

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

CITY COUNCIL WORK SESSION

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THURSDAY, MARCH 1, 2007

6:00 PM

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CITY COUNCIL  
John Agenbrood, Mayor

Marie Belpulsi, Deputy Mayor  
Scott Anderson  
Jim Chmiel

Gary Hruska  
Sheila Lairson  
John D. Parise

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CITY STAFF  
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager

Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

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**ITEM 1. CALL TO ORDER.** Mayor Agenbrood called the Work Session to order at approximately 6:00 PM in Council Chambers.

**ITEM 2. ATTENDANCE.** Mr. Chmiel was absent. Mayor Agenbrood explained that Mr. Chmiel was on vacation, and he would ask for a motion to excuse Mr. Chmiel at tonight's City Council Regular Meeting.

Mayor Agenbrood stated that it has been requested by the City Law Director to add legislative item 6, an emergency ordinance, to tonight's agenda for action. Mayor Agenbrood will ask for a motion to amend the legislative agenda to include item 6 at tonight's Regular City Council Meeting.

At this time, Mr. Schaeffer briefly commented that legislative item 6 deals with the easement issue at the Goddard School. Mr. Schaeffer explained that City Council passed a resolution on February 1 declaring the intent to appropriate the easement, and this ordinance directing the appropriation of the easement is the next step in the process to convey a perpetual access easement to the owners of the property where the Goddard School is located. The conclusion to this issue has been delayed due to the independent parties involved, and the City has a deadline to meet regarding its responsibility to the property owner's interest in this issue. The City just received the valuation figure needed to complete the legislation, which appears as a blank under Section 5 of the ordinance, which is \$100.00.

Mr. Anderson asked for further explanation regarding this issue? Mr. Schaeffer explained that this ordinance would generate the documents to enact the perpetual easement of the current usable driveway through the Drug Mart Shopping Center onto State Route 73. Mr. Schaeffer explained that this does not create a new easement or make any other physical changes to the property.

Mr. Hruska confirmed that the actions the City has taken through the previous resolution and this ordinance convey a perpetual easement specifically to the pre-school property owners. Mr. Schaeffer replied, yes.

**ITEM 3. LEGISLATIVE AGENDA.** –City Council considered 5 legislative agenda items slated for the March 1, 2007 City Council Regular Meeting.

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

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PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

Ms. Thompson commented that at the last Council Work Session it was the consensus of Council to further discuss concerns regarding density and the request for PUD-R zoning as it pertains to this rezoning. Ms. Thompson also commented that the applicant, Greg Bartley, is in the audience. Ms. Thompson reminded Council that she sent a memo (February 16) to City Council as a follow up to the discussion at the February 15 Work Session describing the choices available to Council with respect to this rezoning application, which were as follows: to go forward with a vote on the rezoning application tonight, table the rezoning application to allow for further discussion with the property owner, or adopt the rezoning ordinance with conditions on the application. Ms. Thompson added that if the rezoning ordinance were denied, the applicant would not be able to submit a rezoning application for a period of two years. She also explained that City Council could not rezone the property to any other zoning designation without the consent of the property owner/applicant.

Mr. Anderson asked if it would be possible for the applicant to withdraw and revisit the issue? Mr. Schaeffer explained that the applicant has the ability to withdraw his application, but if the applicant withdraws, he would have to start the process all over again.

Mr. Anderson asked if a withdrawal would preclude the applicant from coming back for the same type of zoning? Ms. Thompson replied, no. Mr. Anderson asked if withdrawing the application had the same effect as tabling it? Mr. Schaeffer replied no, tabling the ordinance would keep the legislation at the Council level for continued consideration and negotiation, withdrawing the application would be equivalent to the applicant never having filed the application.

Ms. Belpulsi stated that the Planning Commission rejected the applicant's original request for R-3 zoning because the density is too high and suggested PUD-R, which gives the Planning Commission more control over the plan and gives the developer more flexibility. She further stated that there was no input from the community at the Planning Commission level when this rezoning was recommended. Ms. Belpulsi also stated that taking into consideration the City's Master Land Use Plan the recommendation of PUD-R would be a moderate density and that is how the recommendation came to City Council. Ms. Belpulsi explained that the first time she was aware of any concerns regarding this rezoning was at the Public Hearing on February 1. Ms. Belpulsi suggested having a discussion with the developer and obtaining more information. She added that perhaps the developer might want to meet with area residents as well. Ms. Belpulsi emphasized that this ordinance is based on the Planning Commission's recommendation for the rezoning and is not based on any traffic studies or roadway information, which would come up during the review of the general plan.

Ms. Lairson asked if the 126-unit density was decided by the Planning Commission? Ms. Belpulsi replied yes, and explained that the 126 units is less than what would be allowed in an R-3 district, but that the developer could not have more than 126 units; however, a developer may not be able to build nearly that many units depending on the setbacks, the street layout, etc.

Ms. Lairson confirmed that the number does set the maximum number of units? Ms. Belpulsi replied, yes. Ms. Lairson stated that she does not have a problem with the PUD-R zoning, but 126-units is very high for 12 acres of land. Ms. Thompson explained that it is a not-to-exceed number, and amounts to 10.5-units per acre; whereas, the R-3 provides for up to 15-units per acre. Ms. Thompson reiterated that the developer first applied for R-3 zoning, then at the request of the staff and the Planning Commission modified his application to a PUD-R. Ms. Thompson explained that there is a 25% green space requirement in a PUD and 15% of the acreage is reserved for right-of-way, which would reduce the total acreage. Ms. Thompson stated that she agrees with the recommendation to table the ordinance in order to discuss with the applicant where the density property really might end up with respect to actual number of units that would fit, but that discussion has not taken place and the Planning Commission did the right thing by agreeing to a PUD-R based on the City's Master Plan. Ms. Thompson also stated that Mr. Schaeffer did supply the City with an opinion regarding this application, but the Planning Commission did not have Mr. Schaeffer's opinions until they recommended this rezoning to a PUD-R. Mr. Schaeffer's opinions were that because there was no general plan, use had to be defined, which is multi-family, maximum density had to be determined, which is 126-units, access had to be off of Clearcreek-Franklin Road, and the lot-split had to occur, and a general plan would have to be submitted to make sure all of these things were going to occur along with a traffic study, etc., and if, at that point, 126-units fit on the property that would be the applicant's maximum allowance.

Ms. Lairson asked if all of those recommendations could be complied with before passing this ordinance? Ms. Thompson stated that if City Council tabled the ordinance, it could be amended to include these conditions.

Mayor Agenbrod recognized Mr. Greg Bartley, the applicant and agent for the property owner of 8683 Clearcreek-Franklin

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Road.

Mr. Bartley commented that he is not sure what more there is to be discussed or described regarding this application. Mr. Bartley explained that he is the applicant, not a developer, and he stated that the application is not being proposed by a developer. Mr. Bartley stated that he is here as the agent to the property owners who are citizens who have invested their money in the City of Springboro and they have a piece of property that currently carries township zoning and that nothing can be done with that property under its current zoning because it is now a part of the City. Mr. Bartley further stated that it is not so much that they are rezoning, but that they are establishing what the City zoning is for that parcel and the landowners went to the most logical place to look for a description of the use of that property, which is the Springboro Land Use Master Plan. Mr. Bartley continued by stating that they also negotiated for several months with the Planning Commission to reach a solution, which took into account density, green space, etc. to establish a zoning designation in order to market the property. Mr. Bartley also stated that the property owners are investors that generally have purchased commercial property in Springboro and sold it for development of commercial uses, which do not burden the schools and police force. He added that it is their land that is producing the jobs and the income that funds the City, but adjacent to North Pioneer Boulevard are 12 acres, which were on the City's Land Use Master Plan as TR-1. Mr. Bartley repeated that he is not sure what path to take other than what they have already proposed in order to come to the conclusion as to how to match that parcel to the City's intended uses.

Ms. Thompson stated that the City Council and the Planning Commission have not had the opportunity to look at the impact that the green space and the right-of-way requirements would have on the density, but that would be the simple step of determining if 126 units could fit on the acreage once the green space and right-of-way are backed out of the overall acreage. Ms. Thompson further stated that that might be the only discussion that needs to take place before the application comes back to City Council if Mr. Bartley is agreeable to doing that, or, if not, Mr. Bartley can ask City Council to vote on the application as is.

Mr. Bartley stated that he would love for Council to vote and to vote unanimously on his application because the purpose is to render a zoning classification on this 12 acres of property that is consistent with the City's Land Use Master Plan and that is also acceptable to the members of the Planning Commission and City Council about how the property can be used. Mr. Bartley stated that he could not imagine a more logical process that they have already been through. Mr. Bartley asked, if he comes back a month from now, where would he start, would he start with an R-3 again and come down to a suitable zoning level that maximizes the property's use and value within the terms of the PUD? Mr. Bartley repeated that he could not imagine being anywhere else with his application.

Ms. Thompson stated that she is suggesting that the applicant meet with staff to determine how 126 units might fit on the parcel once the acreage allotted for green space and right-of-way are removed from the total acreage. Ms. Thompson stated that the City did not ask for a general plan with this rezoning application because the applicant is not a developer.

Mr. Bartley explained that the property owners do not intend to develop the parcel, which is why through the Planning Commission process they put a maximum density on the application, as they cannot imagine anymore than the 126 units being pleasing.

Ms. Thompson explained that, that is why she asked Mr. Schaeffer if the City could accept the rezoning application without a general plan. Ms. Thompson stated that she thinks both sides were trying to be accommodating.

Mr. Bartley stated that he has an obligation to the landowners to tell them what the zoning of the property is?

Ms. Lairson asked if the property is on the market or being developed, or do they just want to keep the property as it is and want to know how to classify it? Mr. Bartley explained that the property has been marketed for as long as the owners have owned it. Ms. Thompson commented that if someone wants to buy the property, they would want to know what the zoning is, and a PUD-R is better zoning than a TR-1 because it tells the buyer what they can do with the property, and if the City puts more conditions on the zoning such as those Mr. Schaeffer suggested, it gives the buyer even more information regarding what they can or cannot do with the property.

Mr. Bartley stated that those conditions are consistent with the Planning Commission and the property owner want to be, and if those conditions are part of the vote, then they are completely acceptable to those conditions. Mr. Bartley stated that if this application is rejected, he does not know where to turn since he cannot apply for two more years; therefore, he is not sure if

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*what the City is telling him or the landowners is acceptable.*

*Mr. Parise commented that what is acceptable, in his opinion, is something less than 126 units on 12 acres. Mr. Parise further commented that there was a fairly good crowd from the community that is adversely affected by this, and he thinks it is important to understand what the people in that area are going to have to live with. Mr. Parise stated that he thinks if it could be arranged or worded to guarantee that if the City Council tables this ordinance the applicant will come back with a smaller density suggestion, then he would be apt to vote that way, but if City Council is just going to give this property owner a blank check and hope for the best later down the road, he will not vote to table it. Mr. Parise stated that he is looking for a lesser density. He added that the residents know the property is going to be developed, but the City can do better than 126 units.*

*Ms. Belpulsi stated that, at this point, she would prefer to table this ordinance and talk about the density issue and look at the property to see if a lower density could be applied. She stated that she is not sure what a fair number would be for the applicant and would prefer to table the ordinance and take the opportunity to look at the parcel and discuss if a lesser density would work.*

*Mr. Parise asked if there is any possibility of giving the citizens an option or letting them give a consensus on what they can live with because barring any legal or code issues, the City needs to draw the citizens in on this decision and has to take into consideration the people that are going to have to live with this development?*

*Ms. Belpulsi stated that the City Council Members are the policy makers and the decision makers and that is why they are elected. She further stated that if everything that came before City Council went to the citizens for their opinion or a decision, the City would never get anything done. She further stated that citizen input is important and perhaps City Council could direct the applicant to talk to the citizens about their plans for this parcel.*

*Mr. Anderson commented that his take on what he heard from the residents is the traffic issue i.e. the number of units multiplied by two cars and how much traffic that will dump onto that street especially with more parcels to be developed on that road. Mr. Anderson stated that he thinks that is why the residents thought 126-units is too much. Mr. Anderson further stated that he does not know what the right number is, but asked how much traffic could that street bear?*

*Ms. Thompson explained that Clearcreek-Franklin Road is a collector road by definition in the City's Mobility Plan, and while she does not discount the importance of feeling safe, if one lives on a collector road they have to expect a certain amount of traffic and the City has to anticipate a certain amount of traffic. Ms. Thompson explained that she agrees that, that is part of the concern and when development does occur on that site, the developer will be required by the Planning Commission to do a traffic study and staff would certainly use the City's consultants to verify that study and to ensure it is accurate, which the City does on a regular basis. Ms. Thompson further explained that these issues would never be ignored by the Planning Commission, and it might come down to the fact that the developer may only want 100, 80 or 50 units. Ms. Thompson added that she thinks that what the applicant is trying to say is that he does not know what a developer might propose. Mr. Schaeffer agreed that it is possible that a developer might only get 80 units on the property.*

*Mr. Hruska stated that his concern is that if 25% green space and 15% right-of-way were subtracted from the total acreage, 126-units would be developed on 40% less acreage. Mr. Schaeffer replied no, because there are setback types of issues that would need to be taken into account.*

*Ms. Lairson asked; if it is not possible to put 126 units on the acreage, then why give the applicant the 126 units? Mr. Hruska stated that it gives the developer the opportunity to build 126-units by building smaller structures on that property, and he does not think that is appropriate for the property either.*

*Ms. Thompson stated that they could only develop the 126-units if the plans meet every other requirement. Ms. Thompson explained that the City has setbacks and other issues within a PUD that are established by the site plan, and if those setbacks are not met, the Planning Commission would have every legal recourse to deny that site plan. Mr. Schaeffer agreed.*

*Mr. Schaeffer explained that there are two aspects pertaining to the option to table the application, one is that the legislation does not include the conditions, which Council would have to add to the legislation, and it would be just as easy to table the legislation to add these conditions. Mr. Schaeffer further explained that the second issue is the density issue, which is everyone's concern. The consensus is that it is highly unlikely the developer is going to be able to get 126 units on this parcel, and if the applicant wishes to look at it further and propose a lesser density, then they would have the opportunity to*

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do that in the meantime.

Ms. Belpulsi asked if Council could motion to approve the ordinance with the conditions and eliminate the number of units, and then when a developer presents a site plan, the City can negotiate the density by taking into consideration those other requirements e.g. green space and setbacks.

Ms. Lairson asked if City Council would have a say in the density or would it be exclusively up to the Planning Commission? Mr. Schaeffer stated that the General Plan would be recommended to City Council for approval. Ms. Belpulsi commented that now there is input, but before there was no input for the Planning Commission or Council to consider.

Mr. Schaeffer stated that without having a condition of some sort on this application; otherwise, it would be "cart blanche" for the developer who would be unlimited as long as they meet the requirements. Ms. Thompson repeated that Mr. Schaeffer recommended that the only way to approve the rezoning without a general plan would be to state the density. Ms. Belpulsi asked when this opinion was issued? Ms. Thompson stated that the opinion was issued on January 10.

Mr. Bartley stated that he appreciated Ms. Belpulsi encapsulating where this application has been and the discussions that took place as far as how they got from 15 units per acre to 12 units per acre to 10.5 units per acre. Mr. Bartley further stated that the density was discussed as far as what is a reasonable density as reflected in the City's comprehensive Land Use Plan, and he asked, where should an applicant look for guidance, if it is not the City's Land Use Plan and three months of discussion with the Planning Commission.

Ms. Lairson stated that she saw a lot of flexibility with the PUD-R, but she would like to see the density a lot closer to the R-2 numbers than it is. Ms. Thompson commented that R-2 is not moderate density.

Mr. Bartley stated that he understands the request and as the agent for the landowner had made the application to the best of his knowledge of what the property is planned for or zoned, and is establishing that zoning. Mr. Bartley further stated that this is not a final decision about the actual development, and there is a lot that happens between here and there. Mr. Bartley believes that they have gone by the letter of what are the right intent and the Planning Commission's boundary.

Mr. Schaeffer explained that it is a fairly simple process to take 12 acres and back out 40%, then put in what a reasonable development would be, assuming surface parking, etc., and arrive at a density. Mr. Schaeffer explained that if the applicant wants to do that while the legislation is on the table, and the legislation is redrafted to include these conditions, then it would be very simple and might be possible to arrive at an acceptable number. Ms. Thompson stated that it is up to the applicant, and the applicant is looking for guidance.

Mr. Bartley asked if what Mr. Schaeffer is suggesting, to calculate the density by subtracting the 40% from the total acreage, is not what they have done already to establish a density of 126-units or 10.5 units per acre through their discussions with the Planning Commission, and that is the requested density for the parcel of 12 acres. Mr. Bartley agreed that the density would have to be engineered around setbacks and green space, but calculating the density of the remaining space, the zoning is already figured that way by taking the gross acreage and backing out the green space, etc., and if the City is asking him to specify a density on what is left, he would say that it is 126-units.

Mr. Hruska stated that, that was exactly the point he made earlier in the discussion. Mr. Bartley stated that if R-3 allows 15 units per gross acre and right-of-way and setbacks and detention are subtracted, it is still 15-units per gross acre, and the developer just has to demonstrate they can do all of those things on the acreage. He added that the density is never calculated on the net acreage. Mr. Hruska stated that the City has to live with the product, and the citizens have given their input on that, which limits what will be put there.

Mayor Agenbroad stated that City Council is trying to give Mr. Bartley the courtesy of consideration because Council has some consternation at to whether they should vote on this ordinance as is because the applicant would be subject to the two-year rule if Council were to vote against it, and he does not know if there are the votes to approve it.

Mr. Bartley stated that he understood and appreciates the consideration.

Mayor Agenbroad stated that if Mr. Bartley wants his application to go to a vote in lieu of tabling it, then City Council would vote on it, but it would be unknown until the formal meeting whether he will get the votes for it. Mayor Agenbroad further

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*commented that they were trying to find a process to prevent the applicant from having to wait two years to submit a new application, but if the applicant wants City Council to vote on his application as is, Council is more than willing to vote on it. Mayor Agenbroad pointed out that one Council Member has made it clear that he is not willing to table the ordinance for various reasons that he has outlined.*

*Mr. Bartley stated that he would like to have a vote of City Council. He believes that he has used the process, worked with the Planning Commission and achieved their unanimous support, and if they were not able to convince City Council that, that is the right process and that the City's Land Use Plan has credence, then he is not sure where to turn. Mayor Agenbroad commented that the Chairperson of the Planning Commission is recommending that the ordinance be tabled after being a part of that unanimous vote because of the new input that has been received. Mayor Agenbroad stated again that Mr. Bartley may or may not like the outcome, but he is sure Council is willing to vote on the application as is.*

*Mr. Bartley's associate asked, if they were to table the application and have a discussion, what would be the nature of that discussion? Ms. Thompson answered that the discussion would center around how the 126 units would fit on the acreage once the green space and right-of-way is subtracted. She explained that, that information would then be presented to the City Council for consideration when they voted. Ms. Thompson added that it is more of a necessary visual exercise at this point because no one can envision removing the acreage for x, y and z and coming up with 126 units.*

*Mr. Bartley's associate commented that he is not the residential developer, and they do not build residential; therefore, he is not sure how they would go about laying it out. He added that although the City believes it to be very easy, it would be a real hurdle for them. He explained that they have been through this process with the 84 acres of East Brook, and it was driven home at great legal expense that the City's Land Use Master Plan rules. The 84 acres had township zoning and they were told by the City and by the courts that township zoning does not prevail, that the Land Use Master Plan prevails. He asked Ms. Thompson what the City's interpretation is of what the City's Land Use Master Plan calls for in the way of development on this parcel? Ms. Thompson stated that, according to the City's Land Use Master Plan, the site is suitable for residential cluster homes or other moderate density development, and the argument is, what is moderate?*

*Ms. Thompson commented that they were running out of time on the meeting agenda and told Mr. Bartley that if she had any advice to give him it would be to allow this item to be tabled so that she and Mr. Bartley and City Planner Dan Boron could possibly work something out. She further commented that Mr. Boron might be able to refer back to plans that the City has had from other developers. Ms. Thompson said that it was up to Mr. Bartley, but they needed to get this issue resolved.*

*Mr. Bartley stated that he appreciated the discussion and appreciated the directness, and he would ask to table the discussion. He further stated that he would want all of Council to vote unanimously by the time they bring this application forward, and he is not trying to do anything, but demonstrate something that works. Ms. Thompson stated that, that is what she would like to do as well, to be able to demonstrate a workable solution to City Council in order to get this issue resolved one way or the other. Ms. Thompson would appreciate tabling this ordinance because it would give her a little time to work on it, and see where it ends up.*

*Mayor Agenbroad stated that this item has been presented for a formal vote tonight, and asked for Council's input.*

*Ms. Belpulsi stated that her recommendation is to table this item for further discussion as recommended from the beginning because there are some things that need to be worked out. She also stated that she believes there is a little tension here tonight, which she does not want to interfere with logical decision-making. Ms. Belpulsi further stated that she would really like to give this applicant another opportunity because she really would feel badly if the Council voted against this application and property owners could not submit an application for two years, which she does not think is fair.*

*Mr. Schaeffer commented that good land use planning is never achieved under a microscope or when the push is on. He added that even if Council decides to table this ordinance tonight, they could always turn it down later if an suitable agreement is not reached, but tabling this application so that Council can think about the issues a little more, makes a lot of sense.*

*Mayor Agenbroad summarized that the Law Director has recommended tabling this ordinance along with Chairperson of the Planning Commission, and that Council will decide on their actions at the formal meeting tonight.*

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

*No discussion.*

- 3) **EMERGENCY ORDINANCE: FIRST 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-07-5 AND DECLARING AN EMERGENCY. (2007 SIDEWALK PROGRAM)

*No discussion.*

- 4) **RESOLUTION:** A RESOLUTION IN SUPPORT OF THE NOMINATION OF FORT ANCIENT STATE MEMORIAL IN WARREN COUNTY, OHIO TO THE WORLD HERITAGE LIST.

*No discussion.*

- 5) **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 EQUIPPED WITH A SNOW PLOW, DUMP BODY AND SALT SPREADER.

*Mr. Anderson asked if the bids for these two trucks fall under the amount budgeted in the 2007 Budget? Ms. Thompson replied yes, the Heavy Duty Single Axle Truck was budgeted at \$100,000 and is priced at \$77,000 and the 1-Ton Dump Truck was budgeted at \$56,000 and is priced at \$51,000.*

*Ms. Belpulsi asked if the purchase of these trucks was available under the State bid process. Ms. Thompson replied, no. She added that the City advertised for bids for these two trucks.*

**AMENDMENT**

- 6) **EMERGENCY ORDINANCE:** AN ORDINANCE DIRECTING THE APPROPRIATION OF LAND FOR THE PURPOSE OF ESTABLISHING A PERPETUAL HIGHWAY EASEMENT AND DECLARING AN EMERGENCY.

*Refer to comments above. Mr. Schaeffer will comment on this item at tonight's City Council Regular Meeting.*

**ITEM 4. CITY MANAGER. -Issues/Reports.**

*Ms. Thompson reported that the subcommittee for the Comprehensive Land Use Master Plan Update met on Monday night to interview three firms for the purpose of providing services to assist in updating the City's Master Plan. Ms. Thompson further reported that the subcommittee did reach a consensus regarding a consultant, and they will make a recommendation with certain conditions once some final questions are answered. Ms. Thompson has notified the firm that has been selected by the subcommittee to recommend to City Council. Finally, Ms. Thompson stated that she would prepare a resolution for the April 5 City Council meeting based on the subcommittee's recommendation for these planning services.*

*Ms. Belpulsi commented that the Comprehensive Master Plan Update process would involve several focus group meetings plus community meetings.*

*Ms. Thompson commented that she would present a short report regarding the City's plan to begin removing Ash Trees as part of the plan to manage the Emerald Ash Borer. The City will begin removing Ash Trees on S. Main Street from E. Mill Street to SR73 and will replace those trees immediately with Maple and Locust trees. Ms. Thompson further commented that Nick Motto, the City's business liaison, would notify the businesses on S. Main Street regarding the work. The wood will be chipped and disposed of according to the guidelines of the Ohio Department of Natural Resources.*

*Ms. Thompson commented that she would discuss the Citizen Satisfaction Survey with City Council at the next Council Work Session on March 15.*

*Ms. Thompson asked for Council's direction regarding how they wish to proceed with the proposals for design services for the new City building. Ms. Belpulsi asked if Ms. Thompson could chart the four top proposals for Council to review and discuss at*

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a future Work Session. Ms. Thompson stated that she would follow up with a chart summarizing and comparing the four top proposals.

Ms. Thompson distributed a "Minimum Fund Balance Policy Survey" dated February 20, 2007 to City Council for review. The data was collected from an e-mail request for information sent to OCMA and includes the following qualifiers: Population, policy or guideline, and percentages for the General Fund, and Water, Sewer and Street Funds. Ms. Thompson prepared this survey for reference in future discussions regarding establishing the City's policy for a minimum fund balance.

**ITEM 5. CLERK OF COUNCIL. –Issues/Reports.**

Ms. Martin made the following announcements:

The Warren County Municipal League will host a Special Meeting on Friday, March 9, 2007 at 8:00AM at the Mason Municipal Building with State Elected Officials Senator Robert Schuler, Representative Michelle Schneider, and Representative Shannon Jones.

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

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

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

In addition, Ms. Martin commented that the Planning Commission has recommended that City Council schedule a Public Hearing for the request to rezone the Bailey Property, 78.1 acres of land, located at the corner of Red Lion Five Points Road and Lower Springboro Road from Clearcreek Township TR-1 (Township Residence Zone) to PUD-R (Planned Unit Development-Residential).

**ITEM 6. CITY COUNCIL. –Issues/Reports.**

**Mr. Parise** – Mr. Parise asked Ms. Thompson for a status report regarding the collapse of the amphitheater roof at North Park. Mr. Parise asked if any consideration had been given to removing the roof temporarily?

Ms. Thompson explained that the roof was designed to prevent water, snow and ice from collecting on the fabric. She further explained that the engineers who designed the roof and the firm who constructed the roof have been investigating the situation to determine what happened. Ms. Thompson further commented that she has received a good response from the engineers and the contractor and will have to determine the extent of the loss, but the City will not be paying for the damages.

Mr. Parise asked if the City is liable in any way? Ms. Thompson explained that the posts and top structures are roped off, but technically no, the City has immunity. Mr. Schaeffer added that the City paid for the structure to be built, but any liability would fall on the engineering firm and the construction company.

**Mr. Hruska** – No issues/reports.

**Ms. Lairson** – No issues/reports.

**Mr. Anderson** – No issues/reports.

**Ms. Belpulsi** – No issues/reports.

**Mayor Agenbroad** – No issues/reports.

**ITEM 7. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:57 PM.

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THURSDAY, MARCH 1, 2007

7:00 PM

**CITY COUNCIL**  
John Agenbroad, Mayor

Gary Hruska, Deputy Mayor  
Scott Anderson  
Marie Belpulsi

Jim Chmiel  
Sheila Lairson  
John D. Parise

**CITY STAFF**  
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager

Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

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

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

**ITEM 3. ROLL CALL.** Mr. Hruska motioned to excuse Mr. Chmiel from the meeting. Ms. Belpulsi seconded the motion.

No discussion.

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

**ROLL CALL:** Agenbroad, Present; Anderson, Present; Belpulsi, Present; Hruska, Present; Lairson, Present; Parise, Present.

**ITEM 4. APPROVAL OF MINUTES:** No Minutes were submitted for approval. All outstanding City Council Meeting Minutes will be submitted for approval at the March 15, 2007 City Council Regular Meeting.

**ITEM 5. PRESENTATIONS:** Mayor Agenbroad presented a Proclamation in Recognition of "March for Meals" Month in Warren County. (A copy of the Proclamation is attached for the record.)

**ITEM 6. LEGISLATION:** Mayor Agenbroad asked for a motion to amend the legislative agenda to add legislative item 6, an emergency ordinance, first reading as discussed at tonight's Council Work Session.

**Mr. Parise motioned to amend the legislative agenda to add legislative item 6, an emergency ordinance, first reading. Mr. Hruska seconded the motion. Mr. Hruska seconded the motion.**

No discussion.

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

1) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING 12.1 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED,

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EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

Mayor Agenbroad stated that, as discussed at tonight's Council Work Session, Council would consider a motion to table legislative item 1, an ordinance, third reading.

**Ms. Belpulsi motioned to table legislative item 1, an ordinance, third reading. Mr. Hruska seconded the motion.**

No discussion.

**VOTE: Parise, No; Lairson, No; Anderson, No; Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes. [FAILED 3-3]**

Mayor Agenbroad stated that the ordinance is on the table for a third reading and Council will consider a motion to adopt the ordinance.

At this time, Ms. Martin read the ordinance by title, as it appears above.

Ms. Thompson commented on this ordinance as follows: This is the third reading of an ordinance to amend the City's official zoning map and rezone 12.1 acres of land at 8683 Clearcreek-Franklin road from ED (Employment Center District) and (T)R-1 (Franklin Township Rural Residence District) to PUD-R (Planned Unit Development-Residential). The Planning Commission approved and recommended this rezoning to the City Council on December 12, 2006. The recommendation to rezone this property is consistent with the City of Springboro Comprehensive Land Use Plan that the site is suitable for residential cluster homes or other moderate density development. This rezoning was the subject of a Public Hearing held on February 1, 2007, and City Council is aware of the public's reactions to this rezoning.

Mayor Agenbroad presented the item for questions/comments.

Ms. Belpulsi commented that City Council had a very healthy discussion regarding this rezoning at tonight's Council Work Session. This request to rezone has been reviewed by the Planning Commission and the recommendation of 126 units for this property is the maximum number that would be permitted. There is definitely an opinion that once the plans are submitted and the density is considered based on the available land that perhaps the stated density would decrease. The City has not seen a plan for this property yet, but when a plan is presented, that is when the Planning Commission would consider traffic studies, density issues, street configurations, etc.

Ms. Lairson commented that she has a real concern with the proposed maximum density for this property. Ms. Lairson further commented that she realizes that the density could be revisited during the site plan review process, but the residents have clearly stated their position regarding the density and traffic issues. Ms. Lairson also commented that leaving the City open to the possibility of 126 units on that property would be a disservice to the residents of that part of the community.

Mayor Agenbroad asked if there were any other questions or comments. There were no additional questions or comments.

**Ms. Belpulsi motioned to adopt this ordinance. Mr. Hruska seconded the motion.**

Mayor Agenbroad asked if there was any additional discussion.

Mayor Agenbroad commented that he voted for the motion to table at the recommendation of the Planning Commission Chair, Ms. Belpulsi, and the City Law Director, and his vote would be in accordance with that.

Mr. Hruska commented that this ordinance to rezone was discussed at length by City Council at tonight's Work Session, and he thinks the way to proceed would have been to table this ordinance in order to continue further negotiations, and his vote would be accordingly. Mr. Hruska added that he does not think it is fair to hold up the developer for two years when the issues regarding this rezoning could have been worked out by tabling the ordinance to allow for further discussion.

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**VOTE: Parise, No; Lairson, No; Anderson, No; Belpulsi, Yes; Agenbroad, No; Hruska, Yes. (FAILED 4-2)**

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

This is the second reading of an ordinance to change the name of East McDaniels Lane to Kitty Hawk Drive. Currently, a "T" intersection exists at the top of Settlers Walk Subdivision where East McDaniels Lane and McDaniels Lane meet. This condition is causing a great deal of confusion because two homes are actually numbered the same, for example 90 East McDaniels and 90 McDaniels Lane, and are only about four lots apart. This situation has caused problems for the fire and police services in determining the correct addresses to report to for a 911 call or other request for service. The residents have been notified of this potential street name change and received a number of communications from the City, and the suggestion of Kitty Hawk Drive was well received. Staff recommends that East McDaniels Lane be changed to Kitty Hawk Drive in the interest of public safety, health, and welfare.

**No action required at this time.**

- 3) **EMERGENCY ORDINANCE: FIRST 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-07-5 AND DECLARING AN EMERGENCY. (2007 SIDEWALK PROGRAM)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance determining to proceed with the annual sidewalk and driveway apron repair program for 2007. This year's program includes properties on Bayberry Drive, Westminster Way, and Black Pepper Court. The total number of projects is 19, and it is 496 square feet of sidewalk and 482 square feet of driveway apron. The City will perform this work for the residents or the residents will be allowed to either perform the work on their own, pay the City for the work, or be assessed for the work.

**No action required at this time.**

- 4) **RESOLUTION R-07-10:** "A RESOLUTION IN SUPPORT OF THE NOMINATION OF FORT ANCIENT STATE MEMORIAL IN WARREN COUNTY, OHIO TO THE WORLD HERITAGE LIST," was read by the Clerk of Council. Ms. Martin commented on this item as follows:

The purpose behind this resolution is to support the nomination of Fort Ancient State Memorial to the World Heritage List. World Heritage sites are the most outstanding examples of the world's cultural and natural heritage. The City of Springboro along with other area communities was contacted by Mr. Jack Blosser, the Site Manager at Fort Ancient, requesting that City Council support their application to nominate Fort Ancient to the World Heritage List, which they will present to the United Nations by May of this year. Once the site is inscribed on the List, it elevates local and international awareness of the site's value, encourages the surrounding community to protect and invest in the site's preservation, and increases tourism to the site and region. Over the years, the City of Springboro has actively supported historic preservation efforts as demonstrated by its own efforts to protect local heritage and architecture, and the City strongly supports the nomination of Fort Ancient State Memorial to the World Heritage List. Once this legislation is approved, it will be forwarded to the appropriate state and federal representatives and to the Ohio Historical Society.

Mayor Agenbroad presented this item for questions and comments. No questions/comments.

**Ms. Belpulsi motioned to adopt Resolution R-07-10. Mr. Parise seconded the motion.**

No discussion

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

- 5) **RESOLUTION R-07-11:** "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

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EQUIPPED WITH A SNOW PLOW, DUMP BODY AND SALT SPREADER," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution authorizes the City Manager to purchase a heavy duty dump truck and one 1-ton dump truck with accessories for use by the Public Works Department. The two trucks will be used by the streets, water, and sewer departments. Both trucks will be equipped with a snow plow, dump body, and salt spreader to assist with those needs. The funds are available in the 2007 Budget. The bids for these items were as follows: Heavy Duty Dump Truck - \$77,398.00 and 1-Ton Dump Truck - \$51,382.00. Both of these bids came in under budget with the Heavy Duty Dump Truck originally budgeted at \$100,000.00 and the 1-Ton Dump Truck originally budgeted at \$56,000.00.

Mayor Agenbroad presented the item for questions/comments.

Mr. Parise commented that it was stated at the Work Session that these two new trucks are being purchased to replace two older trucks. Mr. Parise asked how old are the trucks? Ms. Thompson explained that the trucks to be replaced are not necessarily old, but are deteriorated from salt and road wear and tear. Mr. Parise asked if the new trucks that the City is purchasing have better rust and salt corrosion protection than the older trucks. Ms. Thompson stated that she does not know, but she could certainly follow up. Mr. Parise asked if Ms. Thompson could look into the City spending a few extra dollars for surface protection for the trucks to lengthen the life of those vehicles.

**Mr. Parise motioned to adopt Resolution R-07-11. Ms. Lairson seconded the motion.**

No discussion.

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

**AMENDMENT – Mayor Agenbroad stated that this is the First Reading of legislation item 6, an emergency ordinance.**

- 6) **ORDINANCE O-07-8:** "AN ORDINANCE DIRECTING THE APPROPRIATION OF LAND FOR THE PURPOSE OF ESTABLISHING A PERPETUAL HIGHWAY EASEMENT AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Mr. Schaeffer commented on this item as follows:

This is the first reading of an ordinance directing the appropriation of land to establish a perpetual highway easement at the Goddard School property on W. Central Avenue (State Route 73). This ordinance, requested for consideration by the Law Director, deals with a property on SR73 commonly known as the pre-school property, and deals with an appropriation action. The resolution necessary to initially commence the process was passed by City Council on February 1, 2007. This is the second step in the process, and it is necessary and appropriate for City Council to proceed with action as this time given certain time frames under which the City is working, based upon actions that were taken in federal court last year. It is recommended that City Council take action on this ordinance tonight by waiving the second and third readings and considering a motion to adopt this emergency ordinance.

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

No discussion.

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

**Mr. Hruska motioned to adopt Ordinance O-07-8. Mr. Parise seconded the motion.**

No discussion.

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

**ITEM 7. REPORTS:**

Mayor Agenbroad reminded the general public that City Council met in a Work Session prior to the Regular Meeting for

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approximately 57 minutes to discuss the legislation that City Council considered on tonight's agenda as well as other matters before the City.

**Mayor's Report** – Springboro Chamber of Commerce Annual Business Expo, Saturday, March 24, 10AM-4:00pm at Springboro High School. The next City Council Work Session will be held on Thursday, March 15, 2007 at 6:00 PM in Council Chambers, as scheduled. The next City Council Regular Meeting will be held on Thursday, March 15, 2007 at 7:00 PM in Council Chambers, as scheduled. In addition, a Public Hearing will be held on March 15, 2007 beginning at 7:00 pm in Council Chambers for a request to rezone 4.69 acres of land located at the southwest corner of State Route 73 and Red Lion-Five Points Road from PUD-R to PUD-B.

**City Manager's Report** – Ms. Thompson announced that the week of March 12, the entire community will begin to see the City removing some of the Ash Trees that have been a topic of much media coverage and much discussion concerning the Emerald Ash Borer. The Ash Trees to be removed from South Main Street will be replaced immediately following the stump grinding and removal. This work will take place within a two-three week period. The Ash Trees will be replaced with Freeman Maples and Moraine Honey Locusts. The City will issue notices to all of the businesses and residents on S. Main Street from Mill Street north to State Route 73 regarding this work.

**Committee Reports –**

**Mr. Parise** – No reports.

**Mr. Hruska** – No reports.

**Mr. Hruska** – No reports.

**Ms. Lairson** – No reports.

**Mr. Anderson** – No reports.

**Ms. Belpulsi – Planning Commission** – The Planning Commission met in Work Session on Wednesday, February 27, 2007 at 7:00 PM and took action on the following items: Site Plan Review – retail center at northeast corner of Hiawatha Trail and West Central Avenue (SR 73), installation of stand alone ATM [APPROVED]; Rezoning – Bailey Annexation, southwest corner of East Lower Springboro Road and Red Lion-Five Points Road [RECOMMENDED TO BE REZONED FROM TR-1 TO PUD-R]; Revision to Approved Site Plan – 50 North Ovonic Way, addition to Cobasys manufacturing facility [APPROVED]; Revision to Mobility Master Plan [APPROVED THIS REVISION TO BE INCORPORATED INTO THE SR73 ACCESS MANAGEMENT PLAN]. The next Planning Commission Work Session will be held Wednesday, March 14 at 7:00 PM in Council Chambers.

**ITEM 8. OTHER BUSINESS.** Mayor Agenbroad stated that based on the recommendation of the Planning Commission, Council will proceed with a Public Hearing on Thursday, April 19, 2007 beginning at 7:00 PM in Council Chambers for the following:

TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE 78.1 ACRES OF LAND KNOWN AS THE BAILEY PROPERTY LOCATED AT THE CORNER OF RED LION FIVE POINTS ROAD AND LOWER SPRINGBORO ROAD FROM CLEARCREEK TOWNSHIP TR-1 (TOWNSHIP RESIDENCE ZONE) TO PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL).

**Ms. Belpulsi motioned to schedule a Public Hearing on Thursday, April 19, 2007 beginning at 7:00 PM in Council Chambers as stated above. Mr. Anderson seconded the motion.**

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

Ms. Belpulsi commented that at the last meeting City Council directed the City Manager to look into the possibility of providing a rebate or a credit to the residents of this community because one trash pick-up was missed during the inclement weather a few weeks ago. Ms. Belpulsi further commented that this is the first time ever that the snow fell on a Tuesday, which is trash pick-up day for Springboro and it set all of the trash pick up schedules behind. Ms. Belpulsi

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apologized for all of the inconveniences to the residents as a result of the interruption in trash service that week.

**Ms. Belpulsi motioned to direct the City Manager to rebate or credit City of Springboro residents the approximate \$3.06 on the next trash bill. Mr. Hruska seconded the motion.**

Mayor Agenbroad confirmed that the total amount for the credit is approximately \$20,000. Ms. Thompson replied, \$20,808.

Mr. Parise asked if this money would be recouped from the trash contractor? Ms. Thompson replied, no. She explained that under the contract the City does not have the ability to demand that the trash contractor provide service on a day when they have made a decision to suspend trash pick-up or to demand a refund for the cost of the service. She further explained that the funds to cover this credit to the residents will come from the Trash Fund and will not be reimbursed by the waste management company.

Mayor Agenbroad confirmed with the Law Director that the City's waste management contract is fairly typical with respect to these issues. Mr. Schaeffer confirmed.

Mayor Agenbroad asked if there was any other discussion pertaining to this motion. There was no further discussion.

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

Mayor Agenbroad asked for a motion to enter Executive Session, under R.C.121.22(G), following the Regular Order of Business to review collective bargaining.

**Ms. Belpulsi motioned to enter Executive Session, under R.C.121.22(G), following the Regular Order of Business to review collective bargaining. Mr. Hruska seconded the motion.**

No discussion.

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

**ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS.** Mr. Parise inquired regarding the concrete barriers near SR73 at I-75? Ms. Thompson explained that the State of Ohio stored those barriers there after they finished the SR73 median project. She further explained that it would be quite a while before the State removes them.

**ITEM 10. GUEST COMMENTS.** 1) **Joseph Koussa, 1537 Beavercreek Lane, Kettering, Ohio** – Mr. Koussa asked God to protect the armed forces serving overseas and to bring them home safely. Mr. Koussa thanked all of the City employees for their efforts in meeting the recent snow emergency, especially the street maintenance personnel who plowed and kept the streets open under very difficult circumstances. Mr. Koussa wished to remind the public to thank the police and fire personnel for their help during the snow emergency as well as other service providers such as the postal workers and trash collectors.

Mayor Agenbroad thanked Mr. Koussa for his comments. No other guests came forward.

**ITEM 11. EXECUTIVE SESSION.** City Council entered Executive Session following the Regular Order of Business to review collective bargaining.

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

**Mr. Hruska motioned to adjourn the meeting to Executive Session followed by the adjournment of the City Council Regular Meeting; whereby, the Thursday, March 1, 2007 Springboro City Council Regular Meeting was adjourned to Executive Session at approximately 7:26 PM. Ms. Belpulsi seconded the motion.**

No discussion.

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

Mayor Agenbroad reminded the general public that no votes are taken during Executive Session.

**With no objections, City Council exited Executive Session at approximately 7:50 PM; whereby, no votes were taken. And, with no further business, Mayor Agenbroad adjourned the City Council Regular Meeting at approximately 7:50 PM.**

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John Agenbroad, Mayor

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Presiding Officer

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Lori A. Martin, Clerk of Council