

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

CITY COUNCIL WORK SESSION

THURSDAY, JUNE 21, 2007

6:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruthoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** Mr. Chmiel was absent. Mr. Pozzuto was also absent.
- ITEM 3. LEGISLATIVE AGENDA.** – City Council considered 16 legislative agenda items slated for the June 21, 2007 City Council Regular Meeting.
- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY.

Mayor Agenbroad confirmed that Legislative Items 1 through 11, ordinances, would be considered as a Consent Agenda. It was the consensus of City Council to proceed with a motion to suspend the rules to include a Consent Agenda consisting of Legislative Items 1 through 11 to be considered in aggregate, without discussion or amendment, at tonight's City Council Regular Meeting. City Council would also consider a motion to adopt Legislative Items 1-11 in aggregate, without discussion or amendment, at tonight's City Council Regular Meeting.
 - 2) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.
 - 3) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY.

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Refer to comments under legislative item 1.

- 4) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 5) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 6) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 7) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 8) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 9) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 10) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY.

Refer to comments under legislative item 1.

- 11) **ORDINANCE: THIRD READING.** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF CONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO AS DESCRIBED IN RESOLUTION NO. R-06-12. (2006 SIDEWALK/DRIVEWAY APRON PROGRAM)

Refer to comments under legislative item 1.

END CONSENT AGENDA

BEGIN REGULAR AGENDA

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- 12) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING CHAPTER 434; OVI; WILLFUL MISCONDUCT; SPEED OF PART FOUR – TRAFFIC CODE; 434.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

Ms. Belpulsi requested information regarding the number of speeding tickets issued on S. Pioneer Boulevard for the past six months. Chief Kruihoff will follow up on Ms. Belpulsi's request for information between now and the next City Council meeting.

- 13) **ORDINANCE: FIRST READING.** AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF SPRINGBORO, OHIO.

Ms. Martin requested that City Council waive the first and second readings of this ordinance in order to expedite the distribution of the replacement pages and the enforcement of any applicable amendments to the Traffic and General Offenses Codes. There were no objections to considering a motion to suspend the rules and waive the second and third readings of this ordinance at tonight's City Council Regular Meeting. Ms. Martin will comment on this item during the legislative portion of tonight's Regular Meeting.

- 14) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A PRE-APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR PROJECT YEAR 24 / FISCAL YEAR 2010.

No discussion.

- 15) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GO CONCEPTS, INC., TO REDESIGN THE OFFICIAL WEBSITE FOR THE CITY OF SPRINGBORO.

Mr. Anderson asked Ms. Thompson if Council would have input regarding the redesign of the website? Ms. Thompson explained that typically the staff Internet Committee would oversee the website project. Mr. Anderson stated that he would like to see the final product. Ms. Thompson offered to present the project to Council in phases as it progresses. Ms. Belpulsi agreed that she would like to see the finished product before the redesign is complete and the site is launched.

- 16) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE DIRECTING THE APPROPRIATION OF EASEMENTS OVER, ACROSS AND UNDER REAL PROPERTY CONSISTING OF A 0.7667 ACRE +/- TRACT OF LAND BEING A PERMANENT EASEMENT OF 0.2751 ACRES +/- AND A TEMPORARY EASEMENT OF 0.4916 ACRES +/- OVER, ACROSS AND UNDER LAND LOCATED AT 9181 YANKEE ROAD FOR A PUBLIC PURPOSE AND AUTHORIZING THE LAW DIRECTOR TO TAKE ACTION TO APPROPRIATE THE PROPERTY EASEMENTS AND DECLARING AN EMERGENCY.

Mr. Schaeffer requested that City Council waive the second and third readings of this ordinance in order to be prepared to proceed with the appropriation action if necessary. Mr. Schaeffer explained that he has negotiated with the property owner's attorney and he has spoken with the property owner. As a result, Mr. Schaeffer believes that an agreement will be reached on the value of the property, and most likely will not be necessary to appropriate the easements by eminent domain.

ITEM 4. CITY MANAGER. –Issues/Reports.

Ms. Thompson reported on the following items:

Police Pursuit in Response to a possible Child Abduction: Chief Kruihoff provided a brief update regarding the police pursuit of a suspect in response to a 911 call. The pursuit involved a 15-minute chase ending in the arrest of the suspect. Upon further investigation, it was found that the suspect was stalking a woman living in the house next to the complainant's house. The suspect was seen in the back yard of the neighbor's house near a child on a play set when the 911-call was made. The video of the chase was aired on CNN and WLW, a local news channel. Police Officer Aaron Zimmaro was interviewed on camera. Chief Kruihoff commented that the suspect was extremely aggressive and drove through a cul-de-

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sac between two homes, and was finally stopped by stop sticks in the road. Chief Kruithoff reiterated that this case is no longer viewed as an abduction attempt.

Mayor Agenbroad extended kudos to the Police Department for their professional conduct in handling this incident.

Ms. Thompson commented that the police video is public information, and it was provided to the media as requested and required.

Request for Annexation of 126 acres at Yankee/Austin: Ms. Thompson referred to the packet she distributed to Council regarding the request to annex to the City 126.026 acres of land at the corner of Yankee Road and Austin Pike within Washington Township. Concerning the annexation request, Ms. Thompson commented that Dayton Daily News reporter Larry Budd inquired for information and she provided him with a copy of the proposed annexation agreement. Ms. Thompson further commented that she explained to Mr. Budd that there has been no vote or discussion regarding this request. Ms. Thompson requested Council's time during this Work Session to discuss this request for annexation. It was the consensus to discuss this issue following the remainder of the Work Session discussion, and to continue the discussion following the City Council Regular Meeting, if necessary.

In addition, Ms. Thompson reported that Director of Finance Robyn Brown is attending Certified Government Finance Officers Training at Kent State University this week. Assistant City Manager Chris Pozzuto is on vacation this week. And finally, Ms. Thompson announced that she would be out of the office next Monday and Tuesday, June 25 & 26, on leave.

Comprehensive Land Use Master Plan Update: The Comprehensive Land Use Master Plan Subcommittee meeting scheduled for Monday, June 25 has been canceled. The Subcommittee will conduct a focus group meeting with the Planning Commission on Monday, July 16 at 7:00 PM in Council Chambers to discuss the plan and any recommendations.

Mobility Master Plan Amendment: A Public Hearing will be held on July 19 for amendments to the Mobility Master Plan, which include the SR73 at Interstate 75 interchange modification study recommendations concerning the ODOT bridge project and ramps at the I-75 Interchange. Ms. Thompson commented that the project would result in a vast improvement to the City's traffic congestion at that location if the City can secure all of the funds for the ramps. The bridge will be an ODOT project that Springboro will participate in with the City of Franklin. The ramps on the west side of the Interstate will be constructed as part of that project. The Springboro side of the Interstate will be constructed via another round of funding requests, which the City hopes to get through MVRPC, as it did for the bridge project through ODOT.

Lease for Temporary Office Space during City Building Construction: Legislation authorizing a lease agreement for a temporary facility to house the City administration and departments during the construction of the new City building will be presented on July 19 for Council's consideration. The temporary office space is located at 425 S. Pioneer Blvd. in the Dalco Building. At the July 5 Council Work Session, Ms. Thompson will distribute a packet of photographs and impressions for the new City building design for Council's review.

Ms. Belpulsi asked if the temporary space at 425 S. Pioneer Blvd. has a floor plan? Ms. Thompson explained that staff chose this location because it was the only option with adequate parking and has existing offices, cubicles, furniture, and other office infrastructure. Ms. Thompson explained that the floor plan would be presented on July 5.

2008 Tax Budget: The Public Hearing for the 2008 Tax Budget will be held on July 5 beginning at 7:00 PM in Council Chambers. The Tax Budget will be included in the July 5 Council Packets for review. Montgomery County has ceased the requirement to submit a Tax Budget; however, Warren County still requires the City to submit an annual Tax Budget. The Tax Budget consists of projected revenues and expenses and is prepared and submitted in order to receive Local Government Funds and state revenues; it does not the actual 2008 Budget for the City.

Traffic Signalization Study for SR 741 from Austin Road to SR 73: Ms. Thompson has not received the final report yet, but stated that according to the study findings, a traffic light is warranted at Tamarack Trail.

Traffic Signal at Drug Mart Plaza: As discussed at the last Council Work Session, a resolution concerning an agreement with Discount Drug Mart for the installation of a traffic light on SR73 in front of the Drug Mart Plaza will be presented at the July 5 City Council Regular Meeting. Funds are budgeted in the Capital Improvement Plan (CIP) for the Drug Mart traffic signal and for the design of the Tamarack Trail traffic signal.

Mr. Anderson asked if the traffic signalization study took into account the development of the Easton Farm and other undeveloped parcels along the SR741 corridor? Ms. Thompson replied yes, but it would be up to the Planning Commission to require a traffic study for that and other parcels during the plan review process.

Golf Course Appraisal: Ms. Thompson confirmed that Council received a copy of the golf course appraisal. The appraisal includes analysis of the region, and compared Heatherwoode to a number of regional courses. Ms. Thompson commented that the appraiser used an excellent approach, and is an expert on golf courses. Ms. Thompson added that the appraisal was performed on the value of the property if sold as a golf course.

ITEM 5. CLERK OF COUNCIL. –Charter Review Action Plan.

Ms. Martin made the following announcements:

Charter Review Action Plan: Ms. Martin explained that the City Charter provides for review of the Charter every eight years. Ms. Martin will begin the process by posting a notice for volunteers to serve on Charter Review Commission. City Council will receive applications from interested volunteers and appoint nine electors to form the Commission in January of 2008. The Charter Review Commission will spend six months reviewing the Charter and any recommendations for revisions submitted by City Council, Staff, Legal Counsel, etc. The Commission is required to submit a formal recommendation to City Council by July 1 of 2008.

Mr. Parise asked if the Charter Review Commission is made up of staff or residents? Ms. Martin explained that applicants must be a resident of Springboro and a registered voter.

Mr. Parise asked how applicants would be appointed to the Charter Review Commission? Ms. Martin explained that she would advertise for volunteers, and Council would review the applicants and make appointments in January.

Ms. Martin added that the 2000 Charter Review Commission had very strong leadership with Attorney John Chambers serving as Chair. The 2000 Charter Review Commission did submit a formal recommendation for revisions to the Charter, and the Charter amendments were placed on the ballot and approved by the voters. Ms. Martin further added that she would notify Council as the process moves forward.

Council Portraits: City Council group and individual portraits will be taken on Thursday, September 6 from 5:00-6:00PM in Council Chambers prior to the Work Session.

Springboro Friends and Family Fundraiser: The Friends and Family Fundraiser will be held on Friday, July 6 at Heatherwoode beginning with a nine-hole golf outing followed by social hour/dinner beginning at 6:00 PM. Tickets are available through Ms. Martin. Dinner tickets are \$15.00/person and golf plus dinner tickets are \$40.00/person.

In addition, Council Members should schedule with Lead Dispatcher Melody Meredith to obtain their new City photo ID.

Finally, Ms. Martin announced that she would be on-call for jury duty for the month of July, and might be out of the office several days next month serving as a juror.

ITEM 6. CITY COUNCIL. –Issues/Reports.

Mr. Hruska – No issues/reports.

Mr. Parise – No issues/reports.

Ms. Lairson – Ms. Lairson reported that the Tree Authority is working on the City Tree Ordinance guidelines booklet (Chapter 280 of the Codified Ordinances), which needs to be updated, and has had some very good discussion concerning this topic. In addition, the Tree Authority has requested staff assistance with this project because they concluded that the tree ordinance is used by the Planning Commission and various other entities throughout the City.

Mr. Anderson – No issues/reports.

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

Mayor Agenbroad – Mayor Agenbroad reminded Ms. Lairson that she should abstain from the approval of the Council Meeting Minutes of June 7 due to her absence.

In regard to Ms. Lairson's report, Ms. Thompson commented that she would submit an e-mail to the OCMA network requesting samples of tree ordinances from other communities. The tree ordinance needs to be incorporated into the Planning Commission plan review process because it contains lists of preferred plantings and should really be a resource when looking at landscape plans for PUDs, etc. City Planner Dan Boron, Asst. Public Works Dir. Vince Murphy, and Ms. Thompson have offered to help coordinate the updating of the tree ordinance and incorporating it into the planning process. The tree ordinance provides the authority to regulate the clearing of lots based on the caliper of the tree and requires a permit to remove trees and has penalties. Ms. Thompson commented that the City does not necessarily have the staff to monitor and enforce this ordinance consistently, but it does provide the City with that authority especially when a developer is clearing a parcel for development.

Ms. Thompson also commented that the Clearcreek Township Chief of Police has resigned his position; he will be teaching at the Warren County Joint Vocational Center. Ms. Thompson explained that she and Chief Kruthoff approached Clearcreek Township Administrator Dennis Pickett regarding where the City and the Township might utilize services together to save on economy of scale, save money, further regional cooperation, etc. Ms. Thompson further explained that this was not a formal discussion not trying to put him on the spot, but in light of the fact that the City is building a new facility and the Township is between Police Chiefs. Ms. Thompson added that they spoke with the Township a number of years ago regarding this possibility, but there was no interest at that time.

At this time, Council conducted a discussion regarding a request to consider approval of a Pre-Annexation Agreement submitted by RG Properties under Yankee Center LTD, GCG Yankee Center LTD, Fortunate North 4, LLC and Riverain Limited Partnership requesting the review of Council and eventual approval of this agreement via legislative action to annex 126.026 acres of land at the corner of Yankee Road and Austin Pike within Washington Township as stated in the Memorandum distributed to City Council regarding a Pre-Annexation Agreement. (Ms. Thompson distributed a memorandum addressing this Pre-Annexation Agreement, which is attached for the record.)

Ms. Thompson began the discussion by reading comments submitted by Council Member Jim Chmiel to be read in his absence. Mr. Chmiel also requested a copy of the audio recording of the meeting. Mr. Chmiel's comments were read as follows:

"Chris, Please share my comments with Council and guests. I regret my absence tonight. On legislative items 1 through 16 I am agreement with staff recommendations. On Pre-Annexation Agreement Discussion. I would like to pursue all opportunities to work with the developer's request in the interest of economic development for the benefit of the city's revenue base. I realize that this is a large consideration for council to work through however the benefits could be good for all. I am first concerned with the dollars of revenue that the city stands to gain with this project. The way this proposal is written the expenses are close to the potential gains this needs improved. Second, I am not willing to remove any customary controls with this or any other proposed PUD pertaining to access, design or materials used in the proposed design and layout. I am not opposed to the request for the building size in the business portion provided that the necessary buffering meets the city's requirements and that the permitted uses are agreed upon. I am anxious to hear the comments of all involved on this work session subject and I encourage everyone to use a visionary perspective. Finally, although it is not the wish for Springboro to be looked at negatively, as this development pertains to the Austin Development District or to our bordering Township neighbors, however it is a fact of economics that the development of our borders will impact all communities at different times and different ways. Springboro has a stake to consider in a fair decision on this matter with the additional cooperative development that will occur in the future with RG and its partners in the ADD. As always I will most heavily weigh my decision on the facts and recommendations from our staff and legal council on this and all matters. Sincerely, Jim Chmiel."

Ms. Thompson explained that the City was given a pre-annexation agreement by RG Properties to review. She sent a memo outlining some of the items she thought were pertinent in the agreement. Ms. Thompson offered to review those items or provide information during Council's discussion.

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Mr. Anderson stated that he agrees with Mr. Chmiel and that Mr. Chmiel's comments were well written and well stated. Mr. Anderson further stated that it is important to Springboro's economic tax base and to Springboro's citizens to look at this proposal. Mr. Anderson further stated that he believes more negotiations need to occur based on the way the agreement is currently written, but the whole concept is very appealing. The only concern he has pertains to fire and police service i.e. what jurisdiction would be responsible for those services at that location?

Ms. Thompson answered that Washington Township would be responsible for fire service and Springboro would be responsible for police service. Mr. Anderson stated that he is concerned with the communication issue, but likes the whole idea and hopes to work out a great proposal with the developer that benefits the citizens of Springboro because the City needs to grow its commercial base.

Mr. Parise asked why the developer is requesting an annexation from Springboro? Ms. Thompson explained that Washington Township rejected the applicant's request for a rezoning for this parcel. The parcel is currently zoned industrial and they requested a different zoning classification, but it was rejected by the Township Trustees in Washington Township.

Mr. Parise confirmed that the applicant is RG Properties? Ms. Thompson answered yes. Mr. Parise asked what RG Properties does? Ms. Thompson explained that RG Properties develops commercial properties and for approximately 20 years they developed Wal-marts.

Mr. Parise confirmed that the proposed agreement would permit the developer to build a retail store of approximately 120,000 sq. ft. Mr. Parise asked if the City would be receiving another proposal for a Wal-mart? Ms. Thompson explained that to the best of her knowledge the possibility for the retail space would be a Kroger Market Place and a Walgreens.

Mr. Parise asked, if all of the parameters are met and Council agrees, would the developer be willing to specify what the uses will be in the agreement rather than the City finding out later that the developer intends to build something the City does not want? Ms. Thompson explained that that would be something that the City would have to negotiate with the developer, which is why Council is having this discussion. Ms. Thompson stated that she is simply presenting what she received from RG Properties. Ms. Thompson further stated that it is her understanding that a Kroger Market Place and a Walgreens would be developed on the Austin side for the retail portion, there would be industrial development in the middle consisting of light industrial and office, and a 24-acre portion would be residential according to the drawing.

Mayor Agenbrood stated that before the discussion went any further, he would ask if it would be safe to assume that no one would vote for this proposal in its present form? Mayor Agenbrood stated that Council should determine whether they wish to go forward with this annexation first and for most before asking the City Manager to negotiate with the developer.

Mr. Parise stated that he would like to know exactly what the developer plans to build at those sites. Mr. Parise confirmed that the residential portion would be abutting Settlers Walk and would be R-2 zoning. Mr. Parise asked if R-2 zoning is a heavier density than R-1 zoning? Ms. Thompson replied yes, R-2 zoning is four units per acre. Mr. Parise asked if that density matched the density at the north end of Settler Walk? Ms. Thompson replied yes. Mr. Parise stated that he is specifically concerned about the huge retail store that is proposed in the agreement, and he would like the agreement to be more specific about the use of the commercial portion of the property.

Mr. Parise also commented that based on the estimates, after all is said and done, the City will net \$120,000 per year in tax revenue the first ten years, and he does not believe based on 129 acres that \$120,000 per year is a whole lot of money especially weighed against the risks.

Mr. Hruska commented that the \$120,000 per year in tax revenue is based only on the assumption that the development is built right away.

Mr. Parise agreed that the City would not net any revenue until the City pays the costs for funding the entire infrastructure requested by the developer. Mr. Parise commented that this proposal seems to place a lot of the initial burden on the City with the promise that the developer will make it up to the City later in revenue, and Mr. Parise is not comfortable with this arrangement.

Mr. Anderson confirmed that the developer typically pays for infrastructure? Ms. Thompson replied yes in Springboro. Mr. Parise stated that, that is not how it is stated in the agreement. Mr. Anderson replied that he hopes that the City's

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responsibility for the cost of the infrastructure would be negotiated away, and he does not believe that the City should pay for the developer's infrastructure. Ms. Thompson commented that the stated cost for the infrastructure is \$1.8M. Mr. Anderson commented that he believed that the developer would stand to make a lot of money even if he paid for the entire infrastructure.

Mr. Parise also commented that he does not recall the number of homes proposed to be built in the residential portion, but asked where the children of these homes would be going to school? Ms. Thompson answered that the homes would be in the Centerville School District. Mr. Parise confirmed that the Springboro Schools would not have the additional burden of the children from this development. Ms. Thompson replied no. Ms. Thompson explained that the Springboro School District does not extend that far north. She further explained that in fact the Springboro School District did not extend into the northern portions of Settlers Walk until the developer made arrangements for those children to attend Springboro Schools; otherwise, they would have attended Miamisburg Schools because northern Settlers Walk is actually in the Miamisburg School District. Ms. Thompson added that this property would have to remain in Washington Township, which is in the Centerville School District; therefore, the children living in the residential portion of the development would attend Centerville Schools.

Mr. Hruska commented that he believes the developer has come to Springboro because Washington Township will not give them what they want. Mr. Hruska further commented that the City has a lot invested in the Austin Road Interchange in both time and money and partnerships with Washington Township, Miami Township, etc. Mr. Hruska stated that he does not want to see that partnership destroyed by a decision like this that would cause them to back out of their support in the Austin Road Interchange monetarily or otherwise because the Austin development area in Springboro is the City's bread and butter. Mr. Hruska added that he believes this annexation would risk that investment. The developer is asking Springboro to approve a development that Washington Township does not want at that location and wants the City to pay for the infrastructure, with little or no benefit to the City. Finally, Mr. Hruska stated that this proposal also circumvents the Planning Commission and the plan review process by incorporating many of the planning aspects into the annexation agreement that the Planning Commission would normally review before approving.

Ms. Lairson expressed her concern regarding the comments pertaining to water and sewer service? Ms. Lairson asked if Springboro agrees to provide water and sewer and Montgomery County does not agree to release the area to Springboro to provide water and sewer, does that mean the property would not receive water and sewer service? Ms. Thompson explained that the site would get water and sewer from Montgomery County, and Springboro would not receive any revenue. Ms. Thompson further explained that all of South Tech is currently serviced by Montgomery County water and sewer as well. She stated that water and sewer would not be a revenue source from this property for Springboro even though the City would own the property and certainly gain all of the income tax and TIF revenue at the Austin Interchange area in Springboro, which is also serviced by Montgomery County. Even if Montgomery County chose to release the water and sewer service to Springboro, the City would have to pay for additional infrastructure needs because the City lines do not extend that far north. If Montgomery County chose not to release the water and sewer service to Springboro, the revenue would stay in Montgomery County.

Ms. Lairson clarified that Montgomery County would have to provide both the service and the lines. Ms. Thompson explained that the Montgomery County lines were already there.

Ms. Belpulsi commented that based on the way the proposal is currently written there is absolutely no value to the City to annex this property in its present form. Ms. Belpulsi agreed with Mr. Parise, and further commented that Mr. Parise and Mr. Hruska were on target with their comments regarding this issue. Ms. Belpulsi stated that the way the proposal is written now puts Springboro in a really bad spot in relation to the Austin Road Interchange development and with the City's interchange partners, Washington Township and Centerville. In addition, Ms. Belpulsi stated that if Council accepts this proposal, the City would have to improve Washington Church Road. Finally, Ms. Belpulsi commented that the development would only net approximately \$120,000 in income tax revenue for the first 10 years, which is a meager amount.

Mr. Hruska added that that revenue projection would be the best-case scenario.

Ms. Belpulsi confirmed that if Council chooses to accept this annexation, she would assume that the developer would ask for a PUD zoning designation. Ms. Thompson replied yes. Ms. Belpulsi stated that the Planning Commission would work with the developer on specific uses, as they did for Village Park. She explained that the Planning Commission named the different uses with Coffman, the developer of Village Park, and the Planning Commission has a whole design guideline and use manual and there are only certain kinds of uses that can go into those proposed buildings. Ms. Belpulsi stated that she feels

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confident that if this annexation goes forward the uses for the various sections of development would specified during the plan review process.

Mr. Parise stated that he is a little leery of the same thing being proposed for this development that the City has already denied in the past.

Mayor Agenbroad agreed with Mr. Parise on this point.

Mr. Hruska commented that this is the same developer that caused the City to spend \$85,000 in legal fees to stop the Wal-mart from being developed in Springboro at the other site.

Ms. Belpulsi commented that this is not the first time that a proposal like this has come before Council. She explained that a similar proposal was presented to Council several years ago, and Council was very vocal at that time that it did not want this type of development in the City.

Mayor Agenbroad commented that anytime Council discusses the economic tax base in Springboro, it is very important. Mayor Agenbroad recommended that the discussion end here and be reconvened following the regular Order of Business at tonight's City Council Regular Meeting.

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

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 21, 2007

7:00 PM

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- 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, Absent; Hruska, Present; Lairson, Present; Parise, Present.

Mr. Hruska motioned to excuse Mr. Chmiel from the City Council Regular Meeting. Ms. Lairson seconded the motion.

No discussion.

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

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE JUNE 7, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mr. Parise motioned to approve the Minutes of the June 7, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Mr. Hruska seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: No Presentations.

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. In addition, Mayor Agenbroad stated that City Council would reconvene the Work Session following tonight's City Council Regular Meeting to further discuss a pending issue.

ITEM 6. LEGISLATION:

CONSENT AGENDA

(All items under the Consent Agenda are considered by the City Council to be routine and will be adopted by one motion. Any City Council Member may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion and action will be considered under the Regular Agenda following the motion to approve the Consent Agenda.)

Mayor Agenbroad asked for a motion to temporarily suspend the Rules of Council to amend the Order of Business to include a Consent Agenda, directly preceding the Regular Legislative Agenda, consisting of Legislative Items 1 through 11, third readings, to be considered in aggregate, without discussion or amendment.

Mr. Parise motioned to amend the Order of Business to include a Consent Agenda consisting of Legislative Items 1 through 11, to be considered in aggregate, without discussion or amendment. Mr. Hruska seconded the motion.

No discussion.

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

At this time, Ms. Martin read Legislative Items 1 through 11, ordinances, third readings.

- 1) **ORDINANCE O-07-18: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTIONS ONE, TWO, THREE AND FOUR, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 2) **ORDINANCE O-07-19: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING

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IN THE VILLAGES OF CREEKSIDE, SECTION FIVE, SUBDIVISION IN THE CITY," was read by the Clerk of Council.

- 3) **ORDINANCE O-07-20: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN THE VILLAGES OF CREEKSIDE, SECTION SIX, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 4) **ORDINANCE O-07-21: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION ONE SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 5) **ORDINANCE O-07-22: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION TWO SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 6) **ORDINANCE O-07-23: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION THREE SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 7) **ORDINANCE O-07-24: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS AND PROVIDING CERTAIN MAINTENANCE IN RICHARDS RUN SECTION FOUR SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 8) **ORDINANCE O-07-25: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 23-44 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 9) **ORDINANCE O-07-26: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 73-75 OF THE NORTH HILLS OF STONE RIDGE, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 10) **ORDINANCE O-07-27: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF PROVIDING CERTAIN INSTALLATION, OPERATION AND MAINTENANCE OF STREET LIGHTING IN LOTS 77-107 OF THE NORTH HILLS OF STONE RIDGE SECTION FOUR, SUBDIVISION IN THE CITY," was read by the Clerk of Council.
- 11) **ORDINANCE O-07-28: THIRD READING.** "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF CONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS AND DRIVEWAY APRONS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO AS DESCRIBED IN RESOLUTION NO. R-06-12. (2006 SIDEWALK/DRIVEWAY APRON PROGRAM)," was read by the Clerk of Council. Ms. Thompson commented on Legislative Items 1 through 11 as follows:

Legislative Items 1-10 of the Consent Agenda represent the final assessments for the operation and maintenance of street lighting in certain sections of various subdivisions in the City, as required on an annual basis. The City calculates these assessments based on the actual costs of the street lighting paid by the City in the prior year. The aggregate amount of these assessments is \$26,634.91. Legislative Item 11 is an ordinance levying special assessments for constructing or repairing certain sidewalks and driveway aprons in the City. This ordinance will levy the final assessments for the 2006 Sidewalk/Driveway Apron Repair Program. The total amount of assessments for this program is \$4,536.50.

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

Ms. Belpulsi motioned to adopt Ordinances O-07-18 through O-07-28 of the Consent Agenda in aggregate, without discussion or amendment. Mr. Parise seconded the motion.

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

END CONSENT AGENDA

BEGIN REGULAR AGENDA

- 12) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING CHAPTER 434; OVI; WILLFUL MISCONDUCT; SPEED OF PART FOUR – TRAFFIC CODE; 434.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance amending Chapter 434.03, Maximum Speed Limits, to increase the speed limit on S. Pioneer Boulevard to 35 MPH. The purpose of this legislation is to allow for the increase of the speed limit to 35 MPH from 25 MPH on S. Pioneer Boulevard between SR 73 and Lower Springboro Road. Many Springboro businesses are located on S. Pioneer Boulevard, and a number of them have requested an increase in the posted speed limit on Pioneer Blvd. Staff conducted a traffic analysis and a speed analysis on S. Pioneer Boulevard. The results of the study, as reported by the traffic engineer Scott Knebel of Lockwood, Jones and Beals, stated that a speed limit increase is warranted on S. Pioneer Boulevard and the posted speed limit could be safely increased to 35 MPH.

No discussion.

No action required at this time.

- 13) **ORDINANCE O-07-29: FIRST READING.** "AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF SPRINGBORO, OHIO," was read by the Clerk of Council. Ms. Thompson deferred to Ms. Martin to comment on this item.

This is the first reading of an ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City. Ms. Martin explained that the title of this legislation is a complex way of saying that this ordinance will incorporate all of the ordinances Council has passed over the last year and a half into the City's codebook. This would include legislation adopted by City Council from Nov. 16, 2005 to May 3, 2007. This ordinance also approves and adopts amendments to the Traffic and General Offenses Codes in accordance with new and amended State Statutes. Over the past year and a half, local and state amendments involved changes to 150 pages of the City's code language, which include amendments to the planning and zoning code and the City's fee schedule for permits and services. Upon approval of this ordinance, all versions of the code will be officially updated through March 1, 2007, and will be distributed as the 2007 and 2007-1 Replacement Pages in printed, digital, and internet versions. As discussed at the Work Session, it is recommended that Council waive the second and third readings of this ordinance to expedite the distribution of the replacement pages and the enforcement of any applicable amendments to the Traffic and General Offenses Codes.

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

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

No discussion.

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

Ms. Lairson motioned to adopt O-07-29. Mr. Hruska seconded the motion.

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No discussion.

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

- 14) **RESOLUTION R-07-29:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A PRE-APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR PROJECT YEAR 24 / FISCAL YEAR 2010," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution represents a pre-application to the State of Ohio to participate in the Ohio Public Works Commission Issue II Funding for Project Year 24 in FY 2010. The City has agreed to pre-apply for the following projects: The East Central Avenue/SR 73 Roadway Widening, the East Mill Street Roadway Improvements that consist of reprofiling and widening East Mill Street between South Richards Run Road and East Street, and the West Factory Road/West Lower Springboro Road Intersection Improvements. The grant money for these projects would not be available until 2010; however, the State does require a pre-application to participate in the funding program.

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

Ms. Belpulsi motioned to adopt Resolution R-07-29. Mr. Parise seconded the motion.

No discussion.

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

- 15) **RESOLUTION R-07-30:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GO CONCEPTS, INC., TO REDESIGN THE OFFICIAL WEBSITE FOR THE CITY OF SPRINGBORO," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City to enter into an agreement with Go Concepts, Inc. to redesign the City's website. The staff Internet Committee met and reviewed a number of proposals that were presented to the City to update/redesign the City's website. City Council discussed this project during their goal setting session held in January, based on the need to update the site with respect to visual and content quality and the user-friendly aspects of the site. After reviewing all of the proposals, it was the consensus of the committee to contract with Go Concepts for this project. Go Concepts is based locally in Lebanon, Ohio, delivered a very good presentation, and were very easy to work with through the proposal process. This project will not only update the visual content of the site and make navigating the site easier, but it will also make it easier for staff to update the site. With Council's approval, staff will begin this project and will expend the budgeted funds from line item 110.126 in the amount of \$32,850.00. As discussed at the Work Session tonight, as the project progresses, staff will present phases of the site reconstruction to Council to allow for input on the project.

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

Ms. Belpulsi motioned to adopt Resolution R-07-30. Mr. Anderson seconded the motion.

No discussion.

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

- 16) **EMERGENCY ORDINANCE O-07-30: FIRST READING.** "AN ORDINANCE DIRECTING THE APPROPRIATION OF EASEMENTS OVER, ACROSS AND UNDER REAL PROPERTY CONSISTING OF A 0.7667 ACRE +/- TRACT OF LAND BEING A PERMANENT EASEMENT OF 0.2751 ACRES +/- AND A TEMPORARY EASEMENT OF 0.4916

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ACRES +/-OVER, ACROSS AND UNDER LAND LOCATED AT 9181 YANKEE ROAD FOR A PUBLIC PURPOSE AND AUTHORIZING THE LAW DIRECTOR TO TAKE ACTION TO APPROPRIATE THE PROPERTY EASEMENTS AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Schaeffer to comment on this item.

This is the first reading of an ordinance directing the appropriation of easements at 9181 Yankee Road for the Yankee Road Sanitary Sewer Project, Phase II. Mr. Schaeffer explained that City Council passed a Resolution of intent to appropriate this property at the last City Council Regular Meeting, which is the first step in an appropriation action. This ordinance, directing the appropriation of the property, is the second step in the process, which allows the City to proceed with the appropriation action. In the interim, negotiations by statute are to occur and have occurred in this case. Mr. Schaeffer further explained that he has been in touch with the party involved as well as their attorney, who is aware that the City will be taking this action. This ordinance would allow the City to proceed with the appropriate legal action if the issue cannot be resolved. Mr. Schaeffer stated that he believes the parties will be able to resolve this issue, but this legislation will allow the City to move forward with the appropriation action if the dispute is not resolved. The purpose of this appropriation action is to allow the City to move forward with Phase II of the Yankee Road Sanitary Sewer Project, and to that end it is requested that City Council waive the second and third readings of this ordinance and adopt this ordinance tonight. Mr. Schaeffer offered to answer any questions.

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

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

No discussion.

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

Mr. Parise motioned to adopt Resolution O-07-30. Ms. Belpulsi seconded the motion.

No discussion.

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

ITEM 7.

REPORTS:

Mayor's Report – Independence Day will be observed on Wednesday, July 4; whereby, the City Offices will be closed. The Springboro Friends and Family Fundraiser will be held on Friday, July 6 at Heatherwoode Golf Course. The Concerts in the Park Series will be held on Tuesdays, July 10, 17, 24 and 31 at North Park Amphitheater. The next City Council Work Session will be held on Thursday, July 5, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, July 5, 2007 at 7:00 PM in Council Chambers, as scheduled.

City Manager's Report – Ms. Thompson briefly commented on the incident that occurred yesterday evening, June 20, involving a call for service to the Springboro Police Department regarding a possible child abduction. As the investigation proceeded, it was determined that the suspect involved was not engaged in a child abduction; however, was involved in a stalking incident. The Police Department reacted to a potential child abduction, and Ms. Thompson would like to commend the Police Chief, the Sergeants, and the entire Police Department especially those officers who participated in the pursuit and arrest of the suspect. Ms. Thompson stated that she has reviewed all of the videos of the pursuit including the video shown on the news broadcasts, as all of the City's patrol cars are equipped with video. Ms. Thompson expressed that she really appreciates the professionalism demonstrated by the Police Department. Ms. Thompson also thanked the City of Franklin for their participation and assistance in this incident. Finally, Ms. Thompson personally commended the officers and the entire department on the way the entire situation was handled last night.

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On behalf of City Council, Mayor Agenbroad also commended the Police Department stating that their service and response is greatly appreciated.

Committee Reports –

Mr. Parise – No reports.

Mr. Hruska – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – Planning Commission – The Planning Commission held their Work Session on Wednesday, June 13, 2007 at 7:00 PM in Council Chambers to review the following items: Amendment to Zoning Map – 8683 Clearcreek Franklin Road, west side of intersection of Clearcreek-Franklin Road and Whispering Pines Drive, from (T)R-1 (Franklin Township Rural Residence Zone) and ED (Employment Center District) to PUD-R (Planned Unit Development Residential) for a proposed residential development; Amendment to Zoning Map – near southeast corner of intersection of Clearcreek Franklin Road and Whispering Pines Drive (no address), from R-2 (Low-Density Residential District) and O-2 (Office Park District) to PUD-B, (Planned Unit Development-Business) for a proposed continuing care facility/nursing home; General Plan Approval – near southeast corner of intersection of Clearcreek Franklin Road and Whispering Pines Drive (no address) for a proposed continuing care facility/nursing home; Site Plan Review – west end of South Tech Boulevard (no address) for a proposed manufacturing facility, Maverick Corporation, a newly proposed business to be located at the Austin Road Interchange development area. The next Planning Commission Regular Meeting will be held on Wednesday, June 27 at 7:00 PM in Council Chambers.

ITEM 8. OTHER BUSINESS. No Other Business.

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

ITEM 10. GUEST COMMENTS. 1) Joseph Koussa, 1537 Beaver creek Lane, Kettering – Mr. Koussa asked God to protect the armed forces serving overseas and to bring them home safely. Also, Mr. Koussa commended the Police Chief and the Police Department for the way they handled the crisis that occurred yesterday, as referred to earlier by Ms. Thompson. In addition, Mr. Koussa stated that he has been attending area Council meetings for the past seven years promoting his campaign to conserve gasoline. Finally, Mr. Koussa shared his personal background as follows: He was born and raised in Beirut, Lebanon and arrived in the United States on May 1, 1966. He learned the English language, and in 1971, he became a U. S. Citizen of the United States. Mr. Koussa has always been proud to be an American Citizen. Mr. Koussa encouraged every American to declare that they are proud to be an American everyday. Mr. Koussa declared, "American belongs to me, and I belong to America." He added that every morning he asks himself what he can do for his country today, and he cannot tell everyone how much this country means to him. Mr. Koussa closed his comments by saying, "God bless the Unites States of America." Mr. Koussa wished everyone a happy Fourth of July holiday.

Mayor Agenbroad thanked Mr. Koussa for sharing his comments, and appreciates his comments regarding his pride in America.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Mayor Agenbroad reiterated that City Council would continue discussions held earlier this evening during the Work Session following the televised portion of this meeting, and would adjourn the Regular Meeting following the discussion.

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At approximately 7:21 PM, Mr. Parise motioned to adjourn; whereby, the televised portion of the Thursday, June 21, 2007 Regular Meeting was adjourned. Mr. Anderson seconded the motion.

No discussion.

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

At approximately 7:24 PM, Mayor Agenbroad commented that, as discussed during tonight's Work Session, City Council would continue the discussion regarding a request to consider approval of a Pre-Annexation Agreement submitted by RG Properties under Yankee Center LTD, GCG Yankee Center LTD, Fortunate North 4, LLC and Riverain Limited Partnership requesting the review of Council and eventual approval of this agreement via legislative action to annex 126.026 acres of land at the corner of Yankee Road and Austin Pike within Washington Township.

Ms. Thompson began the discussion by providing City Council with the following information: Ms. Thompson precluded her comments by stating that her role is to provide City Council with information concerning this issue whether favorable or unfavorable; however, it is Council's role to make a decision and give her direction concerning this issue. Ms. Thompson referred to the memorandum she distributed to Council, and she explained that the City's legal counsel reviewed the memorandum to ensure its objectivity with respect to the information it provides. (A copy of the memo is attached for the record.) In addition, Ms. Thompson shared some information that is not included in the memo as follows: First, as Council Member Chmiel pointed out in his written comments (a copy of Mr. Chmiel's comments is attached for the record), the City will be working with RG Properties (the applicant) at the Austin Interchange, as they do own 54 acres in the City of Springboro. Additionally, RG Properties has purchased the Mead Property and more recently purchased the property on the other side of the Interchange known as the Long Farm. Neither property is in the jurisdiction of Springboro, but both are within the Interchange area; therefore, the City will be working with RG Properties in regards to those properties as well. Second, Ms. Thompson was contacted by Washington Township when RG Properties informed the Trustees that they have requested to be annexed to Springboro. Washington Township's position regarding this annexation is that it would impact their position on the Austin Interchange. The Township expressed that they are very unhappy, and they do feel this annexation would impact their relationship as a signatory on the Austin Road Interchange agreement, which was signed by the five communities being Centerville, Washington Township, Miamisburg, Miami Township, and Springboro. Washington Township is aware that RG Properties owns most of the land surrounding the Interchange area. If the Township were to follow through with their stated position, they would consider contacting the Speaker of the House to jeopardize the funding for the Interchange. Ms. Thompson stressed that she is delivering the information; she is not saying that is what the Township would do, but that possibility was shared with her or if nothing else the Township would put "a fly in the ointment" on this entire regional cooperation effort by informing the state representatives that the regional cooperation has been put at risk. Third, the estimated cost for improvements from Washington Church Road out to SR48, which Washington Township and Centerville are responsible for, is part of one of the phases of the Austin Road Interchange Project. Phase I goes up to Washington Church Road and includes moving the road to the north to the airport to accommodate the longer runway, and it includes the Interchange and Byers and Woods Roads. Then, there are subsequent phases, one of which is Washington Church Road east of SR48, which is where Centerville and Washington Township were asked to participate in this project and pay for those improvements. Washington Township will absolutely not pay for their portion of the improvements on Austin Road from Washington Church Road to Yankee Road if the roadway is no longer under their authority to, and that burden would be Springboro's responsibility to assume. Ms. Thompson did not calculate the cost for that portion of Austin Road in the analysis on the financials.

Mr. Hruska inquired regarding the cost for the improvements on that portion of Washington Church Road? Ms. Thompson answered that Washington Township has banked \$2.5M for the whole project on Austin from Washington Church Road, but she does not know the cost of improvements for the portion of the road from Washington Church to Yankee Road.

Ms. Thompson also commented that there are a number of items in the agreement that the City cannot agree to regardless of Council's decision. Such as, the City does not have control over Austin Road or Yankee Road;

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Montgomery County controls those roads. Ms. Thompson explained that it would be impossible for the City to grant access points on those roads without a traffic analysis and without consultation with Montgomery County. Ms. Thompson reiterated that those two roads are under the auspices of the Montgomery County Engineer's Department. Ms. Thompson further commented that the water/sewer service issue is not as significant as the 911 Emergency issue. Ms. Thompson stated that she has deep concerns about 911-calls for police service going to one county and 911-calls for fire service going to another County, and sees no other way for this to be resolved. Ms. Thompson explained that the City could buy chips for the police radios that would allow Washington Township Fire to talk to Springboro Police, but she has no idea what the cost would be. Ms. Thompson repeated her concerns regarding public safety with respect to residents trying to decide which one of those emergency numbers to use. Ms. Thompson also mentioned that the effect on the City's economic development efforts and income tax is certainly significant, but is there any indication that the Springboro Kroger will not be closed if a Kroger is built at Austin and Yankee Roads. She added that there is potential for a Kroger Store at SR73 and SR48, and the Kroger at Spring Valley is supposedly going to take over the Elder Beerman store in that area because they need to move into a larger space due to their sales volume. Ms. Thompson further added that Wal-Mart in Franklin has had an impact on the Springboro Kroger and she fears a Kroger at Austin and Yankee Roads would simply replace one set of income tax dollars with another, and the City would not really gain any tax revenue. Ms. Thompson commented that it would be hard to predict the future of the Kroger on SR73 if a new Kroger was built at Austin and Yankee. She added that even if the Kroger remains open initially; it might close down due to a drop in sales in the first year. Ms. Thompson again stated that she was making her comments on an informational basis only. Ms. Thompson also commented that according to information she received, the Washington Township Trustees were contacted by RG Properties regarding their request to be annexed to Springboro and the Trustees understood why it was happening and expressed that it really was not a problem. Ms. Thompson is concerned that there is such a diverse interpretation of this issue between the Township Administrator and RG Properties, and she believes that the truth lies somewhere in the middle. Ms. Thompson confirmed with Washington Township that she was informed that the Trustees were extremely upset when they were informed that RG Properties was going to request to be annexed to Springboro. Ms. Thompson reiterated that this annexation is Council's decision, but she stated that she feels it is important to express that this request goes beyond one or two simple issues, and that there are some significant issues involved. Ms. Thompson explained that when she discussed this proposal with RG Properties she did not get the impression that there was a lot of room for negotiation because they want certain guarantees. Ms. Thompson further explained that if there are guarantees that the City could provide that do not compromise this Council or this City she would support them. Ms. Thompson stated that she also believes there is some circumvention in the planning process in the proposed agreement as written. For example, access points, size of buildings, uses, etc., which under the normal process would be reviewed by the Planning Commission through the rezoning process, and then the PUD process. The normal process would require Council approval of the rezoning following Planning Commission review, and a public hearing and general plan would be submitted as part of the PUD process. In fairness to the Council and the City, Ms. Thompson believes that the issues she has mentioned concerning Washington Township, the financial analysis, the police and fire emergency issues, and issues concerning some of the City's current businesses are very significant. She also believes RG Properties to be a good company to work with, as she sat through 18 months of negotiations with them, and will be working with them on the Austin Road Interchange on a continual basis for the next four years. She also pointed out that the numbers do not indicate a projection for build out, it could be five years or 40 years; therefore, she does not know whether the City would receive the revenue in two years or 30 years. Again, Ms. Thompson stated that she believes the issues she has brought up are very significant issues for Council to consider. Ms. Thompson offered that if this decision requires Council to sit down with the applicant then that should be considered as well, but this is Council's decision to make and she would do whatever Council directs. Ms. Thompson finally stated that she felt very compelled to share these issue with Council because they are political in nature and involve jurisdictional relationships, and the City is "knee-deep" in that type of relationship at the Austin Interchange and owns 90 acres of property there.

Mayor Agenbroad commented that he believes all of Council is very much concerned with the economic tax base in Springboro because the City is landlocked and has to carefully consider what is developed in the City. Mayor Agenbroad further commented that the City has as much due diligence to maintain its partnerships with surrounding areas as well as with developers and needs to consider both ends of the spectrum. Mayor Agenbroad suggested that before Council gets to far into this process, it should be determined if there is indeed the desire to negotiate this agreement. Mayor Agenbroad stated that if RG Properties believes that what they have submitted is non-negotiable, then the point is mute, but if they are willing to negotiate, then Council could take the next step. Mayor Agenbroad further stated that it would be an exercise in futility to do anything right now other than to find out if there is something

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to negotiate because the developer wants the property rezoned.

Mr. Hruska stated that he believes RG Properties should be negotiating with Washington Township because the property is in their jurisdiction and not in the City's. Mr. Hruska pointed out that the City would not want another entity on its border to annex property and develop it after the City has turned it down. Mr. Hruska stated that Council needs to take into consideration that the City has borders where this could happen, and if Council goes forward with this annexation and starts a war with another entity, the City risks retaliation. Mr. Hruska asked why the City should alienate its partners in the region unnecessarily when this proposal does not look very beneficial to the City and it jeopardizes the "golden goose," which is the Austin Road Interchange. Mr. Hruska reiterated that RG Properties needs to negotiate with Washington Township because if they can resolve this issue with Washington Township they would not need to annex to Springboro. Mr. Hruska stated that he believes the property owner is trying to get Springboro to agree to this annexation because they could not work it out with Washington Township, and the City should not be doing their dirty work when there is nothing in it for the City.

Mayor Agenbrood recommended that Council should still ask RG Properties if they are willing to negotiate, and that Council should always be open to dialogue. Mayor Agenbrood further stated that the City has not signed or agreed to do anything, but the property owner has come to the City with this proposal and he believes the City has an obligation to at least discuss it. Mayor Agenbrood added however that he believes that the agreement in its present form will go nowhere.

Ms. Thompson asked if it is agreed upon by Council to ask RG Properties if the Pre-Annexation Agreement is negotiable?

Ms. Belpulsi stated that she does not agree with that plan of action, and she does agree with Mr. Hruska's comments. Ms. Belpulsi explained that she believes the City is being used by the developer because Washington Township would not rezone this property to allow him to use it the way he wants to. Now, the developer is coming to Springboro with a request to annex in order to get what he wants. Ms. Belpulsi pointed out that if Council thought that the reaction to the rezoning adjacent to the Quarterhorse Farm (the Beckridge Subdivision) was upsetting; wait until the residents of Waterbury Woods attend the meetings in reaction to this proposal. Ms. Belpulsi commented that the City would be perceived as the "bad guys" in this situation. Ms. Belpulsi also stated that she has a major concern over the impact a decision like this could have on the Austin Road Interchange, which is too valuable an area with too many communities involved to put at risk. She added that once one of those communities shows some bad faith, it would create a "domino effect." Ms. Belpulsi agrees that Council should always be open to dialogue, but believes that Council needs to decide if they really want to consider this annexation even if the property owner agrees to everything the City asks including paying the \$1.8M out of their own pocket for the public improvements and agreeing to no guarantees on density and a master land use plan for the acreage. Ms. Belpulsi asked why the City would still want to annex based on the information provided? She also asked would it be worth it to annex this property when the revenue numbers alone amount to maybe \$100,000 per year in revenue?

Ms. Thompson stated she is also concerned about when the City would be receiving that revenue. She commented that projections for Austin Development Area are five to thirty years out. Ms. Thompson also mentioned the co-terminus agreement with Clearcreek Township, which is another politically charged type of issue that would result from this decision. Ms. Thompson has spoken to Clearcreek Township Administrator Dennis Pickett and she does not believe that it is an insurmountable issue with the Township, but the City does have an agreement with them that when the City does annex property, it becomes part of Clearcreek Township. However, this annexation cannot occur that way because it is an Expedited Type II request, which means the property has to stay in Washington Township. Ms. Thompson will notify Mr. Pickett tomorrow regarding Council's decision so in turn he can notify his Trustees immediately because they have as much right to know as Council does at this point. Ms. Thompson repeated that the City does have a co-terminus agreement with the Township, which was amended as recently as 2005.

Mr. Anderson pointed out that the Township withdrew from the library agreement with the City. Ms. Thompson stated that, regardless, this agreement is an issue that the City would have to deal with and is yet another piece of this puzzle that would have to be resolved one way or another. Ms. Thompson reiterated that she is just informing Council of the existence of the agreement, and the decision would be up to the Township Trustees.

Mr. Hruska stated that he sees a lot of negatives and not any positives to this proposal.

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Mr. Anderson stated that he believes Council owes it to the taxpayers to at least consider the proposal and discuss it; however, he does not believe the agreement is acceptable in its current form.

Mr. Hruska stated he believes Council owes it to the taxpayers to not jeopardize the City's investment at the Austin Interchange, which is a much bigger piece of the pie than the proposal concerning this property.

Mr. Anderson stated that he agrees everything has to balance out.

Mayor Agenbroad stated that Council needs to give the City Manager direction regarding this proposal by deciding whether it is even negotiable or not.

Mr. Hruska commented that this is not the City's issue; it is between RG Properties and Washington Township. He added that the property is not in the City's jurisdiction, and the City should not get involved.

Mr. Parise commented that after hearing Mr. Hruska's explanation, he agrees with his comments that RG Properties did not like the response they received from Washington Township so they came to Springboro to try for a different result. Mr. Parise further commented that in order to pursue and maintain good relationships with the City's border communities the City should not accept this proposal. Finally, Mr. Parise commented that this proposal would have a devastating effect on the "golden goose" at the Austin Road Interchange, and he concurs with Mr. Hruska's position on this issue.

Ms. Lairson stated that involving one more entity in this piece of property is a bad idea. Even if the property owner made a lot of changes to the agreement, it would just be too complicated to service the site and she does not see any benefit to doing it. Ms. Lairson further stated that this proposal is not worth risking the City's other relationships in the region without good reason. Ms. Lairson added that she is concerned about the future of the Springboro Kroger especially with a Kroger being proposed on SR48, she does not think the City should be risking its own businesses, and she is not interested in pursuing this proposal.

Mayor Agenbroad confirmed that Ms. Lairson agreed with Mr. Hruska and Mr. Parise. Ms. Lairson replied yes.

Mr. Anderson commented that he would like to explore the proposal.

Ms. Belpulsi commented that she agrees with Mr. Hruska, Mr. Parise, and Ms. Lairson; she does not see this proposal to be any benefit to the City at all, ever.

Mayor Agenbroad confirmed that the consensus of Council is to reject this proposal, and even if he supported Mr. Anderson's and Mr. Chmiel's position to pursue the proposal, the majority of Council still does not support the proposal. Mayor Agenbroad stated that he is attempting to gain a consensus as to whether this proposal is negotiable or not in order to give the City Manager direction.

Ms. Belpulsi asked Mayor Agenbroad for his comments regarding this issue. Mayor Agenbroad stated that he is always open to discussion and has an obligation as the Mayor along with Council to explore all options so that when a final decision is made, it makes sense. Mayor Agenbroad commented that he sees positives, but he also sees a lot of negatives. In its present form, he would absolutely vote against the proposal, but if the property owner amended the proposal by offering to do a lot of the things that made sense for the City, he would be able to support it. Mayor Agenbroad reiterated that in its present form he would not support the proposal, but dialogue is important.

Ms. Thompson stated that what she is hearing is that a majority of Council does not support this proposal, and she would like to verify whether or not she should go back to the developer to discuss it further or not. Mayor Agenbroad confirmed that there is definitely a majority of Council against the proposal to annex, and there is not a majority in support of proceeding with negotiations regarding the proposal; therefore, it is only fair to the developer to let him know Council's position.

Mr. Schaeffer confirmed that the developer would get the message that this proposal does not work in its present form, but he added that Council could count on the property owner coming back with a counter proposal.

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It was clarified that Council is not interested in the annexation in any form under any circumstances.

Mr. Schaeffer commented that Council should still anticipate that the property owner would be back with a counter proposal.

Mayor Agenbroad confirmed whether there was any doubt regarding the direction Council has given to Ms. Thompson. She replied no; she is clear that the answer is no to the annexation. Mayor Agenbroad also asked Ms. Thompson to make sure that the other jurisdictions involved know where Springboro stands on this issue, and he would prefer they hear it from Ms. Thompson rather than RG Properties or someone else. Ms. Thompson promised to make the calls tomorrow morning. Mayor Agenbroad confirmed that Ms. Thompson would notify Mr. Chmiel of Council's decision. Ms. Thompson stated that Mr. Chmiel has requested a copy of the audio recording of the meeting.

With no further discussion, Mayor Agenbroad adjourned the City Council Regular Meeting at approximately 7:47 PM.

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council