

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

CITY COUNCIL WORK SESSION

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THURSDAY, FEBRUARY 15, 2007

6:00 PM

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CITY COUNCIL  
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor  
Scott Anderson  
Jim Chmiel

Gary Hruska  
Sheila Lairson  
John D. Parise

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CITY STAFF  
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager  
Jeff Kruithoff, Police Chief

David Montgomery, Acting Law Director  
Lori Martin, Clerk of Council

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- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** Mr. Parise was absent. Mayor Agenbroad explained that Mr. Parise is undergoing surgery, and he would ask for a motion to excuse Mr. Parise at tonight's City Council Regular Meeting. In addition, Mr. Hruska arrived at 6:20 PM.
- ITEM 3. PRESENTATION.** (15 mins.) **-E. Milo Beck Park Master Plan – Chris Pozzuto, Assistant City Manager.**

(A copy of the E. Milo Beck Park Master Plan Presentation is attached for the record.)

Mr. Pozzuto presented the Master Plan for E. Milo Beck Park located on Lower Springboro Road at the terminus of Pioneer Boulevard. Mr. Pozzuto presented the history of the park and the planning process, a layout drawing of the Master Plan, and the development budget and phasing plan. Please refer to the attached presentation for details.

Suzanne Geisler, a member of the Park Board, commented that E. Milo Beck Park is a beautiful piece of property, and this Master Plan would allow people to get to the park and enjoy it.

Mr. Chmiel inquired regarding signage such as horticultural signage in the park? Mr. Pozzuto answered that the park will have signage to welcome visitors and a pamphlet to help visitors navigate the park.

Ms. Belpulsi congratulated the Park Board on this great plan for the park. Ms. Belpulsi also commented that the City would need to address the question of funding to carry out this plan. Mr. Pozzuto commented that building permit revenue is declining as the City approaches build out projections, and the City would have to consider other options to fund the parks such as funding from state grants and subsidies approved by City Council. He also suggested that the park development-phasing plan could be extended as long as progress is occurring on the plan.

Ms. Belpulsi asked if Mr. Pozzuto would include maintenance costs in the budget figures for E. Milo Beck Park? Mr. Pozzuto explained that park maintenance is included in the Parks Maintenance budget (Account Number 110.420). He commented that he would talk with Assistant Public Works Director Vince Murphy about this funding. Ms. Thompson added that park maintenance costs are expended from the General Fund.

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At approximately 6:20 PM, Mr. Hruska arrived at the meeting.

Ms. Belpulsi inquired regarding liability due to the structures proposed in the plan for the park? Mr. Pozzuto explained that the consultants took those issues into consideration in the design areas.

Suzanne Geisler, a member of the Park Board, commented that the planning consultants took many items into consideration including the vegetation for the meadow areas, which will only grow to a certain height to help reduce ongoing maintenance in those areas.

James Crabtree, a member of the Park Board, commented that E. Milo Beck Park is a great addition to the City's park system, and someday he would like to see all of the City's parks connected together.

Ms. Belpulsi commented that the Park Board is to be commended for their work on this plan. She further commented that now that growth has slowed down, it gives the City the opportunity to focus on amenities for the residents.

Mr. Pozzuto commented that Suzanne Geisler met with Dayton Daily News reporter Larry Budd at E. Milo Beck Park for photos and an article about the park.

Mayor Agenbroad thanked Mr. Pozzuto and the Park Board for presenting this plan.

**ITEM 4. LEGISLATIVE AGENDA. –City Council considered 11 legislative agenda items slated for the February 15, 2007 City Council Regular Meeting.**

- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING SECTION 1280.15(B) - EXEMPTIONS OF CHAPTER 1280 SITE PLAN REVIEW PROCEDURES, OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE.

No discussion.

- 2) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING CHAPTER 826 OF TITLE TWO - BUSINESS REGULATION, OF PART EIGHT – BUSINESS REGULATION AND TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO TO ALLOW TEMPORARY SIGNS IN COMMERCIAL SIGN DISTRICTS.

No discussion.

- 3) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 0.3103 ACRES OF LAND AT 5 FAIRWAY DRIVE FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, TO O-R, OFFICE-RESIDENTIAL DISTRICT; AND DECLARING AN EMERGENCY.

Ms. Thompson commented that the closing for the purchase of this property is scheduled for next week.

- 4) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 12.1 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

No discussion.

- 5) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE DIRECTING THE APPROPRIATION OF LAND FOR THE PURPOSE OF ESTABLISHING A PUBLIC ROAD AND DECLARING AN EMERGENCY.

Ms. Thompson made a request to table this item. The Law Director was unable to obtain a fixed property value, and Ms. Thompson is not advising that City Council approve the legislation with a blank in it. Ms. Thomson conferred with Acting Law Director, David Montgomery regarding this issue. City Council will consider a motion to table this item at tonight's City Council Regular Meeting.

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- 6) **ORDINANCE: FIRST READING.** AN ORDINANCE CHANGING THE NAME OF EAST MCDANIELS LANE TO KITTY HAWK DRIVE PURSUANT TO OHIO REVISED CODE, SECTION 723.05.

*Ms. Lairson asked what costs would be incurred by the City as a result of this street name change? Ms. Thompson explained that there would be no costs to the City. She further explained that the City has a sign maker to replace the street sign. The Police Chief will notify the County to update the 911 Emergency Response System and the City Engineer will notify the Post Office of the changes to the mailing addresses. Ms. Lairson asked if there are any problems elsewhere in the City with conflicting addresses? Ms. Thompson replied that although there are other streets that share the same name such as E. Pugh and W. Pugh and E. Manor and W. Manor, there were no other problems because each residence has a unique number. She explained that, in this case, East McDaniels converges at a "T" intersection and there is a 90 McDaniels and a 90 East McDaniels, which has caused significant confusion. These two residents were receiving each other's auditor bills, 911 service calls, etc.*

- 7) **RESOLUTION:** A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, RECONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT, RECONSTRUCT OR REPAIR THE SAME. (2007 SIDEWALK PROGRAM)

*Ms. Thompson explained that this resolution is prepared annually declaring the necessity for sidewalk and driveway apron improvements. The ordinance to proceed with the annual sidewalk/driveway apron improvement program is the next step in this process, and will appear on the next City Council Agenda. The ordinance to proceed with the improvements is required by the City's bond counsel.*

- 8) **RESOLUTION:** A RESOLUTION ADOPTING THE SOUTH TECH MASTER PLAN FOR THE REMAINING 89 ACRES OF CITY-OWNED PROPERTY AT SOUTH TECH BUSINESS PARK.

*Ms. Belpulsi offered to comment on this item at tonight's City Council Regular Meeting.*

- 9) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SINGER ENVIRONMENTAL, INC. TO EXTEND THE PROVISION OF WATER AND SEWER CONSULTING SERVICES TO THE CITY THROUGH THE YEAR 2007, AS ADDENDUM NO. 5 UNDER THE PROFESSIONAL SERVICE AGREEMENT DATED NOVEMBER 29, 2000 AND MARCH 2002.

*Mr. Anderson asked if it is customary to forgo the bidding process and award the bid to the current contractor based on the length of time the City has contracted with them? Ms. Thompson replied no, however, in this case the consultant has been working for the City a number of years, is very familiar with the City's water and sewer systems, and helped to design all of the systems. The City hired Singer Environmental when the water plant was designed and built, and consulted on the design and construction of the sewer plant expansion project. The extent of this consultant's knowledge and data of the City's water and sewer systems is invaluable and it would be consuming to bring a new consultant up to speed with the systems and processes; therefore, it is very valuable to the City to keep this consultant under contract for a period of time. Ms. Thompson added that Singer Environmental oversees the City's water and sewer system projects and serves as a technical advisor.*

*Mr. Anderson asked if the sewer plant expansion project was the project that was pushed back resulting in a supplemental to this year's budget? Ms. Thompson replied no.*

- 10) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A STREET LIGHTING AND ENERGY SERVICES AGREEMENT WITH MIAMI VALLEY LIGHTING, LLC, AND DPL ENERGY RESOURCES, INC., d.b.a. DPL ENERGY (DPLE) FOR STREET LIGHTING SERVICES FOR USE ON PUBLIC GROUNDS AND STREETS IN SPRINGBORO FOR FORTY-EIGHT (48) MONTHS COMMENCING JANUARY 1, 2007 AND EXPIRING ON DECEMBER 31, 2010.

*Ms. Thompson explained that the MVCC negotiated this contract for the eight municipalities involved, and she thanked the MVCC for negotiating such a good contract. The City has approximately 156 lights serviced by DPLE.*

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Ms. Belpulsi stated that she would abstain from the vote on this item at tonight's City Council Regular Meeting.

Mr. Anderson asked if there is an MVCC counterpart in Cincinnati that pulls local governments together? Ms. Thompson explained that the Center for Local Government (CLG) would be the most comparable organization, but CLG traditionally has not tackled those types of projects or services. Ms. Thompson added that she was asked to serve on the GLC Board.

- 11) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THEREBY RATIFY AN AGREEMENT TO PURCHASE CERTAIN PROPERTY LOCATED AT 310 WEST CENTRAL AVENUE OWNED BY JOHN E. SHARTS.

Mr. Anderson asked if the City would use this property for temporary office housing while the new City building is under construction? Ms. Thompson explained that there are several reasons why the City would not use this building during construction including its current condition and age and lack of space. She added that taking into consideration the staging area for construction, this site would be very tight. Ms. Thompson further explained that Miller Valentine has suggested that the City use one of their unoccupied office buildings on Pioneer Blvd.

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

Ms. Thompson explained that the City received six proposals in response to the RFP for services for the Comprehensive Land Use Plan Update. Ms. Thompson further explained that she and City Planner Dan Boron have reviewed those proposals and asked Ms. Belpulsi and Mr. Chmiel to meet with the firms to begin the selection process. A subcommittee will be formed consisting of a member of the Planning Commission, Park Board, Architectural Review Board, and a businessperson from the community. The members of the subcommittee are: Marie Belpulsi (Council), Jim Chmiel (Council), Chris Papakirk (Planning Commission), Terry Dudley (Architectural Review Board), Suzanne Geisler (Park Board), Mike Lee (Business Community Representative). Ms. Thompson and City Planner Dan Boron will also participate in the selection process. The subcommittee will be invited to attend a meeting on February 26 from 5:00-7:00PM in Council Chambers to hear the proposals, and will make a recommendation regarding the selection of a consultant.

Ms. Thompson reported that staff members met yesterday to review the proposals received in response to the RFP for design services for the new City building and narrowed down the submittals to four proposals.

At this time, Ms. Thompson asked Council to review the potential dates for the Strategic Planning Session with Jana Evans, the Strategic Planning Services Consultant. City Council determined the Strategic Planning Session would take place on Saturday, May 5 from approximately 8:00AM-5:00PM at Heatherwoode Golf Course.

Ms. Thompson also commented that she addressed legislative item 4 on tonight's agenda regarding the rezoning of 8683 Clearcreek-Franklin Road in her bi-weekly update of February 15. Ms. Thompson explained that she has received a number of calls and comments regarding this rezoning and wished to dispel any myths regarding how Council may take action on this legislation. She further explained that the applicant amended their original request from R-3 to PUD-R –the current designation is TR-1. The only action allowed would be those pertaining specifically to the current application. Council's options are to alter or place conditions on the current application, table the application for further discussion, deny the application, or approve the application; however, Council cannot vote to change the zoning being requested. Ms. Thompson commented that she has provided this explanation to clear up any confusion regarding Council's options and authority regarding this application to rezone.

Mr. Anderson asked if the applicant has to show what their plans are for the property? Ms. Thompson explained that once the rezoning application is approved, the general plan is the first step in the process to develop the property.

Mr. Anderson confirmed that the City does not know, at this time, what the plans are for the property? Ms. Thompson replied, no. Mr. Anderson asked if this is standard procedure? Ms. Thompson replied yes, the City could not request a plan until the property is rezoned. Mr. Anderson confirmed that discussions regarding the plan with respect to streets, etc. would follow the rezoning? Ms. Thompson replied yes.

Mayor Agenbrood commented that straight zoning such as an R-3 states the number of lots allowed, etc. opposed to the PUD-R zoning, which is more flexible with respect to density.

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Ms. Thompson explained that if it were Council's desire to deny the request to rezone without discussing the issues with the applicant, the applicant would not have the opportunity to apply for that zoning for a two-year period.

Ms. Lairson confirmed that it would be best to table this item, and if Council and the applicant cannot reach a mutually satisfactory conclusion, the applicant can withdraw their application and not be subject to the two-year waiting period before submitting a new application. Ms. Thompson answered, yes.

Ms. Thompson stated that she would prepare a memo outlining Council's options regarding this legislation.

Ms. Lairson asked if there is any benefit to tabling this legislation now rather than waiting until the third reading. Ms. Thompson explained that Council could table legislation at anytime; however, historically legislation has been tabled at the third reading if there are outstanding issues.

Ms. Thompson suggested that Council meet in a Work Session with the applicant to discuss the City's concerns.

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

Ms. Martin made the following announcements:

OEC Financial Disclosure Statements are due to Ms. Martin by March 18 in order to meet the filing deadline.

The Warren County Municipal League monthly meeting will be held on February 21 at Shaker Run Golf Course beginning at 6:00 PM, Dinner at 6:45PM, and Meeting at 7:00PM. The guest speaker will be Sandra Meyer, President Duke Energy Ohio and Kentucky.

Dates for a Town Hall Meeting and Springboro Day at Heatherwoode should be discussed in March.

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

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

Ms. Martin will be out of the office on vacation leave February 19-23.

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

**Mr. Chmiel** – Mr. Chmiel will present a Finance Committee report at tonight's City Council Regular Meeting under Reports.

**Mr. Hruska** – No issues/reports.

**Ms. Lairson** – Ms. Lairson asked that the City Council and the community keep Phyliss Harover and her family in their thoughts. Ms. Harover's husband is terminally ill with cancer. Ms. Harover is the Springboro Schools District Nurse and the City of Springboro's representative to the Warren County Board of Health.

**Mr. Anderson** – Mr. Anderson asked how the trash hauler's decision to suspend trash pick-up due to the weather conditions on Tuesday would affect billing? Ms. Thompson reviewed the City's current trash contract and contacted Waste Management and there is no rebate to the City for trash suspension. The contract provides for the trash hauler to suspend service, as they deem necessary without rebate. Ms. Thompson added that this issue would be taken into consideration in the next trash contract. Ms. Thompson further added that the City could rebate the residents for one week of trash service if Council chooses.

Ms. Belpulsi asked if Ms. Thompson could provide Council with figures to see what impact the trash rebate would have on the budget. Ms. Thompson estimated that trash service costs approximately \$2.78 per week multiplied by approximately 8,000 households. Ms. Thompson commented that the City would actually credit residents' bills for one week of service.

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Mr. Anderson asked when the City's current trash service contract would expire? Ms. Thompson answered, in 2009.

Mr. Hruska asked if the trash company was in breach of their contract? Ms. Thompson answered that in contract unilateral regarding their authority to suspend trash pick-up as deemed necessary.

**Ms. Belpulsi** – No issues/reports.

**Mayor Agenbroad** – Mayor Agenbroad will issue a Proclamation in recognition of "March for Meals" Month in Warren County. "March for Meals" is a national public awareness campaign sponsored by the Meals on Wheels Association of America at the City Council Regular Meeting on March 1. In addition, Judy Lehman representing Citizens for Legal Communities has asked to show a two-minute DVD regarding illegal immigration at tonight's City Council Regular Meeting under Item 10, Guest Comments. It was the consensus of Council to permit the citizens group to show the DVD during their comments.

**ITEM 8. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:55 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, FEBRUARY 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  
Jeff Kruthoff, Police Chief

David Montgomery, Acting Law Director  
Lori Martin, Clerk of Council

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

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

**ITEM 3. ROLL CALL.** Agenbroad, Present; Anderson, Present; Belpulsi, Present; Chmiel, Present; Hruska, Present; Lairson, Present; Parise, Absent.

**Mr. Anderson motioned to excuse Mr. Parise from the meeting. Ms. Belpulsi seconded the motion.**

No discussion.

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

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE JANUARY 27, 2007 CITY COUNCIL SPECIAL MEETING AND THE FEBRUARY 1, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

**Mr. Hruska motioned to approve the minutes of the January 27, 2007 City Council Special Meeting and the February 1, 2007 City Council Work Session and Regular Meeting. Mr. Chmiel seconded the motion.**

No corrections.

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

**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 55 Minutes to discuss the following legislative items as well as other matters before the City.

- 1) **ORDINANCE O-07-5: THIRD READING.** "AN ORDINANCE AMENDING SECTION 1280.15(B) - EXEMPTIONS OF CHAPTER 1280 SITE PLAN REVIEW PROCEDURES, OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance amending Section 1280.15(b), Exemptions of Chapter 1280, Site Plan Review Procedures of the City's Planning and Zoning Code. This legislation will allow for the type of building alterations and additions that are exempt from the City's site plan review process to expand slightly. Currently, alterations increasing the floor space of a building less than 10% are exempt and alterations that increase the building height greater than 10% are exemptions. This legislation would allow for these two exemptions to remain in the City's codebook, but also allow any exemption for a building addition of less than 1,000 square feet in area. A Public Hearing regarding this Planning and Zoning Code amendment was held on January 18, 2007.

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

**Ms. Belpulsi motioned to adopt Ordinance O-07-5. Mr. Hruska seconded the motion.**

No discussion.

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

- 2) **ORDINANCE O-07-6: THIRD READING.** "AN ORDINANCE AMENDING CHAPTER 826 OF TITLE TWO - BUSINESS REGULATION, OF PART EIGHT – BUSINESS REGULATION AND TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO TO ALLOW TEMPORARY SIGNS IN COMMERCIAL SIGN DISTRICTS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance amending Chapter 826 of Title Two, Business Regulation of the City's Business Regulation and Taxation Code to allow temporary signs in commercial sign districts. The City currently allows signs in commercial sign districts that are temporary in nature such as real estate signs, new business signs, window signs, etc., but this legislation would allow banners to be displayed on buildings for 30 days once per quarter year. This legislation is proposed in response to Springboro's business community who has found over the years that it has been very difficult to advertise for a grand opening or a special event. In order to try to relieve that problem, this legislation was recommended to the City Council by the Planning Commission on November 29, 2006.

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

**Ms. Belpulsi motioned to adopt Ordinance O-07-6. Mr. Hruska seconded the motion.**

No discussion.

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

- 3) **ORDINANCE O-07-7: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 0.3103 ACRES OF LAND AT 5 FAIRWAY DRIVE FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, TO O-R, OFFICE-RESIDENTIAL DISTRICT; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance to amend the City's official zoning map and rezone 0.3103 acres of land at 5 Fairway Drive from R-2 (Low Density Residential District) to O-R (Office-Residential District). The Planning Commission approved and recommended this rezoning to City Council on May 31, 2006. This rezoning was the subject of a Public Hearing on February 1, 2007. This legislation will allow for the residence at the corner of Fairway Drive and SR73 to be rezoned to O-R for use as a professional office, which is similar to the use directly across the street from this property.

Mayor Agenbroad announced that it has been requested by the City Law Director that City Council waive the third reading of this ordinance in order to expedite an associated purchase agreement (Legislative Item 11).

**Mr. Chmiel motioned to suspend the rules and waive the third reading of this ordinance. Mr. Hruska seconded the motion.**

No discussion.

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

**Mr. Chmiel motioned to adopt Ordinance O-07-7. Ms. Lairson seconded the motion.**

No discussion.

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

- 4) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 12.1 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance to amend the City's official zoning map and rezone 12.1 acres of land at 8683 Clearcreek-Franklin Road from ED (Employment Center District) and (T)R-1 (Franklin Township Rural Residence District) to PUD-R (Planned Unit Development-Residential). This rezoning was the subject of a Public Hearing held on February 1, 2007. The Planning Commission approved and recommended this rezoning to the City Council on December 12, 2006.

**No action required at this time.**

- 5) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE DIRECTING THE APPROPRIATION OF LAND FOR THE PURPOSE OF ESTABLISHING A PUBLIC ROAD AND DECLARING AN EMERGENCY.

Mayor Agenbroad announced that the Law Director has requested that City Council table this ordinance until further information has been obtained.

**Mr. Anderson motioned to table legislative item 5, an emergency ordinance, first reading. Mr. Chmiel seconded the motion.**

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

- 6) **ORDINANCE: FIRST READING.** "AN ORDINANCE CHANGING THE NAME OF EAST MCDANIELS LANE TO KITTY HAWK DRIVE PURSUANT TO OHIO REVISED CODE, SECTION 723.05," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance to change the name of East McDaniels Lane to Kitty Hawk Drive. The City currently has a condition in Settlers Walk at East McDaniels Lane and McDaniels Lane that causes confusion for safety services, EMT and police, and at the request of many of the residents residing on these streets and to further public safety and welfare, the City has recommended that East McDaniels Lane be changed to Kitty Hawk Lane in keeping with the existing theme of Settlers Walk. The residents were notified of this change and were given two months to give comments to the City. Staff is recommending that the ordinance continue for three readings, but at the third reading asks that the Council consider this ordinance to be declared an emergency in order to dispense with the standard 30-day waiting period so that those residents notifying their financial institutions, etc. will not have an extended period of time to wait for the change to be enacted.

**No action required at this time.**

- 7) **RESOLUTION R-07-5:** "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, RECONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT, RECONSTRUCT OR REPAIR THE SAME. (2007 SIDEWALK PROGRAM)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution declares the necessity to proceed with the annual sidewalk repair and replacement program for 2007. These improvements are the responsibility of the property owner. The City does provide a contractor to perform those improvements; however, if a resident should decide to perform the repairs on their own they can inform the engineering department of their intentions. This year's program includes improvements on Bayberry Drive, South Ridge Court, and Black Pepper Court, which are part of the 2007 street resurfacing program. At the next City Council meeting on March 1, the ordinance to proceed with these improvements will be presented for consideration.

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

**Ms. Belpulsi motioned to approve Resolution R-07-5. Mr. Hruska seconded the motion.**

No discussion.

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

- 8) **RESOLUTION R-07-6:** "RESOLUTION ADOPTING THE SOUTH TECH MASTER PLAN FOR THE REMAINING 89 ACRES OF CITY-OWNED PROPERTY AT SOUTH TECH BUSINESS PARK," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution adopts the South Tech Master Plan for the 89 acres of City-owned property at South Tech Business Park. The City purchased 90 acres of property at South Tech Business Park a few years ago, and was fortunate enough to have Council permit the City staff to prepare a Master Plan for that property. Deputy Mayor Marie Belpulsi served on the South Tech Master Plan Committee, and at this time Ms. Thompson deferred to Ms. Belpulsi for comments.

Ms. Belpulsi commented as follows: Following the City's purchase of the 89 acres within the South Tech Industrial Park, a decision was made to create a subcommittee to work with the City's consultant Miller Valentine to create a Master Plan for the city-owned land at South Tech. This committee consisted of economic development professionals, staff, a member of City Council (Marie Belpulsi), and a business owner from within the South Tech Business Park. The members were Steve Lake, a resident of Springboro and a representative for the Governor's Office on Economic Development, Eric Collins, Montgomery County Economic Development Office, Brad Bachmann, DSG Corporation

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located in South Tech Industrial Park, Chris Pozzuto, Assistant City Manager, Chris Thompson, City Manager, and Deputy Mayor Marie Belpulsi, City Council. The consultant team also included representatives from Lockwood, Jones, and Beals as well as Kinzelman Kline Gossman Landscape Architects. This plan represents the vision created by this team for the City and incorporates all of the necessary pieces to create an attractive, yet reasonable plan for development of the City's property. The plan began with the basics such as infrastructure locations, needs, and of course takes into account the future of the Austin Road Interchange at Interstate 75 and Austin Pike. The plan also creates an economic development tool for the City in analyzing current and future trends in the region to create a realistic outlook for development, how quickly or how slowly the land will develop. The City Council held a Public Hearing (December 4, 2006) to create a new zoning district for South Tech Business Park, which will allow it to develop under guidelines and regulations that will allow the City to follow the path created by this Master Plan. Standards will be created by the ordinance to guide the development at that location, and follow standards set for the entire area by the intergovernmental agreements with the other communities that border Springboro around the newly create interchange. Ms. Belpulsi thanked staff and the residents and business owners who participated in developing this Master Plan. Ms. Belpulsi added that this Master Plan serve as a very good plan for the City, and will help form a good foundation for economic development for the community for many years to come.

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

**Ms. Belpulsi motioned to adopt Resolution R-07-6. Mr. Chmiel seconded the motion.**

No discussion.

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

- 9) **RESOLUTION R-07-7:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SINGER ENVIRONMENTAL, INC. TO EXTEND THE PROVISION OF WATER AND SEWER CONSULTING SERVICES TO THE CITY THROUGH THE YEAR 2007, AS ADDENDUM NO. 5 UNDER THE PROFESSIONAL SERVICE AGREEMENT DATED NOVEMBER 29, 2000 AND MARCH 2002," 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 Singer Environmental, Inc. to extend water and sewer consulting services to the City through 2007. Singer Environmental has provided assistance to the City and technical support on all water and sewer projects for a number of years. This resolution represents an addendum to extend that contract for 12 more months for a not-to-exceed amount of \$100,000.00. Mr. Singer has done a lot of work for the City and actually was instrumental in protecting the City's interests during the new sewer plant expansion and a few years ago with the construction of the new water plant. The City does value Mr. Singer's expertise and encourages City Council to pass this resolution.

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

**Ms. Lairson motioned to adopt Resolution R-07-7. Mr. Hruska seconded the motion.**

No discussion.

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

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- 10) **RESOLUTION R-07-8:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A STREET LIGHTING AND ENERGY SERVICES AGREEMENT WITH MIAMI VALLEY LIGHTING, LLC, AND DPL ENERGY RESOURCES, INC., d.b.a. DPL ENERGY (DPLE) FOR STREET LIGHTING SERVICES FOR USE ON PUBLIC GROUNDS AND STREETS IN SPRINGBORO FOR FORTY-EIGHT (48) MONTHS COMMENCING JANUARY 1, 2007 AND EXPIRING ON DECEMBER 31, 2010," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manager to enter into a street lighting and energy services agreement with Miami Valley Lighting, LLC and DPL Energy for street lighting services on public grounds and streets in Springboro for 48 months beginning January 1, 2007. DPL Energy does service most of the Montgomery County area, and in Springboro that includes approximately 156 streetlights, as most of the City's service comes from Duke Power. On behalf of Springboro, this contract was negotiated for eight communities, primarily Montgomery County communities, who are part of the Miami Valley Communications Council (MVCC). The MVCC was able to negotiate a very fair rate for all eight communities, and Springboro is simply a beneficiary of that effort. Staff requests that Council pass this resolution.

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

**Mr. Chmiel motioned to adopt Resolution R-07-8. Ms. Lairson seconded the motion.**

No discussion.

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

- 11) **RESOLUTION R-07-9:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND THEREBY RATIFY AN AGREEMENT TO PURCHASE CERTAIN PROPERTY LOCATED AT 310 WEST CENTRAL AVENUE OWNED BY JOHN E. SHARTS," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item.

This resolution authorizes the City Manager to execute an agreement to purchase property located at 310 West Central Avenue owned by John E. Sharts. The property is located directly east of the City building. This purchase, in conjunction with the previous purchase of the carwash directly to the west of the City building, should allow the City to own sufficient land at this present location to allow the City to begin plans for a new City building.

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

**Mr. Hruska motioned to adopt Resolution R-07-9. Ms. Belpulsi seconded the motion.**

No discussion.

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

**ITEM 7. REPORTS:**

**Mayor's Report** –The next City Council Work Session will be held on Thursday, March 1, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, March 1, 2007 at 7:00 PM in Council Chambers, as scheduled. In addition, Mayor Agenbroad thanked the road crew and staff for all of the hours they worked to keep the roads clear and safe during the snow event over the past week.

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

**Committee Reports –**

**Mr. Chmiel – Finance Committee** – The Finance Committee met tonight at 5:30 PM in Council Chambers and after reviewing the financial reports and discussion, the Committee found the City's funds to be in proper order.

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**Planning Commission** – The Planning Commission met in Work Session on February 14, 2007 to discuss the following seven agenda items: Site Plan Review – retail center at northeast corner of Hiawatha Trail and West Central Avenue (SR 73), installation of stand alone ATM; Rezoning – Bailey Annexation, southwest corner of East Lower Springboro Road and Red Lion-Five Points Road; Revision to Approved Final Development Plan – Village Park Planned Unit Development-Mixed Use, retail building; Preliminary Final Development Plan – Village Park Planned Unit Development-Mixed Use, office component; Final Development Plan – Settlers Walk Planned Unit Development, northwest corner Remick Boulevard at Farr Drive, proposed Southwest Church; Revision to Approved Site Plan – 50 North Ovonic Way, addition to Cobasys manufacturing facility; Revision to Mobility Master Plan. The next Planning Commission meeting will be held on Wednesday, February 28 at 7:00 PM in Council Chambers.

**Mr. Hruska** – No reports.

**Ms. Lairson** – No reports.

**Mr. Anderson** – No reports.

**Ms. Belpulsi** – No reports.

**ITEM 8. OTHER BUSINESS.** Ms. Thompson commented that the City has been blessed with a very efficient Land Use Master Plan for a number of years, but it was determined that the City needs to update that plan. In December 2006, the City sent out RFPs for planning services to help the City in the process of updating the Comprehensive Land Use Master Plan. This plan is very critical and has been a very useful tool to the City by allowing the City to control the types of development that occur in the community. The current plan that was created in about 1996-1998 was comprehensive enough to allow the City Council and the City Planning Commission to have a pathway and a view and a vision for what the community would become. As the City is preparing to update that Master Plan, it has been requested that members of certain citizen boards and commissions participate in this project. The recommendations for the members of the subcommittee that will help staff interview the three top firms that submitted their proposals for planning services are as follows: Suzanne Geisler, Park Board; Terry Dudley, Architectural Review Board; Chris Papakirk, Planning Commission; and Mike Lee, Community Business Person (5/3 Bank).

Mayor Agenbroad asked for a motion to approve the list of recommended members of the Land Use Master Plan Subcommittee as stated by Ms. Thompson.

**Mr. Anderson motioned to appoint the stated members to the subcommittee for the Comprehensive Land Use Plan update project. Ms. Belpulsi seconded the motion.**

No discussion.

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

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

**ITEM 10. GUEST COMMENTS. 1) Judy Lehman, Citizens for Legal Communities** – The Citizens for Legal Communities are for legal immigration and against unlawful immigration and the persons breaking the law of this country just by being in the United States. The Citizens for Legal Communities believe that the United States should be able to choose who enters the country and for how long. The Citizens for Legal Communities believe that the federal government has chosen to permit and encourage illegal immigrants to unlawfully enter the nation for cheap labor and large voting blocks. The purpose of the Citizens for Legal Communities is to focus attention on illegal immigration, and build a coalition of concerned citizens and representatives to motivate cities, townships, and counties of the State of Ohio to remove illegal immigrants from the communities if not by law enforcement, which is impeded by the federal government, then by making the employment and/or the housing of illegal immigrants a violation of local ordinances without the proper documentation. By heavy fines and/or other types of punishment, government such as the City of Springboro can create a safer environment for its citizens.

**2) William Barnhill, Spokesman for Citizens for Legal Communities** – Mr. Barnhill made the following comments: On August 26, 2007, Mr. Barnhill's son was murdered by illegal immigrants. His message concerns the future of our children and the quality of life for every legal American. Unabated illegal immigration is no longer exclusive to the southwestern United States or the major urban communities of this country. Federal laws enacted in 1986 and 1996 failed to stem the growth of illegal population and have spurred migration to middle America such as towns like Springboro. Along with the population boom has come the negative residuals, increases in felony crime, taxpayer costs, school overcrowding, traffic congestion and vehicular crime, environmental degradation, social tension, and burden on court systems, jails, and medial facilities. Mr. Barnhill distributed binders of data concerning illegal immigration. The illegal immigration problem is not going away.

At this time, a 2-minute DVD was shown featuring Lou Barletta, Mayor of Hazelton, Pennsylvania.

Mr. Barnhill resumed his comments as follows: Lou Barletta, Mayor of Hazelton, Pennsylvania, has championed the cause of community ordinances designed to counteract the negatives of illegal immigration. State and local efforts to deter, apprehend, and detain and deport are failing. Mr. Barnhill provided a number of statistics concerning the impacts of illegal immigrants in the United States. Mr. Barnhill stated that the primary goal for successful state and local immigration control legislation is to remove or reduce the economic incentives for the unlawful presence of illegal immigrants. Mr. Barnhill further stated that state and local governments have more extensive authority than is generally recognized to enforce federal immigration law and to enact statutes and ordinances that sanction immigration related activities also unlawful under federal law. The Citizens for Legal Communities respectfully request that the City act on the following recommended measures: 1) Aggressively and proactively petition the state legislators responsible to the City of Springboro to immediately draft and/or endorse the passage of substantive state immigration reform that formalizes the partnership of federal and state and local law enforcement authorities to 1) deter and apprehend, 2) gather intelligence, 3) detain, prosecute and transport all immigrants illegally in the Sate of Ohio. Required the Attorney General of the State of Ohio to pursue a Memorandum of Understanding that would give State and Local law enforcement authorities the same enforcement authority that Federal Immigration offices currently possess.

2) Make it unlawful to rent, lease, or sublease residential property or hotel rooms to any person for use as an accommodation for an illegal alien.

3) Require the use of the Basic Pilot Federal Verification System by all employers licensed to do business in the City of Springboro to verify the legal employment status of all hired by these employers.

4) Require the use of the SAVE online system to verify eligibility for all State and Local public benefits, and encourage local employers to do the same.

5) Require local law enforcement agencies to verify the lawful presence of any person suspected of or arrested by an agency on a criminal charge. Push for a State amendment that clarifies the peace officer arrest and detention authority for all crimes committed by illegal aliens.

Mr. Barnhill stated that the United States must insist that if the immigrant who comes here in good faith becomes an American and assimilates, he shall be treated equally and without discrimination, but this is predicated on this person becoming an American in every facet.

**3) Rachel Hutzel, Warren County Prosecutor, Lebanon, Ohio** – Ms. Hutzel commented that illegal immigration is a bigger problem in Warren County than it used to be. In the last year, the County has seen a relatively enormous increase in the immigrant problem. The way that federal law is presently written, it does impede the ability of local law enforcement to do anything about that problem. As a prosecutor, her focus is not whether there is an illegal immigrant here because the federal government has carved out that area as their exclusive authority; her interest in illegal immigrants is when a crime is committed. When an illegal immigrant commits a crime, it is much more difficult to prosecute the crime and much more difficult to track those people. Ms. Hutzel stated there is a fundamental issue here as well and that is if the United States does not ask an immigrant to obey the country's civil immigration laws, how does it expect them to obey the criminal laws. Ms. Hutzel explained that if an illegal immigrant commits a crime they would prosecute that crime and want that person to go to prison regardless of the cost of incarcerating that person. The problem is, for those who believe they should be sent back to their country, they go back to their country and they do not

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serve any punishment and return to this country under another name. And, because they were never on paper here due to their illegal status, it makes it difficult for us to know whether that person came back or not. Ms. Hutzel stated that she believes that illegal immigrants who commit crimes should serve the punishment here and then be released to go back to their country. When an illegal immigrant commits a crime, her office reports it to ICE or Immigration and Customs Enforcement to very little response or appreciable action taken. The gross number of illegal immigrants reported, but not deported has grown tremendously and those illegal immigrants are still here although they were reported to ICE. The prosecutor's authority is to prosecute a crime like murder or rape or theft, and the only authority they have beyond enforcing that criminal law is to report the case to ICE. Then, it is up to the federal government to decide what they will do if anything, and often the decision has been to do nothing and the numbers have grown and grown over the years creating a much bigger problem and a much bigger problem in Warren County. Ms. Hutzel commented that she simply wished to amplify Ms. Lehmen's and Mr. Barnhill's comments that the numbers of illegal immigrants are increasing here and it is a problem.

Mayor Agenbroad asked if there were any other guests that wished to be heard. No other guests came forward.

Mayor Agenbroad thanked the guests for their attendance and comments.

**ITEM 11. EXECUTIVE SESSION.** No Executive Session.

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

**Mr. Hruska motioned to adjourn the meeting; whereby, the Thursday, February 15, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:40 PM. Mr. Chmiel seconded the motion.**

No discussion.

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

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John Agenbroad, Mayor

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Presiding Officer

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Lori A. Martin, Clerk of Council