

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

CITY COUNCIL WORK SESSION

THURSDAY, JANUARY 18, 2007

6:00 PM

CITY COUNCIL
John Agenbrood, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruithoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

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- ITEM 1. CALL TO ORDER.** Mayor Agenbrood called the Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** No absences.
- ITEM 3. PRESENTATION.** (15 mins.) **–Strategic Plan Review Update – Jana Evans, Strategic Planning Services Consultant, Evans Planning Group, Inc.**

Ms. Evans presented an Executive Report of her Analysis of the City's 1996 Strategic Plan: Visions, Goals, and Actions. (A copy of the Report is filed with the Minutes for the record.) Ms. Evans reviewed the report goal-by-goal for comments of Council. Ms. Evans explained that the report includes a tabular summary of each Strategic Goal and Actions color-coded to indicate their status i.e. green = completed, yellow = in progress, and red = not completed, supported by tasks and comments. Ms. Evans commented that there are very few red or yellow Actions, and an explanation is provided. Following her goal-by-goal review of the Strategic Plan Executive Report, Ms. Evans reviewed a Fact Sheet containing an outline of her Evaluation of the 1996 Strategic Plan, Evaluation of the 1996 Strategic Planning Process, The Way Forward Recommendation, and How (to proceed). (A copy of the Fact Sheet is attached for the record.)

Ms. Belpulsi referred to the Public Safety Goal and Action to "Develop and implement a plan to solve City Hall/Police Station space problem." Ms. Belpulsi asked if this Action is represented by the new City Building project? Ms. Thompson replied yes, that is why the Action is coded yellow. Ms. Evans explained that she coded this Action yellow to indicate that this Action is in progress and tied to the development of the plans for a new City building.

Ms. Belpulsi referred to Ms. Evans' findings regarding the Fiscal Responsibility Goal on page 17 of the Executive Report. Ms. Evans referred to the Action to "Create an integrated multi-year Budget & Management Plan to accomplish the Strategic Plan" and noted that the first Task, "Develop and implement a computer modeling system to link the Strategic Plan to a budgetary process," is coded red because it was specific to a system that was not a viable tool for the City and too elaborate for what the City needed. Ms. Belpulsi asked if there could be a simpler plan or process implemented to measure the progress of the Strategic Plan and its relationship to the budgeting process in order to provide accurate information to the public? Ms. Evans replied yes, there are other systems to use, but the "computer modeling system" that was recommended in the original Strategic Plan is a little burdensome for a City of this size. Ms. Evans added that she does believe that there needs to be some connection between the City's performance and the budget.

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Mr. Anderson referred to page 23 of the Executive Report under “. . .actions to consider. Mr. Anderson asked Ms. Evans to elaborate on “Understanding how work currently is performed in the City” and “. . .improving work load distribution.” Mr. Anderson asked if it is Ms. Evans’ feeling that there needs to be more delegation or distribution of responsibilities or if the City is actually under staffed? Ms. Evans answered that she drew no conclusions in forming these “. . .actions to consider.” She explained that it would be timely to do an evaluation of day-to-day responsibilities and work flow to determine how those factors have changed over the last ten years in order to gain a better understanding of how City management is functioning and how it might be changed. Ms. Evans further explained that the list of “. . .actions to consider” were worth looking at, but she did not study their effects and cannot draw any conclusions. Ms. Evans also explained that the “. . .actions to consider” were opportunities to improve effectiveness and efficiency based on new programs. She further explained that the right kind of information and data flow and knowledge of the kind of data the City staff would need to collect and report to Council is key. Ms. Evans added that she is particularly concerned about making sure that the City has the right kind of information, and data is generated on a consistent basis. She further added that the ability of knowing what kind of data or performance indicators the City needs to collect in order to communicate or report their accountability to Council and to give Council the right information to make conscious decisions to go forward over the next five years is very important. Ms. Evans suggested that the evaluation of data input and output and the kinds of reports is essential to the success of the Strategic Plan.

Ms. Belpulsi commented that the plan would be based on City Council setting goals for the next five years? Ms. Evans replied yes, as well as linking those performance indicators to those outcomes. Ms. Belpulsi commented that since growth has slowed, the City needs to focus on maintaining and enhancing the City, and potentially offering other kinds of services down the road, for example, the new City building may present opportunities to offer other services. Ms. Evans stated that the City would need to focus on doing things differently, not necessarily adding new services and programs. Ms. Evans suggested that the City explore efficiencies the City could take advantage of based on what is going on now.

Ms. Belpulsi asked if the updated Strategic Plan should be based on City Council setting goals for the next five years and linking them to the performance indicators and the budget, and if Ms. Evans would guide City Council in identifying/setting goals and processes to update the Strategic Plan? Ms. Evans stated that she has recommended a 1-day facilitated session to develop a 5-year Strategic Plan under No. 4, How (to proceed) on the Fact Sheet, which would provide Council with the goals, strategies, outcomes, and performance indicators. Ms. Evans explained that, beyond that effort, staff would need to work on appropriate performance measures and the format for collecting that data and reporting it.

Ms. Belpulsi asked if there is any opportunity in this process for community participation? Ms. Evans’ recommendation is to work on this process internally. She explained that community participation served a purpose when the original Strategic Plan was created, but she would not recommend it for the update. Ms. Belpulsi suggested that Council could report back to the public on the progress of the Strategic Plan if desired. Ms. Evans stated that the key is to use the Strategic Plan, and there are two ways to make sure the City does that, 1) annually, bi-annually or monthly reporting as a way in which Council can talk about issues and can continually report and know where the City is in terms of the plan and strategically and evaluate it for anything that is missing, and 2) the plan needs to be used as a consistent message for talking to the community and communicating what the City is doing and what it has accomplished, and used as a measure of success. Ms. Evans explained that the Strategic Plan for the next five years should be a good communication and management tool to help city management plan and apply staff resources.

Ms. Evans summarized by stating that the City’s new 5-year Strategic Plan should result in a working document and be a consistent message for talking to the community. Ms. Evans explained that it would be up to Council to decide if they wished to proceed with a 1-day facilitated session and when. This 1-day facilitated session is included in Ms. Evans’ proposal.

Mayor Agenbrod thanked Ms. Evans for her presentation and Strategic Plan report and information.

ITEM 4. LEGISLATIVE AGENDA. –City Council considered 4 legislative agenda items slated for the January 18, 2007 City Council Regular Meeting.

- 1) EMERGENCY ORDINANCE: THIRD READING. AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER’S CONTRACT FOR THE CHERRY RIDGE COMMONS DEVELOPMENT AND DECLARING AN EMERGENCY.**

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Ms. Lairson asked if the City has received all of the documents required to approve this record plan? Ms. Thompson replied yes. Ms. Thompson also reported that there has been a revision to this legislation since it was first presented in November of 2006. Assistant City Engineer Elmer Dudas has reviewed this revision with the Law Director and reported as follows: There is a non-substantive revision (per Dave Montgomery, Legal Counsel) to the Cherry Ridge Commons legislation for the record plan approval. The subdivider (owner) as shown on the original legislation has been changed from Robert J. & Elaine Buskirk to Cherry Ridge Commons, LLC. This change has been made in the revised legislation. The cover memo, record plan, and the subdivider's agreement, as originally submitted, do not contain any changes.

- 2) **ORDINANCE: FIRST 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.

- 3) **ORDINANCE: FIRST 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.

Ms. Belpulsi asked if the City's current sign ordinance allows electronic signs with scrolling messages? Ms. Thompson replied no. Ms. Thompson explained that the school has one of these types of signs, but the schools are exempted from the sign code as a quasi-governmental agency. She added that the school sign features pop-up messages, but does not scroll messages, which the schools agreed to at the City's request.

Mr. Chmiel asked if a business such as a service station were to install a stationary LED sign, would that be acceptable? Ms. Thompson replied no; those types of signs are prohibited under the current code. Ms. Thompson suggested that the City could look at amending the sign ordinance in the future to address a particular type of sign. She added that examples are always helpful. Ms. Lairson commented that there are two McDonald's in the area that have the new LED signs.

Mr. Anderson asked if this ordinance would affect the types of promotional signs used by restaurants like Taco Bell and KFC? Ms. Thompson stated that window signs are covered under the current sign ordinance.

Mr. Boron explained that window signs are exempt from this ordinance, and are already permitted under the current sign ordinance. Ms. Thompson added that the City has always allowed window signs based on a percentage of window surface area permitted to be covered.

Ms. Lairson asked if the City would consider allowing smaller yard signs to advertise for short periods of time? Ms. Thompson explained that the current ordinance allows small yard signs for community events, but not for businesses, and this type of sign for business advertising did not come up during the Planning Commission's discussion of this ordinance.

Mr. Boron explained that other communities do allow small yard signs for businesses, but what the City is providing through this ordinance is a temporary sign for events such as a seasonal sale and from an enforcement perspective, banner signs are easier to enforce and serve the purpose of a temporary sign. Ms. Thompson added that it is difficult to post those types of signs on the business' property, which leads to the issue of off-premise signs. She further added that the decision to permit banner signs was based on those reasons, the off-premise issue, etc.; therefore, the Planning Commission did not even pursue discussion regarding those types of signs.

Ms. Lairson commented that she is asking mainly because it seems like the City is moving toward a lot of low visibility signs, and where the building is set back or behind a berm or the building is blocked because of parking issues, the sign cannot be seen from the street. Ms. Lairson further commented that although this ordinance would allow a business to attach a sign to the building, there are still a lot of businesses whose buildings are positioned in a way that the banner would not be very visible. She asked if the Planning Commission had considered the smaller signs? Ms. Belpulsi answered that the Planning Commission has not considered those types of signs. Ms. Belpulsi stated that she agreed with Ms. Thompson's comments regarding the difficulty of enforcement, but it is something that the City could consider, and it has never been an issue before.

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Mr. Chmiel asked if Ms. Lairson is referring to a more detached type of signage? Ms. Lairson replied yes, but it would be restricted to the premises of the business, and would be permitted in cases where the front of the building is not as visible from the street.

Ms. Thompson clarified that a business can have both monument and wall signage, and if their building position obscures their monument sign, they may opt for wall signage. Ms. Lairson stated that she understands that this ordinance would allow for temporary banner signs, which have not been allowed in the past and is a step forward, but with the permit only being for a sign attached to the front of the building, she is not sure from a visibility standpoint if it is much of an allowance for businesses that are less visible from the street. Ms. Lairson suggested including an alternative that under certain circumstances small yard signs would be allowed. Ms. Thompson stated that she understood Ms. Lairson's point, but not all businesses have a yard making those signs off-premise, which is one of the reasons the Planning Commission did not consider it. Ms. Thompson explained that a lot of businesses do not have a yard in which to display a sign. She further stated that the Planning Commission could look at other possibilities for temporary signs.

Mr. Boron explained that this ordinance is over and above what is presently permitted. In other words, this ordinance is in addition to the current ordinance, and would not count against what is already permitted. Ms. Thompson added that this ordinance was created in reaction to complaints from businesses that wanted some relief from never being able to display any type of sign to advertise a temporary sale or event.

Mr. Anderson commented that there is also the enforcement of the ordinance to consider? He commented that businesses do have banner signs and yard signs that are displayed longer than the permitted amount of time. Mr. Anderson stated that he believes that the City needs to enforce whatever it decides to permit as far as signage. He added that the City should definitely let the businesses advertise temporary sales and events, but when that 30-day time period ends the sign needs to come down. Ms. Thompson explained that enforcement would be a challenge for the City, which has only one zoning inspector. She further explained that if the City permitted the small yard signs, there would not be any enforcement.

Ms. Belpulsi commented that although she appreciated Ms. Lairson's suggestion regarding small yard signs, she believes it would cause an enforcement problem. Ms. Thompson added that it would be hard to tell one business they could not use the smaller yard signs because they do not have frontage or "a yard" to post the signs. Ms. Thompson reiterated that the Planning Commission could look at the issue, but there would definitely be some challenges with it.

Mr. Parise asked if businesses that do not have yard space like those in a strip mall are allowed to park a vehicle such as a truck in a parking spot and display signage on it. Ms. Thompson replied no, but they could use this new ordinance to display a temporary banner sign, which they never had the ability to do before. Ms. Thompson reiterated that this ordinance would allow businesses to display temporary signs such as those advertising a grand opening for a number of days, which was one of the biggest complaints the City received from businesses regarding their ability to advertise using signage.

Ms. Belpulsi stated that she would put additional signage considerations on the Planning Commission agenda for future discussion, although the biggest problem with additional signage would be enforcement.

Ms. Lairson reiterated that this legislation is definitely a step forward for businesses.

- 4) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PICKREL, SCHAEFFER & EBELING CO., L.P.A. TO PROVIDE LEGAL COUNSEL TO PROVIDE LEGAL SERVICES FOR THE CITY OF SPRINGBORO AND DESIGNATING ALAN B. SCHAEFFER AS LAW DIRECTOR FOR THE CITY.

Mr. Hruska will comment regarding this item at tonight's City Council Regular Meeting.

ITEM 5. CITY MANAGER. –Issues/Reports.

Ms. Thompson reminded City Council that she would be attending the OCMA Conference in Columbus next week, January 23-25.

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Ms. Thompson announced that Harvey Lyons, who has been working for the City since 1990, retired on January 9. Mr. Lyons started his career with the City as the Golf Course Superintendent and became the Public Works Director followed by a position as a maintenance worker in the Street Department. His wife, Anita Lyons, still works for the City and will not be retiring anytime soon.

Ms. Thompson requested an Executive Session to discuss the sale of property and the purchase of property and to review collective bargaining.

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

Ms. Martin made the following announcements:

A City Council Special Meeting will be held on Saturday, January 27, 2007 from 8:00 AM – Noon in Council Chambers to discuss goals and objectives and to conduct a planning retreat with the members of the Planning Commission from 10:00 AM – Noon.

Ms. Belpulsi commented that the Planning Commission inquired regarding an agenda for the planning portion of the Special Meeting. She added that they would like to have the agenda ahead of time, if possible. Mayor Agenbroad commented that he did not think there would be a structured agenda, but that the meeting would be more of a brainstorming session. Mayor Agenbroad further commented that some type of agenda would be put together for that portion of the meeting.

The 3rd U.S. District Representative office hours scheduled for Tuesday, January 30, 2:30-3:30 PM in Council Chambers have been canceled.

City Council Members have been invited to tour Klosterman Bakery located at 350 S. Pioneer Boulevard in Springboro on February 1 at 5:00 PM. Council Members are to meet at the bakery facility shortly before 5:00 PM.

Two Public Hearings are scheduled for February 1 beginning at 7:00 PM in Council Chambers for the following requests: 1) to rezone 5 Fairway Drive from R-2 to O-R, and 2) to rezone 8683 Clearcreek-Franklin Road from ED and (T)R-1 to PUD-R.

Ms. Martin confirmed that everyone received their OEC forms for their service on City Council in 2006. The filing deadline is Monday, April 16, but Ms. Martin requested that Council Members return their forms to her by March 18 in order to process and file the financial disclosure statements in a timely manner. Ms. Martin commented that City Council Members should contact the Ohio Ethics Commission directly if they have any questions regarding the form.

ITEM 7. CITY COUNCIL. –Issues/Reports.

Mr. Parise – Mr. Parise referred to the weekly staff meeting minutes, which noted two recent home break-ins. Mr. Parise asked where these crimes took place? Chief Kruithoff answered that he was not sure of the location of these break-ins, but he would check the records and follow up with Mr. Parise.

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

Mr. Hruska – Mr. Hruska referred to the Police Department Annual Report for 2006 and asked if most of the 1,363 Alarm Calls last year were false alarms? Chief Kruithoff replied yes. Mr. Hruska asked if the City has a policy to charge for false alarms? Chief Kruithoff replied no. Mr. Hruska asked if the City should consider charging for false alarms? Ms. Thompson stated that staff could certainly look into a policy regarding penalties for false alarms. Chief Kruithoff stated that there are a number of ordinances from other communities addressing this issue, but if the City did not want enforcement to be that strict, the Police Department could at least require the resident to make a maintenance call and show proof.

Ms. Lairson – Ms. Lairson reported that the Tree Authority is reviewing the Guidebook for Builders and Contractors and an update is in progress. Ms. Lairson commented that the guidebook is very outdated.

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Mr. Anderson – No issues/reports.

Ms. Belpulsi – Ms. Belpulsi will present a notice of an application for a liquor license transfer at tonight's City Council Regular Meeting under Other Business. In addition, Ms. Belpulsi referred to the Police Department Annual Report for 2006 and noted the increase in calls/crimes in many areas. Ms. Belpulsi asked why there were so many increases? Chief Kruithoff explained that the Part One Crimes were not that statistically significant, but service calls were up in a variety of other areas. He added that Springboro has 5,000 more people than it did two years ago, which also contributed to the overall increase. Chief Kruithoff stated that he would be glad to prepare something on an individual number, as each criminal activity has increased for different reasons. Ms. Belpulsi asked for more of an explanation for the increases in the report or an overview to explain why certain crimes have increased or decreased. Chief Kruithoff stated that he could provide a report on why a specific crime increased, but a report documenting why all of them increased would take some time to prepare.

Mr. Hruska stated that when he reviewed the statistics in the report he believed the increases to be within reason, and was not surprised by the overall increase. Chief Kruithoff stated that considering that arrests are up, and this is the first time in five years that Part One Crimes have actually spiked, the numbers seem to be fairly static.

Ms. Belpulsi asked what the 11,233 "All Other Calls" represented? Chief Kruithoff explained that those calls include funeral escorts, a threatening person at a local business who left the scene, calls that upon investigation were found to be legitimate and did not result in a crime, etc. Chief Kruithoff further explained that all of these types of calls are categorized as "All Other Calls" because they did require a police response regardless of whether a crime occurred.

Mayor Agenbroad – No issues/reports. Mayor Agenbroad commented that there was not enough time left in the Work Session to conduct an Executive Session as requested by Ms. Thompson earlier. The Executive Session will follow the Regular Order of Business at tonight's City Council Regular Meeting.

ITEM 8. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:54 PM.

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320 W. CENTRAL AVENUE, SPRINGBORO, OHIO

CITY COUNCIL REGULAR MEETING

THURSDAY, JANUARY 18, 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 Kruithoff, Police Chief

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 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, Present.

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, JANUARY 18, 2007 TO AMEND THE TEXT OF THE PLANNING AND ZONING CODE, PART XII OF THE CODIFIED ORDINANCES 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 CITY COUNCIL TO REPEAL SECTION 1280.15(B), SITE PLAN REVIEW, EXEMPTIONS, LIMITED ALTERATIONS, AND REPLACE IT WITH NEW TEXT THAT WOULD CLARIFY AND EXPAND THE TYPE OF ALTERATIONS AND ADDITIONS THAT ARE EXEMPT FROM THE CITY'S SITE PLAN REVIEW PROCESS. PRESENTLY ALTERATIONS INCREASING THE FLOOR AREA LESS THAN TEN PERCENT (10%) ARE EXEMPT AS ARE ALTERATIONS THAT INCREASE THE BUILDING HEIGHT MORE THAN TEN PERCENT (10%). THE PROPOSED TEXT AMENDMENT WOULD RETAIN THOSE TWO EXEMPTIONS BUT ALSO EXEMPT ADDITIONS LESS THAN ONE THOUSAND (1,000) SQUARE FEET IN AREA.

THIS PUBLIC HEARING WAS HELD IN ACCORDANCE WITH CHAPTER 1284, AMENDMENTS, OF THE PLANNING AND ZONING CODE. THE PROPOSED PLANNING AND ZONING CODE TEXT AMENDMENT WILL NOT RESULT IN ANY AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO.

THE PUBLIC HEARING WAS LIMITED TO 30 MINUTES; 15 MINUTES RESERVED FOR THE OPPONENTS, AND 15 MINUTES RESERVED FOR THE PROPONENTS.

PROPONENTS:

1) DAN BORON, CITY PLANNING CONSULTANT – MR. BORON MADE THE FOLLOWING COMMENTS: THIS RECOMMENDATION WAS APPROVED BY THE PLANNING COMMISSION FOR RECOMMENDATION TO CITY COUNCIL AT THE NOVEMBER 29, 2006 PLANNING COMMISSION MEETING. THE PURPOSE OF THIS ORDINANCE IS TO EXPAND AND CLARIFY THE EXEMPTIONS TO THE SITE PLAN REVIEW PROVISIONS OF THE CITY'S PLANNING AND ZONING CODE. PRESENTLY, ANY OR MOST NON-RESIDENTIAL DEVELOPMENT NEW CONSTRUCTION IN THE CITY IS SUBJECT TO REVIEW UNDER THE SITE PLAN REVIEW PROCESS, BUT THERE ARE A NUMBER OF EXEMPTIONS INCLUDING BUILDING ADDITIONS LESS THAN (10%) TEN PERCENT OR ADDITIONS REPRESENTING AN INCREASE LESS THAN TEN PERCENT OF THE EXISTING FLOOR AREA. THIS ORDINANCE WOULD ADD TO THOSE EXEMPTIONS TO ALSO EXEMPT ANY BUILDING EXPANSION THAT IS AN INCREASE OF LESS THAN ONE THOUSAND SQUARE FEET. UNDER ANALYSIS AND REVIEW, IT WAS DETERMINED THAT SOME AREAS OF TOWN SUCH AS THE HISTORIC DISTRICT AND AREAS AROUND THE TOWN CENTER PORTION OF THE COMMUNITY THAT WERE BUILDING ADDITIONS AS SMALL AS 500 SQUARE FEET WERE SUBJECT TO REVIEW BY THE PLANNING COMMISSION, WHICH INVOLVES A REVIEW PROCESS AND AN APPEARANCE BEFORE THE PLANNING COMMISSION. THE CITY WILL STILL ENFORCE THE PROVISIONS OF THE SITE PLAN REVIEW PROCESS UNDER THE PLANNING AND ZONING CODE, BUT THIS ORDINANCE WOULD AT LEAST EXPEDITE THE PROCESS TO ALLOW BUSINESSES TO BUILD EXPANSIONS, WHICH ARE VERY SMALL IN NATURE, AND CONTINUE TO EXPAND THEIR BUSINESSES. THIS ISSUE HAS COME UP FROM TIME TO TIME WITH BUSINESS EXPANSIONS AND ADDITIONS IN THE HISTORIC DISTRICT. MR. BORON OFFERED TO ANSWER ANY QUESTIONS.

MAYOR AGENBROAD PRESENTED THE ITEM FOR QUESTIONS. NO QUESTIONS OF CITY COUNCIL.

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NO OTHER PROPONENTS CAME FORWARD.

MAYOR AGENBROAD ASKED IF ANY OPPONENTS WISHED TO BE HEARD.

OPPONENTS: NO OPPONENTS.

MAYOR AGENBROAD DECLARED THE PUBLIC HEARING ADJOURNED AT APPROXIMATELY 7:03 PM.

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

Ms. Belpulsi motioned to approve the Minutes of the January 4, 2007 City Council Work Session and Regular Meeting. Mr. Chmiel seconded the motion.

No corrections.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes. [APPROVED 7-0]

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 54 minutes to discuss the following legislative items as well as other matters before the City.

- 1) **ORDINANCE O-07-3: THIRD READING.** "AN ORDINANCE APPROVING THE RECORD PLAN AND PERFORMANCE GUARANTY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S CONTRACT FOR THE CHERRY RIDGE COMMONS DEVELOPMENT AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance approving the record plan for the Cherry Ridge Commons Development. The development contains four (4) apartment buildings with three (3) units per building located at the northeast corner of Cherry Street and E. Central Avenue. The Planning Commission approved this record plan for recommendation to City Council on August 30, 2006. The City has received the water system capacity fee, the subdivider's agreement, and the performance bond, as required.

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

Ms. Belpulsi motioned to adopt Ordinance O-07-3. Mr. Hruska seconded the motion.

No discussion.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

- 2) **ORDINANCE: FIRST 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 deferred to Mr. Boron to comment on this item.

This is the first 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 ordinance was the subject of the Public Hearing held at the beginning of tonight's City Council meeting. The purpose of this ordinance is to expand and clarify the manner in which certain exemptions are provided for in the site plan review section of the planning and zoning code. To reiterate, all non-

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residential or most non-residential uses within the community are subject to review by the Planning Commission under Chapter 1280 when proposing new construction; this ordinance would expand the exemptions from that site plan review process. Presently, any addition to an existing building that increases the floor area ten percent or less is exempt, this ordinance would add to that criteria for exemption any addition of 1,000 square feet or less, thereby expediting the process for those businesses to expand. These smaller business expansions are generally made by businesses located in the historic district, the town center area, and other older portions of town.

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

No action required at this time.

- 3) **ORDINANCE: FIRST 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 deferred to Mr. Boron to comment on this item.

This is the first 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 Planning Commission recommended this ordinance to City Council at the November 29, 2006 Planning Commission meeting. This ordinance would amend the sign code of the City of Springboro, Chapter 826, which is separate from the Planning and Zoning Code. This ordinance was developed as a result of some comments from the public and business owners within the community to expand the amount of signs allowed on individual properties and businesses. Presently, a number of temporary signs are permitted including political signs, real estate signs, new business signs, and window signs within the commercial building code. This ordinance would expand those provisions by allowing for temporary wall signs – banners– to be erected on buildings through a site plan permitting process. The process would allow for one sign no larger than 36 square feet to be erected once every quarter for a 30-day period. This provision is in addition to the allowable sign area that is currently permitted for individual businesses e.g. wall signs, ground mounted signs, etc. The ordinance also provides for some very basic sign requirements including sturdy construction, but again this ordinance would be regulated through the City's sign permit process.

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

No action required at this time.

- 4) **RESOLUTION R-07-3:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PICKREL, SCHAEFFER & EBELING CO., L.P.A. TO PROVIDE LEGAL COUNSEL TO PROVIDE LEGAL SERVICES FOR THE CITY OF SPRINGBORO AND DESIGNATING ALAN B. SCHAEFFER AS LAW DIRECTOR FOR THE CITY," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Hruska to comment on this item.

This resolution authorizes the City Manager to enter into a contract with Pickrel, Schaeffer & Ebeling, Co., L.P.A. to provide legal services to the City and to designate Alan B. Schaeffer as the City's Law Director. This resolution would renew the City's legal services contract with the law firm of Pickrel, Schaeffer & Ebeling and Alan Schaeffer as City Law Director. Mr. Schaeffer has served as the City's Law Director for about three years. This contract renewal provides for an hourly rate increase from \$150/hour to \$155/hour for 2007 with an option to renew this contract for 2008 at the same hourly rate. The Legal Committee has reviewed this contract and recommends renewal.

Mayor Agenbroad commented that Mr. Hruska is Chairman of the Legal Committee and is also an attorney, and thanked Mr. Hruska for his work on this contract.

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

Mr. Anderson motioned to adopt Resolution R-07-3. Mr. Chmiel seconded the motion.

No discussion.

VOTE: Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes.

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[APPROVED 7-0]

ITEM 7. REPORTS:

Mayor's Report – The City Council will hold a Special Meeting on Saturday, January 27, 2007 from 8:00 AM to Noon in Council Chambers to discuss annual goals and objectives and conduct a joint retreat with the Planning Commission from 10:00 AM-Noon. The 3rd U.S. District Representative office hours scheduled for Tuesday, January 30, 2:30-3:30 PM in Council Chambers have been canceled. The next City Council Work Session will be held on Thursday, February 1, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, February 1, 2007 at 7:00 PM in Council Chambers, as scheduled. In addition, two Public Hearings will be held on Thursday, February 1, 2007 beginning at 7:00 PM in Council Chambers for the following requests: 1) to rezone the property located at 5 Fairway Drive from R-2 to O-R, and 2) to rezone 12.1 acres of land located at 8683 Clearcreek-Franklin Road from ED and (T)R-1 to PUD-R.

City Manager's Report – No reports.

Committee Reports –

Mr. Parise – Architectural Review Board – The Architectural Review Board met on January 8 in Council Chambers and welcomed new board member Michael Wolfe. The Board also allowed the owner of 153 S. Main Street to change the color of his building. In addition, Mr. Parise commented that he attended his first Miami Valley Communications Council (MVCC) meeting on January 17. Mr. Parise is City Council's appointed representative to the MVCC.

Mr. Chmiel – Finance Committee – The Finance Committee met this evening at 5:30 PM in Council Chambers. The Committee conducted a complete review of all of the City's financial reports and all funds are operating appropriately, and continue to be monitored.

Planning Commission – The Planning Commission met on January 10 at 7:00 PM in Council Chambers to review the following three agenda items: Final Development Plan – Village Park Planned Unit Development-Mixed Use, preliminary review of office component, review will continue at a future Planning Commission Work Session; Final Development Plan – The Springs PUD, The Villas condominiums, exterior elevations and lighting plan(s); Rezoning and General Plan Amendments – The Enclave Planned Unit Development-Business and Planned Unit Development-Residential, proposed expansion of the retail development. The next Planning Commission meeting will be held on Wednesday, January 31, 2007 at 7:00 PM in Council Chambers, as scheduled.

Mr. Hruska – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

ITEM 8. OTHER BUSINESS:

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

A notice of an application for a Liquor License transfer from American Golf Corp DBA Heatherwoode Golf Club, Clubhouse & Patio & Golf Course, 88-90 Heatherwoode Blvd., Springboro, Ohio 45066 bearing the number 01629840045 to Heatherwoode Golf Management LLC, 88-90 Heatherwoode Blvd., Springboro, Ohio 45066 bearing the number 3703241. The Liquor License is for Permit D-1, D-2, D-3, and D-6 – On premises sale and consumption of beer, wine, mixed beverages, and spirituous liquor privileges including Sunday sales, consumption and carryout consistent with a golf course operation. The Springboro Police Division can find no cause for objection to this application, and recommends that City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control.

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

No discussion.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

ITEM 9.

FINAL COUNCIL AND MANAGER COMMENTS. Ms. Belpulsi made the following comments: Ms. Belpulsi stated that she usually does not respond to articles in the newspaper, but she feels she has to address one that appeared in one of the local newspapers today regarding an interview with Council Member Anderson concerning the City's financial status, the income tax increase, intimating that the Planning Commission makes it difficult for businesses, and also implying that Council and Staff are irresponsible in financial matters. Ms. Belpulsi commented that the City is entering into what a friend of hers calls "the silly season." She explained that this is an election year, and we will be hearing all different kinds of information that maybe some people see as factual and maybe is not quite factual. Ms. Belpulsi further commented that she would encourage people to keep informed by watching the City Council meetings, asking questions, etc. Ms. Belpulsi stated that she did want to comment on a couple of things just to set the record straight. She stated that the comment (in the newspaper article) that there is a voting block on Council is pretty confusing to her. She explained that she has checked all of these figures, and this year only one time has there been a four-three (4-3) vote on Council, which was for the Village Park Townhouse issue, and actually Mr. Anderson voted with the majority on that issue. Ms. Belpulsi further explained that it was also stated in the newspaper that he (Mr. Anderson) plans to increase the income tax base by moving businesses through the planning process more efficiently. Ms. Belpulsi stated that, first the planning process although it may be time consuming is very efficient and very responsible. She stated that, second it has always been the City's goal to bring quality development to the community, that is why the City has these processes in place, and she thinks they have worked very well. Ms. Belpulsi further stated that there were several other things in the interview, but she would not concentrate on those, but did state that there was one thing that was very significant, which is the financial status of the City. She explained that it was stated in the newspaper article that \$1M comes from the City's current tax increase and in 2012 the balance is projected to be \$1.1M. She further explained that it was suggested (in the newspaper article) that because of that projection the City should cut spending by \$150,000 to \$250,000 (per year) because retaining a balance is just irresponsible. Ms. Belpulsi stated that this Council and this Staff has never in the 15 plus years that she has served on City Council taken any actions that she would deem to be irresponsible. She explained that first and foremost the tax dollars from the tax credit reduction actually amount to \$1.5M, and the projected 2012 balance of \$1.1M is correct; however, if one were to eliminate those tax dollars referred to and do the math, the City would face a 2012 General Fund deficit of \$600,000. She further explained that if spending were reduced by \$150,000 to \$250,000 (per year), which is equivalent to cutting services to residents, it would still create a deficit of \$350,000 in 2012. Ms. Belpulsi stated that as it stand right now, the City's current projections even with the tax dollars that were referenced, the City faces a General Fund deficit in the year 2017, which we were all aware of when a citizens' committee recommended the income tax credit reduction (in 2004). Ms. Belpulsi commented that one would want to be really careful when figures are thrown out, that everybody understands what they really mean. She also commented that during the last budget process in November there were no outcries or recommendations or suggestions for reductions in expenditures or different ways to do things that might have an impact on the budget. She further added that she wanted to comment on the reserves in the General Fund by stating that although the reserves seem large, they are there for a reason. She explained that the City has to have a cushion in the General Fund in case things happen. She stated for example, over the past couple of years, the City has built multi-million dollar water and sewer facilities. She explained that the City can transfer money out of the General Fund, but cannot transfer money from Capital Funds into the General Fund; therefore, it is important to have a cushion there in case some unexpected expenses come up. Ms. Belpulsi further explained that the City Council has taken steps to purchase land that would protect the City by having control over it, and those monies come out of the General Fund. She added that if there is a down turn in the economy, those (General Fund reserves) monies help to supplement any additional expenses that the City might incur. Ms. Belpulsi stated that while it may be that people think the City has too much money in reserve, she thinks that it does not, and she wants people to think about those kinds of possibilities. Ms. Belpulsi explained that for many cities, the percentage of General Fund reserves they usually maintain is anywhere from 15%-25%. Ms. Belpulsi confirmed with Ms. Thompson that the City of Springboro General Fund reserve is 15%. Ms. Thompson stated that 15% was the City's minimum fund balance policy. Ms. Belpulsi commented that she just wanted to clarify those points, and she is not saying that it was the way the article was written, but she just felt that it cast a very disparaging light on the efforts of the City Council and Staff

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who have worked so hard to bring this City up to where it is presently. Ms. Belpulsi further commented that when she started on Council fifteen plus years ago she thinks the City had a General Fund balance of \$75,000, which is pretty scary. She added that she wanted to make those comments and does not mean it to be a bashing, but she just needed to set the record straight because if one is going to give out facts and figures, they need to be factual. Ms. Belpulsi stated that finally, as a member of what was called the "old guard Council Members" (in the newspaper article) of which she is one, that is correct, she is old and getting older, but she is getting a lot wiser. Ms. Belpulsi concluded her comments by stating that she just wants to set the record straight when these issues come up and it is presented to the public; she wants to make sure the public gets the right information.

Mayor Agenbroad asked if there were any other comments of Council.

Mr. Hruska commented that he agrees with Council Member Belpulsi as one of the stated "old guard" also. Mr. Hruska stated that he would like the citizens of Springboro to pay attention in the next few months. He explained that it is a shame that some people have to use the newspaper and the press and their Council positions for personal gain instead of what is best for the City. Mr. Hruska added that he just asks that people look at everything that has happened in the past, and that is going to happen in the future. He concluded his comments by stating that Springboro has intelligent people, and they can figure out what is going on.

There were no additional Council or Manager comments.

- ITEM 10. GUEST COMMENTS. 1) Joseph Koussa, 1537 Beaver Creek Lane, Kettering, Ohio** – Mr. Koussa asked God to protect the armed forces serving overseas and to bring them home safely. Mr. Koussa expressed his concern regarding the ranking of certain American automobile companies in the world market and urged everyone to buy American made products. Mr. Koussa commented that he would like to see the United States become the manufacturing leader of the world, and urged everyone to support American automobile manufacturers.

Mayor Agenbroad thanked Mr. Koussa for his comments.

No other guests came forward.

- ITEM 11. EXECUTIVE SESSION.** Mayor Agenbroad announced that City Council would enter Executive Session following the Regular Order of Business to consider the compensation of a public employee, to discuss the sale of property, to discuss the purchase of property, and to review collective bargaining. Mayor Agenbroad reminded the general public that there are no votes taken in Executive Session, and City Council would reconvene the Regular Meeting for adjournment following the Executive Session.

Mr. Chmiel 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, to discuss the sale of property, to discuss the purchase of property, and to review collective bargaining. Mr. Hruska seconded the motion.

No discussion.

VOTE: Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [APPROVED 7-0]

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

With no further business, Mayor Agenbroad adjourned the meeting; whereby, the Thursday, January 18, 2007 Springboro City Council Regular Meeting was adjourned to Executive Session at approximately 7:26 PM.

With no objections, City Council exited Executive Session at approximately 8:41 PM; whereby, no votes were taken. And, with no further business, Mayor Agenbroad adjourned the City Council Regular Meeting at approximately 8:41 PM.

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John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council