

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

**CITY COUNCIL WORK SESSION**

THURSDAY, JUNE 7, 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  
Jeff Kruthoff, Police Chief

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 and Ms. Lairson were absent due to professional commitments.
- ITEM 3. LEGISLATIVE AGENDA.** – City Council considered 20 legislative agenda items slated for the June 7, 2007 City Council Regular Meeting.
- 1) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY.
- Mayor Agenbroad confirmed that Legislative Items 1 through 11, ordinances, would be considered as a Consent Agenda. It was the consensus of City Council to proceed with a motion to suspend the rules to include a Consent Agenda consisting of Legislative Items 1 through 11 to be considered in aggregate, without discussion or amendment, at tonight's City Council Regular Meeting.
- In addition, Ms. Martin asked to forego copying all 11 items on the Consent Agenda for a third time for the June 21 Council Agenda Packet. There were no objections to submitting the original cover memo and the list of assessments to represent all 11 items on the Consent Agenda in preparing the June 21 Agenda Packet.
- 2) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY.
- Refer to comments under legislative item 1.
- 3) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF

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PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 4) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 5) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 6) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 7) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 8) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 9) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 10) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY.

*Refer to comments under legislative item 1.*

- 11) **ORDINANCE: SECOND READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF CONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO AS DESCRIBED IN RESOLUTION NO. R-06-12. (2006 SIDEWALK/DRIVEWAY APRON PROGRAM)

*Refer to comments under legislative item 1.*

**END CONSENT AGENDA**

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- 12) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE DECLARING THE NECESSITY OF PROVIDING CERTAIN MAINTENANCE IN THE MCCRAY FARMS SECTION NINE SUBDIVISION OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY.

*No discussion.*

- 13) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING CHAPTER 434; OVI; WILLFUL MISCONDUCT; SPEED OF PART FOUR – TRAFFIC CODE; 434.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

*Ms. Belpulsi asked why the City would increase the speed on S. Pioneer Blvd.? Mr. Pozzuto explained that the City has received a number of requests from businesses on S. Pioneer Blvd. to increase the speed limit, most recently Miami-Luken on S. Pioneer Blvd. whose out of town clients are being ticketed and who believe the speed to be unnecessarily low. In the interest of addressing their concerns, the City conducted a traffic study, which did warrant a 35 MPH speed limit for S. Pioneer Blvd. The street was originally posted at 25 MPH in accordance with the City's code for posted speed limits on city streets.*

*Ms. Belpulsi asked if there are any other streets in the City's industrial and commercial areas that are posted at 35 MPH? Mr. Pozzuto answered that he did not know. Ms. Belpulsi confirmed that when a street is installed, the normal speed limit is 25 MPH. Mr. Pozzuto answered that 25 MPH is not necessarily normal, but that is the speed the City would post it at according to the code. Mr. Pozzuto explained that whenever the City receives requests to either decrease or increase a posted speed limit, a traffic study is considered. The traffic study performed on S. Pioneer Blvd. warranted an increase in the posted speed limit to 35 MPH.*

*Mr. Hruska explained that although the street is posted at 25 MPH, that speed might be unreasonable for conditions.*

*Ms. Thompson stated that the City ordinance states that all city streets shall be posted at 25 MPH, which is why city streets are automatically posted at 25 MPH.*

*Chief Kruithoff commented that the traffic study utilized the 85-percentile measure; in other words, 85% of the people drive the appropriate conditions for the street. In this case, 85% of the traffic is traveling at 35 MPH or above on S. Pioneer Blvd., and that percentage warrants an increase in the posted speed limit. Chief Kruithoff added that the street is wide with a median, and it is not usually congested.*

*Ms. Belpulsi commented that if the speed limit were increased to 35 MPH, then motorists would drive at 45 MPH.*

*Mayor Agenbroad confirmed that the increased speed limit would be posted from SR 73 to Lower Springboro Road, and that the rest of S. Pioneer Blvd. where it crosses Pleasant Valley Road would remain posted at 25 MPH. Mr. Pozzuto replied yes.*

- 14) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN R. JURGENSON COMPANY FOR THE CONSTRUCTION OF "2007 STREET RESURFACING AND CONCRETE WORK."

*Mr. Anderson confirmed that residents pay for their own sidewalk and driveway apron repairs? Ms. Thompson replied yes. Ms. Thompson explained that this resolution represents a contract to complete the street resurfacing and concrete work, and are public improvements. The street resurfacing coincides with the concrete work, and the contractor will perform any concrete work not completed by the property owners, and the City will assess the property owners for the cost.*

*Also, Ms. Thompson commented that the contract bid is \$689,274.00, which is under the engineer's estimate of \$800,000.00.*

- 15) **RESOLUTION:** A RESOLUTION ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM DOUBLE D. PROPERTIES, LTD., OWNER OF THE PROPERTY HAVING SIDWELL #04-19-445-004 LOCATED AT THE INTERSECTION OF WEST FACTORY ROAD AND LOWER SPRINGBORO ROAD.

*No discussion.*

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- 16) **RESOLUTION:** A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FROM LAWRENCE T. AND KAREN BELL, OWNER OF PROPERTY AT 120 CLEARVIEW DRIVE.

*Mr. Parise asked when this storm sewer project would begin? Ms. Thompson explained that the design phase is complete, and once the easements are accepted, the City can access the properties and move forward with the work. In essence, as soon as Legislative Items 16, 17, and 18 are approved by City Council, the project can proceed.*

*Ms. Thompson requested that she be permitted to comment on Legislative Items 16, 17, and 18 as a group at tonight's City Council Regular Meeting, as all three resolutions pertain to the same project. Mayor Agenbroad suggested that Ms. Martin read all three resolutions in sequence followed by Ms. Thompson's comments, then Council would consider an encompassing motion to approve Legislative Items 16, 17, and 18. There were no objections to this course of action.*

- 17) **RESOLUTION:** A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FROM LEWIS H. AND KATHY D. LAY, OWNER OF PROPERTY AT 130 CLEARVIEW DRIVE.

*Refer to comments under Legislative Item 16.*

- 18) **RESOLUTION:** A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FROM MARY JANE BURNS, OWNER OF PROPERTY AT 29 FOLIAGE LANE

*Refer to comments under Legislative Item 16.*

- 19) **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 AMEND A PURCHASE AGREEMENT DATED JULY 11, 2006, THE COURT ORDER RENDERED IN THE MONTGOMERY COUNTY COMMON PLEAS COURT FILED JUNE 20, 2005 AND THE EXCHANGE AGREEMENT ENTERED INTO BY THE PARTIES DATED JUNE 24, 2006 CONCERNING PROPERTY WITHIN THE SOUTH TECH INDUSTRIAL PARK/ AUSTIN INTERCHANGE AREA.

*No discussion.*

- 20) **RESOLUTION:** A RESOLUTION OF INTENTION TO APPROPRIATE A 0.7667 ACRE +/- TRACT OF LAND MORE FULLY DESCRIBED HEREIN BELOW NECESSARY TO BE ABLE TO PROCEED WITH THE YANKEE ROAD SANITARY SEWER PHASE II PROJECT.

*Ms. Thompson commented that this Resolution would begin the process of eminent domain. In this particular case, the property owner believes that the property is worth more than the appraisal of \$5,450.00 offered by the City for the easement.*

*Mr. Schaeffer commented that this resolution represents the City's intent to appropriate property for an easement necessary to proceed with the Yankee Road Sanitary Sewer Phase II Project. Mr. Schaeffer explained that if the issue regarding the value of the land is not resolved by the June 21 City Council Meeting, the City will proceed with the ordinance to appropriate the land. Mr. Schaeffer reiterated that this Resolution authorizes the eminent domain process to begin; the ordinance to actually appropriate the land, which will follow, would establish an escrow account.*

*Mr. Anderson asked how much of a discrepancy there is between the property owner's appraisal and the City's appraisal of the land? Ms. Thompson answered that the discrepancy is approximately \$20,000.00*

*Mr. Parise asked how much land is in question? Ms. Thompson answered that the land amounts to 0.7667 acres. Ms. Schaeffer added that 0.4916 acres of the land is a temporary easement, and the permanent easement amounts to approximately 0.2416 acres or two-tenths of an acre.*

*Mr. Parise questioned the City's appraisal in light of the value of land in the area. Ms. Thompson explained that the City is not purchasing the property, it is asking for an easement only. Ms. Thompson further explained that the City uses an appraisal service to evaluate property in these cases. Mr. Schaeffer added that once the sewer line is buried, the surface belongs to the property owner.*

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Mr. Parise confirmed that the City is paying the property owner simply to install the pipeline, but the property still belongs to the property owner. Ms. Thompson replied yes, but the permanent easement does give the City permanent access in case the line breaks, and in that case, the City would restore the surface as well.

**ITEM 4. PRESENTATIONS. – John Fabelo, Lorenz Williams, City Building Architects – Preliminary Plans Discussion.**

Mr. Fabelo's comments are condensed as follows: Mr. Fabelo is in the process of reviewing the past needs analyses for the new city building. A needs analysis was performed by Lorenz Williams in the spring of 2000 and by Cole and Russell in the fall of 2005. Mr. Fabelo will compare the results of the two analyses and combine the findings to build one new needs analysis. The analysis will take into account space, space relationships, size, light conditions, etc., and will result in a new map or floor plan for the new city building based on what has been compiled over the last five to six years.

Mr. Fabelo asked for City Council's input via a survey to help define the qualities and characteristics of the exterior of the new city building and its surroundings i.e. image, design, architectural features, etc. in order to understand what the City wants the building to achieve. The survey consists of eight questions. (A copy of the survey is attached for the record.) Mr. Fabelo reviewed the survey questions and provided guidance to complete the survey. Mr. Fabelo explained that the survey is not meant to collect specifics, but will provide direction to the architects to formulate the specifics of the design e.g. parking, lobby area, etc. The survey also asks City Council to prioritize what is important to them, how the building fits into the community, and what the building will express, for example organized, progressive, green, etc. Mr. Fabelo stated that he would continue to work on the interior piece for the building, but wished to start with Council regarding the design of the exterior.

Ms. Belpulsi asked if the City is working within a square footage requirement? Ms. Thompson explained that the architects reviewed the square footage needs from both analyses, and will most likely split the difference on the new footprint. One analysis resulted in 26,000 sq. ft. and the other resulted in 31,000 sq. ft. Ms. Belpulsi commented that she did not want the square footage to be too limiting. Mr. Fabelo explained that neither needs analysis is the right answer, and for example, there are spaces in the first analysis that do not exist in the second analysis.

Ms. Thompson commented that the new needs analysis, which will lead to a footprint, is a tool to establish the budget for the project. Mr. Fabelo added that both analyses are very consistent.

Ms. Belpulsi asked when Mr. Fabelo would need the completed survey? Mr. Fabelo asked City Council to return the completed surveys within a week, if possible. It was decided that Mr. Fabelo would e-mail the original survey to Ms. Thompson to forward to City Council for completion. Once the surveys are returned, Mr. Fabelo will compile the responses and prepare a summary of the results to present to City Council at a future meeting.

Mayor Agenbroad thanked Mr. Fabelo for his presentation.

**ITEM 5. CITY MANAGER. –Issues/Reports.**

**Ms. Thompson reported on the following items:**

**Mobility Master Plan Amendment:** Several years ago the City conducted an IMS (Interchange Modification Study) with the City of Franklin for the I-75 / SR 73 area including the bridge reconstruction, etc. Since that study was conducted, the City has been working on an amendment to the Mobility Master Plan, which was adopted by ordinance to not only incorporate that plan, but also the SR 73 Access Management Plan that Planning Commission had recommended to City Council, which was adopted in 2005. The City has been trying to get those plans incorporated into the code to supplement the Mobility Master Plan originally adopted in 2001. Mr. Schaeffer has determined that a Public Hearing is required for the proposed amendments to the Mobility Plan specifically with regard to the SR 73 at I-75 Interstate issues in accordance with the Ohio Revised Code. The recommended Public Hearing date is July 19. In addition, the first reading of the ordinance to amend the Mobility Master Plan would be heard on July 19 following the Public Hearing as well. These steps would result in updating the Mobility Master Plan with these supplemental traffic plans.

Ms. Belpulsi asked if the City has to notify the surrounding property owners? Mr. Schaeffer replied no, the City held a public meeting with the property owners in August of last year when the State Route 73 Access Management Plan was proposed,

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which fulfilled the public forum obligation for that portion of the proposed Mobility Master Plan amendments. However, it is recommended that City Council schedule a Public Hearing on July 19 to amend the Mobility Master Plan to include the IMS recommendations for State Route 73 at Interstate 75 as well.

**Pending Public Hearings re: Rezoning Cases on Clearcreek-Franklin Road:** Ms. Thompson announced that there would be several Public Hearings in the near future regarding rezoning cases on Clearcreek-Franklin Road, and as discussed at previous Work Sessions, Council would reconvene the Work Session following the Regular Meeting to discuss the comments from the Public Hearings and issues pertinent to the rezoning case. A first reading of the ordinance to rezone would occur following the Public Hearing at the same meeting. Ms. Thompson explained that there would be a repeat of a request to rezone property on Clearcreek-Franklin Road and a request to rezone a parcel to develop a nursing home facility operated by Otterbein also on Clearcreek-Franklin Road. Otterbein's plan is to develop five facilities in the Warren County area at various locations including Bunnell Hill Road and Clearcreek-Franklin Road. The State grants permission to the developer, but they have a very finite time schedule in which they must secure the properties for these five facilities, which are 50-bed facilities, and then show they are under construction and moving forward in a six month period from their last approval, which in this case would be by December. Otterbein has elected to purchase five acres of property from Henkle Scheuler on the 80-acre site at the corner of Clearcreek-Franklin Road and SR 73; however, they must apply to rezone the five acres because the property is currently zoned O-R.

Ms. Belpulsi confirmed that there would be two different rezoning applications at the same basic location. Ms. Thompson replied yes. Ms. Thompson clarified that there would be a rezoning application for the five acres on the Henkle Scheuler property at the corner of Clearcreek-Franklin Road and SR 73, where the Meijer was proposed several years ago, and there would be a rezoning application for a multi-family use on a parcel approximately one-half mile down the road.

Ms. Belpulsi asked what happened to the charette? Ms. Thompson explained that there are still 75 acres left to develop at the corner of SR 73 and Clearcreek-Franklin Road. Otterbein is trying to rezone only five acres of that property. Ms. Thompson reiterated that there are two pending rezoning applications for parcels on Clearcreek-Franklin Road within one-half mile of each other.

Mr. Parise asked if the Public Hearings for the two rezonings would be held the same evening? Ms. Thompson answered, probably not; however, the City would be notifying the same group of residents regarding both rezonings, but City Council is ultimately responsible for setting the Public Hearings.

Mr. Schaeffer asked if the 5-acre parcel exists? Ms. Thompson replied no, the 5-acre parcel would have to be created.

Ms. Thompson again stated that City Council would use the process discussed to reconvene the Work Session following the Regular Meeting to discuss the comments received at the Public Hearing and also to verify any matters of fact for accuracy.

**Traffic Signal at Drug Mart Plaza:** The traffic signal project at the Drug Mart Plaza location is progressing. It was agreed that if the property owners/users could raise enough money to purchase the traffic signal, then the City would consider the traffic study. This project was blurred by the Pre-School Development lawsuit against the City; however, legal counsel has resolved those issues. The representative for Drug Mart and their attorney, John Chambers, have been seeking funds from various users within the plaza and across the street in the Springboro Pointe Plaza, and have been quite successful. Attorney John Chambers is preparing an agreement for the City to review in order to determine the participating parties and the amount of funding, and has asked the City to share that burden, which the City had pledged to do many years ago if they were able to secure funds from the other parties. Ms. Thompson defined this project as an approximately \$190,000.00 project that the City can participate in at the \$50,000.00 level, which is a good deal in the interest of public safety. Ms. Thompson will forward the agreement to City Council for review when she receives it.

**Traffic Signalization Study for SR 741 from Austin Road to SR 73:** The traffic signalization study for the SR 741 corridor from Austin Road to SR 73 requested from LJB has been completed. The purpose of the study was to resolve the constant comments the City receives regarding traffic issues on SR 741 by looking at the corridor with respect to signalization in a comprehensive manner. The traffic engineer will provide a written report of his findings sometime next week, but the verbal information Ms. Thompson has received indicates warrants for signalization at a certain location on SR 741. The City has budgeted for signalization issues in the 2007 budget; therefore, if the City approves the Drug Mart traffic signal and considers the traffic signal warranted on SR 741, the funding should be available. Ms. Thompson will review the full traffic study report, then share it with City Council.

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Chief Kruihoff announced that Police Officer Randy Peagler would be relocating to Fulton County, Georgia. Officer Peagler's last day with the City will be June 14. Officer Peagler is a good officer, and he will be missed. The Police Department's search continues to replace Officer Peagler and to fill the one additional Police Officer position.

Ms. Belpulsi asked if the Police Department would now be recruiting two officers? Chief Kruihoff explained that the department is authorized to hire one new officer as of April 1, and would hire one officer to replace Officer Peagler. Chief Kruihoff further explained that the background process to hire an officer is extensive and lengthy, which slows down the recruitment process.

Mayor Agenbroad asked if the department is covering the gaps with overtime? Chief Kruihoff explained that the department has been making adjustments to fill the gaps and are doing well, but overtime will be utilized during the summer.

**ITEM 6. CLERK OF COUNCIL. –Issues/Reports.**

Ms. Martin made the following announcements:

It has been recommended that City Council consider a motion to schedule a Public Hearing for the State Route 73 at Interstate 75 Mobility Plan Amendments on Thursday, July 19, 2007 beginning at 7:00 PM in Council Chambers.

City Council group and individual portraits will be taken on Thursday September 6 prior to the Work Session in Council Chambers. Ms. Martin will confirm the date and time with Council Members via e-mail.

The Friends and Family Fundraiser will be held on Friday, July 6 at Heatherwoode beginning with a nine-hole golf tournament followed by social hour/dinner beginning at 6:00 PM. Tickets are available through Ms. Martin. Dinner tickets are \$15.00/person and golf plus dinner tickets are \$40.00/person.

In addition, Ms. Martin polled Council Members for attendance at the July 5 Council Meetings due to the fact that the meetings directly follow the Fourth of July holiday. Ms. Thompson commented that there is no business or legislation slated for the July 5 meetings, and Council may conduct both Regular Meetings in consecutive order on July 19 to fulfill the two meetings per month requirement. Mayor Agenbroad suggested revisiting the status of the July 5 meetings at the June 21 Work Session.

Mr. Pozzuto provided an economic development update as follows: A ground breaking for Advanced Interior Solutions was held last week. This company will be located next to Advanced Engineering on Advanced Drive. They manufacture interiors for automobiles and are expanding their manufacturing operations into the new building. They anticipate initially hiring 80 employees, and between the two companies they hope to have about 300 people employed, which will rank them as one of the City's largest employers. Midwest Seafood has closed its operations in Springboro. The City has received two to three phone calls to buy the Midwest Seafood building even though it is not yet listed for sale, and is certain it will not be vacant for long. The old Huff building located at the corner of Pleasant Valley Road and Sharts Road was recently purchased by DK Industries, a bike manufacturer, which will initially bring 25-30 employees to that location. In addition, the ground breaking for the Woodhull Company will be held tomorrow, Friday, June 8 at 4:00 PM at the end of Commercial Way.

**ITEM 7. CITY COUNCIL. –Issues/Reports.**

**Mr. Parise** – Mr. Parise inquired regarding the status of the Crucible Steel development at South Tech? (Crucible Steel is the first business being developed under the new ADD-1 zoning district.) Ms. Thompson explained that Council has approved their contract to purchase City-owned property at South Tech. Crucible has been through the plan review process and is required to meet approximately 23 conditions, but was approved by the Planning Commission. Mr. Parise confirmed that Crucible has approval to build, but they have to meet the 23 conditions. Ms. Thompson replied yes.

**Mr. Hruska** – Mr. Hruska announced that the Audit Committee met this evening at 5:30 PM in Council Chambers to review the annual City audit. An audit report will be presented once the State Auditor finalizes the City's audit.

**Mr. Anderson** – Mr. Anderson asked if the revenue from the sales of the property at South Tech would cut the note in half? Ms. Thompson answered that the sales would reduce the note by half when the City closes on all of the properties. Mr. Anderson asked if Ms. Thompson anticipated paying off the note in the next year or two? Ms. Thompson commented that,

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that timeframe would be pretty ambitious, but once the sales close the City would be able to pay off a little more than half of what was borrowed to purchase the land, with only three parcels sold. Ms. Thompson further commented that it would be bad if the City does not sell another piece of property in five years, but she does not know how to gage that projection other than the interchange. Ms. Thompson suggested that many buyers would most likely coordinate their purchases with the opening of the interchange in 2010, and the City would hopefully sell the remaining land in 2008 and 2009. Ms. Thompson added that the competition will be a lot stiffer as well, as there has been a sale on the Mead Property and the sale of the Long Farm of 123 acres on the west side. The same developer owns both of those properties as well as 54 acres in Springboro at South Tech.

Ms. Belpulsi confirmed that those properties fall under the Austin Road Land Use Planning guidelines. Ms. Thompson replied yes, but the property owner can elect to sell their property whenever and to whomever they wish. Ms. Thompson stated that the City has asked the developer for a Master Plan of their numerous holdings in the Austin Road Interchange area in the interest of the three jurisdictions that are paying for the interchange, and has asked for a Master Plan as a condition of the purchase of the 123 acres on the west side. Ms. Thompson reiterated that as a result of these land sales, competition to sell land would definitely increase.

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

**Mayor Agenbroad** – Mayor Agenbroad reminded Mr. Hruska that he should abstain from the approval of the Council Meeting Minutes of May 17 due to his absence.

Ms. Thompson added a final comment as follows: In response to Mr. Anderson's earlier inquiry regarding who is responsible for the costs of the concrete work on private property under Legislative Item 14, Ms. Thompson explained that Legislative Item 11 is the follow up legislation, which authorizes the City to levy special assessments to individual property owners for concrete work completed by the contractor in 2006. Legislative Item 14, the contract for the "2007 Street Resurfacing Program and Concrete Work" likewise would be followed up by an ordinance to levy assessments to property owners for concrete work performed on their properties this year.

**ITEM 8. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:50 PM.

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320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 7, 2007

7:00 PM

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Lori Martin, Clerk of Council

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**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, Absent; Parise, Present.

**Mr. Hruska motioned to excuse Mr. Chmiel and Ms. Lairson from the City Council Regular Meeting. Mr. Parise seconded the motion.**

No discussion.

**VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes. [APPROVED 5-0]**

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE MAY 17, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

**Ms. Belpulsi motioned to approved the Minutes of the May 17, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Anderson seconded the motion.**

No corrections.

**VOTE: Belpulsi, Yes; Agenbroad, Yes; Hruska, Abstain; Parise, Yes; Anderson, Yes. [APPROVED 4-0-1]**

**ITEM 5. PRESENTATIONS:** THE CITY OF SPRINGBORO HONORED TWO CITIZENS FOR LIFE SAVING EFFORTS.

Police Chief Jeff Kruthoff read the following statement describing the events and actions taken by Mr. Frederick T. Boulton III and Ms. Annika Skinner on March 1, 2007 to save the life of Mrs. Nancy Harrison.

"On March 1, 2007, Mrs. Nancy Harrison was exiting her vehicle in the Kroger parking lot on W. Central Ave. She was accompanied by one of her grandchildren. Upon starting to exit her vehicle, it lurched back into gear causing Ms. Harrison to become pinned between her own vehicle and another vehicle parked in the lot. Her grandson started to call for help and two community residents came over to assist. The best description of what happened next is in the statement of Mr. Frederick T. Boulton III, who was one of the citizens.

"She was blue and looked crushed in there. She was wedged in between her driver's side door and the frame of her car. The lady was completely wedged; her neck and torso were stuck between the door and frame with her left foot hanging out and the rest of that leg and right foot still in the car. Her van was completely butted up against the other car. I ran around to the passenger door, it was locked; I jumped in the back seat and checked on her. She was getting bluer and definitely was not breathing. I moved up to the drivers seat to figure out how to get her out of there and noticed the car was in drive. I put the car in park and a lady (Ms. Annika Skinner) jumped in and said she knew CPR. We switched seats and she checked her pulse, there was none and she was not breathing. We jumped out of the car together and tried to move the blue car away from the van. We could not move it. She (Ms. Annika Skinner) could not do CPR from that position. I jumped back into the drivers seat and determined that I had to back this van up. I told the other lady (Ms. Annika Skinner) to get behind her and hold her and backed the van up a couple feet so the lady (Ms. Annika Skinner) could administer CPR. The lady (Ms. Annika Skinner) held the driver as I backed up and extricated her."

After Mrs. Harrison was positioned on the ground, Ms. Annika Skinner initiated both chest compressions and relief breathing. After several moments of this, Mrs. Harrison began to breath on her own. After a stay in the hospital for follow-up treatment, Mrs. Harrison was able to be brought home late the next day."

Chief Kruthoff asked Mrs. Nancy Harrison, Mr. Frederick Boulton, and Ms. Annika Skinner to approach the dais.

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At this time, Mayor Agenbroad presented a Proclamation In Special Recognition and Honor of Frederick T. Boulton and Annika Skinner for Life Saving Efforts. (A copy of the Proclamation is attached for the record.) Mr. Boulton and Ms. Skinner each were presented with a Certificate of Honor for their courageous and heroic actions to save the life of Mrs. Nancy Harrison. Ms. Skinner and Mrs. Harrison were each given a presentation bouquet and Mr. Boulton was given a gift bag of City paraphernalia.

Following the presentation, Mrs. Harrison's friend played a violin performance of "Amazing Grace."

Mayor Agenbroad thanked Chief Kruihoff for organizing this presentation.

ITEM 6.

**LEGISLATION:**

City Council held a Work Session at 6:00 PM immediately preceding tonight's City Council Regular Meeting for approximately 50 minutes to discuss the following legislative items as well as other matters before the City.

**CONSENT AGENDA**

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

Mayor Agenbroad asked for a motion to temporarily suspend the Rules of Council to amend the Order of Business to include a Consent Agenda, directly preceding the Regular Legislative Agenda, consisting of Legislative Items 1 through 11, to be considered in aggregate, without discussion or amendment.

**Mr. Parise motioned to amend the Order of Business to include a Consent Agenda consisting of Legislative Items 1 through 11, to be considered in aggregate, without discussion or amendment. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Parise, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska Yes. [APPROVED 5-0]**

**At this time, Ms. Martin read Legislative Items 1 through 11, ordinances, second readings.**

- 1) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 2) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 3) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 4) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 5) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 6) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE

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OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY," was read by the Clerk of Council.

- 7) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 8) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 9) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 10) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 11) **ORDINANCE: SECOND READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF CONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO AS DESCRIBED IN RESOLUTION NO. R-06-12. (2006 SIDEWALK/DRIVEWAY APRON PROGRAM)," was read by the Clerk of Council.

Ms. Thompson commented on Legislative Items 1 through 11 as follows:

Legislative Items 1-10 of the Consent Agenda relate to special assessments for the operation and maintenance of streets lights in the stated sections of various subdivisions in the City. The street light maintenance assessments are required on an annual basis. The total amount of the assessments of \$26,634.91 is the actual cost of the street light maintenance and operation paid by the City in the prior year. The deadline to file these assessments with the Warren County Auditor is September 10. Legislative Item 11, also part of the Consent Agenda, will levy special assessments for repairing certain sidewalks and driveway aprons in the City during the "2006 Street Resurfacing and Concrete Repair Program" totaling a not-to-exceed amount of \$4,536.50.

**No action required at this time.**

**END CONSENT AGENDA**

**BEGIN REGULAR AGENDA**

- 12) **ORDINANCE O-07-17: THIRD READING.** "AN ORDINANCE DECLARING THE NECESSITY OF PROVIDING CERTAIN MAINTENANCE IN THE MCCRAY FARMS SECTION NINE SUBDIVISION OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance declaring the necessity of providing certain maintenance in the common areas of the McCray Farms Subdivision, Section Nine. The special assessments are paid on an annual basis by the homeowners. This legislation will allow the City to administer those assessments at the request of the homeowners of McCray Farms, Section Nine for ten years. In this particular case, the legislation is written as an emergency in order for the Finance Director to file these special assessments with the Warren County Auditor by September 10.

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

**Mr. Parise motioned to adopt Ordinance O-07-17. Ms. Belpulsi seconded the motion.**

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No discussion.

**VOTE: Agenbroad, Yes; Hruska, Yes; Parise, Yes; Anderson, Yes; Belpulsi, Yes. [APPROVED 5-0]**

- 13) **ORDINANCE: FIRST READING.** "AN ORDINANCE AMENDING CHAPTER 434; OVI; WILLFUL MISCONDUCT; SPEED OF PART FOUR – TRAFFIC CODE; 434.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item.

While it is not typical to request to raise a speed limit, as speed limits are usually lowered, the City has received numerous requests from businesses located on South Pioneer Blvd. over the past year, and most recently from Miami Luken, which is one of the larger employers on S. Pioneer Blvd. They have requested that the City review the 25 MPH speed limit that is currently in effect to raise it to a more common speed for those kind of roads. The City has undertaken a traffic study under the direction of the City's traffic engineer Scott Knebel of LJB Engineering. The study showed that a 35 MPH speed limit is warranted on that stretch of road on S. Pioneer Blvd. between SR 73 and Lower Springboro Road. Typically, the standard is an 85 percentile, which means that on any stretch of road typically 85% of the traveling motorists will travel at the same consistent speed and at a safe speed; it has been determined that the 85 percentile is 35 MPH on that portion of S. Pioneer Blvd. Both the traffic engineers and the Police Department concur regarding this speed limit recommendation and request that the speed limit on S. Pioneer Blvd. be raised to 35 MPH.

No discussion.

**No action required at this time.**

- 14) **RESOLUTION R-07-22:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN R. JURGENSON COMPANY FOR THE CONSTRUCTION OF "2007 STREET RESURFACING AND CONCRETE WORK," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manager to enter into a contract with John R. Jurgenson Company for the construction of the "2007 Street Resurfacing and Concrete Work" in the City. In 2007, planing and resurfacing will occur on Black Pepper Court, Glenluce Court, portions of Heatherwoode Circle, Sharts Road, and S. Pioneer Boulevard plus approximately 960 feet of concrete pavement along Bayberry Drive and 250 feet along South Ridge Court, which will be removed and replaced with full depth asphalt pavement. The City has had a great deal of problems with its concrete streets by virtue of their age, and has been trying to replace the concrete with full depth asphalt in the last few years. The cost of the 2007 program is \$689,274.00. The engineer's estimated cost of the project was \$800,000; therefore, the recommended bid is well under the engineer's estimate.

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

**Mr. Anderson motioned to adopt Resolution R-07-22. Mr. Hruska seconded the motion.**

No discussion.

**VOTE: Parise, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 5-0]**

- 15) **RESOLUTION R-07-23:** "A RESOLUTION ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM DOUBLE D. PROPERTIES, LTD., OWNER OF THE PROPERTY HAVING SIDWELL #04-19-445-004 LOCATED AT THE INTERSECTION OF WEST FACTORY ROAD AND LOWER SPRINGBORO ROAD," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution accepts a permanent sanitary sewer easement from Double D. Properties, LTD. Located at the intersection of West Factory Road and Lower Springboro Road. This easement is needed for the sanitary sewer force main that will serve the Beck Ridge Development located at the southwest corner of West Factory Road and Lower Springboro Road. The easement has been signed by the property owner. The property address is 425 S.

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Pioneer Boulevard, which is a Springboro business known as Dalco Electronics. This easement has been paid for by the developer, and no City funds will be expended or required for this easement.

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

**Ms. Belpulsi motioned to adopt Resolution R-07-23. Mr. Hruska seconded the motion.**

No discussion.

**VOTE: Parise, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 5-0]**

- 16) **RESOLUTION R-07-24:** "A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FROM LAWRENCE T. AND KAREN BELL, OWNER OF PROPERTY AT 120 CLEARVIEW DRIVE," was read by the Clerk of Council.

Ms. Thompson commented on Legislative Items 16, 17, and 18 in aggregate due to the fact that all three pieces of legislation are related to the same project.

Three resolutions accepting permanent storm sewer easements from Lawrence T. and Karen Bell at 120 Clearview Drive, Lewis H. and Kathy D. Lay at 130 Clearview Drive, and Mary Jane Burns at 29 Foliage Lane. These resolutions all refer to the same project, and accept storm sewer easements from the property owners mentioned to construct a storm sewer from North Park to an existing storm sewer located in Clearview Drive. This project will help to alleviate an erosion problem that has been created from the storm sewer outlet at North Park. This problem was brought to the City's attention by the residents and their City Council representative. All three easement documents have been signed by the property owners allowing the City to proceed with the project upon approval.

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

At this time, Mayor Agenbroad asked for an encompassing, blanket motion to adopt Legislative Items 16, 17, 18, Resolutions, dealing with the same subject matter, but involving three different property owners.

**Mr. Hruska motioned to adopt Resolutions R-07-24, R-07-25, and R-07-26. Mr. Parise seconded the motion.**

No discussion.

**VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes. [APPROVED 5-0]**

- 17) **RESOLUTION R-07-25:** "A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FROM LEWIS H. AND KATHY D. LAY, OWNER OF PROPERTY AT 130 CLEARVIEW DRIVE," was read by the Clerk of Council.

**Refer to comments made and action taken under Legislative Item 16.**

- 18) **RESOLUTION R-07-26:** "A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FROM MARY JANE BURNS, OWNER OF PROPERTY AT 29 FOLIAGE LANE," was read by the Clerk of Council.

**Refer to comments made and action taken under Legislative Item 16.**

- 19) **RESOLUTION R-07-27:** "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 AMEND A PURCHASE AGREEMENT DATED JULY 11, 2006, THE COURT ORDER RENDERED IN THE MONTGOMERY COUNTY COMMON PLEAS COURT FILED JUNE 20, 2005 AND THE EXCHANGE AGREEMENT ENTERED INTO BY THE PARTIES DATED JUNE 24, 2006 CONCERNING PROPERTY WITHIN THE SOUTH TECH INDUSTRIAL PARK/ AUSTIN INTERCHANGE AREA," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

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This resolution authorizes the City Manager to enter into an agreement to amend a purchase agreement, a court order, and an exchange agreement with RLG Austin, LTD., GCG Austin LTD., and Victory 4, LLC concerning property within the South Tech Industrial Park/Austin Interchange Area. This legislation represents three different agreements that are being altered or amended as the amended purchase agreement, the amended court order, and the amended exchange agreement that the City entered into in various years with RG Properties, and concerns property at the corner of Austin Road and SR 741 where the City owns 90 acres of property. When the court order was determined and the purchase agreement was entered into and the exchange agreement was made, the City had a contract with another user to occupy 19 acres of property at the South Tech Industrial Park. RG Properties took an option out on 8.5 acres of that property in the event that the first user would attempt to vacate or to alter their site, which they have done. The currently proposed agreement allows the City to sell 8.5 acres of property to RG Properties. They in turn will sell 4 acres to the Port Authority of Montgomery County for development of a company originating in Blue Ash. The proposed agreement will also amend the court order to resolve issues related to zoning categories and various technical and language issues within the court order. Upon approval, the proposed agreement must go to Montgomery County for approval, and then the exchange agreement that the City entered into with RG Properties, which exchanged property has now altered into a 6-acre purchase agreement. The City and RG Properties agreed that the 3 acres they were going to exchange at the northwest quadrant of the Austin Road/SR 741 area is not an advantage to the City in any way, and rather than retain the 3 acres that was agreed to in the exchange, the City will simply vacate the 3 acres, then sell an additional 6 acres to RG Properties. Ultimately, the City will receive \$1.255M for the sale of the 8.5 acres and the 6 acres per the proposed agreement.

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

**Ms. Belpulsi motioned to adopt Resolution R-07-27. Mr. Anderson seconded the motion.**

No discussion.

**VOTE: Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes; Anderson, Yes. [APPROVED 5-0]**

- 20) **RESOLUTION R-07-28:** "A RESOLUTION OF INTENTION TO APPROPRIATE A 0.7667 ACRE +/- TRACT OF LAND MORE FULLY DESCRIBED HEREIN BELOW NECESSARY TO BE ABLE TO PROCEED WITH THE YANKEE ROAD SANITARY SEWER PHASE II PROJECT," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Schaeffer to comment on this item.

This resolution represents the City's intention to appropriate a 0.7667-acre +/- tract of land necessary to proceed with the Yankee Road Sanitary Sewer Phase II Project. This legislation is the result of the fact that the City is working on a project that requires an easement across an individual's property. The other property owners in the area have cooperated with the City with regard to conveying the necessary easements. This particular property owner has only cooperated by giving the right of entry, but there is a discrepancy or disagreement about the price of the land and until the City can obtain control of the property, the project cannot begin. The City needs to get this project started and this resolution of intent would be the first step in taking the property by eminent domain. The City will notify the property owner that this action has been taken and will continue negotiations with the property owner. If negotiations are unsuccessful, then an ordinance to proceed with the eminent domain process will be presented to Council for consideration in the near future. As described, this is the legal process that is followed in any eminent domain proceeding. Mr. Schaeffer offered to answer any questions.

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

**Mr. Hruska motioned to adopt Resolution R-07-28. Mr. Parise seconded the motion.**

No discussion.

**VOTE: Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes. [APPROVED 5-0]**

**ITEM 7.**

**REPORTS:**

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**Mayor's Report** – No calendar updates for the month of June. The next City Council Work Session will be held on Thursday, June 21, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, June 21, 2007 at 7:00 PM in Council Chambers, as scheduled. In addition, the Finance Committee meeting scheduled for June 21 at 5:30 PM has been canceled. The next Finance Committee meeting will be held on Thursday, July 19 at 5:30 PM in Council Chambers, as scheduled.

**City Manager's Report** – No report.

**Committee Reports** –

**Mr. Parise** – No reports.

**Mr. Hruska** – No reports.

**Mr. Anderson** – No reports.

**Ms. Belpulsi – Planning Commission** – The Planning Commission held their Formal Meeting on Wednesday, May 30, 2007 at 7:00 PM in Council Chambers and took action on the following items: Final Development Plan – 250 Advance Drive, new manufacturing facility (Advanced Engineering); Site Plan Review – west end of West Tech Drive, new manufacturing facility (Crucible Materials). Ms. Belpulsi mentioned that Crucible is the first business to be a part of the Austin Road Development Area or the ADD-1 zoning district. She added that Crucible has a lengthy list of staff comments to address, but they received approval. Ms. Belpulsi further added that Crucible has been very cooperative, and the City is happy to have both businesses in the Springboro community. The next Planning Commission Work Session will be held on Wednesday, June 13 at 7:00 PM in Council Chambers.

**ITEM 8. OTHER BUSINESS.** Mayor Agenbroad asked for a motion, based on the recommendation of the Planning Commission, to proceed with a Public Hearing on Thursday, July 19, 2007 beginning at 7:00 PM in Council Chambers for the following:

TO AMEND THE CITY'S INTERSTATE 75 / STATE ROUTE 73 MOBILITY PLAN.

**Ms. Belpulsi motioned to proceed with a Public Hearing on Thursday, July 19, 2007 beginning at 7:00 PM in Council Chambers in regards to amending the City's Interstate 75 / State Route 73 Mobility Plan. Mr. Anderson seconded the motion.**

No discussion.

**VOTE: Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Parise, Yes; Anderson, Yes. [APPROVED 5-0]**

**ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS.** Mayor Agenbroad stated that he was unable to attend the Clearcreek Township Trustees meeting tonight, and would like to take this opportunity to congratulate his son, Steve Agenbroad, who is being sworn in as a Captain in the Clearcreek Fire Department along with Kent Cleary and Nathan Urban. Mayor Agenbroad extended kudos to the three new Captains.

**ITEM 10. GUEST COMMENTS.** No Guest 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, June 7, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:27 PM. Mr. Hruska seconded the motion.**

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No discussion.

**VOTE: Parise, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 5-0]**

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**John Agenbroad, Mayor**

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**Presiding Officer**

\_\_\_\_\_  
**Lori A. Martin, Clerk of Council**