

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

CITY COUNCIL WORK SESSION

THURSDAY, AUGUST 5, 2010

6:00 PM

COUNCIL

John Agenbroad, Mayor

| | |
|---------------------------------|-----------------------|
| Jim Chmiel, Deputy Mayor | Marie Belpulsi |
| Tom LaDu | Sheila Lairson |
| Bruce Moore | David Vomacka |

CITY STAFF

**Chris Thompson, City Manager
Chris Pozzuto, Assistant City Manager
Alan Schaeffer, Law Director
Lori Martin, Clerk of Council**

ITEM 1. CALL TO ORDER. *Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, August 5, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.*

ITEM 2. ATTENDANCE. Council: *All present. Staff:* *Ms. Thompson, Mr. Pozzuto, Chief Kruthoff, Mr. Schaeffer, and Ms. Martin were present.*

ITEM 3. LEGISLATIVE AGENDA. *–Three legislative agenda items were reviewed for the August 5 Regular Meeting.*

- 1) **ORDINANCE: SECOND READING.** *AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT OF WAY DEDICATION OF A PORTION OF EAST MILL STREET.*

No discussion.

- 2) **RESOLUTION:** *A RESOLUTION APPROVING A REVISION TO THE APPROVED GENERAL PLAN FOR THE FAIRWAYS PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL—MODIFICATION OF APPROVED DWELLING DESIGNS.*

In regard to Legislative Items 2 and 3, Mayor Agenbroad stated that Council has received recommendations from the Planning Commission to approve the revision to the General Plan under Item 2 (MODIFICATION OF APPROVED DWELLING DESIGNS) and to oppose the revision to the General Plan under Item 3 (USE OF VINYL SIDING). Therefore, if Council chooses to follow the Planning Commission's recommendations, Item 1 should be approved and Item 2 should not be approved.

Mr. LaDu confirmed that the motions would be made in affirmative form and Council Members would either vote "yes" to approve or "no" to not approve. Mayor Agenbroad confirmed Mr. LaDu's statement. Mayor Agenbroad also commented that the Planning Commission minutes were included in the Agenda Packet for Council to review and substantiate the Commission's recommendations.

- 3) **RESOLUTION:** *A RESOLUTION APPROVING A REVISION TO THE APPROVED GENERAL PLAN FOR THE FAIRWAYS PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL—USE OF VINYL SIDING.*

Mayor Agenbrood reiterated that the motion for Legislative Item 3 would be made affirmatively and Council Members have the right to vote "yes," "no," or "abstain."

Mr. Chmiel asked for a recap of the Planning Commission's discussion concerning Legislative Item 3, the request for use of vinyl siding. Specifically, the discussion leading to the recommendation that vinyl siding is not acceptable and why the developer continued to request this use rather than considering a different product.

Ms. Belpulsi explained that the applicant's request is to make vinyl siding available in The Fairways Subdivision.

Mr. Chmiel confirmed that the Planning Commission made it clear to the applicant that vinyl siding was not acceptable. Ms. Belpulsi replied yes, commenting that hearty plank is an example of an acceptable material. Ms. Belpulsi also commented that she conferred with City Law Director Alan Schaeffer, who determined that vinyl siding is a major change to the General Plan and is a down grade based on what was originally submitted with the plan. Ms. Belpulsi further commented that Mr. Vomacka discovered during his research that the houses in that subdivision are fairly high end homes and what is being proposed is not equivalent. Plus, the homes are adjacent to the golf course and there are no houses on the golf course or in Heatherwoode with vinyl siding.

Mr. Chmiel asked why the applicant did not accept the recommendation of the Planning Commission to not use vinyl siding as a building material.

Mr. Vomacka commented that the applicant was definitely involved in the discussion at the Planning Commission level. Mr. Vomacka explained that, initially, the applicant proposed both of the revisions as one revision (new elevation designs and vinyl siding). The Planning Commission split the proposed revisions into two separate items for consideration in order to clearly state that the Commission approves the new floor plans submitted by a different builder, but does not approve the use of vinyl siding. Mr. Vomacka stated that the applicant clearly understands the Planning Commission's recommendations that the newly proposed elevation designs are acceptable, but the proposed vinyl siding is not appropriate for that location.

Ms. LaDu confirmed that the new housing designs were not significantly different enough to object to i.e. the floor plans were basically the same size, etc.

Mr. Vomacka explained that the previous builder, Drees Homes, proposed six models to be built; however, the new builder has proposed different floor plans because the Drees models are copyright protected.

Mr. LaDu confirmed that the new designs were comparable or reasonably close to the original models. Mr. Vomacka replied yes.

Mr. Chmiel confirmed that if Legislative Item 3 is not approved by Council then the exterior building materials would revert back to the materials that were approved with the original General Plan and the applicant would have to work only with those materials. Mr. Vomacka confirmed by stating that the builder could use all of the existing materials used on the existing homes in the subdivision.

ITEM 4. CITY MANAGER. –Issues/Reports.

Austin Interchange Dedication Ceremony: Ms. Thompson confirmed that all Council Members received an invitation to the Austin Interchange Dedication Ceremony on Monday, August 16 at 10:00 AM. Ms. Thompson also confirmed Council attendance. The Ceremony Site is at Austin Landing located at 10,000 Innovation Drive. The featured speakers are ODOT Director Jolene Molitoris and US Representative Mike Turner. Also speaking will be John Husted, Dan Foley, Don Spang, and Phil Parker. Ms. Thompson asked if Council Members would like the opportunity to speak.

Mayor Agenbroad responded by stating that the City is very proud of the project and all of the efforts and partnerships associated with it, but Council would defer any comments to the presiding officials.

Sammy's Gourmet Burgers/El Pueblo Restaurant Opening: Ms. Thompson reported that Sammy's Gourmet Burgers/El Pueblo Restaurant will open on Monday, August 9 in the former Encore Restaurant building. Ms. Thompson commented that she and Mr. Pozzuto stopped in to meet the manager. The restaurant has a 12-page menu, two pages feature the burgers and 10 pages consist of drinks and Mexican food. Ms. Thompson further commented that they did not change the interior of the building very much, and the restaurant is not split in any way; guests can order burgers or Mexican food from the same menu. Ms. Thompson added that the restaurant has been training all week and has obtained a liquor license.

Mayor Agenbroad asked when 'Boro Bistro would open at their new location in the Marketplace at Settlers Walk.

Ms. Thompson answered that she did not know at this time, but she hopes they will open very soon. Mr. Pozzuto added that all of the permits have been issued for 'Boro Bistro.

Common Area Maintenance Issues at Settlers Walk: Ms. Thompson commented that staff has been trying to work with Melissa Dehart regarding the maintenance issues in the common areas at Settlers Walk such as the median in front of the gas station. Ms. Thompson explained that the City had to finally take care of the maintenance in the median in front of Fifth Third Bank. Ms. Thompson also explained that the Homeowners Association (HOA) is technically responsible for the maintenance of the medians and she explained to Ms. Dehart that all of the out lots, strip mall, and the gas station benefit from that median being attractive and she encourages cooperation among all parties. Ms. Thompson further explained that there are three different groups that control the areas at the Marketplace. The out lots, which are the gas station, the Encore building, and the CVS, are managed by one group, the strip mall is managed by Ms. Dehart, and the Settlers Walk HOA, which is a completely separate entity, is responsible for certain areas. Ms. Thompson suggested that if they all work together, the cost to maintain the common areas would be minimal.

Property Maintenance Issues: Ms. Thompson commented that the property maintenance issues have been a bit staggering this year. Fortunately, it has been hot and they have not had to mow too much lately, but the City has had to go after the companies that own those properties in foreclosure in an attempt to get them to pay and the City will most likely never be reimbursed for the dollars spent mowing those properties. Ms. Thompson further commented that the City only receives payment when someone buys an individual residential lot, which has the assessment attached to it. Ms. Thompson added that the City is way down on the food chain when it comes to the larger foreclosure areas.

The Springs Subdivision Update: Ms. Thompson reported that a meeting is scheduled with the new owners of The Springs tomorrow to clarify some issues. They have asked their attorney to attend and Mr. Schaeffer will also attend to represent the City. Ms. Thompson explained that the residential area is owned by one entity right now, but they can sell it to others. For example, they could sell 50 acres to Ryan Homes and 25 acres to Drees Homes, but they have to work with the City right now. In addition, another entity, a church group, is interested in the parcel where the assisted living facility was going to be developed. Ms. Thompson reiterated that the new owners of The Springs are trying to coordinate and they have asked for a meeting with the City because they are confused about some issues concerning the development, and staff will try to help resolve any confusion. Ms. Thompson finally commented that the hope is to one day come to the Planning Commission with a new General Plan or amended plan for The Springs; however, the good news is someone has purchased the property and it is out of foreclosure, which is good from the City's perspective with regard to streets and maintenance. Mayor Agenbroad asked for any comments from Mr. Pozzuto or Mr. Schaeffer. There were no other staff comments.

Warren County Municipal League Meeting: *The Warren County Municipal League Meeting will be held on August 18 beginning with social hour at 6:00 PM followed by dinner at 6:30 PM. The featured speakers will be the Law Directors representing each of the league members. Ms. Martin commented that Mr. Schaeffer would be a featured speaker on behalf of the City. Ms. Martin asked Council Members to confirm with her via e-mail if they plan to attend the meeting.*

Board and Commission Handbook Update: *Ms. Martin reported that Mr. Schaeffer has submitted his revisions to the Board and Commission Handbook. Ms. Martin reviewed the revised handbook and has worked on the smaller publication intended for interested committee applicants. Ms. Thompson will also review these two documents, then she and Ms. Martin will regroup and finalize the content and format of the handbook.*

Town Hall Meeting: *Ms. Martin reminded Council that the Town Hall Meeting date has been scheduled for Tuesday, October 5. Ms. Martin commented that although Council has not discussed the format of the Town Hall Meeting, the date is only two months away and she will need to start publicizing the meeting date in the next month. Council Members confirmed that they were available to host the Town Hall Meeting on October 5.*

Mr. Vomacka asked that given the timing of the Town Hall Meeting is the City going to do anything to accommodate the school levy in light of the fact that the election will only be three to four weeks following the meeting.

Mayor Agenbroad commented that, as always, it is up to each individual Council Member as to how they support the levy. However, the position of Council as a whole has been that Council represents citizens on both sides of the issue and chooses to remain neutral.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Vomacka – No issues/reports.

Ms. Lairson – No issues/reports.

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

Mr. Moore – No issues/reports.

Mr. LaDu – No issues/reports.

Mr. Chmiel – No issues/reports.

Mayor Agenbroad – No issues/reports.

At this time, Mayor Agenbroad asked for a motion to enter Executive Session to consider the compensation of a public employee.

Executive Session: At approximately 6:22 PM, Mr. Chmiel motioned to enter Executive Session, under R.C.121.22(G), following the Work Session discussion. Mr. LaDu seconded the motion.

No discussion.

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

With no further Work Session discussion, City Council entered Executive Session to consider the compensation of a public employee.

With no objections, City Council exited Executive Session at approximately 6:55 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. *With no further discussion, Mayor Agenbroad adjourned the August 5, 2010 City Council Work Session at approximately 6:55 PM.*

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

CITY COUNCIL REGULAR MEETING

THURSDAY, AUGUST 5, 2010

7:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor Marie Belpulsi
Tom LaDu Sheila Lairson
Bruce Moore David Vomacka

CITY STAFF

Chris Thompson, City Manager
Chris Pozzuto, Assistant City Manager
Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, August 5, 2010 at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

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

ITEM 3. ROLL CALL. Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Chief Kruthoff, Mr. Schaeffer, and Ms. Martin were present

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF JULY 15, 2010.

Ms. Belpulsi motioned to approve the Minutes of the City Council Work Session and Regular Meeting of July 15, 2010, as submitted. Mr. Vomacka seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 22 minutes to discuss the following legislation as well as other City business. During the Work Session, Council entered Executive Session for approximately 33 minutes to consider the compensation of a public employee; whereby, no votes were taken.

1) **ORDINANCE: SECOND READING.** "AN ORDINANCE APPROVING THE RECORD PLAN BEING A RIGHT OF WAY DEDICATION OF A PORTION OF EAST MILL STREET," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance approving the record plan for a right of way dedication of a portion of East Mill Street between Mound Park Drive and South Richards Run Road. The

construction currently underway on East Mill Street is scheduled for completion by December 24; however, the contractor does anticipate opening the street prior to school starting in August, which is four months ahead of schedule. This project connects the Fieldstone and Creekside Subdivisions by pedestrian access to the S. Main Street area. This record plan for the right of way dedication will allow the City to install the curb, gutters, and storm sewer and the new bridge, which will also allow for the widening of the road.

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

No action required at this time.

- 2) **RESOLUTION R-10-19:** "A RESOLUTION APPROVING A REVISION TO THE APPROVED GENERAL PLAN FOR THE FAIRWAYS PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL—MODIFICATION OF APPROVED DWELLING DESIGNS," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution approves a revision to the approved General Plan for The Fairways PUD-R defined as a modification of approved dwelling designs. The Fairways PUD-R is located at the end of Eyer Drive and Bailey Lane. This revision to the plan will allow for 12 new designs to be permitted for use throughout the subdivision. The new designs would replace the set of designs previously submitted by Drees Homes when the original plan for the subdivision was submitted for approval. The Fairways contains 51 buildable lots. To date, 10 homes have been completed within the subdivision. This revision does constitute a major change to the plan, which is why it is being presented to City Council following the recommendation of the Planning Commission on June 30, 2010 to approve this revision to the General Plan to use the 12 designs by Cristo Homes for the Fairways PUD-R.

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

Mr. LaDu motioned to adopt Resolution R-10-19. Ms. Belpulsi seconded the motion.

No discussion.

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

- 3) **RESOLUTION:** "A RESOLUTION APPROVING A REVISION TO THE APPROVED GENERAL PLAN FOR THE FAIRWAYS PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL—USE OF VINYL SIDING," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution approves a revision to the approved General Plan for The Fairways PUD-R defined as the use of vinyl siding. This resolution represents a revision to the approved General Plan for The Fairways, which is the same subdivision previously discussed under Legislative Agenda Item 2 on tonight's agenda. This particular revision would permit the use of vinyl siding on the 12 elevations approved under the previous legislation. The Planning Commission voted to not recommend the use of vinyl siding as a major exterior building material on the proposed housing elevations. This revision is considered a major change to the General Plan for the Fairways PUD-R originally submitted for approval.

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

Mr. Chmiel motioned to adopt Legislative Item 3, a Resolution. Mr. LaDu seconded the motion.

No discussion.

VOTE: Moore, No; Vomacka, No; Lairson, No; Belpulsi, No; Agenbroad, No; Chmiel, No; LaDu, No. [MOTION FAILED 0-7]

ITEM 7. REPORTS: Mayor's Report – The 3rd U.S. District Representative Office Hours will be held on Friday, August 27, 1:00-2:00 PM in the Community Room. Theatre Under the Stars presents the musical "Annie" on August 13, 14, 15, 20, 21 & 22 at 7:30 PM at the North Park Amphitheater. The next City Council Work Session and Regular Meeting will be held on Thursday, August 19, 2010 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers, as scheduled. The Finance Committee will meet on August 19 at 5:30 PM in Council Chambers, as scheduled.

City Manager's Report – Ms. Thompson commented that she attended the Chamber of Commerce breakfast this morning along with Council Members Lairson and Vomacka. Ms. Thompson further commented that Anne Stremanos, the Chamber of Commerce Executive Director, has retired from the Chamber. Today's breakfast was held in Ms. Stremanos' honor to say farewell and salute her for her work. Ms. Thompson added that she appreciates Ms. Stremanos and her involvement in the community over the past ten years; she has worked so well with Assistant City Manager Chris Pozzuto and City Staff and Ms. Thompson really appreciates all of Ms. Stremanos' efforts. Ms. Thompson further added that Carol Hughes, who was the Director of the Coffman YMCA in Springboro, has taken Ms. Stremanos' place and it looks like a very smooth transition. Ms. Thompson explained that Ms. Hughes has been working with Ms. Stremanos for the past month. Again, Ms. Thompson stated that she wished to publicly congratulate Ms. Stremanos on her retirement; the City has enjoyed working with her. In addition, Ms. Thompson welcomed a new restaurant to town, Sammy's Gourmet Burgers and Beer/El Pueblo located in the former Encore Restaurant building. The new restaurant serves Mexican food and burgers in the same location. Sammy's Gourmet Burgers/El Pueblo will have a soft opening on Monday, August 9, and the City hopes the opening is very successful. Ms. Thompson also stated that she hopes that 'Boro Bistro, which relocated from downtown Springboro to the Marketplace at Settlers Walk, is able to open soon, as well.

Committee Reports –

Mr. Vomacka – No reports.

Ms. Lairson – No reports.

Ms. Belpulsi – **Planning Commission** – The Planning Commission met on Wednesday, July 28 in Formal Session to consider the following items: Sandwich Board Signs – Marketplace at Settlers Walk PUD, Planned Unit Development [APPROVED]. Ms. Belpulsi commented that the Planning Commission has been working with shop owners at the Marketplace regarding signage and event planning and appreciate all the work they put into the guidelines; which she hopes will work for them. Non-action agenda Items included the following: Discussion – Review of Township Zoning on Parcels within Corporate Boundary. In addition, the Planning Commission Work Session scheduled for Wednesday, August 11 has been canceled due to the lack of agenda items.

Mr. Moore – No reports.

Mr. LaDu – No reports.

Mr. Chmiel – No reports.

ITEM 8. OTHER BUSINESS. No Other Business.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Mr. Vomacka commented that the Architectural Review Board (ARB) meeting scheduled for this Monday, August 9 at 6:00 PM will take place in Council Chambers. The ARB meeting was originally scheduled to be held at 110 S. Main Street to allow for the Board to tour the Historical Museum.

ITEM 10. GUEST COMMENTS. No Guest comments.

- ITEM 11. EXECUTIVE SESSION.** At this time, Mayor Agenbroad asked for a motion to enter Executive Session to consider the compensation of a public employee.

Executive Session: At approximately 7:10 PM, Ms. Belpulsi motioned to enter Executive Session under R.C.121.22(G), following the Regular Order of Business, to consider the compensation of a public employee. Ms. Lairson seconded the motion.

No discussion.

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

Prior to adjournment, Mayor Agenbroad commented that Springboro resident Betty Bray attends City Council Meetings on a regular basis and the City thanks her for being involved in the community. Mayor Agenbroad further commented that Mrs. Bray lost her son, Steven Bray, this week and she has City Council's deepest sympathy in her time of mourning and Council will keep her in their prayers.

- ITEM 12. ADJOURNMENT.** Mayor Agenbroad thanked the MVCC for tonight's telecast and scheduled rebroadcasts of this Springboro City Council Meeting.

Mr. Moore motioned to adjourn the meeting; whereby, the Thursday, August 5, 2010 Springboro City Council Regular Meeting was adjourned to Executive Session at approximately 7:10 PM. Mr. Vomacka seconded the motion.

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

With no objections, City Council exited Executive Session at approximately 7:25 PM; whereby, no votes were taken. With no further business, Mayor Agenbroad adjourned the Thursday, August 5, 2010 City Council Regular Meeting at approximately 7:25 PM.

—MEETING ADJOURNED—

John H. Agenbroad

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council