLC Conference is September 30.

Records Commission Meeting: The next Records Commission meeting will be held on Tuesday, August 7. The Commission will receive an update regarding House Bill 9, the Revised Public Records Law, from the Law Director and will discuss the impact of the bill on the City's policies regarding public records.

2008 Charter Review: All staff recommendations for revisions to the City Charter are due by August 16. Ms. Martin will also collect suggestions for revisions to the Charter from the members of the Charter committees. The Charter Review Commission and various other citizen committees will be advertised for volunteers in September.

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National Night Out: *The National Night Out event will be held on Tuesday, August 7, 5:00-9:00 PM at Patricia Allyn Park.*

New City Building: *City Council is scheduled to meet with the Architects to discuss Council areas of the new city building on Thursday, September 20 and Thursday, October 4. The Work Session will begin at 5:30PM to accommodate this discussion.*

Council Portraits: *City Council group and individual portraits are scheduled for Thursday, September 6 from 5:00–6:00 PM in Council Chambers.*

Mr. Schaeffer reported that he attended an Economic Development forum sponsored by multiple parties at the Manchester Inn. Attendance was approximately 500. Warren County Commissioner Pat South, Senator Mike Schuler, a representative from Sinclair, and representatives from Middletown and Key Bank were in attendance. Mr. Schaeffer commented that Commissioner Pat South did a wonderful job of presenting information and she reported one very startling statistic, which is that Warren County has 25,000+/- lots approved for residential development that have not been developed, which is a large number of lots in inventory. Commissioner South also commented that although the residential market is down everywhere, the commercial market in Warren County is up measured by building permits, which is good news and mirrors Mr. Pozzuto's earlier comments regarding business activity in Springboro. Mr. Schaeffer asked if Springboro is a member of the visioning of I-75. Mr. Pozzuto replied yes, the City participates. Mr. Schaeffer explained that the organization includes all of the jurisdictions along the freeway and involves a lot of activity in the way of planning, talking and forecasting, etc, and although funding is always an obstacle, it is an excellent multi-jurisdictional effort. Mr. Schaeffer commented that based on the comments made by Commissioner South, Warren County has been a real driver behind this effort, which demonstrates some vision and responsibility on the part of the county. Mr. Schaeffer finally commented that it was a good forum and Commissioner South was an excellent spokesperson for the county.

Ms. Belpulsi commented that she had read that part of that forum discussion referred to how local governments can be more effective with respect to development. Ms. Belpulsi asked Mr. Schaeffer if that topic was discussed. Mr. Schaeffer stated that Senator Schuler commented, in response to the question, "How can local governments be more user friendly to the world at large both residential and commercial development, businesses, etc?" Senator Schuler's answer to that question was to make the process at the local level more efficient and less bureaucratic and timelier, which are common complaints. Mr. Schaeffer stated that in his experience Springboro does as good a job as any community with its timeliness in working through the system. He added that the City is still bound by certain meetings times every month causing some delays in the process, and that the process can always be improved. Mr. Schaeffer further added that communities should always pay attention to those complaints because they should always be sensitive to those issues, but he does not see it necessarily as a panacea to everything. In other words, the City should not simply throw out its code and accept everything that is proposed in an effort to be less bureaucratic and more expedient.

Ms. Belpulsi commented that there is a reason why the City has a process, and that is to protect the residents as well as the businesses.

Mr. Schaeffer commented that the challenge and the goal is to make the process as reasonable and efficient as possible both for the people administering it as well as the people who have to interface with it. He explained that some communities do a better job than others, and Springboro does as good a job as any community. Mr. Schaeffer continued by stating that the primary reason for Springboro's success is its partnership approach to the process, but there are always developers who are going to take advantage of a situation, but whether they do or not, the City does not discriminate in the way it treats those developers. The process protects the City in dealing with the developers, which forces the bad ones as well as the good ones to go through the process to insure the City is not giving anything away. Mr. Schaeffer further stated that Springboro's policy is to treat all developers the same and to work with them through an open dialogue, which is more of a partnership and not an adversarial situation. Mr. Schaeffer explained that in any number of communities a developer may walk in and from the beginning it is adversarial, which is often how the public side of it sets it up. Mr. Schaeffer further explained that he is not saying that that reputation is not earned in part by the development community, but the process takes care of those issues. Mr. Schaeffer added that the City's approach to developers is largely the reason why Springboro does as well as it does. Finally, Mr. Schaeffer stated that City Council sets a tone, and staff employs it, which works very well.

Ms. Belpulsi remarked that when the Planning Commission met with the Master Land Use Plan consultants, the consultants remarked, after an hour or two of discussion with the Planning Commission, that they felt that Springboro is very unique among all of the other cities they deal with because the City's Planning Commission is very sensitive not only to the applicant, but also to the City's needs as a whole and are not afraid to make a decision in the best interest of the City without involving

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politics, and it is very rare that this happens. Ms. Belpulsi commented that a lot of times when politics become involved, people give in to the pressure. Ms. Belpulsi added that the Planning Commission has always been fortunate to have good people serving.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Parise – Mr. Parise asked what is the status of the building permit fee study that was requested some months ago? Mr. Parise stated that Ms. Thompson informed Council that she would conduct a study and it would be ready by sometime in August? Mr. Pozzuto explained that Ms. Thompson is still gathering information.

Mr. Parise asked for the status of the traffic light on Tamarack Trail at SR741? Mr. Pozzuto explained that Ms. Thompson has asked Lockwood, Jones, and Beals to begin the design of the traffic signal. Mr. Pozzuto further explained that the warrant for a traffic signal at that intersection was based on an initial report, and Ms. Thompson does not yet have the official report. However, Ms. Thompson knew, based on the initial report, that the study would warrant a traffic signal at Tamarack Trail, and she asked LJB Engineering to begin designing it. Mr. Pozzuto explained that typically it takes three to four months to design a traffic signal; therefore, at the earliest, December.

Mr. Parise confirmed that the traffic light at Tamarack Trail would be installed before the traffic light at West Tech Boulevard at South Tech Business Park? Mr. Pozzuto replied yes, the light at South Tech Business Park would be at least two years away. Mr. Pozzuto explained that the resolution for the access management plan discussed under Legislative Item #6 is simply asking ODOT to approve a plan, which includes installing a light at West Tech Blvd., when it is warranted.

Mr. Parise commented that Mr. Tom Oole, a resident, commented at the last Council meeting that he is concerned about the closing of the drive thru window for utility payments, and is concerned that there would be no drive thru window at the new building. Mr. Parise asked if there is in fact not going to be a drive thru window at the new City building and why? Mr. Pozzuto stated that a drive thru window is not planned for the new City building. He further explained that the decision to close the drive thru window was based on staff efficiency. Mr. Pozzuto stated that when the Utilities Clerk, Dee Mullins, first started working for the City she managed 1,500 water customers; now, she manages approximately 7,000 accounts. Mr. Hruska commented that when Ms. Mullins began working for the City, it had a quarter of the population it has now. Mr. Pozzuto further stated that it is very inefficient for Ms. Mullins to keep getting up and taking payments and other business at the window. Mr. Pozzuto further stated that the administration made the decision at the end of June to close the drive thru window to assist staff in providing greater efficiency. Mr. Pozzuto added that there is a number of ways residents can pay their water bills including by phone with a credit card, by mail, in the drop box, and inside the building. Mr. Parise asked what percentage of residents used the window? Mr. Pozzuto guessed about 2%. Mr. Parise confirmed that the decision to close the drive thru window was not based on the cost to install a window in the new City building. Mr. Pozzuto replied no, the decision was strictly staff driven based on efficiency.

Mr. Hruska – No issues/reports.

Ms. Lairson – No issues/reports.

Mr. Anderson – No issues/reports.

Ms. Belpulsi – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad announced that the Planning Commission has recommended that City Council set two Public Hearings for rezoning requests on Clearcreek Franklin Road on September 6, 2007 beginning at 7:00 PM in Council Chambers. Mayor Agenbroad will ask for a motion to schedule these two public hearings at tonight's City Council Regular Meeting under Other Business.

Ms. Lairson announced that there are some people in the community who are taking it upon themselves to expand upon the concert series by holding a concert featuring approximately seven bands on August 11 at the amphitheater, which will start at 3:00 PM and go as late as the City will allow. The same person held this concert last year and had a pretty good turn out; therefore, she decided that she would like to do it again. All the funds to pay the bands are being raised through business donations and raffles.

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Mr. Pozzuto commented that the City allows anyone to use the facility by simply filling out a request form for the desired date and time. Ms. Belpulsi asked if they had to be residents? Mr. Pozzuto replied no, both residents and non-residents are allowed to use the amphitheater; the City has not restricted its use.

Mr. Hruska asked if users have to provide insurance? Mr. Pozzuto explained that the amphitheater is a free facility. The City does not charge for its use; thus, the City is indemnified.

Mr. Schaeffer stated that the sovereign immunity statute has certain exemptions in it, for instance, a water park, a BMX park or skate park, a swimming pool, an outdoor theater, and because the amphitheater is free like those other types of facilities it is covered by that statutory exemption. Mr. Pozzuto explained that, that is why the City never charges for anything because once it starts charging that sovereign immunity changes. Mr. Parise commented that Ms. Thompson brought up the statutory exemption issue last year when Council discussed charging a fee for other communities to use the City's parks for soccer games, etc.

Mr. Hruska stated that his concern is if the City is not liable and someone gets hurt at one of these events, how does that person collect if it is the sponsor's fault? Mr. Schaeffer stated that he was not sure how to answer that question, but they would most likely sue the person holding the event.

Ms. Belpulsi commented that if people are in a public area, it does not matter if they get hurt listening to a concert or falling off a swing; there is no liability.

Mr. Hruska clarified that his concern is if something were to happen as a direct result of the people putting on the event. Mr. Pozzuto offered that if, for example, a speaker fell on someone attending the concert; it becomes a personal liability.

Mr. Schaeffer commented that event insurance is inexpensive. Mr. Schaeffer further commented that if someone wants to use the park, depending upon the use, the City could require event insurance.

Ms. Belpulsi commented that the City would then have to require every user to have insurance for every event, even a birthday party.

Mr. Pozzuto commented that he believed that if the City required event insurance, it would discourage people from using the facility.

Mr. Parise asked if the City is self-insured? Mr. Pozzuto stated that the City has liability insurance.

Ms. Lairson commented that there was a little misunderstanding with one of the bands that will play at the upcoming concert. She explained that they were told by a Park Board member that there is a sound system in place at the amphitheater, but there really is not. Mr. Pozzuto responded by stating that there is a basic sound system, but there is not a sound system from a music standpoint. He further stated that the amphitheater is equipped with speakers that people can hook into, but it is a very basic speaker system. Ms. Pozzuto added that the City did not purchase a mixing board because the City does not have anyone to operate it and they are really expensive. Ms. Lairson stated that the City needs to be careful that the correct information is being given to users. She explained that if the band had only found out when they arrived at the amphitheater that the sound system that was in place was not what they expected, they would not have been able to play. Mr. Pozzuto assured Ms. Lairson that he would speak with the Park Board regarding the amphitheater equipment, and that when prospective users contact staff they are not being given incorrect information. Mr. Pozzuto explained that when asked, users are told exactly what equipment is available at the amphitheater, and they usually bring their own equipment, which they are encouraged to do. Mr. Pozzuto stated that it is possible that one of the Park Board members may have provided misleading information, but he assured Ms. Lairson that staff provides the correct information regarding the amphitheater.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:35 PM.*

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320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL REGULAR MEETING

THURSDAY, AUGUST 2, 2007

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

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 at 7:00 PM in Council Chambers at the Springboro City 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; Anderson, Present; Belpulsi, Present; Chmiel, Absent; Hruska, Present; Lairson, Present; Parise, Present.
- Ms. Belpulsi motioned to excuse Mr. Chmiel from the City Council Regular Meeting. Mr. Hruska seconded the motion.
- No discussion.
- VOTE:** Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 6-0]
- Ms. Thompson was also absent on vacation leave. Mr. Pozzuto served as Acting City Manager in Ms. Thompson's absence.
- ITEM 4.** **APPROVAL OF MINUTES:** THE MINUTES OF THE JULY 19, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.
- Mr. Hruska motioned to approve the Minutes of the July 19, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Ms. Belpulsi seconded the motion.
- No corrections.
- VOTE:** Agenbroad, Yes; Hruska, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]
- ITEM 5.** **PRESENTATIONS:** No presentations.

ITEM 6.

LEGISLATION:

At this time, Mayor Agenbroad asked for a motion to amend the Agenda to include Legislative Agenda Item #6, a Resolution.

Ms. Belpulsi motioned to amend the Agenda to include Legislative Agenda Item #6, a Resolution. Mr. Hruska seconded the motion.

No discussion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 6-0]

City Council held a Work Session at 6:00 PM immediately preceding tonight's City Council Regular Meeting for approximately 35 minutes to discuss the following legislative items as well as other matters before the City.

- 1) **EMERGENCY ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTION 1226.05, STATE ROUTE 73 ACCESS PLAN, CHAPTER 1226, MOBILITY MASTER PLAN, TITLE TWO – PLANNING, PART TWELVE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Pozzuto commented on this item as follows:

This is the second reading of an ordinance amending section 1226.05, State Route 73 Access Plan, Chapter 1226, Mobility Master Plan. The City has conducted extensive studies regarding both the feasibility access plan for SR73 and the I-75/SR73 Interchange modification study area, and has determined that these studies and conclusions must appropriately become part of the City's Mobility Master Plan. The access plan for SR73 and the I-75/SR73 plans were completed by Lockwood, Jones, and Beals Engineering and were accepted by the City for the purposes of planning and anticipating traffic improvement needs all along the SR73 corridor from the Interstate east to the area of Clearcreek-Franklin Road.

No action required at this time.

- 2) **EMERGENCY ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE IN THE MCCRAY FARMS SECTION NINE SUBDIVISION IN THE CITY AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Pozzuto commented on this item as follows:

This is the second reading of an ordinance levying special assessments for maintenance in the McCray Farms Section Nine Subdivision. This legislation will allow the City to assess homeowners in the McCray Farms Section Nine Subdivision for the maintenance of the common areas of that subdivision, including, but not limited to, lawn care, street signage, and tree replacement. This assessment will begin with the tax year 2007 and extend for a period of 10 years. Representatives of the McCray Farms Section Nine Homeowners Association have requested this assessment, and it is written as an emergency in order to certify the assessments to the Warren County Auditor by the filing deadline of September 10, 2007.

No action required at this time.

- 3) **ORDINANCE O-07-32: FIRST READING.** "AN ORDINANCE DECLARING THE NECESSITY OF PROVIDING CERTAIN MAINTENANCE IN THE HEATHERWOODE SUBDIVISION OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Pozzuto commented on this item as follows:

This is the first reading of an ordinance levying special assessments for maintenance in the Heatherwoode Subdivision. The purpose of this legislation is to declare the necessity for certain maintenance of the common areas in the Heatherwoode Subdivision. The Heatherwoode Homeowners Association has only requested a four-year

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assessment due to the restrictions in their covenants. The Director of Finance has requested that City Council waive the second and third readings of this ordinance in order to certify the assessments to the Warren County Auditor by the filing deadline of September 10, 2007.

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

No discussion.

VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes; Lairson, Yes. [APPROVED 6-0]

Mr. Anderson motioned to adopt Ordinance O-07-32. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]

- 4) **ORDINANCE O-07-33: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE BECK RIDGE SUBDIVISION, SECTION ONE, AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Pozzuto commented on this item as follows:

This is the first reading of an ordinance approving the record plan for the Beck Ridge Subdivision, Section One. The referenced subdivision is located on the south side of W. Mill Street southeast of the intersection of South Pioneer Boulevard and W. Mill Street also referred to as the Beck Ridge Subdivision. This subdivision is zoned PUD-R and contains 30 acres of which 7.3 acres are in 31-buildable lots, 2.0 acres are in the right-of-way, and 19.8 acres are open space. The developer has requested that the City Council waive the second and third readings in order to record this plat, and they have submitted all of the necessary paperwork, documents, and fees associated with this plat.

Ms. Belpulsi motioned to suspend the rules and waive the second and third readings of this ordinance. Mr. Hruska seconded the motion.

No discussion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 6-0]

Ms. Belpulsi motioned to adopt Ordinance O-07-33. Mr. Hruska seconded the motion.

No discussion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 6-0]

- 5) **RESOLUTION R-07-35:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A SECURE OUR SCHOOLS-COPS GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH OHIO ATTORNEY GENERAL MARC DANN, TO APPLY AND RECEIVE THE SECURE OUR SCHOOLS-COPS GRANT FOR THE SPRINGBORO CITY SCHOOLS FOR THE 2007-2008 SCHOOL YEAR," was read by the Clerk of Council. Mr. Pozzuto commented on this item as follows:

This resolution authorizes the City to file a "Secure Our Schools-COPS Grants Program" application for the 2007-

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2008 school year. The City is seeking to apply and receive a 2007 "Secure Our Schools-COPS Grant" to permit security equipment to be installed at the Springboro Community Schools on a shared basis with the State. The City's role in this application is merely as a fiduciary agent or "pass through" for the grant money. The Springboro School System has accepted responsibility for the grant match of 50%, which amounts to \$29,520.00 at this time. Again, the grant program dictates that the City be the applicant for this grant; the schools cannot be the direct recipient of the grant money. Therefore, in partnership with Springboro Community Schools, the City is applying for this grant for the schools' security system.

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

Mr. Parise motioned to adopt Resolution R-07-35. Mr. Anderson seconded the motion.

No discussion.

VOTE: Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes. [APPROVED 6-0]

AMENDMENT:

- 6) **RESOLUTION R-07-36:** "A RESOLUTION OF SUPPORT FOR THE STATE ROUTE 741 AND MIAMISBURG-SPRINGBORO PIKE/ AUSTIN PIKE FULL MOVEMENT ACCESS LOCATION PLAN IN PARTNERSHIP WITH THE CITY OF MIAMISBURG, MIAMI TOWNSHIP, THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, MONTGOMERY COUNTY COMMISSION, THE OHIO DEPARTMENT OF TRANSPORTATION AND THE DAYTON-MIAMI TOWNSHIP JEDD," was read by the Clerk of Council. Mr. Pozzuto commented on this item as follows:

This resolution supports the State Route 741 and Miamisburg-Springboro Pike/Austin Pike Full Movement Access Location Plan in partnership with the City of Miamisburg, Miami Township, Montgomery County (TID), Montgomery County Commission, ODOT, and the Dayton-Miami Township JEDD. This resolution represents the City Council's support to send an access management plan to the State of Ohio Department of Transportation (ODOT) regarding the access management plan for all of the areas surrounding the new Austin Road Interchange. Specifically for Springboro, this plan basically states that when warranted the City will be able to obtain a traffic signal at West Tech Boulevard. This is significant for the City because of South Tech Business Park and some of the City's existing businesses, and new businesses, which will be moving up there, and will require a traffic signal to get in and out of that business park. This resolution represents the City's support to forward this access management plan on to the State. In addition, the plan does take into account some other access points to Austin Road and north on SR741 through Miami Township, but again specifically for the City, this plan is really key because of the traffic signal that the City would like to place at West Tech Boulevard for South Tech Business Park.

Mr. Parise motioned to adopt Resolution R-07-36. Ms. Lairson seconded the motion.

No discussion.

VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes; Lairson, Yes. [APPROVED 6-0]

ITEM 7.

REPORTS:

Mayor's Report – The National Night Out event will be held on Tuesday, August 7, 5:00-9:00 PM at Patricia Allyn Park. The next City Council Work Session will be held on Thursday, August 16, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, August 16, 2007 at 7:00 PM in Council Chambers, as scheduled. The Finance Committee will meet at 5:30 PM on August 16 in Council Chambers, as scheduled.

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City Manager's Report – Mr. Pozzuto reported that recently the City received a letter from Time Warner Cable stating that on Tuesday, August 28, the Government Access Channel GATV II will be moving from Channel 21 to Channel 6. Mr. Pozzuto explained that if the viewing audience is watching this City Council meeting on Channel 21, to please be aware that on Tuesday, August 28 it will switch to Channel 6. Time Warner has indicated to the City that they will notify all of their customers, but Mr. Pozzuto wanted to get the notice out right away through the City Council meeting, and also by posting this information on the City's website. In addition, Mr. Pozzuto reported that the City received a report from Tom Barnhart, the General Manager at Heatherwoode, stating that in the month of July the golf course was averaging 200 rounds of golf per day.

Committee Reports –

Mr. Parise – No reports.

Mr. Hruska – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – Planning Commission – The Planning Commission held its formal meeting on Wednesday, July 25 at 7:00 PM in Council Chambers to consider the following agenda items: Record Plan – Beck Ridge Planned Unit Development-Residential, Section One, 3143 West Lower Springboro Road [APPROVED]; Site Plan Review – Village Park Planned Unit Development-Mixed Use, 720 Gardner Road, Park National Bank [APPROVED]; Landscape Plan – West End of West Tech Drive, Crucible Materials, a new business in the Austin Road Interchange Development Area [APPROVED]; Amendment to Zoning Map – 5.5 acres of land near the southeast corner of intersection of Clearcreek Franklin Road and Whispering Pines Drive (no address), from R-2, Low-Density Residential District, and O-2, Office Park District, to PUD-B, Planned Unit Development-Business, proposed continuing care facility/nursing home, the only permitted use, was submitted by Otterbein Homes [APPROVED]; General Plan Approval – for five single home units that will house 10 residents in each unit on 5.5 acres of land near the southeast corner of the intersection of Clearcreek Franklin Road and Whispering Pines Drive (no address), proposed continuing care facility/nursing home [APPROVED]. The next Planning Commission Work Session will be held on Wednesday, August 8 at 7:00 PM in Council Chambers, as scheduled.

ITEM 8.

OTHER BUSINESS. At this time, Mayor Agenbroad asked for a motion to schedule two Public Hearings as follows: Based on the recommendation of the Planning Commission, Council will proceed with two (2) Public Hearings on Thursday, September 6, 2007 beginning at 7:00 PM in Council Chambers for the following:

1) TO REZONE APPROXIMATELY 13 ACRES AT 8683 CLEARCREEK-FRANKLIN ROAD LOCATED ON THE WEST SIDE OF THE INTERSECTION OF CLEARCREEK-FRANKLIN ROAD AND WHISPERING PINES DRIVE, FROM (T)R-1 (FRANKLIN TOWNSHIP RURAL RESIDENCE ZONE) AND ED (EMPLOYMENT CENTER DISTRICT) TO PUD-R (PLANNED UNIT DEVELOPMENT RESIDENTIAL) PROPOSED RESIDENTIAL DEVELOPMENT,

and 2) TO REZONE APPROXIMATELY 5 ACRES NEAR SOUTHEAST CORNER OF INTERSECTION OF CLEARCREEK FRANKLIN ROAD AND WHISPERING PINES DRIVE (NO ADDRESS), FROM R-2 (LOW-DENSITY RESIDENTIAL DISTRICT) AND O-2 (OFFICE PARK DISTRICT) TO PUD-B (PLANNED UNIT DEVELOPMENT-BUSINESS) PROPOSED CONTINUING CARE FACILITY/NURSING HOME.

Mr. Parise motioned to schedule two public hearings as described above on Thursday, September 6, 2007 beginning at 7:00 PM in Council Chambers. Ms. Belpulsi seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 6-0]

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ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Belpulsi thanked the Park Board for all of their hard work on the Concerts in the Parks series this summer. Ms. Belpulsi added that she is sure the series was very successful, and she is looking forward to next year's program.

Ms. Lairson announced that a concert would be held on Saturday, August 11 at the amphitheater at North Park beginning at 3:00 PM. Ms. Lairson explained that the first two bands would be children from the Springboro community, and the rest of the bands would be professional bands from the Dayton or surrounding area. She added that there would be activities for children and families, food, and a lot of fun things to do. Ms. Lairson invited the community to attend and have a good time.

ITEM 10. GUEST COMMENTS. Mayor Agenbroad commented that he wished to recognize Springboro's hometown State Representative Shannon Jones, who is in attendance at tonight's meeting.

- 1) **Shannon Jones, State Representative (67th District)** – Representative Jones thanked City Council for the opportunity to speak this evening. Representative Jones commented that the State Legislature is in recess until Labor Day, and will return on September 4. Representative Jones wanted City Council to know that she would be around a lot the month of August, and if there is any way in which she can be helpful to the City or if there is anything useful that she should be aware of as she continues her legislative duties following Labor Day, she would be happy to sit down and discuss any issues with Council Members. And certainly, she would be happy to answer any questions City Council might have regarding HB 119, the operating budget, or anything else that the state legislature has deliberated on.

There were no questions or comments of City Council at this time.

Representative Jones commented that both the City Manager and the Assistant City Manager stay in fairly constant contact with her or her office, and she certainly hopes to continue this good working relationship. Representative Jones again thanked City Council for the opportunity to speak and wished everyone a good evening.

- 2) **Mike Hemmert, 115 Heatherwoode Boulevard, Springboro** – Mr. Hemmert commented that he is a resident of the Heatherwoode subdivision, and he frequently walks at the golf course. Mr. Hemmert further commented that since Billy Casper has taken over as the management company at the golf course, he has seen great strides in the condition and care of the course. Mr. Hemmert also commented that he was recently in the pro-shop and the level of customer service there has improved as well. Mr. Hemmert added that he has attended four events at Heatherwoode this year, which have been excellent as well. Mr. Hemmert stated that he was pleased to hear Mr. Pozzuto's report regarding the increase in the number of rounds being played at the golf course. Mr. Hemmert again thanked the City Council for changing management companies at the golf course.

Mayor Agenbroad thanked the guests for their comments.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, August 2, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:20 PM. Mr. Parise seconded the motion.

No discussion.

VOTE: Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes. [APPROVED 6-0]

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John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council