

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

CITY COUNCIL WORK SESSION

THURSDAY, SEPTEMBER 20, 2007

5:30 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruithoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Work Session to order at approximately 6:00 PM in Council Chambers.
- ITEM 2. ATTENDANCE.** No absences.
- ITEM 3. PRESENTATION/DISCUSSION.** – City Council reviewed and discussed preliminary plans for the new City Building with Lorenz Williams Architects.

Ms. Thompson introduced John Fabelo of Lorenz Williams, Lead Architect for the new City building. Mr. Fabelo is scheduled to discuss plans for the new City building tonight and again on October 4 at 5:30PM.

Mr. Fabelo commented that his objective is to present a quick update on the City building project and to obtain feedback and direction from Council regarding the programmatic aspects of the plans. Mr. Fabelo has met with all staff several times to understand how the departments work and relate, and to understand the customers. From these meetings, Mr. Fabelo determined which departments are private and which are public, and how to best accommodate the customer. Mr. Fabelo presented visuals of the new City building using several boards illustrating the site plan, floor plan, and programming. The City building would be defined by two areas, a private area, which would house City Administration, Police, and Staff Commons, and a public area, which would house Council and Court, Utility and Tax, and Planning and Zoning. The floor plan is approximately 30,000-31,000 sq. ft., which is within the range of the two past needs assessments of 28,000-34,000 feet.

Mr. Fabelo commented that as we grow, we do not want to lose the current work culture and the ability to work as a team. The plan creates a Staff Commons in the private area of the building, which would force staff to interact at certain times via a break room, mailroom, records and storage rooms, and wellness areas. Some departments, such as the Council and the Court areas, are much more public in order to serve the client. These areas have front doors, which are easy to access, but different from the administrative area.

Ms. Belpulsi asked if the plan provides for future growth? Mr. Fabelo stated that the plan already has growth planned into it. Mr. Fabelo explained that it is difficult to project beyond five to ten years, but some of the offices within this plan are already being planned as growth space. Mr. Fabelo further explained that they have left some room in the site plan for 20-year growth, which is not even being considered now. There are at least four growth opportunities within the current floor plan and some other areas that are flexible.

Mr. Fabelo explained that while trying to understand the program and how the departments work together and with the public, he referred back to some of the stated goals of a campus with the overall feel of the community. Mr. Fabelo referred to two visual displays of local architecture from the historic downtown area and the newer areas of town. Mr. Fabelo explained that the historic architecture is smaller in scale with little or no set back with attention to detail on a human scale. The newer architectural facades are larger in scale with less detail and greater set backs with more urban detailing, which acts more as a billboard. Mr. Fabelo explained that he would be focusing on both of these perspectives when creating a conceptual design for the exterior of the building. Mr. Fabelo commented that we want to capture where we were, and where we are. Mr. Fabelo pointed out that the vehicle is secondary to the pedestrian in the architecture in the downtown area. Mr. Fabelo commented that the new City building scheme should be a combination of both architectural styles.

Mr. Fabelo referred to a visual display of the site plan for the new City building to show how the building would be organized on the site. Mr. Fabelo explained that the site plan shows the entry predominantly from the campus side rather than from the street side, but the entry would appear to be on both sides even though it would lead to one entry way. All of the parking would be located in the back of the building, and the corner would have a historic feel with landscaping and walkways in the front. The building would be designed on a pedestrian scale, not a vehicular scale. The Council/Court area is a separate area, which would be open in the evening for committee meetings, community events, etc. The plan creates an entry that would lead up to the building where to the left would be Court and Council and very public sections and to the right would be the more private functions located farther away from the entry. The floor plan shows the relationships between the different areas, and the customer is driving these relationships. The more public portion of the building takes on a jewel like shape and is set back from the corner in order to preserve park space. This portion of the building would transition from inside to out using porches, columns or colonnades. The community room would be a multi-purpose room with another entrance, which could be open during the evenings without necessarily having the rest of the building open, which would prevent people from going through the private areas of the building. Mr. Fabelo commented that court buildings are often recognized as the "civic building," and they combined the Court and Council to give it that historical feel. The lobby and meeting spaces are immediately in front to create a friendly atmosphere for customers. The Police Department has a presence on the lobby and behind that the departments are organized by relationship.

Mr. Fabelo explained that they wanted to play up the campus feel and align the entrance with the parking lot. They kept the two curb cuts (Park Lane and SR73). The plan has created shared parking between the Library and the City Building with landscaped areas and walkways from the Library to the City building and a main drive at the front of the parking area. Staff parking is located in the back, which would separate it from the public parking area. The staff parking area could be barricaded to separate the public from the private area. Common staff areas are in the back as well. They pushed the building to the west to preserve the corner as a place to connect with the community, a place to hold events, etc. The two most public facades of the building will be the largest. The façade facing SR73 will set back 40 ft. and the other façade will set back 100 ft. The drop off area in the parking lot is approximately 90 feet from the front door. Mr. Fabelo stated that he was hoping to get some feedback regarding the organization of the plan and the separation of some of the relationships. Mr. Fabelo asked if the concept of the customers driving the relationships is a step in the right direction?

Ms. Belpulsi asked Mr. Fabelo if he received a lot of response back from the questionnaires he used to try to define the look and feel of the City building, and did he give those responses consideration in the plan? Mr. Fabelo replied yes, there were definitely commonalities in the responses he received. Mainly, the look and feel of the building, but specifically the materials and presence of the building and the lobby. These types of things would come into play in the next step of the planning process and are specific to the building itself, not the overall plan. One of the commonalities was to make sure the plan included green space. Mr. Fabelo organized a summary of those commonalities, and will forward it to Ms. Thompson. Mr. Fabelo explained that these aspects of the plan would be drawn out when they are fine-tuning the design, but this first phase of planning is about relationships and programs. Other commonalities on the questionnaires included materials and the

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quality of the space, the finishes, and specifically, the Council Room.

Mr. Chmiel asked if the Library building would influence the exterior design? Mr. Fabelo explained that they cannot ignore it, but it is a very small building in overall scale and they would try to present some piece of this building that is similar in scale to connect it to the Library. The City building would not look the same, but feel like part of the same campus and be proportionate. They would also use a palette to unify the campus. Currently, the library presents itself much larger because of the scale of the current City building, which is similar to a home. The new City building will need a presence on SR73, which is a large, busy roadway.

Mr. Hruska asked if Mr. Fabelo was envisioning a three-story building? Mr. Fabelo replied no, a two-story building. Ms. Thompson added that it would not be a full two-story. Mr. Hruska inquired about a basement or lower level? Mr. Fabelo explained that the building would not be a full two story, only the one piece that housed the administration would have a second story; everything else would be the same height as the Library. There would be some mechanical on the first floor. Mr. Hruska commented that it seemed logical that a basement would be a place to expand in the future or used for storage. Mr. Fabelo stated that they have not considered a basement as expansion space, and basements are still expensive. Mr. Hruska stated that it would be less expensive to build a basement than to build new or additional space five to ten years from now.

Ms. Lairson commented that there are a lot of buildings in this particular area that have basements with water problems. Ms. Thompson agreed that the City building has had water problems in the basement. Ms. Thompson stated that they are concerned that a \$70.00 per sq. ft. basement may create more problems than it is worth, but they would consider preserving the existing basement. She added that they would have to do soil borings, etc.

Mr. Parise asked if they would adjust the drainage problem in the parking lot area? Ms. Thompson replied yes, the slope of the parking lot would be corrected during the engineering phase. Mr. Fabelo stated that the entire corner would have to be reengineered in terms of slope.

Ms. Thompson asked for Council's input on the configuration of the site? Ms. Thompson asked if they are going in the right direction with the site plan with the customer service being centered on the lobby area? Ms. Thompson stated that three frontages make it difficult to configure on the site, as the building would be seen from all sides.

Ms. Belpulsi asked if the Council Chambers and Court would be in the same room? Ms. Thompson replied yes. Ms. Belpulsi asked why they would not be in separate rooms? Ms. Thompson explained that two separate rooms would have to be built and would be expensive to equip with cameras and audio, which is used by both the Court and Council functions. Ms. Thompson stated that she does not feel it is practical to build a separate courtroom to use three hours per week. Ms. Belpulsi asked where the community room is located? Mr. Fabelo referred to the space on the floor plan that would be the community room. Access to the community room is closer to the parking area and could be accessed directly for a meeting. It is a little smaller than the Council/Court room, but is 1000 sq. ft. with a capacity of 100. The Council/Court room has a set of double doors off the lobby that would lead right into the room.

Ms. Belpulsi asked if the lobby connecting the two parts of the building is enclosed? Mr. Fabelo replied yes, once you enter the lobby you are inside the building and then would have two sets of doors to choose from. The entire floor plan including the lobby is one building. You would have the ability to close one set of doors and not risk people entering the other side.

Ms. Belpulsi commented that she liked the idea of separating the private space from the public space.

Mr. Fabelo commented that people would see the public section of the building from all sides.

Ms. Lairson stated that there would need to be really good communication to allow people to use the building in the evening or to make sure the building is unlocked and accessible. Ms. Thompson stated that a card entry system would be in place. Ms. Thompson explained that staff has to remember to make sure the doors are unlocked, but the public areas of the new building will be more accessible. Also, dispatch will have a view of the entire lobby, plus a phone system to call dispatch and video cameras.

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Ms. Belpulsi asked how dispatch would work? For example, if the County dispatch does not work out, would the City have the ability to operate a dispatch center in the new City building? Chief Kruithoff explained that new dispatch operations/equipment do not require as much space. Chief Kruithoff added that even if the dispatch staff was reduced by one, they could still provide coverage well into the evening hours. Ms. Thompson described the space for dispatch as adequate, but not overdone. David Bostwick, the Police Consultant, is also working on this part of the plan. Ms. Thompson anticipates being closed down from midnight to 6:00AM in the future. Chief Kruithoff also stated that they would still look to partner with Clearcreek or Franklin for dispatch operations if the City did not dispatch through the County. Mr. Fabelo reiterated that dispatch would be looking down the entire lobby, and there would be several options to close off the building and even have a separate entrance for the community room.

Ms. Lairson commented that she liked that flexibility.

Mr. Chmiel asked if they used this floor plan, where would they expand? Mr. Fabelo stated that any growth would be at the back of the house, not at the front and not towards the corner. The parking lot could be expanded by another 30 spaces. Any growth would be off the employee entrance or back of the house, as there is no easy way to grow at the front.

Mr. Chmiel asked, if the City were anticipating growth, would the back of the house accommodate the type of area needed for staff or police? Mr. Fabelo stated that large areas of the building have big open spaces, which are easy to manipulate such as file or record rooms, wellness areas, etc. to allow for other department expansions, and they would build the new addition for those common spaces. The front area of the building near the corner would be very fixed. Any expansion would encroach on the green space. Mr. Fabelo added that any additions would inconvenience staff, not the clients.

Ms. Thompson explained that the building would be built based on build out projections and has extra space. Ms. Thompson further explained that she is comfortable with the amount of storage spaces being built as 120 sq. ft. offices for future growth.

Ms. Lairson asked what kind of safety precautions are in place when they bring someone in custody into the Police Department? Mr. Fabelo explained that the police department has a front door and window that serves as a control point for the general public, but there is a drive through sally port at the back that leads to holding cells and investigation rooms. The Police Department has two types of traffic. Ms. Lairson asked if that area could be closed off for safety purposes? Mr. Fabelo replied yes, it is a full sally port, which would use the existing curb cut on SR73. The sally port could be closed to become a secured space that leads to a second opening, which becomes a vehicle evidence room. Ms. Lairson commented that the building is still in a residential area, which is always a safety risk. Mr. Fabelo stated that the functions for all of the departments have improved 100%.

Ms. Thompson commented that the building would have three holding cells, ADA, juvenile/female, and male.

Mr. Fabelo stated that his intent was to focus on the outside and present the overall image tonight, which would then be followed by the detail. He would continue to develop this site plan concept and start creating elevations followed by more planning of rooms and doors, which is the next level of detail.

Ms. Thompson stated that Mr. Fabelo would be back to discuss more detailed plans including the Council areas. Ms. Thompson suggested creating the outside visual first, then coming back another time to discuss Council's space in detail.

Mr. Hruska asked when Mr. Fabelo anticipates that meeting to be held? Ms. Thompson stated that the next meeting is scheduled for October 4 at 5:30 PM to discuss the exterior, and once the budget process is finished, they would schedule another meeting to discuss the interior.

Mr. Chmiel commented that he liked the idea of a porch concept at the front of the building, which would serve as a nice outdoor space for people to congregate at events, etc. Mr. Fabelo suggested that you could have a Council or Park Board meeting outside as well.

Ms. Thompson stated that Mr. Fabelo would attend the October 4 City Council Work Session to discuss the outside of the

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building in more detail. The Work Session will begin at 5:30 PM on October 4 to accommodate this discussion. A subsequent meeting with Council would be scheduled at a later date to discuss interior detail.

Ms. Thompson thanked Mr. Fabelo for his presentation.

ITEM 4. LEGISLATIVE AGENDA. – City Council considered 5 legislative agenda items slated for the September 20, 2007 City Council Regular Meeting.

- 1) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 13.3 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.

Mayor Agenbroad stated that the applicant has requested that City Council suspend the third reading. Mayor Agenbroad further stated that, between now and the next Council meeting, the Law Director will be doing some research and plans to meet with Council in Executive Session regarding this issue.

- 2) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 5.5 ACRES OF LAND NEAR THE SOUTHEAST CORNER OF CLEARCREEK-FRANKLIN ROAD AND WHISPERING PINES FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, AND O-2, OFFICE PARK DISTRICT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS.

No discussion.

- 3) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE DETERMINING TO PROCEED WITH INSTALLING IMPROVEMENTS AND PROVIDING MAINTENANCE TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-07-37, AND DECLARING AN EMERGENCY.

Ms. Thompson requested that City Council waive the second and third readings of this ordinance in order to expedite these improvements. The improvements consist of installing a total of three streetlights in Beck Ridge Section One. There were no objections to waiving the second and third readings of this ordinance.

- 4) **RESOLUTION:** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (MONTGOMERY COUNTY)

No discussion.

- 5) **RESOLUTION:** A RESOLUTION ADOPTING THE WARREN COUNTY, OHIO MULTI-HAZARD MITIGATION PLAN.

No discussion.

ITEM 5. CITY MANAGER. –Issues/Reports.

Montgomery County TID Special Board Meeting for Elected Officials: Four City Council Members (Mayor Agenbroad, Mr. Anderson, Mr. Hruska, and Mr. Parise) attended the Montgomery County TID meeting held on Wednesday, September 19 at 6:00 PM at Cox Arboretum concerning a status report/annual update on the Austin Road Interchange Project. Ms. Thompson distributed a DVD copy of the PowerPoint presentation made by Steve Stanley, Director of the Montgomery County TID, along with a memo concerning the financing plan. The presentation includes a model of the CFI (Continuous Flow Intersection) that will be used to control traffic at the interchange and the proposed landscaping plan. Ms. Thompson

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commented that the landscaping plan would be scaled down due to the cost of over \$4M. The presentation also shows the hardscapes proposed at the ramps of the interchange. In addition, the Dayton Daily News has scheduled a photo shoot tomorrow, Friday, September 21 for elected and other officials involved in the Austin Road Interchange Project. Anyone interested in this photo opportunity should meet at Wright Brothers Airport tomorrow at 3:00 PM to represent Springboro.

Letter to Candidates: The City Manager sent a letter to all candidates for election and copied it to all City Council Members. The letter informs candidates regarding guidelines for requesting information, Council meeting schedules and agenda packets, and contains information regarding political signs. The letter also states that any requests for information or records will be copied to all candidates and all City Council Members.

Executive Session: The City Manager will request an Executive Session on behalf of the Law Director during the Work Session on October 4 concerning legislative item 1, and to discuss a personnel issue.

Mr. Anderson inquired regarding the refinancing of the Austin Road Interchange presented at the TID meeting last night. Mr. Anderson asked how the refinancing would impact the City's budget? Specifically, Mr. Anderson asked if the City had money set aside in the budget for this payment? Ms. Thompson explained that the City's total financial obligation to the interchange project is approximately \$2.1M. Ms. Thompson explained that the original agreement was a watershed; therefore, if the City did not receive any TIF revenues it would be covered by the entities obligation to the financing because the debt payment would be made from TIF revenues. For example, if Springboro developed prior to Miamisburg and Springboro's fund had \$200,000 in it and Miamisburg had none, all of the entities would share the burden of the debt payment by a percentage, Springboro being 22.4%. Miami Township has the bulk of the percentage, because they have most of the property in the interchange, and that is how it was originally calculated. The watershed established that if Springboro had money and Miami Township did not, Springboro would cover Miami Township's debt for up to two years, and they would have to repay us. Ms. Thompson stated that, that does not impact the budget in the respect that the City ever budgeted to actually pay those funds yet, but it would impact the City's budget in 2010 and beyond because of the City's general obligation debt, which it would have to pay from the General Fund or elsewhere. Ms. Thompson further stated that Springboro has been very fortunate and knew from the beginning that development would occur; therefore, revenues from all of the development occurring at the interchange right now, which includes Crucible Steel, Children's Medical Center, and Maverick Renegade will go into the TIF fund under Springboro's name. Ms. Thompson explained that the new financing plan, referred to in the memo from Steve Stanley, would eliminate those first seven years of general obligation for Springboro and the other entities. Ms. Thompson further explained that this is a better financing plan for all of the municipalities because they do not need to be as concerned about the first seven years, which is the amount of time predicted before TIF funds would start flowing. The restructured financing will cost a little more by virtue of the interest, etc., but it will protect cities from having to make payments on the debt for the first seven years.

Mr. Anderson asked if they new how much more the Cities would owe? Ms. Thompson stated that Mr. Stanley projected less than \$300,000. Mr. Anderson asked what that amount would be divided by? Ms. Thompson stated that the amount would be divided by the City's 22% and the other percentages. In total, it would cost the City, in addition to the original financing, less than \$300,000 or the City's share, which is 22%, and the other two entities' shares of 24% and 80% percent.

Mr. Hruska stated that the City's share would be about \$66,000, which is not worth drawing it out? Ms. Thomson stated that the additional amount was not worth the risk of the seven years of general obligation debt. Ms. Thompson further stated that Springboro is fortunate to have some development at the interchange, but it cannot predict what will happen in the future, and what the City will receive in revenues from those three new developments will not cover the debt payment. Ms. Thompson reiterated that Springboro's total debt payment in the Austin Road Interchange is \$2.1M.

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

Ms. Martin made the following comments and announcements:

Springboro Chamber of Commerce Annual Dinner: The Springboro Chamber of Commerce Annual Dinner event will be held on Monday, October 15, 2007 at Sycamore Creek Country Club, Social Hour begins at 5:30 PM followed by Dinner at

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6:30 PM.

2008 Budget for Council/Clerk of Council (Department 110.110.): Departmental budgets for 2008 were distributed last week. If City Council has any specific input regarding the 2008 budget for department 110.110. (Council/Clerk of Council Budget), please forward to Ms. Martin via e-mail, etc. Ms. Martin commented that Ms. Belpulsi had requested that membership in the South Metro Regional Chamber of Commerce be considered in the budget for next year. Ms. Martin will include any input she receives from City Council in the proposed budget for consideration during the budget review process.

Citizen Committee Appointments for 2008: Ms. Martin has notified all committee members whose terms expire at the end of this year and has received responses from all members declaring their intent regarding committee service. Ms. Martin has included a notice regarding committee openings in the City newsletter, and will advertise in the local newspapers and on the City's website. The Charter Review Commission will also be posted accordingly.

Ms. Belpulsi asked when Council would appoint the Charter Review Commission? Ms. Martin explained that Council typically makes those appointments along with the other Citizen Committee appointments at the first meeting in January.

Council Portraits: Council portrait proofs will be forwarded to Council Members in the near future for review. Upon confirmation, individual portraits will serve as "official" portraits for display on the City's website, etc. A group portrait will be chosen for display as well.

Records Commission: The Records Commission met this afternoon at 2:00 PM in Council Chambers to discuss the City's Public Records Release Policy and the status of the Public Records Management Manual. Staff anticipated presenting this information along with legislation adopting the City's public records policies and procedures at tonight's meeting. However, there are still some outstanding issues to address, and the legislation will be postponed for consideration until October 4

Ms. Thompson commented that Mr. Schaeffer would address the newly revised public records law for the record at tonight's City Council Regular Meeting. Ms. Thompson did not want to present the legislation until staff is certain it is in its final form.

Ms. Martin explained that Mr. Schaeffer would conduct citywide staff training next Wednesday to make sure everyone has an overview of the new law and knows what to expect in general and knows what to do if they are asked for records under the new law. Ms. Martin added that the Municipal Training Academy (MTA) is offering one of the required 3-hour certified trainings for elected officials or their designees on November 28 at the Wright State University Student Union. Ms. Belpulsi stated that the training would be conducted by the Attorney General's office. Ms. Martin further stated that the Ohio Municipal League (OML) is also sponsoring training through the Attorney General's office on October 5 at the Hyatt Regency Hotel in Cincinnati. Ms. Martin will send an e-mail with this information and would be happy to attend on Council's behalf. Ms. Martin reiterated that both programs fulfill the Attorney General's 3-hour certified training requirement.

Ms. Thompson asked if Council should officially designate by motion? Mr. Schaeffer answered that City Council should motion to appoint a designee.

Mr. Schaeffer stated that if any or all Council Members were in a position to participate in the training whether it is now or later in their term, he would encourage them to do so. Mr. Schaeffer suggested that if a designee is appointed, they should meet with Council to cover the material presented in the training in order to acquire the knowledge and appropriate response. Mr. Schaeffer stated that if City officials are well informed and act in a reasonable fashion when the inevitable problem occurs, the courts have some discretion as to how they would treat them. Mr. Schaeffer further stated that being able to demonstrate knowledge and being well informed is good. It is one 3-hour training course during any one person's term. He would recommend attending the training as soon as possible.

Ms. Martin commented that the State Auditor could also do a records audit as well as a financial audit; therefore, she is creating a short form, which would state that a Council Member has attended the required training or sent a designee. These forms would become part of the record and serve as proof of compliance when the City is audited.

Ms. Belpulsi asked if there would be an issue with the Auditor if there were no proof of training for this year? Mr. Schaeffer

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suggested using a form, which states that they have not participated, but have designated someone to attend the training on their behalf, but that they also reserve the right to attend the training.

Mr. Hruska asked if the Council Members whose terms expire this year would be obligated to attend the training this year and next year? Mr. Schaeffer stated that there is no strong guidance on that issue.

Ms. Thompson stated that Council would receive the City's records manual, which includes the records retention schedule along with the adopting legislation for consideration on October 4.

Mr. Schaeffer stated that the new law, which is an amendment to the existing law goes into effect September 29. The City will be in full compliance on September 29 even though Council has not adopted the package. Mr. Schaeffer explained that the City was waiting for guidance from the Attorney General's Office, which was provided the third week of August, and was really no guidance. Mr. Schaeffer stated that the City was well ahead of the Attorney General's (AG) office and raised some issues in the AG's policy that people are advising against. The City is in the process of pulling together the final training sessions and versions of its public records policies and procedures, which were 90% complete by the first of September. Mr. Schaeffer commented that the City is struggling with the management of electronic records such as voice mails and e-mails about which there is no guidance. The City Records Commission has been working on this plan since January or February, but is still taking time to tie up some loose ends and to seek guidance on some of these open issues. Mr. Schaeffer further commented that he anticipates some changes to the State's legislation in the next 45-60 days. These changes would be technical changes to fix the legislation, which has created some unintended results. In the meantime, the City is using best practices, along with everyone else. The practices established by the City have been a cumulative consensus in an effort to arrive at the best possible plan for the City by September 29.

Springboro Day at Heatherwoode: Springboro Day at Heatherwoode will be held on Sunday, October 14 at Heatherwoode Golf Course.

ITEM 7. CITY COUNCIL. -Issues/Reports.

Mr. Parise – Mr. Parise amended/corrected the Minutes of the September 6, 2007 City Council Regular Meeting as follows: Page 3, Third Paragraph, of the September 6, 2007 City Council Regular Meeting Minutes to reflect Mr. Greg Bartley's statement in response to the question of whether the portion of the property (13.3 acres at 8683 Clearcreek-Franklin Road) zoned ED west of the creek would ever be rezoned for more residential development. Mr. Bartley's answer was no, absolutely not, and he would put it in writing. Mr. Parise's response was, yes, he would like that in writing. Mr. Bartley further responded by stating that he could give it to Mr. Parise in writing.

Ms. Martin will amend the Minutes accordingly, upon approval.

In addition, Mr. Parise asked if because it was announced that Council would be conducting an Executive Session regarding legislative item 1 concerning the rezoning of 8683 Clearcreek-Franklin Road, does that mean Council would not be discussing it? Mayor Agenbroad answered that Council would not be discussing it. Mr. Parise confirmed that Council would not be discussing it or acting on the second reading. Mayor Agenbroad confirmed that it is a second reading and that no action is taken on a second reading. Mr. Parise asked if it would be open for discussion at tonight's City Council Regular Meeting following the second reading. Mayor Agenbroad stated that it is always open for discussion if Council wants to discuss it. Mr. Parise stated that he would want to discuss it at that time.

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

Mr. Hruska – No issues/reports.

Mr. Lairson – Ms. Lairson reported that the Tree Authority met on Tuesday, September 18 at 5:30 PM in Council Chambers, and the committee is getting closer to completing revisions to Springboro's Tree Guidebook.

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 6:43 PM.*

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CITY COUNCIL REGULAR MEETING

THURSDAY, SEPTEMBER 20, 2007

7:00 PM

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Lori Martin, Clerk of Council

- ITEM 1.** **CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order at 7:00 PM in Council Chambers at the Springboro City Building, 320 W. Central Avenue, Springboro, Ohio.
- ITEM 2.** **PLEDGE OF ALLEGIANCE.** Mayor Agenbroad led the Pledge of Allegiance.
- ITEM 3.** **ROLL CALL.** Agenbroad, Present; Anderson, Present; Belpulsi, Present; Chmiel, Present; Hruska, Present; Lairson, Present; Parise, Present.
- ITEM 4.** **APPROVAL OF MINUTES:** THE MINUTES OF THE SEPTEMBER 6, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.
- Mr. Parise motioned to approve the Minutes of the September 6, 2007 City Council Work Session and Regular Meeting submitted by the Clerk of Council as amended/corrected by Mr. Parise. Mr. Anderson seconded the motion.**
- The minutes will be amended/corrected as follows:** Mr. Parise amended Page 3, Third Paragraph, of the September 6, 2007 City Council Regular Meeting Minutes to reflect Mr. Greg Bartley's statement in response to the question of whether the portion of the property (13.3 acres at 8683 Clearcreek-Franklin Road) zoned ED west of the creek would ever be rezoned for more residential development. Mr. Bartley's answer was no, absolutely not, and he would put it in writing. Mr. Parise's response was, yes, he would like that in writing. Mr. Bartley further responded by stating that he could give it to Mr. Parise in writing.
- VOTE: Belpulsi, Yes; Agenbroad, Yes; Hruska, Yes; Chmiel, Yes; Parise, Yes; Lairson, Yes; Anderson, Yes. [APPROVED 7-0]**
- ITEM 5.** **PRESENTATIONS:** No presentations.
- ITEM 6.** **LEGISLATION:**

City Council held a Work Session at 6:00 PM immediately prior to tonight's City Council Regular Meeting for approximately one hour and 13 minutes to discuss the following legislative items as well as other City matters. In addition, City Council heard a presentation from John Fabelo of Lorenz Williams, the City's architect for the new City building.

- 1) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 13.3 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance amending the official City zoning map to rezone approximately 13.3 acres of land at 8683 Clearcreek-Franklin Road from ED and (T)R-1 to PUD-R with a density of approximately 8.8 units per acre. This rezoning was the topic of a public hearing and first reading held on September 6, 2007. The purpose of the rezoning would be to allow for a density of approximately 8.8 units per acre with a maximum of 118 residential dwelling units. The general plan would be submitted to the Planning Commission at a later date, followed by the site plan review process.

Mayor Agenbroad stated that there has been a request for discussion regarding this item.

Mr. Parise stated that Ms. Thompson forwarded a request from the developer in her Bi-weekly Update to City Council. The developer's request is to postpone the third reading and vote on this ordinance after the election. Mr. Parise stated that his concern is the fact that the PUD was turned down once, then the developer was in a hurry to come back with a changed form that was different in order to proceed with this rezoning. Now, the City received an update that the developer would like to postpone this rezoning until at least November 15, 2007. Mr. Parise asked why the developer is making this request; does the developer have any changes in mind? Mr. Parise asked, why the sudden request? First the rush, and now the developer wants to delay this until after election day? Mr. Parise stated that he thinks this vote should be taken before election day, and if there is any suspending to do on readings, it should be the third reading, not the second reading. Mr. Parise further stated that there would still be time before election day for the developer to come forward with any changes or modifications to his plan, and still get this issue resolved.

Mayor Agenbroad commented that, that is why Council is not taking any action tonight on the second reading because Council will wait for the third reading to take any action. Mayor Agenbroad further commented that, at the third reading, Council would discuss it and go forward either by tabling it or voting on it.

Mr. Parise stated that he would like to keep that fresh in the minds of people at this meeting instead of waiting until the third reading.

Mayor Agenbroad stated that he appreciated Mr. Parise's comments. Mayor Agenbroad asked if there was any other discussion regarding this item. There was no other discussion.

No action required at this time.

- 2) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 5.5 ACRES OF LAND NEAR THE SOUTHEAST CORNER OF CLEARCREEK-FRANKLIN ROAD AND WHISPERING PINES FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, AND O-2, OFFICE PARK DISTRICT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the second reading of an ordinance amending the official City zoning map to rezone approximately 5.5 acres of land near the southeast corner of Clearcreek-Franklin Road and Whispering Pines from R-2 and O-2 to PUD-B. The purpose of this rezoning is to allow for 5.5 acres of property to be developed for Otterbein assisted living convalescent care units. These units would be five residential style buildings with 10 beds in each building. The general plan has been submitted to the Planning Commission, which has been approved and recommended to City Council.

No action required at this time.

- 3) **ORDINANCE O-07-39: FIRST READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH INSTALLING IMPROVEMENTS AND PROVIDING MAINTENANCE TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-07-37, AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution provides for street lighting installation, operation, and maintenance in Beck Ridge Section One. The total improvements consist of three streetlights to be paid for by the residents of that subdivision. This legislation authorizes the City Manager to execute agreements with Duke Energy for that installation.

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

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

No discussion.

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

Mr. Hruska motioned to adopt Ordinance O-07-39. Ms. Belpulsi seconded the motion.

No discussion.

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

- 4) **RESOLUTION R-07-43:** "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (MONTGOMERY COUNTY)," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution accepts the amounts and rates as determined by the Montgomery County Budget Commission and authorizes the necessary tax levies by certifying them to the County Auditor. Each year, the City is required to adopt the amounts and rates as determined by both Warren and Montgomery Counties, as the City does cross county lines. For Montgomery County, prior to October 1, the City must accept these rates and schedules, which will determine the revenue projections from real estate property taxes, personal property taxes and the homestead and rollback amounts calculated by the Counties.

Ms. Belpulsi motioned to adopt Resolution R-07-43. Ms. Lairson seconded the motion.

No discussion.

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

- 5) **RESOLUTION R-07-44:** "A RESOLUTION ADOPTING THE WARREN COUNTY, OHIO MULTI-HAZARD MITIGATION PLAN," was read by the Clerk of Council. Ms. Thompson deferred to Mr. Pozzuto to comment on this item. Mr. Pozzuto commented as follows:

This resolution adopts the Warren County, Ohio Multi-Hazard Mitigation Plan. This legislation would approve the Federal Disaster Mitigation Act of 2000, which required that local communities develop a hazard mitigation plan with specific goals and objectives for mitigating natural disasters such as severe winter storms, erosion, flooding, and tornadoes. Over the past year and a half, the City of Springboro has participated in the planning and development of this countywide plan. Recently, Warren County was notified that FEMA gave final approval for this plan. The final step is for all local participating communities to formally adopt the plan.

Mr. Parise motioned to adopt Resolution R-07-44. Ms. Lairson seconded the motion.

No discussion.

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

ITEM 7.

REPORTS:

Mayor's Report – 3rd U.S. District Representative Office Hours will be held on Friday, October 12, 9:00-10:00AM in Council Chambers; Springboro Day at Heatherwoode will be held on Sunday, October 14; "Halloween Movies in the Park" will be held on Saturday, October 27 at the North Park Amphitheater; Beggar's Night will be observed on Tuesday, October 30, 6:00-8:00PM. The next City Council Work Session will be held on Thursday, October 4, 2007 beginning at 5:30 PM in Council Chambers to accommodate a presentation/discussion with the architects of the new City building. The next City Council Regular Meeting will be held on Thursday, October 4, 2007 at 7:00 PM in Council Chambers, as scheduled.

In addition, Mayor Agenbroad announced that the City of Springboro and Rolling Thunder, Inc., Ohio Chapter 11 of Dayton welcomes everyone tomorrow night, Friday, September 21, 2007, at North Park in Springboro at 6:30 PM to observe National POW/MIA Recognition Day. There will be a Color Guard Ceremony to retire the current POW/MIA Flag and to present a new flag. Distinguished guests will be in attendance with inspiring messages of hope in recognition of the bravery and dedication of our honorable men and women.

City Manager's Report – Ms. Thompson asked the Law Director to briefly comment on the new law in Ohio concerning public information and public records requests. Mr. Schaeffer commented as follows: The Ohio legislature amended the existing Public Records Law with a document entitled House Bill 9, which takes effect September 29. Noticeably absent from the legislative agenda tonight is legislation adopting Springboro's plan, and that is by design. This matter will come before City Council on October 4, and the City will be in compliance with the new law on or before September 29. The reason why the City is adopting this legislation after the fact is that the guidance that cities have been waiting for from the state for so long has finally been received, but is woefully inadequate leaving cities to their own devices. The City has managed to create a plan to comply with the law, and will be in full compliance on September 29. Passage of the revised Public Records Policy for the City of Springboro on October 4 will simply be a ratification of what is already in effect. Mr. Schaeffer reiterated that the City of Springboro will be in full compliance on September 29, and will be ready, willing, and able to respond to any public records requests in full and complete compliance with the revised law. Mr. Schaeffer offered to answer in questions of Council. There were no questions of Council.

Mayor Agenbroad thanked Mr. Schaeffer for his comments and information.

Committee Reports –

Mr. Parise – No reports.

Mr. Chmiel – Planning Commission – The Planning Commission met in Work Session on Wednesday, September 12, 2007 at 7:00 PM in Council Chambers to review the following items: Site Plan Review – 610 West Central Avenue, TrueNorth/Dunkin' Donuts, new retail building; Revision to Approved Site Plan – Southwest Church, 150 Remick Drive in Settlers Walk Planned Unit Development, landscape plan, revision to site plan, revision to approved building elevations. The next Planning Commission Formal Meeting will be held on September 26, 2007 at 7:00 PM in Council Chambers, as scheduled.

Mr. Hruska – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – No reports.

ITEM 8. OTHER BUSINESS. No other business.

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

ITEM 10. GUEST COMMENTS. 1) **Joseph Koussa, 1537 Beavercreek Lane, Kettering, OH** – Mr. Koussa asked God to protect the armed forces serving overseas and to bring them home safely. In addition, Mr. Koussa commented that over 3,100 people died on September 11, 2001, over 3,600 people have died in the Iraq War, and over 1,800 people died during Hurricane Katrina. When the bridge collapsed in Minnesota, nine people died, and workers died in the coal mine in Utah. Brave volunteers tried to rescue the coal miners, and more minors died and the others were injured. Mr. Parise asked everyone to pray with him for the Nation.

Mayor Agenbroad thanked Mr. Koussa for his comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

2) **Jerry Saylor, National Amateur Baseball Federation** – Mr. Saylor wished to thank the City for allowing them to bring their baseball tournament to this great City. Mr. Saylor commented as follows: It is a lot of work, but the rewards are unbelievable. They are looking to have a minimum of 30 teams from all over the country to come here next year. Next year is the final year their agreement. With the City Council's blessing, they would like to continue this tournament in Springboro. They had teams from Ontario, Canada, Maryland, New York State, New York City, West Virginia and all over the country. They had a skills competition at the beginning of the tournament that really went well, and they were not rained out for a change. Mayor Agenbroad has been a part of the opening ceremonies, and Mr. Anderson has been a generous sponsor of the tournament, and he wanted to say thank you. At this time, Mr. Saylor presented a plaque to Mayor Agenbroad and commemorative bats to City Council.

Mayor Agenbroad thanked Mr. Saylor for his comments and gifts. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

3) **Leslie Marsh, 160 Foliage Lane, Springboro** – Ms. Marsh lives across the street from the proposed Planned Unit Development of 13.3 acres at 8683 Clearcreek-Franklin Road. Ms. Marsh stated that she sent in comments that Ms.

Martin had included in the record for her on the September 6, 2007 Regular City Council Meeting. (Ms. Marsh's comments are annotated in the minutes of the Public Hearing and filed with the minutes for the record.) Ms. Marsh commented as follows: "I would like to restate my preferences along with some others that I have suggested and that make sense to me as well. We would like to see that development be condominium units so that there is added value in this development to our community. And you are going to get people there that are interested in buying and staying and taking care of their area much better that you would with rental units. I would also like to see fewer units per acre, less than four if possible, but anything less than what is already suggested would be great. On of the reasons that we moved to Springboro about four years and chose Springboro above some of the other communities in this area was because of the excellence of the schools, and the green areas, and the laid back, rural nature of this community. We really enjoy that sort of thing and we needed that as a break from the rest of our hectic life style. We would really like to see this development and any other developments done here to preserve the green area and preserve that nature that Springboro already has. That will just keep the value in this community as well. We would like to see mature trees kept on that property as much as possible. Plantings of trees and bushes once that development is made and perhaps a park area developed within that acreage as well for the people, the residents there to enjoy. I also have some concerns about the bussing logistics of that area. Living on that street or close to that area we also see that there is during the mornings the busses have to stop right there on Clearcreek-Franklin Road already to pick up the children from the apartment complex that is already on Clearcreek-Franklin and that with as much traffic that is going to be going through there for the new Austin Interchange and that is already in that area it would be good if a bussing turn around could be developed within that property or even considering rather than having only one exit there on Clearcreek-Franklin to have a road that goes through to Pioneer because I believe one corner of that proposed development does end up on Pioneer that might be a possibility to develop there. I would like to see that greenness and value like I said, safety taken into account and the greenness and the whole nature that is already here in Springboro preserved with this development. Thank you very much."

Mayor Agenbroad thanked Ms. Marsh for her comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

4) Joe Gruenberg, Attorney at Coolidge Wall in Dayton – Mr. Gruenberg commented as follows: "I represent the owners of the ordinance that this young lady was just talking about, and thank you for letting me address the ladies and gentleman of Council. I am really here tonight to clear up what I think are some misunderstandings about this property and exactly what this zoning is about. When there is reference to a developer, there is no developer for this property. This property has been owned for over 25 years by a private investment group of 10 individuals who simply bought a piece of land intending to hold it and eventually sell it at a profit obviously. There is no developer right now. The difficulty with this piece of property is that when it came into the City of Springboro it was not zoned and in order to sell this property there has to be some appropriate zoning. The zoning that is being requested now is consistent with the City's Master Plan. It was intentionally intended simply to be a multi-family zoning it is now being presented as a part of the PUD process so that if and when, they have held it for 30 years now, if and when there is a development opportunity somebody who they could sell to who would develop it The City would have another opportunity to control all of the aspects of that development. This is simply an attempt to rezone. Henkle Scheuler is the manager of that property. Their role and responsibility is to try to resell the property, but if a property has no zoning, then there is no way to sell it so they are looking to rezone it consistent with the Master Plan. Once that rezoning is completed, they can try to market it. When a prospective buyer becomes available, the City will have adequate opportunity to control all the aspects of the development. My sense is that there has been some confusion about this whole situation, and my intent tonight is simply to clarify that. Thank you."

Mayor Agenbroad thanked Mr. Gruenberg for his comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

5) Malachi Sloan, 485 Whispering Pines, Springboro – Mr. Sloan commented as follows: "I appreciate the comments that were just reflected, but I also together with others that are here have a real concern about that area. To reflect back into February of this year, we had a break in. Now, a break in generally you think of as someone

coming and going into your house when you are gone, but this actually happened with us in the house. This was a frightening experience. We were downstairs at 7:30 in the evening, and my wife went upstairs because she heard noises and she only got to the top of the steps because she heard voices and she knew the doors were locked. With that, she flew downstairs with her eyes as big as saucers saying, 'They are breaking in.' I went ballistic and when a chef goes ballistic get out of the kitchen, and I flew up and they did not want to see what I looked like. We called the police and thank goodness for the police of Springboro were there in two minutes, and I was amazed, and as we stood outside waiting, they went through because they thought there could be somebody still inside, went through and cleared the house, came out and at that moment the canine corps arrived. They went through the woods and down and followed it right to the apartments. That left an unsavory taste in my mouth. I wanted to voice that security problem that we have had some situations and I am concerned about the fact of having larger apartments as was mentioned before that smaller homes might be the thing that would be more compatible with our area. We did not really hear about this, the first reading, until the middle of August I guess when I started talking to someone and he said, 'Oh, yes, but that has been voted down, four to two I believe, but I decided that we needed to come and voice our opinion on this. I thought, what is going on here it s seems there is a bit of confusion going on here. I think when we look ahead it is always easier to look behind to what has happened in Springboro. We go back 30 years and we think of those wonderful moments when we thought making decisions, and some things were done and some things were not done. After 30 years, what is done is done; it is over. I think sometimes in this period of instant world that we are, it is easy to look at a situation and say that is it, that can be the solution to a lot of things, but I think we need to take a good hard look at this and not just remember 30 years back, but have the vision to look ahead and what it could become and do we want to expand. We also have to think about the traffic situation. You know, in this instant world we can get a cup of coffee, a sandwich, we satisfy our hunger. There is a number of things, we can go down through the store and on the frozen food lockers look at these beautiful pictures of what is in the food locker, but when we open up those packages maybe they are not so good for us. What looks good by the photographer's standpoint may not be good for what is going into our, nourishing our bodies. I think we have to see and look ahead of what is going to nourish Springboro in the years to come and say is that really good for us. I think we need to take a good hard look at this proposal for the rezoning of TR-1 and ED to PUD-R, and take a good look and think about it. I appreciate your attendance. Thank you very much."

Mayor Agenbroad thanked Mr. Sloan for his comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly. Mayor Agenbroad reminded everyone that this is not a public hearing for this rezoning, which was already held on September 6, 2007.

6) Marlene Wehner, 455 Whispering Pines, Springboro – Ms. Wehner commented as follows: "I am in favor of what Malachi (Sloan) said that I do not want to see apartments there. The day that he was broke into, that night, two days before on Wednesday and Thursday there were also two more break-ins and the dogs did go to the apartments. That happened three nights in a row. The traffic is tremendous on Clearcreek-Franklin Road. There is a crown right before you get to Whispering Pines; it is hard to see cars come over the hill, and you can barely get out yourself. If you are talking 118 units, then you can double that because normally there will be two people in an apartment. I do not see how we would ever control that kind of volume on Clearcreek-Franklin and Whispering Pines. I am not in favor of it for the traffic, I am not in favor of it for the problems it will cause with more people, and I just thank you for listening."

Mayor Agenbroad thanked Ms. Wehner for her comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly. Mayor Agenbroad stated that the City Council does have all of the comments that were made at the public hearing on September 6, and hopefully any information being given tonight is new, not the same comments made at the public hearing.

7) Heather Stahler, 310 Clearcreek-Franklin Road, Springboro – Ms. Stahler commented as follows: "My first comment is, I want to thank all the Council Members and the Mayor for their hard work and service of the residents of Springboro. I appreciate and attend the functions that you hold, events like the information on the development of the Austin Road Interchange and the Emerald Ash Borer. I am specifically pleased with Mr. Parise's stewardship in

looking for ways to save the taxpayers money and looking out for our interests. My final comment is, I brought several of my neighbors obviously I live across from the proposed rezoning area. We are fellow voters and taxpayers and I just want you to consider our interests and look out for our kids, our neighbors, we are part of Springboro, too. It really scares all of us. Thank you.”

Mayor Agenbroad thanked Ms. Stahler for her comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

8) Betty Kane, 305 Whispering Pines, Springboro – Ms. Kane commented as follows: “I did not know of the first reading; I am just here because if I went away tonight and did not say something I would be mad at myself. I guess I want to know why. Why is it necessary to tear down tall trees, dig up grass, put in more blacktop, why? I understand that that property, and it probably needs to be explained to me, is not even in our school attendance area. I am not sure why we feel such a need to build all of those units. Just a side bar, I have lived in Seattle, Minneapolis, and Chicago, and I came from Iowa where there is tons of land that is not developed. You people have a responsibility I believe to the future as my neighbor said to preserve things that will never come back, never. I was just in Chicago in August, and once again it hit me that someone there was very intelligent and farsighted. They have forest preserves all over for the community, for the children, for the adults, and they are totally untouched as far as tearing down huge trees, allowing wetlands to stay, to allow grasses to stay. They are everywhere and granted Chicago is huge, but if you bring it all down, we do not have one forest preserve in this town. I did attend a meeting when there was something else concerning where I was living prior to Whispering Pines. I was cut off by a Council Member there because he said we have parks, well granted we have North Park, we have Clearcreek Park or whatever they. We do not have a forest preserve, we do not have a place where people can just go listen to birds and have nature. I see the property between my house and SR73; we are waiting, we do not know what is happening. I have not gotten another e-mail to find out whether it is going to be developed or not; I think someone dropped the ball there because we were getting e-mails and we are not now. I stand in my backyard. I am sorry I have not gotten an email; I am sorry, ma'am, but I saw you kind of roll your eyes, I am sorry.”

Ms. Thompson: “No, the question is, the question that came from the gentleman out there that I was looking at, not rolling my eyes at you. An e-mail concerning . . .?”

Ms. Kane: “The property. We had a meeting at Dorothy Lane Market, and we were told all these things.

Ms. Thompson: “That was for the 80 acres at Clearcreek-Franklin.

Ms. Kane: “Correct, that is what I said.”

Ms. Thompson: “The owners simply have not come back to the City. I just wanted to clear that up.”

Ms. Kane: “But they are the ones who were sending us the e-mails. They could have at least said, ‘Oh, by the way, do not worry right now; it is on the back burner.’ We are still waiting for when, we have trees marked to be torn down, but no one has bothered to tell us if those are the ones that are leaving or the ones they are tearing down. Anyway, I do not know, I am sorry, I lost my train of thought, but the other thing I do want to tell you is the traffic is terrible. I walk my dogs on Clearcreek-Franklin Road and if you tell me people are going 35, someone is crazy. They do not go 35; they are going 50 or 60 very often. I can stand in my yard and people are going 40–50. It is a 25MPH zone. I have personally called the police. I know neighbors that have; I have even come to this building to complain, nothing is done. If we are going to put all of these buildings in there with more traffic coming down our street to go to Evergreen, to go to wherever who is going to monitor, because someone has dropped the ball right now because it is not being done, and if we are going to have more traffic going on Clearcreek-Franklin, same thing, who is going to monitor, someone has dropped the ball. I brought several different issues, but at least now I can sleep tonight and say I had my say. I thank you for listening. Thank you.”

Mayor Agenbroad thanked Ms. Kane for her comments. Mayor Agenbroad asked if there were any other guests that

wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

9) Eugene Charles Haerr, III, 340 Clearcreek-Franklin Road, Springboro – Mr. Haerr commented as follows: “Like the lady that just spoke, the traffic is very busy. In the morning going to work, there is often times it is 2,3,4 minutes before I can even get out of the driveway to go to work. I started off, I was going to say five minutes, but that is probably really an exaggeration. I too, like the fellows representing the owners of the property; I bought into Springboro as an investment. An investment in my family and an investment in my property and while I do not begrudge the owners the opportunity to make a profit for their investment, I do believe that their profit comes at my expense. I do not believe that my property value will maintain its current presence, rate of growth, or even the plateau that it in might in a well-established portion of the property. Upon, moving back from Huntsville, Alabama to Ohio, which is home. I am from Springfield, Ohio. I chose Springboro because of the schools. This particular road, even though it is busy, because of its rural nature with Franklin Township across the street wonderful neighbors over there with 2, 3, 4-acre properties. That is really about all I have to say. I am concerned about the traffic; I am concerned about the growth, and I am concerned personally about property value. Thank you.”

Mayor Agenbroad thanked Mr. Haerr for his comments. Mayor Agenbroad asked if there were any other guests that wished to be heard, to please come to the podium and state their name for the record and make their comments accordingly.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Mr. Hruska motioned to adjourn the meeting; whereby, the Thursday, September 20, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:43 PM. Mr. Chmiel seconded the motion.

No discussion.

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

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council