

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

**CITY COUNCIL WORK SESSION**

THURSDAY, MARCH 16, 2006  
6:00 PM

John Agenbroad, Mayor

Gary Hruska, Deputy Mayor  
Scott Anderson  
Marie Belpulsi

Jim Chmiel  
Sheila Lairson  
John D. Parise

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager  
Jeff Kruithoff, 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.** All Council Members were present.
- ITEM 3. LEGISLATIVE AGENDA.** –City Council considered 7 legislative agenda items slated for the March 16, 2006 Regular City Council Meeting.
- 1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE FARMS AT HEATHERWOODE SUBDIVISION SECTION FOUR AND DECLARING AN EMERGENCY.  
  
Mayor Agenbroad asked if the developer has met all of the requirements for approval. Ms. Thompson replied yes.  
  
Mr. Chmiel stated that he would abstain from the vote on this ordinance at tonight's Regular City Council Meeting due to a conflict of interest.
  - 2) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE DETERMINING TO PROCEED WITH INSTALLING IMPROVEMENTS AND PROVIDING MAINTENANCE TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-06-4, AND DECLARING AN EMERGENCY.  
  
No discussion.
  - 3) **RESOLUTION:** A RESOLUTION ACCEPTING PERMANENT SANITARY SEWER EASEMENTS FROM PROMOTIONAL WHOLESALERS PARTNERSHIP, LLC, OWNER OF PROPERTIES HAVING SIDWELL NUMBERS 04-14-363-0012 AND 04-13-110-001.  
  
No discussion.
  - 4) **RESOLUTION:** A RESOLUTION GRANTING A PERMANENT SANITARY SEWER EASEMENT TO THE CITY OF SPRINGBORO ON A CITY OWNED PARCEL HAVING SIDWELL NUMBER 04-13-102-003 AND AUTHORIZING THE CITY MANGER TO SIGN THE EASEMENT DOCUMENT.

No discussion.

- 5) **RESOLUTION:** A RESOLUTION AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF SPRINGBORO FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO WITH THE CONDITION THAT THE SPRINGBORO BUILDING DEPARTMENT EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND AUTHORIZING THE BUILDING DEPARTMENT TO CONDUCT SUCH ENFORCEMENT.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION APPOINTING MEMBERS OF THE SPRINGBORO TAX INCENTIVE REVIEW COMMITTEE (TIRC) FOR MONTGOMERY COUNTY.

No discussion.

- 7) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THEREBY RATIFY A CONTRACT TO SELL CERTAIN PROPERTY OWNED BY THE CITY TO TRUGREEN CHEMLAWN.

No discussion.

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

Ms. Thompson distributed a fresh NIC report of exterior property maintenance inspections and status for Council's review.

Ms. Thompson also distributed information issued by the Ohio Municipal League regarding the TEL or Tax Expenditure Limitation proposal, a constitutional amendment to appear on the November 2006 state ballot. Ms. Thompson commented that there are concerns regarding how a "majority" is defined in the proposed amendment. Ms. Thompson stated that the Dayton Area Mayors and Managers group plan to discuss approaches and strategies to address this proposal. Ms. Thompson commented that townships are also concerned about the TEL.

Ms. Belpulsi asked if the TEL amendment passes, would it prevent the City from building a new city building? Ms. Thompson replied yes, unless the voters approved it because it would prevent the City from financing capital projects. Ms. Thompson commented that the Township, for example, has saved \$5M for fire equipment. Under the new amendment the Township would have to disperse this money if it is not voted on for expenditure. Ms. Thompson will monitor this issue through both state and regional local government organizations.

Ms. Thompson announced that Linda Harrison's (Clerk of Courts) husband passed away yesterday. She will forward information regarding the arrangements as soon as she receives it.

Ms. Thompson provided the following information regarding the status of the 2006 City Goals as follows:

Ms. Thompson confirmed that Council Members had received her weekly update along with a summary of the goals and timelines established at the City goals meeting held on February 28. She asked for any changes or comments from Council regarding this outline. Council made no changes or comments at this time. (A copy of the outline of 2006 City Goals and timelines is attached for the record.)

Ms. Thompson stated that she would seek information from other municipalities and through the OCMA and the MVCC for model RFPs for services for strategic plan review and updating the City's master plan.

Ms. Thompson commented that Scott Knebel of LJB, the City's Traffic Engineering Consultant, is still preparing a report regarding a request from Mr. Parise for consideration of a stop sign on Renwood and a traffic signal on Lytle Five Points Road at Innsbrook Lane.

Ms. Thompson also commented that legislation for an agreement with ODOT for the I-75/SR73 bridge reconstruction project will be presented to Council for consideration on April 6, the Planning Commission is working on a recommendation for the SR73 Access Management Plan, and she is awaiting information from Steve Stanley regarding the Austin Road Interchange project. Also, in reference to installing a traffic signal on SR741 at Tamarack Trail, Ms. Thompson stated that a traffic engineering study would need to be performed along the SR741 corridor to determine the need for traffic signals at intersections such as Tamarack Trail and Sycamore Creek Drive along with any additional intersections resulting from the future development of the Easton Property and Village Park on SR741.

Ms. Thompson also mentioned that the Finance Committee would review and make a recommendation regarding a travel policy for Council Members and an adjustment to Council compensation to address the PERS issue, which proposes to establish a minimum salary level in order to be able to participate in the program.

In addition, Ms. Thompson reviewed the Council goals at the bottom of the outline.

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

Ms. Martin reminded Council that Mayor Agenbroad would present a proclamation in recognition of “Absolutely Incredible Kid Day” under Agenda Item 5: Presentations at tonight’s Regular City Council Meeting.

Ms. Martin announced that the Park Board interviewed three candidates for the open seat. They have recommended Diana Johantges of 185 Heston Drive for appointment to the Park Board. Council will consider a motion to appoint Diana Johantges to the Park Board at tonight’s Regular City Council Meeting.

Ms. Martin made the following announcements:

The 3<sup>rd</sup> District U.S. Representative office hours would be held on Wednesday, March 29, 2:30-3:30 PM in Council Chambers.

U.S. Senator Mike DeWine’s Regional Director may hold office hours on Thursday, March 30, 9:00-10:30 AM in Council Chambers. This date has not been confirmed. Ms. Martin will forward a confirmation regarding Senator DeWine’s office hours in Springboro as soon as she receives the information.

The Springboro Area Chamber of Commerce 6<sup>th</sup> Annual Business Expo will be held on March 25, 10:00AM-4:00PM at Springboro High School .

The Business Appreciation Breakfast will be held on April 20, 8:00-9:30AM at Heatherwoode Golf Course.

The Arbor Day Ceremony will be held on April 22 at Laurel Glen Subdivision.

Mr. Schaeffer commented that he attended an Ohio Sunshine Laws and Ohio Ethics Laws seminar yesterday along with Ms. Thompson and several Council Members. He commented that the presentation was well done. Mr. Schaeffer added that apart from some minor things, the City is in good shape with regard to these laws. He again remarked that the seminar was very worthwhile and informative.

**Ms. Belpulsi motioned to enter Executive Session to discuss imminent litigation with the Law Director in attendance and to consider the discipline of a public employee. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Parise, Yes; Chmiel, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Anderson, Yes; Lairson, Yes. [Approved 7-0]**

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

**Mr. Parise** – Mr. Parise inquired regarding the force main/sewer along SR73 proposed to serve the development at the corner of SR 73/SR48 in Clearcreek Township. (Mr. Parise referenced the information provided in Ms. Thompson's weekly update.) Mr. Parise asked if the City would be installing sewer from Springboro to SR48 along SR73. Ms. Thompson explained that the sewer would be in the Township district, the County would install the pipe, and own and maintain it. She added that the County would control where the pipe would go, which in this case is in the right-of-way, and the developer pays for the improvements. Ms. Thompson explained that the City's only responsibility would be to permit the affluent from those parcels into the City's system.

Mr. Parise asked what revenue Springboro would receive for providing this service. Ms. Thompson stated that the revenue would be based on the volume of affluent; however, if the City is part of a JEDD for that area the City would receive 50% of the income tax revenue.

Mr. Parise confirmed that the City would receive the revenue from the sewer charge paid through the County, and in addition would receive income tax revenue through a JEDD for that area. Ms. Thompson replied yes.

Mr. Parise asked if the revenue received from the County for the sewer charge goes back to the City sewer department. Ms. Thompson replied yes. Mr. Parise asked if there is any way to redirect the revenue back to the consumer or impose a moratorium on a sewer rate increase. Ms. Thompson explained that she did not know if the revenue would be significant enough, but she could ask the Finance Director to look at the numbers with respect to a rate freeze.

Mr. Hruska commented that he thought the City was already subsidizing water/sewer rates. Ms. Thompson replied no, the City subsidizes trash rates.

Ms. Thompson added that the County would provide the numbers to determine volume. She also stated that no residents would be allowed to tap into the sewer. She reiterated that she is not sure the revenue from the sewer charge would be enough to affect the sewer rate for residents in Springboro.

Mr. Parise also inquired regarding the information concerning the expansion of the Springboro Library provided in Ms. Thompson's weekly update.

Ms. Thompson explained that the Library is funded by the City and the Township, and the Township has opted to reduce their funding for the library per the agreement. She further explained that the City now wishes to amend the agreement as the City currently pays for the maintenance of the facility, and since the City's revenue to fund the library has been reduced the agreement between the City and Library should be amended to reflect that change.

Mr. Parise asked if the income from the JEDD could be used to compensate for the library expense and lighten the impact on the taxpayer.

Ms. Thompson explained that the City paid for the library and lease, and the City and residents own half of the Library. She also explained that the City has paid all of the maintenance costs and paid the lease since the Library was built. The Library lease was paid in full at the end of 2005, at which time the Township reduced its share of the funding. Ms. Thompson stated that the City now receives only \$25,000 of the annual \$175,000 previously received from the Township for the Library. She added that funding for the Library comes from that inside millage.

Mr. Parise wanted to know how the City would subsidize the operation of the Library.

Ms. Thompson explained that if the Library decides to expand, the Library Board would have to decide to put a levy on the ballot, which they are not ready to do. She further explained that if the Library Board considers a levy, they would also take into consideration whether or not the schools will place a levy on the ballot in 2008 or 2009. Ms. Thompson stated that she would have more information next Wednesday when the Board meets.

**Mr. Chmiel** – Mr. Chmiel will present a Finance Committee report and a Planning Commission report at tonight's Regular City Council Meeting.

**Ms. Belpulsi** – Ms. Belpulsi announced that the City has received notice of an application for a new liquor license from the Ohio Division of Liquor Control. Ms. Belpulsi will present a motion regarding this liquor license application at tonight's Regular City Council Meeting under Agenda Item 8, Other Business.

**Mr. Hruska** – No issues/reports.

**Mr. Anderson** – No issues/updates.

**Ms. Lairson** – No issues/reports.

**Mayor Agenbroad** – No issues/reports.

**Council entered Executive Session at approximately 6:30 PM to discuss imminent litigation with the Law Director in attendance and to consider the discipline of a public employee, whereby no votes were taken.**

**Ms. Belpulsi motioned to exit Executive Session at approximately 6:46 PM. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Parise, Yes; Chmiel, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Anderson, Yes; Lairson, Yes. [Approved 7-0]**

**ITEM 7. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:46 PM.

CITY OF SPRINGBORO  
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**CITY COUNCIL MEETING**

THURSDAY, MARCH 16, 2006  
7:00 PM

John Agenbroad, Mayor

Gary Hruska, Deputy Mayor  
Scott Anderson  
Marie Belpulsi

Jim Chmiel  
Sheila Lairson  
John D. Parise

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager  
Jeff Kruithoff, Police Chief

Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

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

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

**ITEM 3. ROLL CALL.** All Council Members were present.

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE FEBRUARY 28, 2006 CITY COUNCIL SPECIAL MEETING. THE MINUTES OF THE MARCH 2, 2006 WORK SESSION AND REGULAR MEETING.

**Mr. Hruska motioned to approve the minutes of the February 28, 2006 City Council Special Meeting as submitted by the Clerk of Council. Ms. Belpulsi seconded the motion.**

No corrections.

**Vote: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes. [Approved 7-0]**

**Mr. Anderson motioned to approve the minutes of the March 2, 2006 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Hruska seconded the motion.**

No corrections.

**Vote: Agenbroad, Yes; Belpulsi, Yes; Chmiel, Abstain; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes. [Approved 6-0-1]**

**ITEM 5. PRESENTATIONS:** MAYOR JOHN AGENBROAD PRESENTED A PROCLAMATION DECLARING MARCH 16, 2006 AS "ABSOLUTELY INCREDIBLE KID DAY" TO EXECUTIVE DIRECTOR KEITH D. HARRISON AND BOARD PRESIDENT JACQUELINE MCMILLAN (MS. MCMILLAN WAS REPRESENTED BY CAMP FIRE PROGRAM DIRECTOR, LESLIE BARR) OF THE CAMP FIRE USA GREATER DAYTON AREA COUNCIL ALONG WITH A LETTER OF ENCOURAGEMENT TO FOUR SPRINGBORO YOUTHS.

Mayor Agenbroad presented a proclamation to Keith D. Harrison, Executive Director and Jacqueline McMillan, Board President of the Camp Fire USA Greater Dayton Area Council proclaiming March 16, 2006 as "Absolutely Incredible Kid Day" in Springboro. Leslie Barr, Program Director for Camp Fire USA Greater Dayton Area Council, accepted the proclamation on behalf of Board President Jacqueline McMillan along with Keith D. Harrison, Executive Director. (A copy of the Proclamation is attached for the record.) Mayor Agenbroad also presented letters of encouragement to four Springboro youths as follows: Amber Barney, Michael Ford, Kinyoun F. Foster, Jr., Taylor Penson. Council Members congratulated each student with a handshake.

**ITEM 6. LEGISLATION:**

City Council conducted a Work Session at 6:00 PM tonight prior to the Regular City Council Meeting for approximately 30 minutes to discuss the legislative items to be considered for adoption tonight as well as other matters before the City. City Council entered Executive Session during tonight's Work Session for approximately 16 minutes to discuss imminent litigation with the Law Director in attendance and to consider the discipline of a public employee, whereby no votes were taken.

- 1) **ORDINANCE O-06-7: THIRD READING.** "AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE FARMS AT HEATHERWOODE SUBDIVISION SECTION FOUR 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 approving the record plan for The Farms at Heatherwoode, Subdivision Section Four. This section, zoned R-1, contains 13.7 acres of property with 24 buildable lots. This section is an extension of Dinsley Place. The Planning Commission approved this record plan on December 13, 2005.

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

**Mr. Anderson motioned to adopt Ordinance O-06-7. Ms. Belpulsi seconded the motion.**

No discussion.

**Vote: Chmiel, Abstain; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes. [Approved 6-0-1]**

- 2) **ORDINANCE O-06-8: THIRD READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH INSTALLING IMPROVEMENTS AND PROVIDING MAINTENANCE TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-06-4, 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 determining to proceed with the installation, operation, and maintenance of streetlights in Tanglewood Creek Subdivision. This ordinance would authorize the City to enter into an agreement and sign the necessary paperwork with CG&E for the streetlights. No City funds will be expended for these improvements. The property owners will be assessed for the streetlights.

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

**Ms. Lairson motioned to adopt Ordinance O-06-8. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Agenbroad, Yes; Belpulsi, Abstain; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes. [Approved 6-0-1]**

- 3) **RESOLUTION R-06-7:** "A RESOLUTION ACCEPTING PERMANENT SANITARY SEWER EASEMENTS FROM PROMOTIONAL WHOLESALERS PARTNERSHIP, LLC, OWNER OF PROPERTIES HAVING SIDWELL NUMBERS 04-14-363-0012 AND 04-13-110-001," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution accepts permanent sanitary sewer easements from Promotional Wholesalers Partnership needed for the "Northwest Area Sanitary Trunk Sewer, Phase II" Project. The contract for this project was approved by City Council on March 2, 2006. This resolution accepts the permanent easements. There was a 40 ft. temporary construction easement prior to this time. This resolution accepts the 20' permanent easement.

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

**Ms. Belpulsi motioned to approve Resolution R-06-7. Mr. Anderson seconded the motion.**

No discussion.

**Vote: Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes. [Approved 7-0]**

- 4) **RESOLUTION R-06-8:** "A RESOLUTION GRANTING A PERMANENT SANITARY SEWER EASEMENT TO THE CITY OF SPRINGBORO ON A CITY OWNED PARCEL HAVING SIDWELL NUMBER 04-13-102-003 AND AUTHORIZING THE CITY MANGER TO SIGN THE EASEMENT DOCUMENT," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution grants a permanent sanitary sewer easement to the City of Springboro on a City-owned parcel. This legislation actually allows the City to grant an easement to itself. It is necessary for the City to process this resolution to grant itself a permanent sanitary sewer easement through Community Park. This easement will not affect the functioning of the park.

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

**Mr. Hruska motioned to adopt Resolution R-06-8. Mr. Chmiel seconded the motion.**

No discussion.

**Vote: Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes. [Approved 7-0]**

- 5) **RESOLUTION R-06-9:** "A RESOLUTION AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF SPRINGBORO FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO WITH THE CONDITION THAT THE SPRINGBORO BUILDING DEPARTMENT EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND AUTHORIZING THE BUILDING DEPARTMENT TO CONDUCT SUCH ENFORCEMENT," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item.

This resolution authorizes a request to the Ohio Board of Building Standards to certify the City of Springboro to enforce The Residential Code of Ohio. The purpose of this legislation is to authorize the City Manager to send an application to the State to certify the City's building department to review residential building permits. Currently, the State requires that commercial building permits be reviewed by a certified plans examiner. State law has recently been changed to require building departments to now have a certified residential reviewer. Through this application, the City is asking the State to "grandfather" the City's building department because the City has reviewed all residential permits in the past.

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

**Mr. Anderson motioned to adopt Resolution R-06-9. Mr. Parise seconded the motion.**

No discussion.

**Vote: Lairson, Yes; Anderson, Yes; Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes. [Approved 7-0]**

- 6) **RESOLUTION R-06-10:** "A RESOLUTION APPOINTING MEMBERS OF THE SPRINGBORO TAX INCENTIVE REVIEW COMMITTEE (TIRC) FOR MONTGOMERY COUNTY," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item.

This resolution appoints members of the Springboro Tax Incentive Review Committee to the Montgomery County TIRC for the purposes of reviewing annual tax abatements granted to businesses every year as required by State law. Montgomery County has chosen to have two of their at-large members of the TIRC be employees of the Montgomery County Office of Economic Development and one member be from County Corp. The City must also appoint members to the TIRC as well. By passing this resolution, the City Council appoints Mr. Pozzuto as a member of the TIRC and Robin Holznecht, who has served on this committee as a citizen at-large in prior years.

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

**Ms. Belpulsi motioned to adopt Resolution R-06-10. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes. [Approved 7-0]**

- 7) **RESOLUTION R-06-11:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THEREBY RATIFY A CONTRACT TO SELL CERTAIN PROPERTY OWNED BY THE CITY TO TRUGREEN CHEMLAWN," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item.

This resolution authorizes the City Manager to execute a contract to sell certain property owned by the City to Trugreen Chemlawn. This resolution represents a minor modification to a previous resolution that authorized the sale of 2.47 acres of City-owned land on Commercial Way to Trugreen Chemlawn. Trugreen Chemlawn is an existing Springboro business and is outgrowing its current location. The purchase price for the property is \$86,450.00. This resolution authorizes a modified version of the original sales contract that the City Council passed previously. Unbeknownst to City staff, the Trugreen Chemlawn attorneys had not reviewed the original contract before it was passed City Council the first time. The City now has a properly reviewed contract in place, which has also been extensively reviewed by the City's Law Director and is ready to be signed by the City Manager.

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

**Mr. Anderson motioned to adopt Resolution R-06-11. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes. [Approved 7-0]**

#### ITEM 7. REPORTS:

**Mayor's Report** – Chamber of Commerce 6<sup>th</sup> Annual Business Expo, Saturday, March 25, 10:00AM-4:00PM at Springboro High School; 3<sup>rd</sup> U.S. District Representative Office Hours, Tuesday, April 4, 1:00-2:00 PM in Council Chambers; Good Friday will be observed Friday, April 14 –the City offices will be closed; Business Appreciation Breakfast, Thursday, April 20, 8:00-9:30 AM at Heatherwoode Golf Course; Arbor Day Ceremony, Saturday, April 22, time TBA at Laurel Glen Subdivision. The next City Council Work Session will be held on Thursday, April 6, 2006 at 6:00 PM in Council Chambers,

as scheduled. The next City Council Regular Meeting will be held on Thursday, April 6, 2006 at 7:00 PM in Council Chambers, as scheduled.

**City Manager's Report** – ECONOMIC DEVELOPMENT UPDATE & SLIDE PRESENTATION – Ms. Thompson presented updates and information regarding the following businesses in Springboro: Kemper Design located at South Tech, which manufactures and distributes ceramic tile products, Invotec Engineering at South Tech, which designs small parts for machinery, Alien Technology at South Tech, which develops RFID (Radio Frequency Identification) technology, Miami Jacobs College on SR73, and Klosterman Bakery at 350 S. Pioneer Boulevard, which manufactures and sells breads. Ms. Thompson also commented on the status of the following City economic development initiatives: City-owned property at South Tech, City-owned property on Commercial Way, I-75/SR73 interchange improvements, and Village Park Development along SR741. Finally, Ms. Thompson mentioned the following items: The City is nearing the completion of the \$16 million Wastewater Treatment Plant expansion project from 2 million gallons per day capacity to 4 million gallons per day capacity with an ultimate capacity of 6 million gallons per day. The City has finished the construction of a new 1 million gallon South Water Tower, which will be online in mid 2006 in the south part of town on the hill by Red Lyon Five Points Road. The Springboro Area Chamber of Commerce 6<sup>th</sup> Annual Business Expo is March 25, 10:00AM-4:00PM at Springboro High School. The City's Business Appreciation Breakfast is April 20, 8:00-9:30AM at Heatherwoode Golf Course. Invitations for the Business Appreciation Breakfast have been mailed to the community's businesses. (A copy of the slide presentation is attached for the record and detailed reference.)

**Committee Reports** –

**Mr. Parise – Architectural Review Board** – The Architectural Review Board met on March 6 in Council Chambers to consider the following items: approval of a sign and color change for the gas station at SR73 and SR741, which was previously a BP Station. The station owner is now changing alliances to Sunoco.

**Mr. Chmiel – Planning Commission** – The Planning Commission held a Work Session on Wednesday, March 8, 2006 at 7:00 PM in Council Chambers to review the following items: Revision to Approved General Plan – Village Park Planned Unit Development-Mixed Use, southwest corner North Main Street and Pennyroyal Road, revision to residential component; Final Development Plan – Village Park Planned Unit Development-Mixed Use, southwest corner North Main Street and Pennyroyal Road, Retail Section 2, Graeter's retail building; Request for Rezoning – 945 West Central Avenue/southwest corner West Central Avenue and Sharts Road, ED, Employment Center District to B-1, Highway Business District; Revision to Approved General Plan – Swope Property Planned Unit Development-Residential, 465 West Factory Road, increase in dedicated open space and residential lots; Revision to Approved Site Plan – 40 West Central Avenue, changes to parking and circulation plan. The next Planning Commission meeting will be held on Wednesday, March 29, 2006 at 7:00 PM in Council Chambers.

**Finance Committee** – The Finance Committee met this evening at 5:30 PM in Council Chambers. The Finance Committee reviewed and prioritized the goals that were set at the February planning meeting and reviewed the City's financial reports. All funds are above minimum balances and in good order.

**Ms. Lairson** – Ms. Lairson reported that she, Mr. Anderson, and Mr. Parise attended a training seminar for newly elected officials presented by the Ohio Municipal League. Ms. Lairson commented that the seminar was very informative and provided an opportunity to meet Council Members from other cities.

**Mr. Anderson** – No reports.

**Mr. Hruska** – No reports.

**ITEM 8. OTHER BUSINESS.** Mayor Agenbroad asked for a motion to appoint Diana Johantges (185 Heston Drive) to the Park Board for a two-year term ending December 31, 2007.

**Ms. Belpulsi motioned to appoint Diana Johantges (185 Heston Drive) to the Park Board for a two-year term ending December 31, 2007. Mr. Chmiel seconded the motion.**

No discussion.

**Vote: Parise, Abstain, Lairson, Yes; Anderson, Yes; Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes. [Approved 6-0-1]**

Ms. Belpulsi presented a notice of an application for a new Liquor License as follows:

A notice of an application for a New Liquor License from Max and Erma's Restaurants Inc, DBA Max & Erma's, 710 Gardner Road (located in the Village Park Development on SR 741), Springboro, Ohio 45066 bearing the number 56520310235. The license is for a Permit D-5i. The Springboro Police Division has checked the applicant, and can find no cause for objection to this application for a Liquor License Transfer.

**Ms. Belpulsi motioned that City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control regarding this application. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes. [Approved 7-0]**

**ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS.** Ms. Martin commented that she and several Council Members attended a seminar regarding the Ohio Sunshine Laws and Ethics Laws presented by the Municipal Training Academy and the Miami Valley Risk Management Association. The program featured Martin Susec, the Assistant Attorney General, who presented information regarding open records and open meetings laws and provided an update concerning the recently proposed House Bill 9 to change some of the open records laws, which if approved should clear up some of the confusion in disclosing records as well as institute penalties for non-compliance and rewrite the records disposal procedure. Following Mr. Susec's presentation, Susan Willeke, the Ohio Ethics Commission Education Coordinator presented information about ethics laws for public officials and public employees focusing on conflicts of interest, accepting things of value, and revolving door restrictions or certain restrictions after leaving public office. Ms. Martin commented that the seminar was an excellent refresher for the more seasoned Council Members, and very informative for the new Council Members as well. She added that the City is very conscientious about meeting the open records and open meetings laws.

**ITEM 10. GUEST COMMENTS. 1) Linda Fish Oda –** Ms. Oda is running for election as Warren County Auditor. Ms. Oda is a 1978 graduate of Springboro. Her parents are 1956 graduates of Springboro. She has enjoyed attending the Springboro Council meeting.

Mayor Agenbroad commented that Springboro City Council is a non-partisan body and does not endorse candidates for election.

**2) Shannon Jones –** Ms. Jones is running for election as State Representative in the 67<sup>th</sup> Ohio House District. Ms. Jones stated that she wished to introduce herself to City Council, and looks forward to seeing everyone in the future.

Mayor Agenbroad thanked the guests for their introductions and 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. Mayor Agenbroad recognized and thanked the two Boy Scouts who attended tonight's meeting.

Mayor Agenbroad announced that City Council would continue a discussion that was preempted at tonight's Work Session due to time constraints regarding certain traffic issues following the regular order of business of this meeting.

Mayor Agenbroad asked for a motion to continue discussion as a follow up to tonight's Work Session following the televised

adjournment, which is open to the public.

**Mr. Chmiel motioned to continue discussion following the regular order of business at approximately 7:35 PM. Mr. Hruska seconded the motion.**

No discussion.

**Vote: Parise, Yes; Lairson, Yes; Anderson, Yes; Hruska, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes. [Approved 7-0]**

Council resumed discussion at approximately 7:37 PM.

Ms. Thompson presented memorandums from Scott Knebel of LJB, the City's Traffic Engineering Consultant, in response to requests for stop sign installations on Renwood and installation of a traffic signal at the intersection of Lytle Five Points and Innsbrook Lane. Ms. Thompson explained that due to the cost element involved with these requests she is bringing this information to the entire Council for direction. (Copies of Mr. Knebel's memorandums are attached for the record.)

Ms. Thompson pointed that as stated in Mr. Knebel's memo "Stop signs should not be used for speed control."

Mr. Parise stated that he has requested the stop sign on Renwood specifically to control the speed of traffic. Mr. Parise asked how speed on Renwood would be controlled if not with stop signs?

Ms. Thompson stated that according to Mr. Knebel's memo the Ohio Manual of Uniform Traffic Control Devices guidelines are based on research that shows that stop signs do not affect speeds within a block and may actually increase speeds. Ms. Thompson stated that it would cost \$1,200 per intersection to perform a traffic engineering study on Renwood in order to collect the data necessary to make an informed decision to install a multi-way stop.

Mr. Parise pointed out that the Mr. Knebel's information does not disqualify the need the requirements for a stop sign. Mr. Parise commented that he was surprised to find out that over 1,900 vehicles traveled on Renwood during the time period that traffic speeds were recorded by the Speed Sentry equipment. Mr. Parise stated that he believed \$1,200 to perform a traffic engineering study is not significant based on the number of vehicles traveling on Renwood. Mr. Parise also stated that the average speed might have increased if the Speed Sentry was moved to another area during the observation period because it was picking up speed signals associated with a right hand turn. Mr. Parise further stated that the traffic speed problem is actually at the north end of Renwood.

Ms. Lairson asked if there were any accidents or safety issues on Renwood. Ms. Thompson stated that it was not a high incident area.

Mr. Chmiel asked if the police patrol that area. Ms. Thompson replied yes.

Mr. Parise stated that the police do not patrol the intersections unless asked.

Mr. Chmiel asked if there have been any complaints from residents regarding traffic issues on Renwood. Ms. Thompson replied no.

Mr. Parise stated that he received complaints from the residents of his ward regarding speed on Renwood.

Ms. Thompson asked Council for direction on the expenditure for the traffic studies.

Mr. Chmiel stated that he would like to familiarize himself with the intersection before deciding to expend funds for a traffic study.

Mr. Parise pointed out that the intersection in question is Renwood at Park Lane and Caraway when turning onto Park Lane toward the City Building.

Mayor Agenbroad recommended suspending any decisions regarding the expenditure of money for the traffic studies until Council Members have had an opportunity to look at the intersection and consider the issue.

Mr. Parise recommended watching the intersection during rush hour, between 4:30-6:00 PM. He referred to this time as "peak hours" for this intersection.

Mr. Hruska commented that a stop sign should not be installed to control traffic speed for a single window of time when there are 23½ more hours in a day that traffic would be traveling through the intersection and be inconvenienced by the stop sign.

Mr. Parise stated that stopping is not a matter of inconvenience; it is a matter of safety.

Ms. Belpulsi commented that the City always weighs traffic engineering and the State's guidelines carefully before installing stop signs.

Mayor Agenbroad suggested revisiting this issue at the next Work Session to allow Council Members time to further consider the matter.

Mr. Parise commented that the traffic on school days pre-dawn on Lytle Five Points Road at Innsbrook Lane is dangerous due to the glare of headlights from oncoming traffic from Settlers Walk toward Lytle Five Points Road or Innsbrook Lane from the opposite direction. Mr. Parise stated that this was a peak hour problem again. He suggested installing a traffic signal at the intersection of Lytle Five Points Road and Innsbrook Lane and set it to flash during off peak hours.

Mr. Anderson asked if Clearcreek Township would share any responsibility or cost associated with a traffic signal on Lytle Five Points Road, and do they have to agree to it?

Ms. Thompson stated that they would have to agree to the installation of the signal unless the City wishes to pay the total cost. She added that estimated costs would be \$100,000 just for a wire span type of signal.

Mr. Schaeffer commented that if a traffic signal were warranted at that intersection, it would make it difficult for the Township not to share the responsibility.

Mr. Anderson stated that he would not be in favor of the expenditure unless the Township shared the responsibility.

Ms. Thompson stated that a traffic study would need to be performed to determine if a traffic signal is warranted at that intersection, which would cost approximately \$3,400. Ms. Thompson also stated that once Crosley and Yankee Roads are realigned there would be a stop signal installed as part of that project, which would most likely address Mr. Parise's traffic concerns on Lytle Five Points Road.

Mr. Parise stated that he was not aware of the project to realign the intersection of Crosley and Yankee Roads. Mr. Parise further stated that he would be willing to table discussion regarding a traffic signal at the Innsbrook Lane intersection until that project is complete, and the City is able to determine if the stop signal relieves the problem. He added that he would like to revisit this issue if the traffic problem continues following the completion of the project.

It was the consensus of Council to suspend discussion regarding a traffic signal at the intersection of Lytle Five Points Road and Innsbrook Lane until the Crosley/Yankee Road realignment project has been completed. In addition, it was the consensus of Council to further consider the issue of a stop sign on Renwood and follow up at the next Council Work Session.

**With no further discussion, Mayor Agenbroad adjourned the Thursday, March 16, 2006 Springboro City Council Regular Meeting at approximately 7:50 PM.**

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**John Agenbroad, Mayor**

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**Presiding Officer**

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