

CITY OF SPRINGBORO
425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL WORK SESSION

THURSDAY, MARCH 19, 2009

6:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor

Marie Belpulsi

Sheila Lairson

Scott Anderson

Tom LaDu

John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager

Jeff Kruihoff, Police Chief

Alan Schaeffer, Law Director

Lori Martin, Clerk of Council

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, March 19, 2009 at 6:00 PM in Council Chambers at the City's temporary facility in the Dalco Building, 425 S. Pioneer Boulevard, Springboro, Ohio.

ITEM 2. ATTENDANCE. Ms. Belpulsi was absent. Mayor Agenbroad commented that Ms. Belpulsi's mother passed away, and he will ask for a motion to excuse Ms. Belpulsi at tonight's Regular Meeting.

ITEM 3. PRESENTATION. **–New City Building UPDATE – John Fabelo, Lorenz Williams.**

This presentation follows Item 7, City Council comments.

ITEM 4. LEGISLATIVE AGENDA. **–Eight legislative agenda items were reviewed for the March 19, 2009 City Council Regular Meeting.**

Mayor Agenbroad confirmed that there would be three (3) public hearings at the beginning of tonight's Regular Meeting for rezonings at 8300 Country Club Lane from TR-1 to PUD-MU, 2738 Pennyroyal Road from TR-1 to R-1, and 2748 Pennyroyal Road from TR-1 to R-1.

- 1) EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-09-5 AND DECLARING AN EMERGENCY. (2009 SIDEWALK/DRIVEWAY APRON PROGRAM – ASPHALT RESURFACING)

No discussion.

- 2) EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-09-6 AND DECLARING AN EMERGENCY. (2009 SIDEWALK/DRIVEWAY APRON PROGRAM – CONCRETE REPLACEMENT)

No discussion.

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- 3) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 14.74 ACRES OF LAND AT 8300 COUNTRY CLUB LANE FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-MU, CITY OF SPRINGBORO PLANNED UNIT DEVELOPMENT-MIXED USE.

Ms. Thompson commented that Fred Young, Attorney for Sycamore Creek Country Club, has requested Council's consideration to waive the second and third readings of this ordinance to rezone on behalf of the Club's board. Ms. Thompson suggested waiting to see if there were any opponents to be heard at tonight's public hearing. Ms. Thompson explained that this property is located in the middle of the Sycamore Creek Golf Course and was the site of the old sanitary sewer lift station held by the City for twenty years. The property owners would like to move forward with the development of the cell tower proposed for the site.

Council agreed to wait to see if there were any opponents to be heard at the Public Hearing regarding this rezoning before considering a motion to waive the second and third readings of this ordinance.

- 4) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 20.2 ACRES OF LAND AT 2738 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT.

No discussion.

- 5) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 3.0 ACRES OF LAND AT 2748 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT.

No discussion.

- 6) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINNISSON EXCAVATING INC. TO COMPLETE THE RELOCATION OF A 12" WATER MAIN LOCATED NEAR PENNYROYAL ROAD AND INTERSTATE 75.

No discussion.

- 7) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A HEAVY DUTY SINGLE AXLE, DIESEL ENGINE DUMP TRUCK CHASSIS AND CAB AND A 1-TON DUMP TRUCK, DIESEL ENGINE.

Mr. LaDu asked what the City would do with the old trucks? Ms. Thompson responded by explaining that one truck is older and eroded by salt and the other truck is also older. The City will try to sell both trucks on GovDeals.

- 8) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT APPLICATIONS FOR FEDERAL AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009 FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION.

Ms. Thompson commented that the City did receive funding for project 1 of the three projects that the City submitted for consideration through MVRPC. Project 1 is to retro fit existing traffic signals on SR741 and SR73 with LED modules and associated work. The project has been funded in the amount of \$198,000.00.

AMENDMENT:

- 9) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE BIDDING, PAYMENT OF THE LOCAL SHARE, AND CONSTRUCTION OF THE BRIDGE AND RELATED RAMP WORK WITH THE OHIO DEPARTMENT OF TRANSPORTATION AS THE

LPA, LOCAL PUBLIC AGENCY, FOR THE REHABILITATION OF INTERSTATE 75 TO INCLUDE THE I75 INTERCHANGE WITH SR 73.

Ms. Thompson asked Council to consider a motion to amend the Legislative Agenda to add Item 9, a Resolution regarding the I75 / SR73 Bridge Project with ODOT in order to process all of the necessary paperwork for the project by April 1.

Mayor Agenbroad stated that he would ask for a motion to amend the Legislative Agenda to include Item 9, a Resolution, at tonight's Regular Meeting. There were no objections to amending the Legislative Agenda.

ITEM 5. CITY MANAGER.

-Issues/Reports.

Upcoming Events: Ms. Thompson inquired as to the Council's availability for the following events:

Ground Breaking Ceremony – Austin Interchange, Monday, April 20 at 10:30 AM in the general location of the old Jehovah Witness building.

Ground Breaking Ceremony – Miracle Field, Tuesday, April 14 at 5:30 PM.

Southwest Ohio Legislative Luncheon presented by GLC and MVCC – May 8 at Noon at the Savannah Conference Center in West Chester.

Executive Session: Ms. Thompson requested a brief Executive Session, following the Work Session discussion, for the purpose of discussing the employment of a public employee.

Awards and Honors: Ms. Thompson commented that she wished to announce the receipt of several awards at tonight's Regular Council Meeting under Reports to include Mr. Pozzuto's "40 under 40" award, awarded by the Dayton Business Journal. Also, the City recently received a fiscal award, "Making Your Tax Dollars Count," from the Auditor of State, which was only granted to 5% of the municipalities in the State of Ohio. Finally, Mr. Schaeffer's mother, who turned 90 years old on Tuesday, received a "Women of Influence" award from the Dayton WYCA today.

Austin Interchange Update: Ms. Thompson reported that the jurisdictions continue to work together on tax sharing agreements and JEDD possibilities. They held their initial meeting last Friday following the award of the bid for the interchange project to John R. Jurgensen. Ms. Thompson commented that there has been a change in management in Miamisburg and Keith Johnson, who has been involved in the interchange project for the past couple of years, will participate in meetings on Miamisburg's behalf. Ms. Thompson commented that there is an issue concerning the JEDD for the district. She explained that, effective June 1, state law will require a unanimous vote of the township trustees to pass any type of JEDD agreement. In order to avoid the risk of there not being a unanimous vote by the Miami Township Trustees, they are working toward getting the JEDD language accomplished by April 1. Also, because there is a spec building that is being proposed, the jurisdictions do not want to miss out on any potential revenue and wish to move quickly on the JEDD. Ms. Thompson explained that, with respect to revenue, all of the percentages they applied in the past with respect to the Austin area as far as sharing the cost and the benefits is the easiest and best calculation for the JEDD, and, for example, theoretically 22.4% of a 400-acre income tax certainly is better than 100% of a 54-acre income tax. Miamisburg's income tax rate would be used for the JEDD, which is 1.75%; Springboro's is 1.5%. Ms. Thompson commented that there are a lot of advantages for Springboro to be involved in this JEDD, and they should probably have a proposal for Council consideration by April or May.

LUAC Subcommittee Appointment: Ms. Thompson requested that Ms. Belpulsi be appointed to the Land Use Advisory Committee (LUAC) special work group for the Austin Interchange area per the Memorandum of Understanding approved in November 2008. Ms. Thompson explained that Mr. Pozzuto and City Planner Dan Boron have always attended the Land Use Advisory Committee meetings on Springboro's behalf, which is the group that has been approving uses at the Austin Interchange area. When the City approved the Memorandum of Understanding last November, there was extensive discussion about a land use development plan and the fact that RG Properties would need to present their plan to the group and the

jurisdictions would need to act on the plan. It was also anticipated that the developer would ask for some changes. Also, there was some discussion at past Council meetings regarding a representative from Council being involved in that planning process and Ms. Belpulsi had asked to participate. Letters were sent asking each jurisdiction to appoint a representative on behalf of their elected officials, which would be working with the LUAC to review the plan RG Properties is proposing on the 400 acres, to recommend changes and determine if it affects the consent decree, etc. The appointed representative would assist staff in communicating to the larger group of elected officials information regarding the development plan. Ms. Thompson reiterated that Ms. Belpulsi is extremely interested in participating in that process, and is the Chair of the Planning Commission.

Mayor Agenbroad asked if there were any objections to Ms. Thompson's recommendation to appoint Ms. Belpulsi to the LUAC special work group for the Austin Interchange area. There were no objections. Mayor Agenbroad will ask for an official action to appoint Ms. Belpulsi at tonight's Regular Meeting.

Ms. Thompson commented that she believes the first meeting of the group will be held next week.

City Building Update: Ms. Thompson commented that Architect John Fabelo and Designer Karen Painter are here tonight to present Council with an update on color schemes and materials that will be used on the interior of the new City Building. The presentation will follow the remainder of the Work Session discussion.

Also, Mr. Pozzuto thanked Ms. Thompson for nominating him for the Dayton Business Journal's "40 under 40" award. Mr. Pozzuto will attend the awards banquet on April 16; therefore, he will be absent from the April 16 Council meetings.

Annual Business Appreciation Breakfast: Mr. Pozzuto reminded Council that the City's Annual Business Appreciation Breakfast will be held on Thursday, April 16 at 8:00 AM at Heatherwoode. Notices for the breakfast were sent to businesses and the City has already received 20 RSVPs, which is on target with last year's response.

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

Calendar Update: The 3rd U.S. District Office Hours will be held on March 20, 1:00-2:00 PM, Council Chambers. The Springboro Chamber of Commerce Annual Business Expo will be held on Saturday, March 21, 10:00 AM-4:00 PM, Springboro High School.

ITEM 7. CITY COUNCIL. -Issues/Reports.

Mr. LaDu – No issues/reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – Mr. Chmiel will attend the Business Appreciation Breakfast on April 16, but he will be leaving for vacation that afternoon and will not be able to attend the Council meetings on April 16.

Ms. Lairson – Ms. Lairson will present a Finance Committee, Community Service Board, and Tree Authority report at tonight's Regular Meeting under Committee Reports. Also, Ms. Lairson announced that the Tree Authority has scheduled the City's annual Arbor Day Ceremony on April 25 at 8:30 AM at E. Milo Beck Park. A tree will be planted in memory of City employee Dave Grollmus, who passed away last year.

Mr. Anderson – In reference to Legislative Agenda Item 3, Mr. Anderson inquired as to whether Council should waive the second and third readings based on the fact that it is a zoning issue. Mr. Anderson asked if Council waived the readings and approved the ordinance tonight, and someone attended the next meeting thinking there would be a second and third reading, would that be an issue? Mr. Schaeffer explained that the ordinance is not written as an emergency; therefore, there still would be a 30-day waiting period before the ordinance is effective.

Mayor Agenbroad – Mayor Agenbroad announced that the annual Lion’s Club Golf Tournament will be held May 4 at 1:00 PM, if any Council Members were available to participate in the sponsored foursome. In addition, Mayor Agenbroad referenced the three residents who submitted letters and resumes expressing their interest in the open seat on the Community Service Board. This issue was carried over from the last Council Work Session. Mayor Agenbroad noted that the three applicants were David Therkelson, Kay von der Embse, and Dave Snyder. Mayor Agenbroad asked if Council Members have had the chance to review those resumes and given any further thought to the appointment.

Ms. Lairson commented that based on input from the Community Service Board, she would like to recommend David Therkelson for appointment to the open seat on the Board. Ms. Lairson further commented that she believes that Mr. Therkelson has a lot of experience that would be very beneficial to the group.

Mr. Parise commented that he would like to nominate Kay von der Embse for appointment to the Board based on her exclusive volunteer experience with hospice care, which is very valuable volunteer experience.

Mr. LaDu commented that he was going to recommend Kay von der Embse for the appointment as well.

Mayor Agenbroad recommended that Council postpone any action regarding this board appointment until Ms. Belpulsi returns at the next Council meeting in order to receive input from every member of Council. There were no objections to this recommendation.

PRESENTATION (ITEM 3.): –New City Building UPDATE – John Fabelo, Lorenz Williams.

John Fabelo (Architect) and Karen Painter (Designer) presented an update on the progress of the new City Building. Mr. Fabelo briefly discussed the history of the design of the new building and interior materials and color schemes. He explained that very few materials have changed from the original selections, but when there are changes they try to stay very close to the initial color palate. Mr. Fabelo referred to a board with some of the exterior and interior products to show the similarities between the initial selections and the products that will actually be used. The stone work, glass, and window frame colors all remain the same. The exterior of the building has progressed with a very similar palate if not identical to what was first proposed. On the interior of the building, the majority of the products are very similar to the original proposal. On the exterior of the building, the windows are the next phase. Most of the outside roof is completed and the two-story portion of the building is now visible. The windows should be installed this month as well as the framing for the lobby. With the exterior nearing completion it provides a sense of the scale and presence of the building. Mr. Fabelo commented that, hopefully, a lot of the of the things they were trying to accomplish such as combining new and historic elements into the design of the building e.g. porches, historic houses, building set back, and porch and roof gables.

Ms. Painter reviewed the full size samples of the interior flooring and wall coverings for the various parts of the building such as the lobby flooring, which has a banded design that helps to orient visitors to different areas of the building. Mr. Fabelo explained that all of the products being used are ordinary, everyday products and all local products from this region. Mr. Fabelo further explained that part of what makes these products special is how they are being used in the design with respect to patterns and combinations. Also, the products are very durable and easy to maintain i.e. hide dirt and spills so that the building will look new 50 years from now. Again, the long term goal is that the building looks new 50 years from now; thus, a lot of these products are both timeless in their appearance and durability. Ms. Painter added that timelessness in the coloration was very important in their planning effort.

Mr. Chmiel asked how the flooring product would have to be maintained? Ms. Painter explained that it can be waxed, but it does not have to be; it can be buffed, which is really better for the environment. She further explained that it is a very dense product and many coats of wax would just sit on the surface.

Ms. Painter also explained that they worked through a better substitution on the carpet package and were able to get a much better discount if they made some slight changes, but were still able to maintain the quality of the product. The carpet color changed a little, but blends with the color scheme and is primarily for

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large open spaces. Several other samples were shown for the smaller office spaces and yet another for Council Chambers.

Mr. Parise asked how durable the carpet is because the nap is very thin on the sample? Ms. Painter explained that it is a very good grade of carpet; if the carpet is too thick it will roll over and mat on itself. The sample is a very dense carpet constructed with the latest generation of nylons, etc., and is cleanable. Ms. Painter stressed that it has to be maintained by cleaning and vacuuming because it is a textile. Mr. Fabelo commented that a lot of attention was focused on the pattern of the carpet. There is a little less pattern in the office and private places where there is less traffic and soil, but the carpet in the more public or common areas are patterned to camouflage dirt and spills.

Mr. Anderson asked if they would use carpet squares to be able to replace soiled areas? Ms. Painter answered no, it is broad loom. Mr. Fabelo commented that they included some of those concepts in the initial design, but when they value engineered the project some of the those concepts were dropped, but ultimately they did not compromise too much, but had to pare down some products. They did choose and maintain a tough porcelain tile.

Mr. Chmiel inquired regarding the glass? Mr. Fabelo explained that there is glass in the Council Chambers and the lower portion has a pattern to prevent people from seeing inside which provides some privacy, but still lets light in. The main wall would still have clear glass, which keeps the sound out, but the patterned glass is used on the lower portion of the wall as a screen. The glass would be installed in large sheets and would stand off from the glass serving both as a functional and aesthetic piece. The community room will have a completely clear glass wall. Additional glass will be stored for future repairs. Ms. Thompson explained that the community room glass retracts to open the room up to the hallway to provide space for a larger crowd.

Mr. Fabelo commented that the square footage is just under 32,000 ft. of occupied space. One of the second story areas is a mechanical room.

Mayor Agenbroad asked if there were any more questions. Mr. Fabelo commented that they would get an update regarding the completion date sometime in April.

Mr. Fabelo further commented that the key to the design was to give a separate identity to the different departments. For example, the Court/Council area of the building has its own unique identity from the main part of the building and the entry separates those areas and both entrances are treated with the same level of importance. Also, whether a visitor is coming from the street or the parking lot, there is always a front entrance. The main part of the building has separate elements to defining the police, planning, and administrative areas. The chief administrative offices are located on the second floor. There is no back to this building; it has three façades at the corner.

Mr. Anderson asked if they have a landscaping plan yet? Mr. Fabelo replied yes, Kinzelman Kline is the Landscape Architect for the project. The landscaped design has already been bid and is part of the larger project. Mr. Fabelo explained that there were a few trees they were trying to save, as shown in the renderings, but, in actuality, the trees were not as healthy as they should be; thus, the landscape will have all new trees. Ms. Thompson commented that they would also like to design the median areas to utilize the storm water in an effort to be more "green." Ms. Thompson commented that she would like to discuss those options with the landscape architect before finalizing the whole plan for the medians. In essence, Ms. Thompson would like to explore ways to utilize storm water rather than an irrigation system to water those beds.

Ms. Lairson commented that the Police Department will also have a sally port for the cruisers to pull into. Ms. Thompson elaborated on Ms. Lairson's comment by stating that a representative from the Bureau of Jails met with Lt. Wheeler on Tuesday and was so impressed with the construction of the facility that the City exceeded the 12-hour cell requirement for construction. Ms. Thompson explained that when they bring evidence or a prisoner in, right now, it is haphazard and compromised in the official capacities of the courts, but in the new building they will have the sally port for transport along with an evidence garage where they

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could process and store a vehicle as evidence. Ms. Thompson added that they will also have adequate security in the building. Ms. Thompson also explained that it has been a long process in choosing all of the materials, and next week they will be choosing on single style chair for all staff. Ms. Thompson further added that they anticipate purchasing new chairs for Council Chambers, but will be utilizing the old ones in a conference room.

Mr. Fabelo also pointed out that in the police area there was a lot of planned growth and a lot of elements that they do not have today, which are really critical to operations. In addition, there are spaces in the new building that will not be utilized and will be spaces for future growth, and there is expansion in the building area that is not even finished that could also accommodate growth. There is storage space that could be utilized as office space in the future, as well. In essence, the building has expansion possibilities built in. Actually, a little bit of growth was planned in all areas of the building e.g. there are two offices upstairs art facility including a briefing room, holding cells, eye washes, evidence room, and an ammunition storage facility. Also, the holding area was designed to be registered for four hours, but it is designed to be ungraded without any changes to the architecture. Again, the City will receive approval for the higher hour usage and will be able to upgrade without changes. Ms. Thompson explained that the City is seeking accreditation and unless the physical facility is able to meet certain standards the department cannot be accredited. The facility has to meet standards just like the department would have to meet certain standards regarding policies and procedures. Lieutenant John Wheeler will be the City's accreditation officer and has already attended several sessions regarding accreditation. Ms. Thompson further explained that the facility was designed with the assistance of David Bostwick, who is the expert Lorenz Williams brought on board for the project, and his assistance during the design phase was all geared toward getting the City's police department to accreditation standards.

Ms. Thompson suggested that Council take a tour of the new building on May 7 prior to the Council Work Session. Details will be confirmed at a later date, and hardhats are required on the site.

Mayor Agenbroad thanked Mr. Fabelo and Ms. Painter for their presentation.

At this time, Mayor Agenbroad asked for a motion to enter Executive Session, under R.C.121.22(G), to discuss the employment of a public employee.

Mr. Parise motioned to enter Executive Session, following the Work Session discussion, to consider the employment of public employee. Mr. LaDu seconded the motion.

No discussion.

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

At approximately 6:47 PM, City Council entered Executive Session to consider the employment of a public employee.

With no objections, City Council exited Executive Session at approximately 6:53 PM; whereby, no votes were taken.

ITEM 8. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the March 19, 2009 City Council Work Session at approximately 6:53 PM.

CITY OF SPRINGBORO
425 S. PIONEER BOULEVARD, SPRINGBORO, OH

CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 19, 2009

7:00 PM

COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor
Marie Belpulsi
Sheila Lairson

Scott Anderson
Tom LaDu
John D. Parise

CITY STAFF

Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruthoff, Police Chief
Dan Boron, City Planner

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

PUBLIC HEARINGS

IN ACCORDANCE WITH OHIO REVISED CODE SECTION 713.12, THREE PUBLIC HEARINGS WERE HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO BEGINNING AT 7:00 P.M. ON THURSDAY, MARCH 19, 2009 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO. THE PUBLIC HEARINGS TOOK PLACE IN COUNCIL CHAMBERS AT THE CITY OF SPRINGBORO TEMPORARY CITY BUILDING, 425 SOUTH PIONEER DRIVE, SPRINGBORO, OHIO 45066.

(THE PRESENTATION HANDOUT OF ALL THREE PUBLIC HEARINGS IS ATTACHED FOR THE RECORD.)

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE APPROXIMATELY 14.74 ACRES OF LAND LOCATED AT 8300 COUNTRY CLUB LANE FROM (T)R-1, CLEACREEK TOWNSHIP RURAL RESIDENTIAL DISTRICT, TO CITY OF SPRINGBORO PUD-MU, PLANNED UNIT DEVELOPMENT-MIXED USE.

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

PROPONENTS:

- 1) CITY PLANNING CONSULTANT DAN BORON PROVIDED BACKGROUND INFORMATION REGARDING THE FIRST PUBLIC HEARING AS FOLLOWS: ALL THREE PUBLIC HEARINGS ON TONIGHT'S AGENDA ARE THE RESULT OF A REQUEST BY THE CITY OF SPRINGBORO STAFF AND PLANNING COMMISSION TO REZONE PROPERTY FROM TOWNSHIP ZONING TO CITY OF SPRINGBORO ZONING TO, IN PART, EASE THE MANNER OF IMPLEMENTING THE PLANNING AND ZONING LAWS OF THE CITY OF SPRINGBORO BY USING THE CITY OF SPRINGBORO'S ZONING DISTRICTS. AT PRESENT, SPRINGBORO HAS A LARGE AREA OF LAND, WHICH THE CITY PLANS TO BRING TO

COUNCIL AND MEMBERS OF THE PLANNING COMMISSION OVER TIME TO REZONE TO CITY ZONING DISTRICTS, WHICH UPON ANNEXATION HAD BEEN ALLOWED TO REMAIN TOWNSHIP ZONING. IT WOULD BE BETTER IF THE CITY WERE TO HAVE COUNCIL AND THE PLANNING COMMISSION DETERMINE THROUGH THE LIST OF LAND USES, DENSITIES, AND OTHER ACTIVITIES UNDER THE ZONING CODE IF ALL LANDS WITHIN THE CITY OF SPRINGBORO UNDER TOWNSHIP ZONING WERE REZONED TO CITY ZONING. THE CITY PLANS TO DO THAT UPON THE ADOPTION OF THE LAND USE PLAN LATER THIS YEAR.

THE FIRST REZONING IS REGARDING A PROPERTY AT THE ADDRESS OF 8300 COUNTRY CLUB LANE, WHICH IS A 14.74 ACRE SITE LOCATED SOUTHWEST OF THE SYCAMORE CREEK COUNTRY CLUB CLUBHOUSE. THIS PROPERTY IS THE ONLY PORTION OF THE COUNTRY CLUB LOCATED IN THE CITY, WHICH IS PRIMARILY LOCATED IN CLEARCREEK TOWNSHIP. THIS LAND HAS NO FRONTAGE ON A PUBLIC ROAD; ACCESS IS ONLY THROUGH THE ACCESS ROAD TO THE COUNTRY CLUB FROM THE NORTHEAST OFF LYTLE FIVE POINTS ROAD AND THE OTHER ACCESS POINTS TO THE CLUBHOUSE. THIS LAND IS WOODED, HILLY, AND BISECTED BY RICHARDS RUN AND ITS TRIBUTARIES. THE PROPOSED REZONING IS PLANNED UNIT DEVELOPMENT-MIXED USE, WHICH WAS REQUESTED BY THE PROPERTY OWNER, SYCAMORE CREEK COUNTRY CLUB, AT THE REQUEST OF THE CITY OF SPRINGBORO. THERE IS ONE LIMITED USE, *OUTDOOR RECREATION*, WHICH IS CONSISTENT WITH THE OPERATION OF THE ENTIRE GOLF COURSE FACILITY. THIS LAND WAS OWNED BY THE CITY OF SPRINGBORO THROUGH 2002, AND WAS THE SITE OF A PACKAGE PLANT UNTIL THAT POINT IN TIME. AGAIN, THE PLANNING FRAMEWORK IS TO ELIMINATE TOWNSHIP ZONING WHERE THE OPPORTUNITY ARISES WITHIN THE COMMUNITY, AND THE CITY ASKED THE PROPERTY OWNER TO DO THIS. THE CITY HAS TAKEN ON ALL OF THE RESPONSIBILITIES OF THE PUBLIC HEARING ANNOUNCEMENTS, NOTIFICATION TO ADJACEMENT PROPERTY OWNERS AND OTHERS. THE CURRENT ZONING IS (T)R-1, *CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT*, WHICH ALLOWS SINGLE FAMILY RESIDENTIAL DEVELOPMENT AT THE RATE OF TWO UNITS PER ACRE WITH SEWER AND WATER PROVIDED, AND SCHOOLS, CHURCHES, AND OTHER PUBLIC AND SEMI-PUBLIC USES. THIS REZONING WAS APPROVED AS A RECOMMENDATION TO CITY COUNCIL BY THE PLANNING COMMISSION AT THE COMMISSION'S MEETING ON FEBRUARY 11, 2009. THE LAST TWO SLIDES IN THE PRESENTATION SHOW THE RELATIVE LOCATION OF THE SITE, WHICH AGAIN IS AN UNDEVELOPED SITE WITH WOODED, HILLY TERRAIN NORTH OF THE RICHARDS RUN SUBDIVISION AND EAST OF THE SYCAMORE HEIGHTS SUBDIVISION.

MR. BORON OFFERED TO ANSWER ANY QUESTIONS OF COUNCIL.

MR. LADU INQUIRED ABOUT THE SMALL RECTANGULAR LOT IN THE MIDDLE OF THE SITE? MR. BORON EXPLAINED THAT THERE ARE TWO PROPERTIES, ONE VERY LARGE PROPERTY, WHICH IS APPROX. 14 ACRES, AND AN INDIVIDUAL SITE WITHIN THE SITE, WHICH IS APPROX. 0.5 ACRES.

NO OTHER PROPONENTS CAME FORWARD.

OPPONENTS:

NO OPPONENTS CAME FORWARD.

MAYOR AGENBROAD CLOSED THE PUBLIC HEARING AT APPROXIMATELY 7:07 PM.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE APPROXIMATELY 20.2 ACRES OF LAND LOCATED AT 2738 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENTIAL DISTRICT, TO CITY OF SPRINGBORO R-1, ESTATE-TYPE RESIDENTIAL DISTRICT. THE SUBJECT PROPERTY IS LOCATED APPROXIMATELY 550 FEET NORTHWEST OF THE INTERSECTION OF PENNYROYAL ROAD AND EVERGREEN DRIVE.

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

PROponents:

- 1) CITY PLANNING CONSULTANT DAN BORON PROVIDED BACKGROUND INFORMATION REGARDING THE SECOND PUBLIC HEARING AS FOLLOWS: THE SITE IN QUESTION AT 2738 PENNYROYAL ROAD IS A 20.2 ACRE SITE LOCATED NORTHWEST OF THE INTERSECTION OF PENNYROYAL ROAD AND EVERGREEN DRIVE. THIS PROPERTY HAS FRONTAGE THROUGH A VERY SMALL, NARROW PIECE OF LAND TO PENNYROYAL ROAD, BUT THE MAJORITY OF THE PROPERTY IS LOCATED TO THE NORTH AND BEHIND THE PROPERTIES ON THE NORTH SIDE OF PENNYROYAL ROAD. THE PROPERTY IS COMMONLY REFERRED TO AS THE SITE OF CLEARCREEK CHAPEL, WHICH CAN BE SEEN FROM I-75. A PORTION OF THIS SITE IS ALSO UNDEVELOPED. AGAIN, THE PLANNING FRAMEWORK, AS MENTIONED EARLIER DURING THE INTRODUCTION TO ALL THREE PUBLIC HEARINGS, IS THAT THIS IS A REQUEST TO BRING TOWNSHIP ZONING ON THIS SITE AND AN ADJACEMENT SITE INTO THE CITY'S ZONING FRAMEWORK BY REZONING TO R-1, *ESTATE TYPE RESIDENTIAL DISTRICT*, WHICH HAS THE EXACT SAME DENSITY ALLOWANCES BEING A MAXIMUM OF TWO UNITS PER ACRE PERMITTED UNDER THE CURRENT (T)R-1, *CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT*. ALSO, THE RECOMMENDED ZONING HAS THE SAME FAMILY OF USES AND INTENSITY OF DEVELOPMENT, WHICH IS RESIDENTIAL, CHURCHES, SCHOOLS, AND PUBLIC AND SEMI-PUBLIC FACILITIES, AS SEEN NOW DEVELOPED IN THAT AREA, WHICH WAS ANNEXED IN THE LATE 1990S AND DEVELOPED IN THE EARLY 1970S. THERE IS, AT PRESENT, NO PROPOSAL OR ACTIVITY PROPOSED FOR THE DEVELOPMENT OF THIS SITE. AGAIN, THIS REQUEST TO REZONE WAS MADE BY THE CITY WHEN CLEARCREEK CHAPEL BROUGHT A PROPOSAL TO THE PLANNING COMMISSION LAST SUMMER TO DEVELOP AND EXPAND THEIR CHURCH FACILITY, WHICH CAN BE SEEN UNDER CONSTRUCTION ON THE EAST END OF THE BUILDING. THE CITY HAS ABSORBED ALL OF THE COSTS AND TIME SURROUNDING THE REZONING PROCESS. THIS REZONING WAS RECOMMENDED BY THE PLANNING COMMISSION TO CITY COUNCIL ON FEBRUARY 11, 2009. THE EXHIBITS PROVIDED INCLUDE THE LOCATION OF THE PROPERTY WITH FRONTAGE ON PENNYROYAL ROAD AND A LARGE AREA OF LAND TO THE NORTH. AGAIN, THIS PROPERTY AND MOST OF THE SURROUNDING AREA IS ZONED (T)R-1, WITH AN AREA OF R-2, FOUR UNIT PER ACRE DEVELOPMENT DENSITY TO THE SOUTH.

MR. BORON OFFERED TO ANSWER ANY QUESTIONS OF COUNCIL.

MR. PARISE CONFIRMED THAT IN BASIC TERMS THIS PROPERTY IS SIMPLY BEING REZONED FROM TOWNSHIP ZONING TO CITY ZONING? MR. BORON REPLIED YES.

MR. LADU ASKED IF THERE WERE TWO LOTS ON THE PROPERTY? MR. BORON REPLIED YES, THERE IS THE IRREGULAR SHAPED PARCEL WITH THE LEG STICKING OUT TO PENNYROYAL ROAD AND A TWO-ACRE PIECE, WHICH IS ALSO OWNED BY THE CHURCH TO THE EAST.

NO OTHER PROPONENTS CAME FORWARD.

OPponents:

NO OPPONENTS CAME FORWARD.

MAYOR AGENBROAD CLOSED THE PUBLIC HEARING AT APPROXIMATELY 7:12 PM.

PUBLIC HEARING: THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE APPROXIMATELY 3.00 ACRES OF LAND LOCATED AT 2748 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENTIAL DISTRICT, TO CITY OF SPRINGBORO R-

1, ESTATE-TYPE RESIDENTIAL DISTRICT. THE SUBJECT PROPERTY IS LOCATED APPROXIMATELY 625 FEET NORTHWEST OF THE INTERSECTION OF PENNYROYAL ROAD AND EVERGREEN DRIVE.

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

PROponents:

- 1) CITY PLANNING CONSULTANT DAN BORON PROVIDED BACKGROUND INFORMATION REGARDING THE THIRD PUBLIC HEARING AS FOLLOWS: A LOT OF THE CIRCUMSTANCES STATED IN THE PREVIOUS PUBLIC HEARING APPLY TO THIS SITE AS WELL, WHICH IS IMMEDIATELY TO THE WEST AND ADJACENT TO THE CLEARCREEK CHAPEL SITE. THE ONE DIFFERENCE BETWEEN THE TWO SITES IS THAT THIS PROPERTY IS THE SITE OF THE RECENTLY CONSTRUCTED AND COMPLETED KINGDOM HALL OF JEHOVAH'S WITNESSES, WHICH WAS REQUIRED TO RELOCATE TO THIS SITE AS A RESULT OF THE NEW INTERCHANGE AT AUSTIN ROAD. THE SITE IS A 3-ACRE PARCEL WITH FRONTAGE ON PENNYROYAL ROAD. THE DEVELOPER HAD GONE THROUGH THE SITE PLAN REVIEW PROCESS WITH THE PLANNING COMMISSION AND, AT THAT TIME, WAS ASKED IF THEY WOULD BE WILLING AND INTERESTED TO VOLUNTARILY GO THROUGH THE REZONING PROCESS FROM (T)R-1 TO R-1 ZONING, WHICH THEY COMPLIED WITH. OTHERWISE, THE CIRCUMSTANCES ARE VERY SIMILAR TO THE PREVIOUS REZONING REQUEST.

MR. BORON OFFERED TO ANSWER ANY QUESTIONS OF COUNCIL. THERE WERE NO QUESTIONS OF COUNCIL.

NO OTHER PROPONENTS CAME FORWARD.

OPponents:

NO OPPONENTS CAME FORWARD.

MAYOR AGENBROAD CLOSED THE PUBLIC HEARING AT APPROXIMATELY 7:15 PM.

END PUBLIC HEARINGS

BEGIN REGULAR ORDER OF BUSINESS

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, March 19, 2009 at 7:00 PM in Council Chambers at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard, Springboro, Ohio.

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

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

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

No discussion.

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

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MARCH 5, 2009.

Mayor Agenbroad presented the minutes for additions or corrections.

Mr. LaDu made the following correction to the minutes: On page 4, paragraph 3, line 2 of the City Council Regular Meeting Minutes of March 5, 2009, Mr. LaDu was inadvertently referred to as "Ms." LaDu.

Ms. Martin apologized, and will correct the minutes.

Mr. LaDu motioned to approve the minutes of the March 5, 2009 City Council Work Session and Regular Meeting as submitted by the Clerk of Council to include the above stated correction. Mr. Anderson seconded the motion.

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

ITEM 5. PRESENTATIONS: No Presentations.

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for 47 minutes to discuss the following legislation as well as other City matters including an update on the new City Building. During the Work Session, Council entered Executive Session for approximately six minutes to discuss the employment of a public employee; whereby, no votes were taken during Executive Session.

- 1) **ORDINANCE O-09-5: THIRD READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-09-5 AND DECLARING AN EMERGENCY. (2009 SIDEWALK/DRIVEWAY APRON PROGRAM – ASPHALT RESURFACING)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution declares the necessity for the 2009 Sidewalk/Driveway Apron Program. This ordinance allows the City to proceed with the resurfacing of the streets included in the plan this year. As this is the third reading of this ordinance, the list of streets has been provided during the last two readings and will not be repeated here. The quantities for the driveway aprons and sidewalks are always estimated, and it is anticipated that the sidewalk repairs will cost \$7.00 per sq. ft. and the driveway apron repairs will cost \$8.00 per sq. ft. The additional dollar difference is due to the depth of the driveway aprons, which is two inches thicker than the sidewalks. As usual, property owners have been asked to complete the work by May 1 if they intend to use their own contractor. Otherwise, the City will proceed with the improvements and assess the property owners for the cost of the repairs.

Mayor Agenbroad presented the item for discussion. No discussion.

Mr. LaDu motioned to adopt Resolution O-09-5. Ms. Lairson seconded the motion.

No discussion.

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

- 2) **ORDINANCE O-09-6: THIRD READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-09-6 AND DECLARING AN EMERGENCY. (2009 SIDEWALK/DRIVEWAY APRON PROGRAM – CONCRETE REPLACEMENT)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution declares the necessity for the 2009 Sidewalk/Driveway Apron Program for the concrete street replacement project. Most of the City's concrete streets are at least 20 years old and have deteriorated very badly. Council elected, at the request of staff, to go forward with a \$3M bond in order to complete the concrete street replacement in one year rather than street by street over the next five to ten years. This ordinance will allow the City to replace all of the concrete streets in the City with full depth asphalt and any abutting driveways aprons and sidewalks in need of repair will also be included in the program. Again, the City has requested that property owners complete the repairs by Friday, May 1 if they elect to hire their own contractor; otherwise, the City will proceed with the work. The cost estimates for this work are the same as stated in the previous legislation, and property owners will be assessed for repairs made by the City.

Mayor Agenbroad presented the item for discussion. No discussion.

Mr. Parise motioned to adopt Resolution O-09-6. Mr. LaDu seconded the motion.

No discussion.

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

- 3) **ORDINANCE O-09-7: FIRST READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 14.74 ACRES OF LAND AT 8300 COUNTRY CLUB LANE FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-MU, CITY OF SPRINGBORO PLANNED UNIT DEVELOPMENT-MIXED USE," was read by the Clerk of Council. Ms. Thompson asked Mr. Boron to comment on this item. Mr. Boron commented as follows:

This is the first reading of an ordinance to amend the official zoning map and rezone approximately 14.74 acres at 8300 Country Club Lane from (T)R-1 to PUD-MU. This ordinance to rezone property was the subject of the first public hearing held at the beginning of tonight's meeting. This is the proposed rezoning of two parcels totaling 14.74 acres of land located at 8300 Country Club Lane from (T)R-1 to PUD-MU. Again, this ordinance is part of and similar to the next two ordinances on the agenda in reflecting the City's ongoing effort to rezone property from township zoning to city zoning when the opportunity arises. The Planned Unit Development-Mixed Use comes with a stipulation to limit the use to *Outdoor Recreation*, which is consistent with the use of the remainder of the property and the country club, which is primarily in the township.

Mayor Agenbroad stated that a request has been made to suspend the rules and waive the second third readings of this ordinance.

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

Mayor Agenbroad presented the item for discussion. No discussion.

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

Mr. Parise motioned to adopt Ordinance O-09-7. Ms. Lairson seconded the motion.

Mayor Agenbroad presented the item for discussion. No discussion.

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

- 4) **ORDINANCE: FIRST READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 20.2 ACRES OF LAND AT 2738 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1,

CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT," was read by the Clerk of Council. Ms. Thompson asked Mr. Boron to comment on this item. Mr. Boron commented as follows:

This is the first reading of an ordinance to amend the official zoning map and rezone approximately 20.2 acres at 2738 Pennyroyal Road from (T)R-1 to R-1. This ordinance to rezone property was the subject of the second public hearing held at the beginning of tonight's meeting. This property is located at 2738 Pennyroyal Road, which is also the site of Clearcreek Chapel and adjoining vacant land. Again, this rezoning is intended to address the issue of township zoning within the community by rezoning land currently within the City limits from township zoning to city zoning. There is no change in the intensity of use or the variety of uses allowed under the proposed zoning.

Mayor Agenbroad presented the item for questions or comments of Council. No questions or comments.

No action required at this time.

- 5) **ORDINANCE: FIRST READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 3.0 ACRES OF LAND AT 2748 PENNYROYAL ROAD FROM (T)R-1, CLEARCREEK TOWNSHIP RURAL RESIDENCE DISTRICT, TO R-1, CITY OF SPRINGBORO ESTATE-TYPE RESIDENTIAL DISTRICT," was read by the Clerk of Council. Ms. Thompson asked Mr. Boron to comment on this item. Mr. Boron commented as follows:

This is the first reading of an ordinance to amend the official zoning map and rezone approximately 3.0 acres at 2748 Pennyroyal Road from (T)R-1 to R-1. This ordinance to rezone property was the subject of the third public hearing held at the beginning of tonight's meeting. This property is the adjacent site to the west of the property discussed previously, which is the site of the newly constructed Jehovah's Witness Kingdom Hall. The same circumstances stated under the previous ordinance to rezone apply to this property, but it is a smaller site. When the developer came forward for site plan review, the City approached them about rezoning the property in order to have this land under the City of Springboro planning and zoning code.

Mayor Agenbroad presented the item for questions or comments of Council. No questions or comments.

No action required at this time.

- 6) **RESOLUTION R-09-11:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINNISON EXCAVATING INC. TO COMPLETE THE RELOCATION OF A 12" WATER MAIN LOCATED NEAR PENNYROYAL ROAD AND INTERSTATE 75," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to enter into a contract with Kinnison Excavating Inc. to complete the relocation of a 12" water main located near Pennyroyal Road and I75. The Ohio Department of Transportation has been doing an add-lane project on I-75 for months coming from the south. In preparation for some of the work to be done in the SR73 area, ODOT is replacing the Pennyroyal Road Bridge over I75, which requires the City to relocate a water main. This project will be performed in 2010. When the water main relocation occurs, no service will be interrupted because there is an existing 16" main that the City will divert to provide water to those residents affected in the Pennyroyal Road and Tamarack areas. The cost of the project is \$42,870.00 with Kinnison Excavating; the engineer's estimate for the project was \$55,000.00.

Mayor Agenbroad presented the item for discussion. No discussion.

Mr. Parise motioned to adopt Resolution R-09-11. Mr. Anderson seconded the motion.

No discussion.

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

- 7) **RESOLUTION R-09-12:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A HEAVY DUTY SINGLE AXLE, DIESEL ENGINE DUMP TRUCK CHASSIS AND CAB AND A 1-TON DUMP TRUCK, DIESEL ENGINE," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to purchase a heavy duty single axle diesel engine dump truck chassis and cap and a 1-ton dump truck, diesel engine from White Allen Chevrolet. The two trucks being purchased will replace older trucks that have been severely damaged by salt and wear and tear. As these trucks were reviewed during the budget process as expanded requests from the Service Department, they were in fact approved at that time. The lowest bid received was \$98,280.00 from White Allen Chevrolet to purchase the two heavy duty dump truck chassis and cabs.

Mayor Agenbroad presented the item for discussion. No discussion.

Mr. LaDu motioned to adopt Resolution R-09-12. Ms. Lairson seconded the motion.

No discussion.

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

- 8) **RESOLUTION R-09-13:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT APPLICATIONS FOR FEDERAL AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009 FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to prepare and submit applications for Federal American Reinvestment and Recovery Act of 2009 funds through the MVRPC. This funding is actually from the new stimulus bill that the federal government proposed, and through the MVRPC, local government entities were solicited to submit projects that might qualify under the Transportation Improvement Program 2008-2011. However, these projects had to be projects that were what is referred to as "shovel ready" i.e. environmental studies of any kind or other types of studies that are normally required would have to have been completed or not required to qualify for these funds. The City submitted three projects that met the criteria as follows: 1) a project to retrofit existing traffic signals along the SR73 and SR741 corridors with LED modules, which are now used at the intersection of Pioneer Blvd. and SR73, 2) a project to resurface Lytle Five Points Road from SR741 to a little west of Sycamore Springs Road, and 3) a project to resurface Clearcreek Franklin Road from south of Whispering Pines to Pennyroyal Road. This resolution is required in order for the City to receive funds under the Recovery Act. Since this legislation was prepared, the City learned that it will receive \$198,000.00 in stimulus funds for the traffic signal LED replacement project and associated work.

Mayor Agenbroad presented the item for discussion. No discussion.

Mr. Parise motioned to adopt Resolution R-09-13. Mr. Anderson seconded the motion.

No discussion.

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

At this time Mayor Agenbroad asked for a motion to amend the Legislative Agenda to add Item 9, a Resolution.

Mr. Chmiel motioned to amend the Legislative Agenda to add Item 9, a Resolution. Ms. Lairson seconded the motion.

No discussion.

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

AMENDMENT:

- 9) **RESOLUTION R-09-14:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE BIDDING, PAYMENT OF THE LOCAL SHARE, AND CONSTRUCTION OF THE BRIDGE AND RELATED RAMP WORK WITH THE OHIO DEPARTMENT OF TRANSPORTATION AS THE LPA, LOCAL PUBLIC AGENCY, FOR THE REHABILITATION OF INTERSTATE 75 TO INCLUDE THE I75 INTERCHANGE WITH SR 73," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution authorizes the City Manager to execute all documents necessary regarding the bridge and related ramp work with ODOT, as the LPA for the rehabilitation of I75 to include the interchange with SR73. This project was brought before Council in April of 2006 with legislation that would allow the City to enter into contracts with ODOT to rebuild the I75 / SR73 Bridge. As a result, the City took a look at the entire SR73 interchange area and worked with the City of Franklin to look at the entire corridor. In 2006, Springboro and Franklin convinced ODOT that instead of just refurbishing the bridge over SR73; they should rebuild it to allow for wider piers, which would in turn allow the City to add more lanes to SR73 sometime in the future to accommodate the increasing traffic volumes in both communities. The monies that the City applied for and the project that was approved was simply for the bridge to be rebuilt with the intention that someday the City could increase the number of lanes on SR73. Since then, the City has done a lot of work on an Interchange Modification Study (IMS) to study all of the ramps and look at all of the different movements to make sure that the City was doing everything correctly. The IMS plan is actually going to be submitted to ODOT within the next couple of weeks in its final form. It has taken three years because of various issues that have arisen for each community and changes to the plan, but again, the City is finally ready to submit the plan to ODOT. In the meantime, ODOT is ready to proceed with their project, which is the add-lane project on I75 and when they reach Springboro they are going to be tearing that bridge apart and widening the bridge piers as requested by the City in 2006. As a result, the City needs new paperwork for ODOT in the form of this final resolution as prepared by ODOT designating Springboro as the Local Public Agency (LPA), which makes the City responsible to pay the 20% local share of the project. Back in 2006, the local share was a not-to-exceed amount of \$530,000.00, and today that number is \$533,168.00. This legislation would also authorize the City to spend the additional \$3,168.00. Reimbursement for part of this expenditure will come from the City of Franklin, but again as Springboro is serving as the LPA it is required to pay all of the money up front, but Franklin and Springboro have an agreement that will allow the City to collect the funds from Franklin for their portion of the local share. This legislation allows the City to complete the final resolution, put the local share monies for the project in an escrow account, and sign all of the necessary documentation and contracts that ODOT requires. Ms. Thompson asked for Council's indulgence in considering this legislation this evening.

Mayor Agenbroad presented the item for questions or comments of Council. No questions or comments.

Mr. Parise motioned to adopt Resolution R-09-14. Mr. LaDu seconded the motion.

No discussion.

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

- ITEM 7. REPORTS: Mayor's Report** – The 3rd U.S. District Office Hours will be held on Friday, March 20, 1:00-2:00 PM in Council Chambers. The Springboro Chamber of Commerce Annual Business Expo will take place on Saturday, March 21 from 10:00 AM to 4:00 PM at Springboro High School. The next City Council Work Session will be held on Thursday, April 2, 2009 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, April 2, 2009 at 7:00 PM in Council Chambers, as scheduled. All meetings will be held at the City's temporary facility in the Dalco Building located at 425 S. Pioneer Boulevard in Springboro, unless otherwise posted.

City Manager's Report – Awards and Honors: Ms. Thompson reported that City Law Director Alan Schaeffer's mother, who turned 90 years old on Tuesday, was honored by the Dayton YWCA as a "Woman of Influence" in the Dayton community, and Ms. Thompson wished to congratulate Mrs. Schaeffer. Ms. Thompson explained that Mrs. Schaeffer accepted this award with a number of other women who were voted equally outstanding awards by the Dayton community. Ms. Thompson further commented that Mrs. Schaeffer formed the group "Panel of the American Women," which focused on the issues diversity and empowerment for women.

Ms. Thompson also reported that Assistant City Manager Chris Pozzuto has been voted one of the "40 under 40" best Dayton professionals by the Dayton Business Journal. Mr. Pozzuto will attend an honorary banquet on April 16 to receive his award. Ms. Thompson congratulated Mr. Pozzuto stating that it is a great achievement and that he is a future manager and leader of the area.

Ms. Thompson also commented that, as reported in the local media (Star Press), the City received the "Making Your Tax Dollars Count Award" for the fiscal year 2007 audit from Mary Taylor, Auditor of State. Ms. Thompson quoted that fewer than 5% of all Ohio Government Agencies are even eligible for this award. Ms. Thompson commented that the Finance Department and the Council have done an outstanding job with the City finances. In Mary Taylor's words, "She is pleased to recognize Springboro officials for properly accounting for the tax dollars that they spend," said Mary Taylor, "The community should be proud of their commitment to making sure that each dollar is spent appropriately." Ms. Thompson congratulated Council and the Finance Department on receiving this award.

On behalf of Council, Mayor Agenbrood congratulated Mr. Schaeffer's mother on receiving her award, and wished her a belated happy ninetieth birthday.

Committee Reports –

Mr. LaDu – No reports.

Mr. Parise – No reports.

Ms. Lairson – Finance Committee – The Finance Committee met tonight at 5:30 PM in Council Chambers, and all of the City's finances are in order.

Tree Authority – At this year's Arbor Day Ceremony, the Tree Authority has decided to plant a tree in memory of former City employee, Dave Grollmus, who passed away last year. The ceremony will take place at E. Milo Beck Park on Saturday, April 25 at 8:30 AM. Everyone is invited to attend.

Community Service Board – The Community Service Board met on Monday, March 16 at 7:00 PM in Council Chambers. The Board held another round table meeting with volunteer group leaders and others who are interested in volunteering in the community. The Board did learn about quite a few new groups in the area, and are very excited about those groups joining the cause.

Mr. Anderson – No reports.

Mr. Chmiel – No reports.

ITEM 8. OTHER BUSINESS. Mayor Agenbrood asked for a motion to appoint Ms. Belpulsi to serve on the Land Use Advisory Committee special work group for the Austin Interchange area in compliance with the Memorandum of Understanding of November 2008.

Mr. LaDu motioned to appoint Ms. Belpulsi to serve on the Land Use Advisory Committee special work group for the Austin Interchange area. Mr. Chmiel seconded the motion.

No discussion.

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

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

ITEM 10. GUEST COMMENTS. No Guest Comments. Mayor Agenbroad thanked the audience members for their attendance.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Ms. Lairson motioned to adjourn the meeting; whereby, the Thursday, March 19, 2009 Springboro City Council Regular Meeting was adjourned at approximately 7:35 PM. Mr. LaDu seconded the motion.

No discussion.

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

John H. Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council