

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

CITY COUNCIL WORK SESSION

THURSDAY, MARCH 15, 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
Dan Boron, City Planning Consultant
Jeff Kruithoff, Chief of Police

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.** Ms. Belpulsi was absent. Mayor Agenbroad commented that Ms. Belpulsi was on vacation, and he would ask for a motion to excuse Ms. Belpulsi at tonight's City Council Regular Meeting.
- ITEM 3. LEGISLATIVE AGENDA.** –City Council considered 6 legislative agenda items slated for the March 15, 2007 City Council Regular Meeting.

Mayor Agenbroad established that Mr. Parise would abstain from the vote on the Minutes of the February 15 City Council meetings and Mr. Chmiel would abstain from the vote on the minutes of the March 1 City Council meetings due to their absence.

- 1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE CHANGING THE NAME OF EAST MCDANIELS LANE TO KITTY HAWK DRIVE PURSUANT TO OHIO REVISED CODE, SECTION 723.05, AND DECLARING AN EMERGENCY.

No discussion.

- 2) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-07-5 AND DECLARING AN EMERGENCY. (2007 SIDEWALK PROGRAM)

No discussion.

- 3) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-07-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 21, 2006 FOR THE YEAR 2007; AND DECLARING AN EMERGENCY.

The Director of Finance requested that City Council waive the second and third readings of this ordinance in order to properly appropriate funds for expenditure. It was the consensus of City Council to consider a motion to waive the second and third

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readings of this ordinance at tonight's City Council Regular Meeting.

- 4) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR SPRINGBORO COMMERCIAL PARK, SECTION 4 AND DECLARING AN EMERGENCY.

Ms. Martin referred to a letter from the developer requesting that City Council waive the second and third readings of this ordinance. Ms. Martin explained that the developer has met all of the City's requirements for approval of this record plan.

Mayor Agenbrood asked if it is staff's recommendation to waive the second and third readings of this ordinance?

Ms. Thompson explained that this record plan involves the City's land at the end of Commercial Way, which the Woodhull Company is purchasing. Since the City is the subdivider for this record plan, a subdivider's agreement is not required, and the developer has submitted the performance guaranty. City Council will consider a motion to waive the second and third readings of this ordinance at tonight's City Council Regular Meeting.

- 5) **ORDINANCE: FIRST READING.** AN ORDINANCE TO REZONE 4.69 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF STATE ROUTE 73 AND RED LION-FIVE POINTS ROAD FROM PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) TO PUD-B (PLANNED UNIT DEVELOPMENT-BUSINESS).

Ms. Thompson commented that Dan Boron (City Planning Consultant) would provide an informational presentation regarding this item at tonight's City Council Regular Meeting. Ms. Thompson explained that this site has been zoned for business since 2002, and this ordinance would simply rezone an additional 4.69-acres to the overall site zoned PUD-B.

Mr. Chmiel commented that the developer has had several meetings with the residents of the residential portion (The Enclave) of this development. Mr. Chmiel explained that the site currently consists of two pods of business and three pods of residential. Two of the residential pods are complete, and it is the third residential pod that is proposed to be rezoned to PUD-B. The business portion has not been developed yet, but the property owner is preparing to begin with that development. The existing business zoning at the site consists of 8.88-acres, and the proposed rezoning would add 4.69-acres to the business portion of the site. What the developer has proposed in landscaping and buffering for the residents of The Enclave is very acceptable to the residents. Given the economic situation of the housing market, the homebuilder walked away from the project, and the developer would like to rezone the 4.69-acres to business. The planned uses for this development are not heavy uses, and even though a lot of the letters from the residents of Stone Ridge Subdivision to the east are concerned about the traffic, the uses would not really create a huge amount of traffic. The cut-through originally proposed through the residential portion and the business portion will not occur, it will force any type of traffic that goes into the business portion out of that ingress/egress and not through the residential neighborhood resulting in no type of additional traffic in the neighborhood.

Mr. Parise asked what kinds of businesses are proposed for this development? Ms. Thompson answered that the businesses would be neighborhood oriented, such as dry-cleaners, and there is one allowance for a small convenience store type of business. The Planning Commission even restricted the square footage of the buildings that would be allowed, prohibiting something like a CVS, which usually requires 14,000-16,000 square feet. The allowances are 6,000, 8,000, and 10,000 sq. ft. buildings.

Mr. Parise asked if the square footage allowances would allow for gas stations? Ms. Thompson explained that there is one convenience store with gas pumps permitted on the far northwest corner of the site toward Springboro.

Ms. Lairson confirmed that the portion of the site that Ms. Thompson referred to is already zoned business? Ms. Thompson replied yes.

Mr. Anderson confirmed that the developer could develop business at the site presently, and that the 4.69-acres is additional acreage for that business portion. Ms. Thompson replied yes.

Ms. Chmiel reiterated that two areas of the site are already zoned for business.

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Ms. Thompson reiterated that the square footage for the convenience store and the gas station are allowed on the portion of the site already zoned business. Ms. Thompson added that she does give the developer credit for meeting with the residents of The Enclave about four times, as this additional acreage would be located behind their properties. The developer did agree to a great deal of landscaping and buffering, and in fact, the buffer zone grew from basically a strip of land into acreage; it expanded tremendously

Mr. Boron explained that the rezoning is for 4.69-acres, but effectively only 2-acres of additional development would occur. Therefore, the balance over 2.5-acres would be buffer area, which would be a mounded area between the residential that is remaining and the new expanded office/business area.

Mr. Chmiel commented that the residents of The Enclave also attended the Planning Commission meetings and provided input.

Mr. Parise stated that some residents want the acreage to remain residential. Mr. Parise asked how many homes could be developed on that acreage? Mr. Boron commented that in 2002 the acreage was approved for 18 single-family homes formerly known as Section 3 of The Enclave, which was approved by City Council. Mr. Boron explained that as part of this whole rezoning effort, City Council would have to vacate the approved plat for Section 3. The plat has never been recorded at the County.

Ms. Lairson asked if there is any kind of proposal for a traffic light as the intersection of Red Lion-Five Points Road and State Route 73? Mr. Boron replied no, not at this point. But, in reaction to some of the commentary that occurred at the Planning Commission meeting on January 31, the City commissioned a warrant analysis for a traffic light at that intersection. However, that intersection is not under the jurisdiction of the City; it is under the jurisdiction of ODOT District 8. Any warrant analysis would have to be turned over to District 8 and the Warren County Engineer's Office.

Ms. Thompson stated that a traffic signal would involve the County and the State, but the City would be happy to assist in that process as far as letting the county engineer know that this is a significant issue. The City is having a very simple analysis done to know if in fact there is a chance of having a traffic light at that location. It is a busy intersection, but is similar to a lot of others; it is busy at certain times and other times it is not. There will be an ingress/egress on SR73 for the business portion of this corner for what is currently zoned business with another access or ingress/egress point on Red Lion-Five Points Road. Thus, there would be the ability to avoid the corner depending on which way one exited the business portion of the development. Ms. Thompson reiterated that the City would be happy to work with the County regarding a traffic light, and she made that statement at the Planning Commission meeting when a number of residents were in attendance. Ms. Thompson stated that she has no problem with the City doing whatever it can to promote that, but the City would not have the final say regarding the traffic light, and who will pay for it would be another question.

Ms. Lairson asked if Mr. Boron could explain, during his comments at the Public Hearing, that there are other entities involved with respect to traffic control? Mr. Boron replied yes, he would touch upon that at the conclusion of his comments as one of three issues. Mr. Boron explained that this rezoning is one-half of the first step of the PUD approval process. Along with the rezoning, the general plan was approved on January 31 by the Planning Commission, which includes a map showing the proposed layout. Among the conditions that were placed on the general plan were the mounding, the cul-de-sac, and also the traffic issue.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ENGAGING EDWARDS AND KELCEY TO PERFORM PLANNING SERVICES TO PROVIDE COMPREHENSIVE LAND USE MASTER PLAN SERVICES TO THE CITY OF SPRINGBORO.

Mr. Parise asked what services would this firm be rendering? Ms. Thompson explained that the City's current Comprehensive Land Use Master plan looks at every single parcel in the City and helps determine what zoning should be on those properties. This firm would provide services to help update that plan. The firm would conduct focus sessions with residents and the Planning Commission, and hold two open-house presentations in order to present to the community the current plan and receive input from residents. The plan update would dictate how the parcels of remaining undeveloped land in Springboro would be zoned and would possibly provide potential redevelopment zoning designations, which then guides the Planning Commission and the Zoning Inspector as to what uses are allowed on certain properties.

Mr. Parise confirmed that the firm would lay the groundwork for the other committees to reference from? Ms. Thompson

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replied yes, but explained that the plan is also a very distinct and important legal document with respect to zoning disputes. For example, when Meijer wanted to build at Clearcreek-Franklin Road and SR73, the comprehensive plan was the single most important defense that the City had that the parcel should be used for something other than a Meijer.

Mr. Schaeffer added that the Comprehensive Land Use Plan is really the foundational document from which the zoning code flows. The comprehensive plan is the legal basis City Council applies in so many rezoning efforts. The comprehensive plan does not address the specifics of the zoning code parcel-by-parcel necessarily, but the comprehensive plan allows the City to concentrate on specific open areas and to identify zoning for that area. For example, the comprehensive plan is a very important document in the Austin Road Interchange development. Simply put, the comprehensive plan is an important foundational document for the City because it is the City's vision statement for future land use, and the City's zoning code flows from that vision.

Mr. Chmiel confirmed that the Comprehensive Land Use Plan was key in the Meijer Case because the previous zoning supported the use for a Meijer? Mr. Schaeffer explained that the previous zoning for that property essentially supported a Meijer. The comprehensive plan documented the type of development the City desired for that location. It is difficult to dispute a zoning without a comprehensive plan for the property, and the City's vision for that property was not the same as the Township's vision for that property, which was a supporting aspect and one of the reasons that allowed the City to prevail in that particular dispute. Mr. Schaeffer stated that ideally the City would budget money every year to update the plan; however, most communities do not update their plans annually due to the costs involved. The City's comprehensive plan is a vision statement for land use, and is updated about every five years.

Ms. Thompson added that the comprehensive plan helps staff to advise economic development clients by identifying uses by parcel, and it really helps the entire City's boards and commissions and staff to know what Council's desires are regarding land use. This knowledge helps to advise clients as to what they can and cannot do with parcels of land. Ms. Thompson further added that the City has, in the past, identified every parcel in the comprehensive plan by literally defining the zoning for each parcel, and she expects to update the plan in this same way again.

ITEM 4. CITY MANAGER. -Issues/Reports.

Ms. Thompson requested an Executive Session, following the Work Session discussion, to review collective bargaining, to consider the discipline of a public employee, and to discuss the sale of property.

In reference to the Request for Proposals (RFP) for the City Building, Ms. Thompson stated that at the last City Council Work Session she was asked for a summary of the strengths and weaknesses of the firms that submitted proposals. She was not able to complete the summary for review at tonight's Work Session, as she just met yesterday with the department heads regarding the proposals, but they do have an opinion. Ms. Thompson also stated that she wanted to assure City Council that once they select an architect for the City building design, they would have many sessions with the architects to determine what Council wants, especially with respect to the Council Chambers. Four groups presented information to the department heads, who reviewed those proposals and formed a recommendation based on City Council interviewing one to four firms. Ms. Thompson asked for guidance as to whether City wishes to accept staff's top recommendation, interview staff's top or top two recommendations, etc. Ms. Thompson commented that to delay the selection process would push the whole process back and that is not good because the City has money budgeted this year for this project and the money is available in the budget to begin the process.

Mr. Anderson asked if Ms. Thompson could speak to the two firms staff recommends and why?

Ms. Thompson explained that of the top two firms that staff selected, one is a company that staff is familiar with and one is a company that the City is familiar with because they have designed other buildings in the community. Both firms demonstrated that they would listen to what the City wants and not just assume they know what the City wants. This frequently happens when a firm does a lot of this type of work, and that tendency comes out pretty forcefully upon interviewing the architects. Of the two recommended firms, one is a more traditional architectural firm. They designed the fire station, the library, and Surecare; hence, they are familiar with the community and design pretty traditional buildings. The other firm, Lorenz and Williams, is also from Dayton, and they are a little more creative in their approach based on what they presented to staff, but are still a very firm, sound company that has done a lot of work in the area including work on the Oakwood City Building. Other than that, both firms provide engineering services, but one firm was a little less expensive than the other for that

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service. One firm would not require the City to hire a construction manager, which is probably another 10% of the cost of construction. The other firm would require the City to hire a construction manager because they do not provide any owner's representation. One firm has an expert on their team that could assist the Police Chief with the design of the police department, which traditionally needs different materials for the squad room, etc. The other firm did not have this type of expert on their team. The biggest difference ended up being that the one firm had the expert for police and is less expensive. Those are the essential differences between the two firms, but Ms. Thompson would like to still prepare the summary sheet of strengths and weaknesses for Council to review. Ms. Thompson asked Council if they would like to interview the top two firms or does Council simply want a recommendation? Ms. Thompson stated that if Council does want to interview the top two firms, she could schedule presentations on April 19, but she would like to schedule the interviews as early as April 5, if possible.

It was the consensus of City Council to hear presentations from both firms before making a final decision. City Council will hear presentations from Pinnacle Architects and Lorenz and Williams at the next Work Session on April 5 beginning at 5:30 PM in Council Chambers. Each presentation will last approximately 15 to 20 minutes plus questions.

Ms. Thompson also announced that Chief Kruithoff recently received Certified Law Enforcement Executive status from the Law Enforcement Foundation, which involves seeking continuing education and credit for training, level of education and experience, etc. It is a difficult certification to both achieve and maintain. In recognition of Chief Kruithoff's accomplishment, Ms. Thompson will make a public announcement at tonight's City Council Regular Meeting.

No other comments from staff were made.

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

Ms. Martin commented that Ms. Belpulsi, in her absence, asked her to discuss the City's membership with the South Metro Area Chamber of Commerce that the City budgeted to withdraw from mid-year. Ms. Belpulsi was contacted by Julia Maxton, Executive Director of the South Metro Dayton Area Chamber of Commerce. Ms. Maxton expressed her concern regarding the City's intention to withdraw from the Chamber, and she would like the opportunity to present information to City Council at a Work Session. Ms. Martin stated that she was not sure what the exact content of the presentation would be.

Mayor Agenbroad stated that Ms. Belpulsi discussed this issue with him, and Ms. Maxton would like 15 minutes to address Council. Ms. Martin stated that Ms. Belpulsi would be available to discuss this further when she returns at the next City Council Work Session.

Mr. Hruska commented that the City has made the decision to withdraw and asked why City Council would need to hear the Chamber's presentation? Mr. Hruska stated that Council made the decision at budget time when it was determined that the membership to this Chamber was not in the City's best interest nor advantageous to the City. Mayor Agenbroad responded by stating that Ms. Belpulsi has requested that Council hear Ms. Maxton's presentation.

Mr. Anderson stated that out of respect he would be willing to hear the presentation, but he agrees with Mr. Hruska that it would not change his mind about the decision City Council has made. Mr. Anderson further stated that he does not know what value it could bring, that it did not bring prior to this time.

Ms. Thompson stated that she would share with City Council some of Ms. Belpulsi's concern. Ms. Belpulsi is concerned that if the City withdraws from this Chamber, it would reflect badly on the City from a regional perspective. Ms. Thompson stated that she is not speaking for Ms. Belpulsi, but this was a comment that Ms. Belpulsi had made to her regarding this issue, especially with respect to some of the current regional issues. Mayor Agenbroad stated, such as the Austin Road Interchange.

Mr. Hruska stated that the City showed its regionalism by cooperating in regional issues such as the Austin Road Interchange project and did not need the Chamber's help to be cooperative in those projects.

Ms. Martin stated that the presentation could not be made on April 5 due to the other presentations scheduled and suggested deferring to Ms. Belpulsi regarding this request when she returns. Mayor Agenbroad recommended letting Ms. Belpulsi make her case at the April 5 Work Session, and depending upon the outcome of that discussion, City Council could schedule a presentation on April 19.

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Ms. Martin made the following announcements:

The Springboro Area Chamber of Commerce Annual Business Expo will be held on Saturday, March 24 from 10:00AM-4:00PM at Springboro High School.

The Internet/Website Committee will be meeting on Monday, March 19 at 9:00AM in Council Chambers to begin discussing the website remodel in order to get that project underway.

The Records Commission will meet on Thursday, March 29 at 2:00PM in Council Chambers. Ms. Martin commented that this particular committee has not met for a very long time. The Records Commission will revive the City records program and bring it up to speed under the leadership of Director of Finance Robyn Brown. Ms. Martin stated that if Council had any questions regarding the Records Commission to please contact her or Robyn Brown.

The City of Springboro Annual Business Appreciation Breakfast will be held on Thursday, April 12 from 8:00-9:30AM at Heatherwoode Golf Course.

A Public Hearing is scheduled at the beginning of tonight's meeting at 7:00 PM, as discussed earlier in the Work Session under legislative item 5. Another Public Hearing is scheduled on April 19 at 7:00PM in Council Chambers for a request to rezone approximately 78.1 acres of land known as the Bailey Property located at the corner of Red Lion-Five Points Road and Lower Springboro Road from TR-1 to PUD-R. Information regarding this rezoning will be forwarded accordingly in the City Council agenda packet for April 19.

ITEM 6. CITY COUNCIL. -Issues/Reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – Mr. Chmiel will present a Finance Committee report and a Planning Commission report at tonight's City Council Regular Meeting under Committee Reports. In addition, Mr. Chmiel commented that he was absent from the last meeting, but a few things had occurred and he would like to address Council regarding a couple of concerns he has. Mr. Chmiel began by commenting that in the recent news reports regarding Heatherwoode Golf Course, Mr. Parise and Mr. Anderson were both quoted in an article that the sale of the golf course is somehow in Council's vision or plan. At the Council planning session on January 27, Council discussed that the City would pursue an appraisal of the golf course. This news report really seems to have caused some anxiety among some people. City Council needs to be aware that since this article was published, the golf course has had one wedding and one golf outing cancel due to the conflicts they believe are involving the golf course. There have also been two seasonal employees that due to their lack of assurance of their employment are also not returning to the golf course. Mr. Chmiel stated that, as a businessman, he knows that people that say they have a problem and are not returning are usually a small proportion of the people that are not saying that the business has a problem and do not return. This kind of information in the newspapers is a concern to the City, and it should be a concern to City Council because the information is not being brought out as a Council decision, but as more of an opinion. If Council Members are not in agreement as a Council with the issues concerning the City, then it deserves to be discussed in the Work Session in a way where Council can share their thoughts and opinions, get their questions answered, and leave their personal opinions out of the press; he does not think it is helping. There have always been differing opinions on different issues on Council, but the majority's decision is basically the way the process is designed to be handled. Mr. Chmiel further commented that he also has a few concerns regarding the Planning Commission recommendation Council voted on at the last meeting. Mr. Chmiel is not sure if everyone understood the facts of the case completely. He believes that, that rezoning legislation (8683 Clearcreek-Franklin Road to PUD-R) should have probably been made clearer before it was voted on. If someone is not really sure or does not have the experience to make the decision, the City has professionals working on staff with a lot of experience and there is a lot of experience on Council, and those recommendations need to be put farther ahead of a small number of individuals that may express their displeasure or their own personal dislikes. City Council is here for the good of the whole community and to make these types of decisions whether they are popular or not, that is why the process is in place. Mr. Chmiel stated that he believes these personal opinions are dividing the community and in the long run someone is going to be left with a mess if City Council does not get this under control and act responsibly here in this Work Session. The residents deserve to be proud of the good things City Council Members do as elected officials and not be filled with uncertainty over personal opinions. Mr. Chmiel concluded by stating that he wished to express those concerns to Council, and would like to discuss any comments Council Members may have.

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Mr. Anderson stated that he had a few comments regarding Mr. Chmiel's comments. Mr. Anderson believes that discussions do need to be held, and a lot of times this Council does not make it opportune to have open, direct discussion because, in his opinion, some Council Members take things personally and not just debating as a Council, for example when City Council talks about the City and the citizens and how the City spends that money and what the City spends it on. City Council has to have open discussion. Mr. Anderson further stated that when Mr. Chmiel referred to that newspaper article regarding Heatherwoode Golf Course he did not finish the whole quote. Mr. Anderson explained that his statement to the newspaper was that the golf course appraisal is the first step and that the second step needs to be a report to determine the economic impact this golf course has on the community. If the golf course is creating a half-million to a million dollars in economic impact, then it is doing a great thing and the City should subsidize it. But, the City is subsidizing the golf course and has been for a long time and there are a lot of strong opinions about what should happen to the golf course. Such as, whether the City itself should own it or should let someone else manage it and assume that risk. Mr. Anderson further stated that he believes Heatherwoode would always be a golf course, and believes it should, always be a golf course, but whether the City needs to manage it or should have someone else manage it is a healthy discussion that needs to happen.

Mr. Chmiel stated that he said it clearly, referring to the comment that Mr. Anderson made in the newspaper, that the lack of complete information presented to the citizens that are reading it verbatim is why he believes if Council is making a decision, then Council Members need to speak about Council's decision, but if Council Members are making opinions, they are basically creating confusion for the people that are relying on City Council for leadership. Mr. Chmiel further stated that there is a difference between discussion and the reality of what is going, and until something has actually been discussed or acted on by this Council, it really is not any individual Council Member's place to speak in terms of something that the Council as a whole makes decisions on. It is not whether he does or does not agree with what is being said, it is the fact that Council, as a group has not discussed it or made any decisions about because it is misconstrued. It is unfortunate for staff and it is unfortunate for Billy Casper Golf to enter into the management of this golf course and have something like this working against them when it is really not what is going on. There are always economics in play, for example, one opinion might be that there is too much money in the City coffers and the other side of the opinion might be that there is not enough and what is or will the City be doing about it. Those kinds of decisions are very difficult to make and are no different than the decisions regarding how the money is spent.

Mr. Parise commented that, granted he is a junior Council Member, but with respect to the golf course, and he does not know how long it has been in existence, but, in his opinion, it has been nothing but a boondoggle since the first shovel of dirt was turned on it. And again, in his opinion, all the City has done from that point on is throw good money after bad. Mr. Parise further commented that he believes, as a Council Member, that Council needs to bring this attention to the golf course and reawaken the community if Council is going to represent them properly. City Council needs to have the strength to stand up and say that the City has made a mistake on the golf course and are going to turn it around and it is going to be a little painful. But again, in his opinion, Mr. Parise does not see the value of throwing good money at bad because it would be so long before this golf course ever turns a profit. Mr. Parise added that good businesses make mistakes and good businesses hopefully tell their shareholders that they bungled a project; the business made a mistake, it was a bad mistake and will cut its losses and stop the bleeding. Mr. Parise also commented that with respect to the Planning Commission rezoning recommendation that was voted on at the last meeting, it is not so much a matter of being misinformed or not understanding, but there were a number of people here that protested that rezoning and are concerned about the traffic issue. Mr. Parise stated that everything he is saying is his opinion, but those residents spoke, and City Council represents the people and should be listening to the people and their objections. Mr. Parise further stated that the people realize there is going to be a development at that location; they just did not want the density to be so high and could not be reassured to trust Council to let this rezoning go through and work it out later. Mr. Parise stated that this has happened in the past and his was not going to name cases, but it happens; the public trusted the City and it did not happen, it went the way the people were fearful it would go. He is not misinformed; he voted against the rezoning because that is what the people wanted, they did not want that development. There has been plenty of time to go back on this rezoning, and the person (rezoning applicant) involved knew before the vote was taken that the rezoning was in trouble and he pushed it. Mr. Parise stated that he did not vote out of any animosity towards anybody; he voted his feelings toward representing the fears of the people that have to live with the results of the decisions City Council makes. City Council is supposed to defend its constituents, and Council Members all have different opinions about how to do that.

Mr. Chmiel stated that City Council also has an obligation to the people that it employs at the City and are responsible for as leaders, and who has the answer for these people who are not doing business with the City at Heatherwoode because of a Council Member's opinions. It is one thing if Council makes a decision to sell the golf course, whether it passes or fails, but for Council Members to make statements that do not reflect what this Council is actually working on and to construe those

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issues to the public prior to any Council decisions or actions is irresponsible, in Mr. Chmiel's opinion, and having a negative effect. Mr. Chmiel further stated that he simply believes that Council Members need to be careful when stating their opinions because they are affecting the people that City Council is responsible for. Mr. Chmiel added that his just asking Council Members to take the potential effects of their actions into consideration when they state their opinions; he is not trying to tell anyone what to do, but he does not think it is fair to everyone on this Council.

Mr. Parise stated that he understands what Mr. Chmiel is saying, and he would consider his comments.

Mr. Anderson stated that he believed Mr. Chmiel's comments were good advice.

Mr. Hruska stated that he would like to piggyback on Mr. Parise's comment that City Council Members are elected to represent the people. City Council Members are elected to represent the people that live in the City, and not the people that live in the Township. City Council has to do what is best for the people that live in the City. The Township has little consequence to what City Council does in the City, and there are Township Trustees to represent the residents of the Township. In reference to the rezoning legislation that Council voted on at the last meeting, Mr. Hruska stated that most of the people that City Council heard comments from were not even residents of the City; they were Township residents.

Mr. Lairson stated that the residents who commented on that rezoning were all from the subdivision adjacent to that property.

Mr. Hruska responded by stating that some of them were not City residents. Mr. Hruska added that another issue of concern is that Council Members were taking into consideration comments of Township residents over City residents, and City Council Members are not elected to represent Township residents.

Mr. Parise stated that he was referring to the rezoning on (8683) Clearcreek-Franklin Road, and he asked if what Mr. Hruska is telling him is, is that those residents are not citizens of the City? Mr. Hruska answered that some of them were not.

Mr. Parise stated that he was not certain, but those residents did attend the Public Hearing to oppose the rezoning.

Mr. Anderson stated that maybe some Township residents were heard that they were not aware of, but they all gave their names and addresses for the record.

Ms. Thompson stated that the addresses were not verified, but if they were on Clearcreek-Franklin Road they could be in the Township, as the west side of Clearcreek-Franklin Road is in the Township. Ms. Thompson stated that it could have been construed that they were residents of the Township if they gave that address, but she is not stating whether anyone is right or wrong.

Mr. Hruska continued his comments by stating that at the first or the second meeting of last year he gave a speech to all of the new Council Members in which he warned them about the press and told them that the press were not their friends and were not always going to print the truth and would sensationalize. Mr. Hruska added that Council Members might believe what he has told them now, as he has been dealing with the press for 30 years.

Mr. Parise stated that the press is a Council Member's way of communicating with the public; he would continue to talk to the press if he chooses, and he will not be hamstrung and intimidated by anybody. Mr. Parise further stated that he does not do anything to harm this Council or the community, and he states what he believes is in the best interest just as other Council Members speak about what they believe is in the best interest of the community. Mr. Parise reiterated that he would not be intimidated and told not to speak to the press.

Mr. Hruska stated that he did not tell Council Members not to speak to the press. Mr. Parise stated that Mr. Hruska was implying it. Mr. Hruska stated that he is just telling Council Members to be careful what they say to the press because it is difficult to come back claiming that the press misquoted what was said, which is what he heard being said. Mr. Hruska urged Council Members not to talk to the press if their statements are going to be misquoted.

Ms. Lairson stated that Mr. Hruska was quoted in that second article that Mr. Chmiel referred to, which made it sound like the three people who voted "no" on the motion to table the rezoning issue did not know what they were voting on. Ms. Lairson stated that she believes that they knew very well what they were voting on.

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Mr. Hruska responded by stating that he did not say that; his quote was that he thought the rezoning issue could be resolved. Mr. Hruska further stated that he was quoted as saying he voted to table the legislation to rezone because he thought it could be resolved, and he stands by that vote, and he was not misquoted.

Ms. Lairson also commented that she sees Mr. Chmiel's point with respect to really thinking about the long-term impact of the statements that are being made by Council Members. Ms. Lairson added that Council really does have to be careful about what they say. Ms. Lairson added that Mr. Chmiel was not at the meeting referred to in the second newspaper article, but it was made very clear by the rezoning applicant that there was nothing left to discuss; therefore, why should Council have tabled the legislation?

Mr. Chmiel stated that he was not at the Work Session and did not observe everything that took place, but the rezoning did go through the whole planning Commission process, and he was familiar with it up to the point when it reached Council. Part of what he is saying is he has seen a lot more recommendations from Planning Commission being denied, and he believes that is in part due to a lack of awareness of what goes on at the Planning Commission level.

Ms. Lairson asked if there is something Council could do to remedy that lack of awareness? Mr. Chmiel stated that he believes that if more questions were asked in Work Session concerning these issues instead of waiting until an issue is ready to be voted on, it would help. There are three readings on most of these issues, and it needs to be dug as deep as it needs to be dug to ensure that everyone is really clear about what is going on both for the residents' protection and for the developer's protection. During the plan review process, Planning Commission hears the developer's plan in depth, and it is discussed for a great length of time. Planning Commission meetings last two to three hours, and sometimes it is not for more than two or three items; thus, there is a lot of thought that goes into Planning Commission's recommendations. There are also a lot of recommendations from Mr. Boron, Ms. Thompson, and the engineering staff to steer these people toward following the guidelines of the zoning code and also on behalf of the legal aspects of fulfilling applicants' legal rights to request what they are proposing, and also protecting the citizens' legal rights from something that would harm them. There is a lot involved in the planning process, and Planning Commission would not just stamp something to say they recommend it if they really did not believe it to be a good recommendation because no member of Planning Commission wants to do anything for the developer or for anyone else that would be inappropriate; the recommendation is strictly made on the facts.

Ms. Lairson stated that a lot of times it seems like it is a race to see how fast Council can get through the meeting instead of an opportunity to really discuss what is in front of them. Ms. Lairson further stated that she has felt rushed through issues lots of times, and it seems like the goal is to see how quickly Council can get it done, instead of how thoroughly it can be discussed. Ms. Lairson suggested that Council might need to consider extending the Work Session or having the Work Session at a different time when Council is not so rushed to finish before the Regular Meeting.

Mr. Anderson agreed with Ms. Lairson's comments.

Ms. Lairson continued by stating that it is especially important to make time for discussion when there are issues coming up, which illicit discussion. She suggested that maybe an hour is not long enough; maybe Council does need to have those Work Sessions for those particular meetings on a different day. Ms. Lairson added that there are times when the agenda is very lean and Council does not need a lot of time, but there are times when more time is warranted.

Mr. Chmiel stated that tonight Council spent 20 minutes going over six items; a different six items might have taken longer, but that is not to say that Council could not reconvene Work Session following the Regular Meeting. Mr. Chmiel added that these legislative items often have three readings, and if there is not enough time to discuss the legislation at the first meeting, then Council could continue the Work Session following the Regular Meeting so that everyone has more information by the second meeting or whatever other arrangement pleases Council, but there is opportunity if needed to spend more time in discussion at this meeting.

Mayor Agenbroad asked if there were any other comments.

On a different subject, Mr. Anderson commented that he learned in the Dayton newspaper this morning that Warren County created a Warren County Port Authority, which seven people in Warren County were appointed to serve on and what caught his attention was that there was no one from Springboro on that board. The Port Authority is an economic development engine that helps bring businesses and jobs to Warren County. Mr. Anderson further commented that when he called Ms. Thompson to inquire about why Springboro is not represented on the Port Authority Board, to his dismay he found out that the

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County never contacted Springboro to ask if there was anybody in the community that they should consider for the board. Being the third largest City in Warren County, he was greatly disappointed that Springboro was not part of this process. Springboro needs to be part of this process because Springboro is part of Warren County, and the City needs to make its feelings known to the County Commissioners. Mr. Anderson added that he is not sure how the City communicates with the County, and did the City drop the ball or did the county drop the ball, but it is very disappointing that Springboro does not have a seat on the Port Authority Board and that Springboro was not part of the process. Mr. Anderson concluded by stating that he does not know how other Council Members feel about this issue, but he is extremely disappointed that Springboro is not represented on this very important economic development board for the County.

Mr. Hruska – No issues/reports.

Mr. Anderson – No issues/reports.

Ms. Lairson – No issues/reports.

Mayor Agenbroad – Mayor Agenbroad commented that due to time constraints City Council would enter Executive Session following the Regular Order of Business at tonight's City Council Regular Meeting.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:53 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 15, 2007

7:00 PM

CITY COUNCIL

John Agenbroad, Mayor

Gary Hruska, Deputy Mayor
Scott Anderson
Marie Belpulsi

Jim Chmiel
Sheila Lairson
John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Dan Boron, City Planning Consultant
Jeff Kruithoff, Chief of Police

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

PUBLIC HEARING

IN ACCORDANCE WITH OHIO REVISED CODE SECTION 713.12, A PUBLIC HEARING WAS HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO AT 7:00 P.M. ON THURSDAY, MARCH 15, 2007 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO. THE PUBLIC HEARING TOOK PLACE IN COUNCIL CHAMBERS AT THE SPRINGBORO MUNICIPAL BUILDING, 320 WEST CENTRAL AVENUE (SR 73), SPRINGBORO, OHIO 45066.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE 4.69 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EAST CENTRAL AVENUE (SR 73) AND RED LION-FIVE POINTS ROAD FROM PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS.

THIS PUBLIC HEARING WAS HELD IN ACCORDANCE WITH CHAPTER 1284 (AMENDMENTS) OF THE CITY'S PLANNING AND ZONING CODE. THE PUBLIC HEARING WAS LIMITED TO 30 MINUTES; 15 MINUTES RESERVED FOR THE OPPONENTS, AND 15 MINUTES RESERVED FOR THE PROPONENTS.

DAN BORON, CITY PLANNING CONSULTANT – MR. BORON PROVIDED BACKGROUND INFORMATION REGARDING THIS REQUEST TO REZONE AS PROPOSED AND RECOMMENDED BY THE PLANNING COMMISSION AS FOLLOWS: TO CLARIFY FOR THE RECORD, THE PROPOSED REZONING IS FROM PUD (PLANNED UNIT DEVLEOPMENT) TO PUD-B (PLANNED UNIT DEVELOPMENT-BUSINESS). THE PROPERTY IS A 4.69-ACRE SITE LOCATED NEAR THE SOUTHWEST CORNER OF SR73 AND RED LION-FIVE POINTS ROAD. THE PROPERTY DOES NOT FRONT DIRECTLY ONTO SR73, BUT ONTO RED LION-FIVE POINTS ROAD AND ALSO HAS INTERCONNECTS WITH THE ENCLAVE SUBDIVISION, SECTIONS 1 AND 2. THE SITE IS VACANT, AND OTHER THAN SOME MOUNDING ON THE SITE THERE IS NO DEVELOPMENT PRESENTLY. THE AREA WHICH INCLUDES THIS ACREAGE WAS ANNEXED TO THE CITY OF SPRINGBORO FROM CLEARCREEK TOWNSHIP IN 2000 AS PART OF A VERY LARGE ANNEXATION THAT INCLUDED DEVELOPMENT ON THE NORTH SIDE OF SR73 INCLUDING THE NORTH HILLS SUBDIVISION, THE 4.69-ACRE SITE, A PROPERTY THAT FRONTS ONTO SR73, AND THE ENCLAVE, SECTIONS 1 AND 2 IMMEDIATELY TO THE SOUTH. THE FRAMWORK AROUND WHICH THE SITE WAS PLANNED PROVIDES THE BASIS FOR THE REQUEST TO REZONE THIS SITE FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT-BUSINESS, WHICH ALLOWS FOR BUSINESS DEVELOPMENT, IN THIS CASE, WITHIN THE B-1 AND B-2 DISTRICTS OF THE CITY OF SPRINGBORO. THE SPRINGBORO LAND USE PLAN MAKES NO SPECIFIC RECOMMENDATIONS FOR THIS SITE BECAUSE THIS SITE WAS NOT IN THE CITY OF SPRINGBORO WHEN THE PLAN WAS COMPLETED. ZONING FOR THIS SITE

IS PLANNED UNIT DEVELOPMENT (PUD), AND IT WAS ZONED PUD BEFORE THE MOST RECENT CHANGE TO THE CITY'S PUD ORDINANCE WHEN THE CITY DID NOT HAVE DESIGNATED USES FOR THE PUD DISTRICT, BUT RESIDENTIAL IS THE PRIMARY USE OF THE SITE OR WHAT WAS INTENDED ORIGINALLY. THE SITE WAS ORIGINALLY KNOWN AS SECTION 3 OF STONE RIDGE, THE ENCLAVE, WHICH INCLUDES DEVELOPMENT BOTH IN THE CITY OF SPRINGBORO AND IN ADJACEMENT CLEARCREEK TOWNSHIP. THE ORIGINAL PLAN FOR THE SITE WAS A RESIDENTIAL SUBDIVISION THAT INCLUDED 18 SINGLE-FAMILY RESIDENTIAL LOTS, OPEN SPACE, AND RIGHT-OF-WAY DEDICATION. SECTIONS 1 AND 2 TO THE SOUTH OF THE ENCLAVE WERE PLATTED AND PRESENTLY INCLUDE APPROXIMATELY 23 HOMES, WHICH WERE EITHER BUILT OR ARE UNDER CONSTRUCTION. THE SITE ALSO IS ADJACENT TO AN 8.88-ACRE SITE TO THE NORTH, WHICH IS ZONED PLANNED UNIT DEVELOPMENT-BUSINESS (PUD-B). THIS IS THE SITE THAT ACTUALLY FRONTS ONTO SR73, AND IS LOCATED AT THE SOUTHWEST CORNER OF SR73 AND RED LION-FIVE POINTS ROAD. THE PUD-B ZONING OF THE 8.88-ACRE SITE WAS EFFECTIVE IN AUGUST 2002. THE RESTRICTIONS ON THAT ZONING, AT THAT TIME, INCLUDED PROVIDING FOR A MAXIMUM OF 6,000 SQ. FT. DEVELOPMENT PER BUILDING WITH THE PLANNING COMMISSION ALLOWANCE OF UP TO 10,000 SQ. FT. PER BUILDING UPON REVIEW. B-1 AND B-2 USES WERE PERMITTED WITH THE EXCEPTION OF OUTDOOR SALES AND STORAGE. TO RECAP, THE PORTION OF THE SITE JUST TO THE NORTH, THE 8.88-ACRE SITE ALREADY BEARS THE PUD-B ZONING. TO ALSO RECAP THE PUD REVIEW PROCESS AND WHERE THE PLAN IS PRESENTLY, THE PUD APPROVAL PROCESS IS A THREE STEP PROCESS, WHICH INCLUDES A PETITION FOR REZONING AND GENERAL PLAN REVIEW SUBJECT TO A PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL, AND ULTIMATELY CITY COUNCIL REVIEW AND APPROVAL. A FINAL DEVELOPMENT PLAN, WHICH IS ALSO SUBJECT TO SITE PLAN REVIEW AND APPROVAL BY PLANNING COMMISSION, FOLLOWS THAT STEP, AND LASTLY A RECORD PLAN REVIEW AND APPROVAL BY PLANNING COMMISSION AND CITY COUNCIL AT THE CONCLUSION OF THE PROCESS. THIS APPROVAL PROCESS, AT THIS POINT, IS AT STEP ONE OF THE PUD APPROVAL PROCESS; A GENERAL PLAN WILL BE DISCUSSED LATER. THE RECOMMENDATION FROM PLANNING COMMISSION TOOK PLACE ON JANUARY 31, 2007 WHEN THE RECOMMENDATION TO REZONE THE PROPERTY FROM PUD TO PUD-B WAS APPROVED IN UNANIMOUS FASHION. LIKewise, THERE WAS ALSO A RECOMMENDATION AT THE JANUARY 21, 2007 MEETING FOR APPROVAL OF A GENERAL PLAN FOR THE EXISTING 8.88-ACRE SITE EXPANDING TO INCORPORATE THE 4.69-ACRE LOT, WHICH IS THE SUBJECT OF THE REZONING RECOMMENDATION TONIGHT. THE GENERAL PLAN WILL BE REVIEWED CONCURRENT TO THE THIRD READING OF THE ORDINANCE TO REZONE, AND AGAIN IT WAS APPROVED BY PLANNING COMMISSION ON JANUARY 31, 2007. LASTLY, THERE WERE SOME ISSUES TO BRING THE CITY COUNCIL'S ATTENTION THAT CAME UP IN THE COURSE OF THE REVIEW BY PLANNING COMMISSION IN JANUARY. THE FIRST ISSUE IS THE TRAFFIC SIGNAL AT SR73 AND RED LION-FIVE POINTS ROAD. THE CITY IS CURRENTLY UNDERTAKING A STUDY TO ANALYZE THE WARRANT OF A TRAFFIC SIGNAL AT THAT INTERSECTION, BUT THE SIGNAL WOULD NOT BE UNDER THE JURISDICTION OF THE CITY OF SPRINGBORO, BUT WOULD ACTUALLY BE UNDER THE JURISDICTION OF THE OHIO DEPARTMENT OF TRANSPORTATION, AND WOULD BE A COLLABORATIVE EFFORT BETWEEN THE CITY AND IN COOPERATION WITH THE WARREN COUNTY ENGINEER'S OFFICE AND ODOT DISTRICT 8. THE SECOND ISSUE IS BUFFERING BETWEEN THE EXPANDED PORTION OF THE PUD-B AND RESIDENTIAL PORTIONS OF THE ENCLAVE, WHICH WILL REMAIN AND WAS ALSO PROVIDED FOR BASED ON COMMENT FROM RESIDENTS WHO PARTICIPATED IN BOTH THE PLANING COMMISSION MEETING PROCESS AS WELL AS A REVIEW PROCESS THAT THE DEVELOPER/PROPERTY OWNER, BOB ABERNATHY, PROVIDED FOR IN THE FALL OF 2006. THE LAST ISSUE FOR DISCUSSION WAS THE DESIGN OF A CUL-DE-SAC, WHICH TERMINATES HAVERSTRAW PLACE IN THE ENCLAVE, SECTION 2. ORIGINALLY, THAT STREET WAS PROPOSED TO INTERCONNECT WITH SECTION 3, BUT WILL BE RESOLVED IN A CUL-DE-SAC, WHICH WILL ALLOW FOR EMERGENCY VEHICLES TO MAKE A SAFE TURNAROUND, AND BEYOND THAT WILL BE A MOUND THAT SCREENS THE REMAINDER OF THE PUD-B FROM THE RESIDENTIAL PORTION OF THE ENCLAVE. MR. BORON REVIEWED THE AERIAL PHOTOGRAPH AND SITE MAP TO CONCLUDE HIS SLIDE PRESENTATION. MR. BORON OFFERED TO ANSWER ANY QUESTION OF CITY COUNCIL. (A COPY OF MR. BORON'S SLIDE PRESENTATION IS ATTACHED FOR THE RECORD.)

MAYOR AGENBROAD ASKED IF THERE WERE ANY QUESTIONS OF COUNCIL. NO QUESTIONS OF COUNCIL.

MAYOR AGENBROAD ASKED IF THERE WERE ANY PROPONENTS THAT WISHED TO BE HEARD.

PROPONENTS: 1) BOB ABERNATHY, 807 STOKES RESERVE COURT, CLEARCREEK TOWNSHIP – MR. ABERNATHY REPRESENTS STONE RIDGE DEVELOPMENT. THE PLAN TO EXPAND THE BUSINESS PORTION OF THE PROPERTY TO INCLUDE THE 4.69-ACRES CAME ABOUT BECAUSE BEAZER HOMES LEFT THE PROJECT. STONE RIDGE DEVELOPMENT BELIEVED IT WAS BETTER TO ADD THE 4.69-ACRES TO THE EXISTING BUSINESS ACREAGE. OF THE 4.69-ACRES BEING REZONED, 2.0148-ACRES IS ACTUALLY IN GREENSPACE THAT IS NOT AND CANNOT BE USED AS PART OF THE MOUNDING OR PART OF THE RETENTION AREA, ETC. THEY ARE ADDING APPROXIMATELY 2.56-ACRES TO WHAT WAS ALREADY ZONED BUSINESS. MR. ABERNATHY MET WITH THE RESIDENTS OF THE ENCLAVE MULTIPLE TIMES TO FIND

OUT WHAT THEY WANTED AND NEEDED. AS OF THE LAST MEETING, MR. ABERNATHY BELIEVES HE HAS SOLVED THOSE PROBLEMS WITH THE RESIDENTS OF THE ADJACENT ENCLAVE, AND HE IS NOT AWARE OF ANY NEW PROBLEMS. STONE RIDGE DEVELOPMENT DID TAKE THOSE RESIDENTS INTO CONSIDERATION WHEN THEY PLANNED FOR THE PUD-B. AS FOR THE TRAFFIC ISSUE, 11 YEARS AGO THEY DEVELOPED STONE RIDGE SUBDIVISION. AT THAT TIME, THEY PURCHASED ROUGHLY 670 ACRES AND THEY KNEW WHAT ADDING THAT MANY HOUSES WOULD DO TO THE TRAFFIC AT THAT LOCATION. THEY WENT TO THE STATE OF OHIO, CLEARCREEK TOWNSHIP, AND WARREN COUNTY AND OFFERED TO PAY THEIR SHARE SUCH AS PAY FOR THE STUDY AND PART OF THE TRAFFIC LIGHT. THE ONLY ATTENTION THEY RECEIVED WAS FROM CLEARCREEK TOWNSHIP AND WARREN COUNTY. THE STATE TOLD THEM THAT SR73 IS A STATE ROAD, AND IT WAS NOT IN THEIR RADAR AT THAT TIME. THE TRAFFIC IN THAT AREA COMES FROM STONE RIDGE DEVELOPMENT, OR MOST OF IT, BECAUSE OF THE NUMBER OF HOUSES. STONE RIDGE DID OFFER TO DO EVERYTHING THEY COULD POSSIBLY DO TO MITIGATE THE TRAFFIC ISSUE. MR. ABERNATHY OFFERED TO ANSWER ANY QUESTIONS.

MAYOR AGENBROAD ASKED IF THERE WERE ANY QUESTIONS OF COUNCIL. NO QUESTIONS OF COUNCIL. A MEMBER OF THE AUDIENCE WISHED TO ASK MR. ABERNATHY A QUESTION. MAYOR AGENBROAD ASKED THAT THE AUDIENCE HOLD ALL QUESTIONS UNTIL ALL OF THE PROPONENTS AND OPPONENTS HAVE BEEN HEARD.

NO OTHER PROPONENTS CAME FORWARD.

NOTE: FOR THE RECORD, THE CITY RECEIVED CORRESPONDANCE FROM 10 OPPONENTS TO THE SUBJECT REZONING. COPIES OF THE CORRESPONDANCE ARE ATTACHED FOR THE RECORD.

OPPONENTS: 1) DAVE WEINBERG, 176 HAVERSTRAW PLACE, THE ENCLAVE, SPRINGBORO – MR. WEINBERG STATED THAT HE WAS NOT NECESSARILY AN OPPONENT, AND HE ATTENDED ALL OF THE MEETINGS LEADING UP THIS REZONING WITH THE RESIDENTS AND STONE RIDGE DEVELOPMENT (MR. ABERNATHY). THE RESIDENTS CONCERNS WERE TRAFFIC AND THE SPECIFICS OF THE MOUNDING, AND MOST OF THOSE CONCERNS HAVE BEEN ADDRESSED. HE DOES NOT KNOW EXACTLY THE HEIGHT OF THE MOUND, BUT THEY KNOW IT IS GOING TO BE SUBSTANTIAL. THE ONE ISSUE THAT IS STILL A QUESTION IS IN ALL OF THE MEETINGS THEY HAD OVERLAYS AND DISCUSSIONS PERTAINING MORE TO PHASE 1 AND PHASE 2 ADJACENT AND WHAT WOULD BE COMMON AREA AND WHAT WOULD BE GREEN SPACE AND WHERE THOSE LINES COULD BE MOVED AND ADJUSTED, AND EVEN THOUGH IT IS NOT REALLY PERTAINING TO ZONING PER SE, IT WAS A KIND OF AN AGREEMENT THAT THOSE WOULD BE HONORED AND THE TIME THEY SPENT WOULD BE REFLECTED IN THE FINAL STAKING OF THOSE COMMON AREAS. THE STAKING TOOK PLACE A COUPLE OF WEEKS AGO, AND IT DOES NOT LOOK LIKE IT REALLY REFLECTS WHAT WAS DISCUSSED. HE WOULD HOPE THAT COULD BE REVIEWED.

MR. ABERNATHY RESPONDED BY STATING THAT HE ASKED ERIC SAUER FROM ENVISION WORKS TO GET ADDRESSES FROM EVERYONE IN ORDER TO SEND THEM A MAP AFTER THE PROPERTY WAS STAKED. MR. ABERNATHY STATED THAT IF HIS ENGINEER STAKED IT, HE BELIEVES IT TO BE CORRECT.

MR. WEINBERG STATED THAT THE ACREAGE APPEARS TO BE STAKED BASED ON THE INITIAL PROPOSAL, AND ALL THE HOURS SPENT FOLLOWING THAT WITH ERIC SAUER DISCUSSING THE BOUNDARIES AND HOW TO STILL MAINTAIN THE REQUIRED GREEN SPACE ARE NOT REFLECTED.

MR. ABERNATHY SUGGESTED THAT MR. WEINBERG LOOK AT THE DRAWINGS THE ENGINEER SENT, AND IF THEY NEED RESTAKE THE ACREAGE, THEN THAT IS FINE, THEY WILL RESTAKE IT.

MR. WEINBERG STATED THAT HE DID NOT KNOW IF THAT COULD STILL BE DONE AT THIS POINT.

MR. ABERNATHY ANSWERED SURE IT COULD, AND THEY HAVE PURPOSELY NOT INCORPORATED THIS. MR. ABERNATHY WOULD HAVE THE ATTORNEYS REDO THE HOMEOWNERS DOCUMENTS TO REFLECT THAT THIS IS LIMITED COMMON AREA FOR THOSE INDIVIDUAL PLACES. MR. ABERNATHY STATED THAT THEY STAKED IT AND THE NEXT PROCESS IS TO SEND THE DRAWING OUT TO EVERYONE FOR THEIR "OK," CONFIRMING THEY ARE GETTING WHAT THEY THOUGHT THEY WERE GETTING, AND THEN GO FORWARD.

MR. ABERNATHY SUGGESTED THAT THE ENGINEERS WHO STAKED THE PROPERTY MIGHT NOT HAVE HAD ERIC SAUER'S CHANGES. MR. WEINBERG STATED THAT ERIC SAUER HAD SKETCHES AND OVERLAYS, BUT HE DOES NOT

KNOW IF THEY WERE COMMUNICATED TO THE ENGINEER OR NOT. MR. ABERNATHY REITERATED THAT HE WOULD SEND THE DRAWING TO EVERYONE, AND IF IT NEEDS TO BE CHANGED, THEN THEY WILL MOVE THE STAKES.

2) DOUG AMBACH, 7473 OLD WOODS COURT, STONE RIDGE, CLEARCREEK TOWNSHIP – MR. AMBACH IS CONCERNED WITH THIS CHANGE BECAUSE THE BUSINESS ZONING IS NOT CONSISTENT WITH RESIDENTIAL AND RESIDENTS MOVED TO STONE RIDGE ASSUMING IT WAS ALL GOING TO BE RESIDENTIAL BECAUSE THAT IS THE WAY IT WAS ZONED. THE EXPECTATION FOR PEOPLE MOVING TO THAT AREA WAS RESIDENTIAL ZONING. THE OTHER CONCERN IS SAFETY. THERE IS A LOT OF TRAFFIC FROM STONE RIDGE AND SURROUNDING DEVELOPMENTS, AS ALL THAT AREA IS BEING DEVELOPED, BUT THERE IS ALSO A LOT OF TRAFFIC COMING ACROSS SR73, ESPECIALLY A LOT OF TRUCKERS. HIS PROPERTY IS REAL CLOSE TO SR73, AND HE SEES A LOT OF ACCIDENTS AND HEARS TIRE SCREECHING. MR. AMBACH REFERRED TO THE TRAFFIC STUDY MENTIONED BY MR. BORON (CITY PLANNING CONSULTANT) EARLIER AND ASKED WHAT IS THE ACCIDENT RATE PERCENTAGE OR WHAT NUMBERS DOES THE CITY HAVE RIGHT NOW REGARDING THE ACCIDENT RATE COMPARED TO OTHER COMMUNITIES AND AREAS. MR. AMBACH STATED THAT KNOWING THAT INTERSECTION, IT HAS VERY POOR VISIBILITY GOING FROM EAST TO WEST AND BEING A FORMER TRAFFIC ENGINEER HE KNOWS THAT A TRAFFIC LIGHT WOULD NOT BE ALLOWED DUE TO POOR VISIBILITY; THEREFORE, THE POSSIBILITY IN THE SHORT TERM TO HAVE A TRAFFIC LIGHT INSTALLED REALLY WOULD NOT EVEN BE FEASIBLE. HE KNOWS THE STATE IS TALKING ABOUT LOWERING THE ROAD AS THEY DID AT BUNNELL HILL ROAD, IN TIME, BUT THEY ARE TALKING SEVEN TO TEN YEARS BEFORE THEY WOULD EVEN GET TO THAT POINT. THE INCREASED DEVELOPMENT GOING FURTHER EAST ON SR73 IS ALSO GOING TO INCREASE THE TRAFFIC FLOW ACROSS THAT INTERSECTION. ONE OF THE REASONS THEY DECIDED NOT TO BUILD A SCHOOL ON KESSLING PARK IS BECAUSE OF THE TRAFFIC AT THAT INTERSECTION AND THAT IS ONLY TWICE A DAY. BUSINESS RUNS MAYBE EIGHT HOURS A DAY OR IT COULD BE A BUSINESS THAT IS 24/7. THERE IS A SPECTREM OF WHAT COULD BE DEVELOPED THERE. IT IS A SIZEABLE PIECE OF PROPERTY WITH A SIZEABLE AMOUNT OF TRAFFIC FLOWING IN AND OUT OF THE INTERSECTION AND HE KNOWS THERE ARE ACCIDENTS AT THAT INTERSECTION AND THAT IS DURING GOOD WEATHER, A SNOWSTORM AND ICE CONTRIBUTES TO THIS WHOLE SITUATION, WHICH WOULD NOT BE PLEASANT OR SAFE FOR OUR CITIZENS AND THE CHILDREN OF SPRINGBORO. THERE ARE A LOT OF KIDS IN THE AREA, AND IT WOULD INCREASE TRAFFIC IN THE AREA OUTSIDE THIS ENVIRONMENT OF 300-400 HOMES INTO A NEIGHBORHOOD. HE HAS TO THINK OF THE SAFETY OF HIS CHILDREN, AS HE DOES NOT KNOW WHO IS COMING INTO THAT BUSINESS. IT IS VERY CLOSE TO THEIR HOMES, AND THERE ARE A LOT OF CONTRIBUTING FACTORS FOR SAFETY THAT HAVE TO BE CONSIDERED.

3) GREG SANTO, 809 VALLEYVIEW POINT DRIVE, STONE RIDGE, CLEARCREEK TOWNSHIP – MR. SANTO MOVED TO STONE RIDGE FOR A RESIDENTIAL, PEACEFUL AREA AND SEEING BUSINESS COME IN IS THE DIRECT OPPOSITE OF WHAT HE REALLY WANTED TO MOVE THERE FOR. MR. SANTO STATED THAT HE DID HAVE A COUPLE OF QUESTIONS. HE WOULD LIKE TO SEE ACCESS FROM SR73, AND NOT COMING ONTO RED LION-FIVE POINTS ROAD TO GAIN ACCESS TO THAT PORTION OF THE PROPERTY IF IT DOES DEVELOP AS BUSINESS.

MAYOR AGENBROAD STATED THAT THE PUBLIC HEARING IS TO HEAR PROPONENTS AND OPPONENTS, AND IF THERE IS TIME LEFT OVER, THEN HE WOULD ALLOW QUESTIONS.

4) BRIAN MAYFORTH, 7489 OLD WOODS COURT, STONE RIDGE, CLEARCREEK TOWNSHIP – MR. MAYFORTH STATED THAT HE SUPPORTED THE COMMENTS OF THE TWO PREVIOUS SPEAKERS, AND HE HAS THE SAME CONCERNS. THEY MOVED TO SPRINGBORO FOR A SPECIFIC REASON, FOR A NICE RESIDENTIAL COMMUNITY, AND WE HAVE THAT GREAT NEIGHBORHOOD. THIS REZONING IS A REAL CONCERN BECAUSE THE PLAN TAKES TWO VERY NARROW PARCELS OF LAND AND NOW CREATES AN AREA THAT A LARGE BOX COULD SIT ON. IF ANYONE HAS GONE DOWN YANKEE ROAD BY YANKEE TRACE GOLF COURSE, THEY COULD SEE THE BIG SPEEDWAY THERE, WHICH IS LIT UP ALL HOURS OF THE DAY AND NIGHT. PEOPLE HAVE INVESTED A LOT OF MONEY IN THEIR HOMES AND THAT IS THEIR BIGGEST CONCERN, THAT THEY WILL FIND THE SAME TYPE OF THING SITTING THERE ON SR73, A SPEEDWAY OR SOME OTHER BUSINESS THAT IS OPEN 24 HOURS A DAY AND HAVE THE TRAFFIC IN AND OUT, THE LIGHTS ON ALL THE TIME TOTALLY RUINING THE FEEL OF THE NEIGHBORHOOD. THEY HAVE A LOT OF MONEY INVESTED IN THOSE HOMES, AND THAT IS NOT THE PICTURE THEY HAD WHEN THEY CAME IN. HE AND HIS WIFE SPENT A LOT OF TIME LOOKING AT LOTS AND LOOKING AT HOW EVERYTHING WAS ZONED, AND WHEN THEY SAW THIS REZONING THAT IS THEIR BIGGEST CONCERN.

5) MIKE PERSINA, 282 MEADOWVIEW COURT, STONE RIDGE, CLEARCREEK TOWNSHIP – MR. PERSINA IS IN CONCURRENCE WITH ALL OF THE OTHER OPPONENTS AND THEIR COMMENTS. MR. PERSINA ASKED OTHER THAN MR. ABERNATHY'S INABILITY TO SELL THESE LOTS, WHAT HAS CHANGED BETWEEN THE TIME THIS WAS ORIGINALLY ZONED AND NOW. THIS REZONING JUST SEEMS TO BENEFIT MR. ABERNATHY AT THE EXPENSE OF ALL THE

SURROUNDING HOMEOWNERS FOR THE SAME REASONS THAT THE PREVIOUS OPPONENT PUT FORTH.

MAYOR AGENBROAD ASKED IF THERE WERE ANY OTHER OPPONENTS THAT WISHED TO BE HEARD. NO OTHER OPPONENTS CAME FORWARD.

MAYOR AGENBROAD SUGGESTED TO MR. ABERNATHY THAT HE HAVE ANOTHER MEETING WITH THE RESIDENTS AND ADDRESS SOME MORE OF THOSE CONCERNS BECAUSE THIS PUBLIC HEARING IS NOT THE PROPER FORUM FOR QUESTIONS. MAYOR AGENBROAD EXPLAINED THAT THE PURPOSE OF THE PUBLIC HEARING IS FOR CITY COUNCIL TO TAKE THE COMMENTS OF THE PARTICIPANTS INTO CONSIDERATION DURING ITS DELIBERATIONS REGARDING THIS REZONING.

MAYOR AGENBROAD THANKED THE PARTICIPANTS FOR THEIR COMMENTS AND ADJOURNED THE PUBLIC HEARING AT APPROXIMATELY 7:25 PM.

SOME OF THE AUDIENCE MEMBERS REQUESTED A CHANCE TO ASK QUESTIONS. MAYOR AGENBROAD ASKED IF CITY COUNCIL WAS OPEN TO HEARING A COUPLE OF QUESTIONS. IT WAS THE CONSENSUS TO ALLOW QUESTIONS FOR THE REMAINDER OF THE PUBLIC HEARING, WHICH WAS FIVE MINUTES.

MIKE PERSINA, 282 MEADOWVIEW COURT, STONE RIDGE, CLEARCREEK TOWNSHIP – MR. PERSINA STATED THAT MR. ABERNATHY INDICATED EARLIER THAT THE GREEN SPACE WOULD BE 2.5 ACRES. WHAT DOES THE GREEN SPACE STAND AT NOW WITHOUT THE ZONING CHANGE? IS THERE AN INCREMENT IN THE GREEN SPACE? MR. ABERNATHY ANSWERED THAT HE DOES NOT KNOW, HE WOULD HAVE TO GO BACK AND LOOK, BUT YES, HE BELIEVES THERE WAS. MR. PERSINA ASKED, PROPORTIONALLY, IS THERE AN INCREASE IN GREEN SPACE? MR. ABERNATHY REPLIED YES, BUT HE DOES NOT KNOW WHAT IT IS. MR. PERSINA CONFIRMED THAT THERE IS AN INCREASE IN GREEN SPACE? MR. ABERNATHY REPEATED, YES, THERE IS AN INCREASE IN GREEN SPACE.

MS. THOMPSON EXPLAINED THAT THE GREEN SPACE WOULD HAVE TO BE A MINIMUM OF 25% ACCORDING TO THE CITY'S PLANNED UNIT DEVELOPMENT ORDINANCE.

MR. PERSINA ASKED IF THE 25% WOULD APPLY TO THE 12 ACRES? MS. THOMPSON REPLIED YES, BUT EXPLAINED THAT MR. ABERNATHY IS ADDING 4.69-ACRES TO THE CURRENT SITE IN BUSINESS, AND THAT THE 8.88-ACRES IS ALREADY ZONED BUSINESS. MS. THOMPSON FURTHER EXPLAINED THAT MR. ABERNATHY IS ADDING 4.69-ACRES, BUT 2-ACRES OF THAT WILL BE ADDITIONAL GREEN SPACE; THUS, IT IS NEARLY 50% PERCENT GREEN SPACE. MR. PERSINA ASKED IF OUT OF THE 12-ACRES, 6-ACRES WOULD BE GREEN SPACE? MS. THOMPSON REPLIED, NO. MR. PERSINA ASKED WHAT THE OVERALL GREEN SPACE WOULD BE? MS. THOMPSON STATED THAT SHE DOES NOT KNOW MR. ABERNATHY'S WHOLE SITE ACREAGE AND COULD NOT TELL HIM WHAT THE OVERALL AMOUNT OF GREEN SPACE IS.

MR. ABERNATHY STATED THAT HE COULD NOT SAY WHAT THE OVERALL GREEN SPACE WOULD BE, BUT HE COULD TELL HIM WHAT THE BUFFER IS IN BETWEEN THE RESIDENTS AT THE ENCLAVE, WHICH HE MET WITH AT LENGTH. MR. ABERNATHY FURTHER STATED THAT THE SITE IS ALREADY ZONED PUD-B AND HAS BEEN SINCE 2002, AND THEY ARE JUST ADDING 4.69-ACRES.

MR. PERSINA REITERATED THAT HE IS TRYING TO FIGURE OUT WHAT THE INCREMENT IS IN GREEN SPACE? MS. THOMPSON STATED THAT IT IS 48% OR 2-ACRES OUT OF 4.69-ACRES, AND SHE COULD NOT TELL HIM WHAT THE OVERALL GREEN SPACE AMOUNT IS, BUT SHE COULD TELL HIM THAT IT HAS TO BE A MINIMUM OF 25%. MS. THOMPSON ADDED THAT SHE DOES NOT HAVE THE TOTAL ACREAGE IN FRONT OF HER TO DO THE CALCULATION. MR. PERSINA ASKED IF THIS ZONING WOULD ALLOW A SPEEDWAY TO COME IN OR WOULD ALLOW FOR SOMETHING LIKE A SPEEDWAY? MR. ABERNATHY ANSWERED THAT THEY COULD HAVE GAS PUMPS IF THAT IS WHAT MR. PERSINA IS ASKING. MS. THOMPSON STATED THAT THE SITE COULD HAVE ONE GAS STATION ON THE WESTERN PORTION OF THE PROPERTY. MS. THOMPSON ASKED MR. BORON (CITY PLANNING CONSULTANT) IF THERE WAS A LIMIT ON THE SIZE? MR. BORON EXPLAINED THAT THE ZONING OF THE 8.88-ACRES SINCE 2002 HAS ALLOWED A GASOLINE SERVICE STATION ON THE NORTHWEST CORNER. MR. BORON FURTHER EXPLAINED THAT THIS ADDITIONAL AREA MAY NOT HAVE THAT ON THERE, BUT THAT SITE HAS ALREADY PROVIDED FOR THAT USE UNDER THE ZONING DATING BACK TO 2002. MS. THOMPSON ASKED IF THERE WAS A RESTRICTION ON THE SQUARE FOOTAGE? MR. BORON EXPLAINED THAT THERE IS AN OVERALL RESTRICTION PER BUILDING, AS MENTIONED DURING THE PUBLIC HEARING, OF 6,000 SQ. FT. AND 10,000 SQ. FT. OR UP TO 10,000 SQ. FT. THAT PLANNING COMMISSION COULD APPROVE. MR. PERSINA

COMMENTED THAT THE SITE COULD BE GETTING A SPEEDWAY. MS. THOMPSON STATED THAT THERE COULD BE A GAS STATION/CONVENIENCE STORE SITUATION, BUT THEY WOULD THEN HAVE TO GO THROUGH THE SITE PLAN REVIEW PROCESS WITH PLANNING COMMISSION AND MEET THE LIGHTING AND LANDSCAPING REQUIREMENTS.

DOUG AMBACH, 7473 OLD WOODS COURT, STONE RIDGE, CLEARCREEK TOWNSHIP – MR. AMBACH ASKED MR. BORON (CITY PLANNING CONSULTANT) IF HE WAS PART OF THE INITIAL STAGES OF THIS REZONING? MR. AMBACH DOES NOT UNDERSTAND MR. BORON'S ROLE. MR. BORON EXPLAINED THAT HE IS THE PLANNING CONSULTANT TO THE CITY AND HAS BEEN WITH THE CITY SINCE 1998. MR. AMBACH ASKED WHAT KIND OF DATA DID THE CITY HAVE FOR TRAFFIC, VOLUME AND FLOW, CAPACITY, GROWTH PROJECTIONS WHEN IT WAS DECIDED TO MOVE THIS REZONING TO THE NEXT STAGE? MR. AMBACH WANTED TO KNOW WHAT KIND OF DATA DID THE CITY TAKE INTO CONSIDERATION. MR. BORON STATED THAT AT THE TIME THAT THE REZONING TOOK PLACE, THE REZONING WAS MADE BY PLANNING COMMISSION AFTER THEY DELIBERATED A LONG TIME ON THIS ISSUES BECAUSE THIS WAS A DEPARTURE FROM THE NORM. THE PLANNING COMMISSION TOOK INTO ACCOUNT THE FACT THAT THIS WAS AT A MAJOR INTERSECTION, RED LION-FIVE POINTS ROAD AND SR73, AND SIMPLY THAT WAS THE REASON THAT ALLOWED FOR THIS REZONING. THE B-1 AND B-2 ZONING IS ONLY ALLOWED IN THOSE CIRCUMSTANCES, AS HAS BEEN A STANDARD HERE WITHIN THE CITY OF SPRINGBORO AS LONG AS HE HAS BEEN HERE. AS A MATTER OF FACT, THE CITY HAS TURNED AWAY A SIGNIFICANT AMOUNT OF ZONING IN AREAS, WHICH ARE IN BETWEEN AREAS WHICH MAY OR MAY NOT HAVE A SIGNAL, BUT MAJOR INTERSECTIONS LIKE THIS INTERSECTION IN PARTICULAR, AND THAT IS WHAT LED IN PART TO THE DECISION. MR. AMBACH CLARIFIED THAT THE CITY TAKES A LOOK AT THE SITUATION BEFORE, BUT REALLY DID NOT TAKE ANY TRAFFIC FLOW OR THOSE TYPES OF STUDIES INTO CONSIDERATION? MR. BORON STATED THAT PLANNING COMMISSION TOOK INTO ACCOUNT A LOT OF ISSUES INCLUDING TRAFFIC AS OPPOSED TO ALLOWING FOR A MUCH MORE SUBSTANTIAL AMOUNT OF ACREAGE TO BE TURNED OVER TO BUSINESS DEVELOPMENT.

MAYOR AGENBROAD THANKED THE PARTICIPANTS FOR ATTENDING THE PUBLIC HEARING, AND ONCE AGAIN, ADJOURNED THE PUBLIE HEARING AT APPROXIMATELY 7:30PM.

- 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, Absent; Chmiel, Present; Hruska, Present; Lairson, Present; Parise, Present.
- Mr. Hruska motioned to excuse Ms. Belpulsi from the meeting. Mr. Chmiel seconded the motion.**
- No discussion.
- VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 5-0]**
- ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE FEBRUARY 15, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING AND THE MARCH 1, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.
- Mr. Hruska motioned to approve the minutes of the February 15, 2007 City Council Work Session and Regular Meeting. Ms. Lairson seconded the motion.**
- No corrections.
- VOTE: Anderson, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Abstain; Lairson, Yes. [APPROVED 5-0-1]**
- Mr. Hruska motioned to approve the minutes of the March 1, 2007 City Council Work Session and Regular Meeting. Mr. Anderson seconded the motion.**

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No corrections.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Abstain; Parise, Yes; Lairson, Yes; Anderson, Yes. [APPROVED 5-0-1]

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 6:00 PM immediately preceding tonight's City Council Regular Meeting for approximately 53 Minutes to discuss the following legislative items as well as other matters before the City.

- 1) **ORDINANCE O-07-9: THIRD READING.** "AN ORDINANCE CHANGING THE NAME OF EAST MCDANIELS LANE TO KITTY HAWK DRIVE PURSUANT TO OHIO REVISED CODE, SECTION 723.05, 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 to change the name of East McDaniels Lane to Kitty Hawk Drive. This street is located in the northern most portion of Settlers Walk Subdivision. Currently, there is a great deal of confusion on the part of the police, fire, and emergency personnel when they are dispatched to McDaniels Lane. In consideration of public safety, health, and welfare, staff is recommending that this alteration in name to Kitty Hawk Drive.

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

Mr. Anderson motioned to adopt Ordinance O-07-9. Mr. Hruska seconded the motion.

No discussion.

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

- 2) **EMERGENCY ORDINANCE: SECOND READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-07-5 AND DECLARING AN EMERGENCY. (2007 SIDEWALK PROGRAM)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance determining to proceed with the annual sidewalk and driveway apron repair program for 2007. This ordinance will allow for repairs or reconstruction of the driveway aprons and sidewalks at certain properties within the City. The residents who are affected by this program have until April 27 to have that work completed. Otherwise, this ordinance will allow the City to proceed with the improvements that are not made by the property owners, and those residents will be assessed for those services.

No action required at this time.

- 3) **ORDINANCE O-07-10: FIRST READING.** "AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATION OF MONIES; THEREBY AMENDING ANNUAL APPROPRIATION ORDINANCE NO. O-07-01 OF THE CITY OF SPRINGBORO, OHIO PASSED BY THE CITY COUNCIL ON DECEMBER 21, 2006 FOR THE YEAR 2007; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of a supplemental appropriation ordinance for 2007. This ordinance represents a supplemental appropriation of \$50,000 in the Street Fund to cover the cost of road salt. The City used last year's salt amounts to gage the amount to be budgeted for this year, but received some more significant ice and snow than anticipated. Staff is requesting this supplemental appropriation amount to not only replace the salt that was used this year, but to stock additional salt for the potential of another event.

Mayor Agenbroad stated that the Director of Finance has requested that City Council suspend the rules and waive the

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second and third readings.

Mr. Chmiel motioned to suspend the rules and waive the second and third readings of this ordinance. Mr. Anderson seconded the motion.

Mayor Agenbroad presented the item for discussion.

Mr. Parise asked if there is any possibility for the City to use the liquid antifreeze that the State uses during snow and ice removal and is it any more cost effective? Ms. Thompson explained that the liquid that the State uses is a pre-treatment, and it is very costly to participate in mostly because the City would have to purchase new vehicles and equipment in order to distribute it. Currently, the City is sticking with the salt program. The City does have a saline type of material, used in the past when the street department anticipates certain conditions, but it is a pre-treatment under certain conditions only, and the City has only one truck retrofitted to use it.

Mayor Agenbroad asked if there was any other discussion. No other discussion.

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

Mr. Parise motioned to adopt Ordinance O-07-10. Mr. Hruska seconded the motion.

No discussion.

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

- 4) **ORDINANCE O-07-11: FIRST READING.** "AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR SPRINGBORO COMMERCIAL PARK, SECTION 4 AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance approving the record plan for Springboro Commercial Park, Section 4. The property is located at the end of Commercial Way in the City of Springboro and contains 13.7-acres. This record plan was approved by the Planning Commission on January 31, 2007. As the City is the subdivider, the subdivider's agreement is not required and the applicant has paid the performance bond; therefore, everything required by the City has been submitted. The developer has requested that City Council waive the second and third readings of this ordinance.

Mayor Agenbroad asked if there was a motion to waive the second and third readings of this ordinance as requested.

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

No discussion.

VOTE: Anderson, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Abstain; Lairson, Yes. [APPROVED 5-0-1]

Mr. Chmiel motioned to adopt Ordinance O-07-11. Mr. Anderson seconded the motion.

No discussion.

VOTE: Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Abstain; Lairson, Yes; Anderson, Yes. [APPROVED 5-0-1]

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- 5) **ORDINANCE: FIRST READING.** "AN ORDINANCE TO REZONE 4.69 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF STATE ROUTE 73 AND RED LION-FIVE POINTS ROAD FROM PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) TO PUD-B (PLANNED UNIT DEVELOPMENT-BUSINESS)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance to rezone 4.69-acres of land located at the southwest corner of SR73 and Red Lion-Five Points Road from PUD to PUD-B. This rezoning was the topic of the Public Hearing held at the beginning of tonight's meeting. Ms. Thompson commented that in many rezoning cases, the developer does not ask, seek or take the opinion of the people who are affected, and she would like to give Mr. Abernathy (the developer/property owner) credit for having a number of meetings with the residents. Ms. Thompson further commented that Mr. Abernathy or his representatives met with the residents of The Enclave three or four times. Ms. Thompson would also like to thank the residents who attended the Public Hearing tonight to share their opinions regarding this development. For the record, Ms. Thompson reiterated that this rezoning is a 4.69-acre addition to property zoned as a business designation in 2002.

No action required at this time.

- 6) **RESOLUTION R-07-12:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ENGAGING EDWARDS AND KELCEY TO PERFORM PLANNING SERVICES TO PROVIDE COMPREHENSIVE LAND USE MASTER PLAN SERVICES TO THE CITY OF SPRINGBORO," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manager to enter into an agreement with Edwards and Kelcey to provide comprehensive land use master plan services. Approximately a month ago, City Council approved appointments to a subcommittee of residents and members of various City boards and commissions to look at the firms that provided responses to the City's request for proposals for a Comprehensive Land Use Master Plan Update. This legislation is a result of the efforts of the subcommittee, and they have recommended Edwards and Kelcey to provide the services to update the City's Land Use Master Plan. The cost for this update is \$62,470.00. The funds were budgeted and approved for appropriation under line item 110.510.52300, which is the Planning and Zoning Budget for the City.

Mr. Parise motioned to adopt Resolution R-07-12. Mr. Hruska seconded the motion.

No discussion.

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

ITEM 7.

REPORTS:

Mayor's Report – Springboro Chamber of Commerce Annual Business Expo, Saturday, March 24, 10AM-4:00PM at Springboro High School. Good Friday will be observed Friday, April 6; whereby, the City Offices will be closed. The City's annual Business Appreciation Breakfast will be held on Thursday, April 12, 8:00-9:30AM at Heatherwoode Golf Course. The next City Council Work Session will be held on Thursday, April 5, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, April 5, 2007 at 7:00 PM in Council Chambers, as scheduled.

City Manager's Report – Ms. Thompson congratulated Chief of Police Jeff Kruihoff for recently receiving the Certified Law Enforcement Executive designation by the Law Enforcement Foundation. This certification is based on experience, formal education, continuing education efforts, professional related experience such as speeches, training schools, readings, and seminars, and also hours spent teaching and training others. Chief Kruihoff has been with the City for approximately five years. Ms. Thompson commented that she wanted to convey that staff does make continued efforts to reinvent or reeducate themselves as professionals. Ms. Thompson again congratulated Chief Kruihoff for this designation. City Council congratulated Chief Kruihoff with a handshake.

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Committee Reports –

Mr. Parise – No reports.

Mr. Chmiel – Planning Commission – The Planning Commission met in Work Session on March 14, 2007 to discuss the following agenda items: Variance in a Planned Unit Development – 310 Steeplechase Drive, Richard's Run Planned Unit Development, fence in required yard; Landscaping Plan – Woodhull office building, west end of Commercial Way; Revision to Approved Final Development Plan – Village Park Planned Unit Development-Mixed Use, retail building. The next Planning Commission meeting will be held on Wednesday, March 28 at 7:00 PM in Council Chambers.

Finance Committee – The Finance Committee met tonight at 5:30 PM in Council Chambers. The committee found all of the City's funds to be in order and operating properly.

Mr. Hruska – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

ITEM 8. OTHER BUSINESS. No Other Business.

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

At this time, Mayor Agenbroad asked for a motion to enter into Executive Session under R.C. 121.22(G), following the Regular Order of Business, to review collective bargaining, to consider the discipline of a public employee, and to discuss imminent litigation; whereby, the City Law Director will be present.

Mr. Chmiel motioned to enter into Executive Session under R.C. 121.22(G), following the Regular Order of Business, to review collective bargaining, to consider the discipline of a public employee, and to discuss imminent litigation. Mr. Anderson seconded the motion.

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

Mayor Agenbroad reminded the general public that no votes are taken during Executive Session.

ITEM 10. GUEST COMMENTS. 1) Brian Mayforth, 7489 Old Woods Court, Stone Ridge, Clearcreek Township – In reference to the request to rezone 4.69 acres of land located at the southwest corner of SR73 and Red Lion-Five Points Road from PUD to PUD-B, Mr. Mayforth stated that he hoped that when the City looks at rezoning, does it make the community better, does it add something to the life of the residents of the City of Springboro and Clearcreek Township. Mr. Mayforth further stated that he understands why Mr. Abernathy likes the rezoning because it helps him from a business standpoint, but from a residential standpoint and as City Council representing the residents, he would hope that City Council would look to see if this rezoning would make the community better. He asks that City Council keep that in mind.

2) DOUG AMBACH, 7473 OLD WOODS COURT, STONE RIDGE, CLEARCREEK TOWNSHIP – In reference to the request to rezone 4.69 acres of land located at the southwest corner of SR73 and Red Lion-Five Points Road from PUD to PUD-B, Mr. Ambach asked what is the next step in the process?

Mayor Agenbroad explained that the first reading of the ordinance to rezone was heard at this evening's meeting, the second reading will be held on April 5, and in the interim Council will consider the comments from the Public Hearing. The third and final reading of the ordinance will be held on April 19. Mayor Agenbroad further explained that if Council is not comfortable, following the comments that were made during the Public Hearing, they might choose to table this item for further discussion. Mayor Agenbroad added that City Council meets the first and third Thursday of each

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month.

Mr. Ambach asked if the City Council agenda is published in advance and where it is published? Ms. Martin explained that the City Council agendas are published on the City's website, issued to the Springboro Sun, the Star Press, and the Dayton Daily News reporters, and are also posted at the City Building, Springboro Library, YMCA, and Heatherwoode Golf Course.

ITEM 11. EXECUTIVE SESSION. City Council entered Executive Session, following the Regular Order of Business, to review collective bargaining, to consider the discipline of a public employee, and to discuss imminent litigation.

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

Mr. Hruska motioned to adjourn the meeting to Executive Session followed by the adjournment of the City Council Regular Meeting; whereby, the Thursday, March 15, 2007 Springboro City Council Regular Meeting was adjourned to Executive Session at approximately 7:50 PM. Mr. Anderson seconded the motion.

No discussion.

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

With no objections, City Council exited Executive Session at approximately 8:38 PM; whereby, no votes were taken. And, with no further business, Mayor Agenbroad adjourned the City Council Regular Meeting at approximately 8:38 PM.

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council