

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

**CITY COUNCIL WORK SESSION**

THURSDAY, JANUARY 7, 2010

6:00 PM

**COUNCIL**

**John Agenbroad, Mayor**

**Jim Chmiel, Deputy Mayor**  
**Tom LaDu**  
**Bruce Moore**

**Marie Belpulsi**  
**Sheila Lairson**  
**David Vomacka**

**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 Work Session to order on Thursday, January 7, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Ave., Springboro, Ohio.

**ITEM 2. ATTENDANCE.** All present.

**ITEM 3. LEGISLATIVE AGENDA.** – One legislative agenda item was reviewed for the January 7 City Council Regular Meeting.

- 1) **ORDINANCE: SECOND READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING 6.29 ACRES OF LAND ON LYTTLE-FIVE POINTS ROAD, BEARING SIDWELL NO. 04181010060, FROM O-R, OFFICE-RESIDENTIAL DISTRICT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS.

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

**Request for a donation from the Springboro Clearcreek Baseball Association (SCBA):** In regard to the request from the SCBA for a donation to help pay for a fireworks display, as part of an Independence Day Celebration on July 3, 2010, for the Springboro/Clearcreek Communities (the event would coincide with the SCBA's Fourth of July baseball tournament), Ms. Thompson commented that she spoke with Clearcreek Township Administrator Dennis Pickett who informed her that he has not formally spoken with the Township Trustees regarding the SCBA's request for a donation. Mr. Pickett indicated that although he has not yet confirmed collectively, the Township does not appear to be in favor of donating the amount of money requested (\$7,500). She and Mr. Pickett also discussed the sustainability of the event, which is being proposed as an annual event. The SCBA is proposing to establish an annual community Fourth of July Celebration; however, the officers of that organization change at least annually. An event committee has been established, and the committee has been coordinating with Springboro Schools Superintendent Dr. David Baker. Sergeant Don Wilson represents Springboro on the committee. Ms. Thomson further commented that she discussed the SCBA's proposal with Police Chief Jeff Kruthoff and did a rough calculation of what they thought overtime would be amount to based on Sgt. Wilson's recommendations, which resulted in a minimum of \$3,000 just for police services. Any Public Works personnel needed to place barricades, cones, etc. was not factored into this amount. In addition, Ms. Thompson verified with the Clearcreek Township Police Chief that the Township has not offered to volunteer man-hours to police the event at this point. Again, the question is the

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sustainability of this event as an annual event especially based on the natural attrition that occurs within the SCBA organization. Ms. Thompson noted that the only information she has regarding the event she received in the letter addressed to her from SCBA President Todd Robinson and the e-mail from Sergeant Don Wilson, which provided the information regarding the \$25,000 total budget for an all-day event with activities. Ms. Thompson commented that she did not think Council needed a definitive answer tonight. Ms. Thompson commented that she could pursue the unknowns such as whether or not it would be an annual event and would the money they raise at the event fund the next event or would it be put into the SCBA treasury i.e. is the event a fundraiser for the SCBA or would its purpose be to raise money to sustain and perpetuate the event.

Mayor Agenbroad stated the he would like the committee to address Council regarding this request, as representatives did for Miracle Field and other community projects. Council would like to know what the SCBA's long term plans are before the City agrees to donate money to the event. Mayor Agenbroad commented that he and Ms. Thompson met with SCBA representatives last year regarding this proposal and advised them to get organized. Mayor Agenbroad further commented that they are invited to present the proposal and any updates since last year, if Council is agrees.

Mr. Chmiel commented that the City really tightened the budget this year and the events that the City currently sponsors are strained and the City is not been able or willing to increase its contributions and should consider its limits, which should be considered when looking at this request. However, Mr. Chmiel would not have a problem considering the proposal/request for a donation.

Mr. LaDu commented that this year might not be the right year to make a donation of this kind with respect to the City's budget.

Ms. Thomson is seeking direction based on her comments and reiterated that the issue remains whether the event would be a fundraiser for the SCBA or a sustainable project, which is a concern.

Ms. Belpulsi commented that she agreed with Mr. Chmiel and Mr. LaDu that this might not be the year to contribute to this project because the City has been faced with some big challenges budget wise.

Mr. Chmiel also commented that the City made a significant contribution to the Library in 2009, as well.

Ms. Belpulsi further commented that Council needs to consider the additional expenses associated with the Null Log House submitted by the Historical Society and the fact that salary increases have been reduced in 2010, because the City is potentially facing an 8-10% reduction in income tax revenue. Ms. Belpulsi added that she is not saying the SCBA proposal is not a worthwhile project, but this year might not be the year to make a monetary donation or maybe the City could consider contributing to the project in some other way.

Ms. Thompson asked if the consensus was to inform the SCBA that Council's feeling is that the budgetary restraints do not allow the City to make this contribution.

It was the consensus of Council to invite the SCBA to present their proposal, as a courtesy, but understand Council's position.

Mr. Moore commented that a neighbor in his area of the community is very interested in getting another baseball diamond built. Mr. Moore commented that he does not know what the SCBA's priorities really might be, but the teams have to go to Franklin to play baseball and are placed on the bottom of the list and often have to go to other communities to play their little league baseball games. Mr. Moore reiterated that people in his area of the community have been talking to him about needing more baseball diamonds and he has explained to them that the City has decreased the budget by 8-10%.

Ms. Thompson commented that there is another baseball diamond planned, but the City did ask the SCBA to share in the financial burden of that project and their commitment was \$10,000; the City has received \$3,000 to date.

Ms. Thompson suggested that she make the SCBA aware that there are budgetary issues that Council is contemplating, but they would be invited to make a presentation to Council. Ms. Thompson will schedule the presentation with the SCBA or representatives from the committee for an upcoming Council meeting date. At which time, the City could thank the SCBA for providing the information and ask questions then Council could discuss the request further.

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**Council "Meet and Greet" with Department Heads:** Ms. Thompson confirmed that Council would have a brief "meet and greet" with Department Heads and Assistant Department Heads prior to the Work Session on February 4, due to the tentative rescheduling of the January 21 Council meeting to January 14. The "meet & greet" will take place on February 4 at 5:30 PM in Council Chambers, prior to the Work Session.

**Finance Committee:** The Finance Committee has also been rescheduled to January 14 at 5:30 PM, due to the meeting schedule change.

**Council Annual Goals & Objectives Meeting for 2010:** Ms. Thompson asked if Council would like to consider a date to hold the annual goals meeting.

Mayor Agenbroad suggested that Council Members review their calendars and be ready to discuss potential meeting dates at the next Work Session on January 14.

Ms. Belpulsi suggested that, in regard to the Goals and Objectives for 2010, each Council Member write down three to five areas they would like to see worked on this coming year, which can be forwarded to Ms. Thompson.

Ms. Thompson stated that she would welcome Council's ideas and would include them on her spreadsheet, which lists target dates for completion and other recommended goals for the City for discussion at the meeting.

Ms. Thompson suggested confirming a date for the goals meeting next Thursday then set a deadline for Council to submit their goals to her.

Ms. Belpulsi suggested e-mailing that Council e-mail their list of goals/ideas to Ms. Thompson.

**Law Director/Legal Services Contract:** Ms. Thompson commented that she and Mr. Chmiel have been working on the City's legal services contract. Ms. Thompson requested an Executive Session to discuss this matter.

At this time, Mayor Agenbroad requested an Executive Session, under R.C.121.22(G), to consider the appointment of a public employee following the Work Session discussion.

**Ms. Lairson motioned to enter Executive Session under R.C.121.22(G), following the Work Session discussion, to consider the appointment of a public employee. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes. [7-0]**

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

**Committee Appointments for 2010:** In regard to the upcoming discussion of the 2010 committee appointments, Ms. Martin brought to Council's attention the letter from John Cole resigning from the Bicycle and Pedestrian Advisory Committee. Mr. Cole's letter explains that he has a conflict with the committee's meeting schedule. Ms. Martin commented that the Bicycle & Pedestrian Advisory Committee would not be meeting again until February; therefore, there is time to consider applicants.

**Objection to Rezoning on Lytle-Five Points Road:** Ms. Martin also brought to Council's attention an e-mail from Joe Matsko objecting to the rezoning of the 6.29-acre parcel on Lytle-Five Points Road from O-R to PUD-B proposed by property owner, Skip Shafer, CSFivePoints Representative.

Mayor Agenbroad stated that he would note Mr. Matsko's objection during tonight's Regular Meeting for the record.

Ms. Martin commented that a motion to accept John Cole's resignation from the Bicycle & Pedestrian Advisory Committee would be in order at tonight's Regular Meeting, as well.

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**Calendar Update:** Ms. Martin reminded everyone that the January 21, 2010 Council Work Session and Regular Meeting have been tentatively rescheduled to Thursday, January 14, 2010. The Finance Committee meeting will take place at 5:30 PM on January 14. Martin Luther King, Jr.'s Birthday will be observed on Monday, January 18; whereby, the City Offices will be closed. The rescheduling of the January 21 City Council meetings was advertised in the Dayton Daily News on January 6 and posted accordingly. Congressman Mike Turner's field representative Marty Heide will hold 3<sup>rd</sup> U.S. District office hours on January 22, 1:00-2:00PM, in the Community Room.

**Elected Officials Training Opportunity:** Ms. Martin announced that the Miami Valley Communications Council (MVCC) and the Miami Valley Risk Management Association (MVRMA) are sponsoring a training program for newly elected officials on Wednesday, February 3, 2010, 8:00AM-3:00PM at Yankee Trace Golf Club. The program is titled, "Now, What Did I Get Myself Into?!" and topics include city government operations and procedures, roles and responsibilities, and budgets. Ms. Martin recommended that newly elected Council Members attend this program and commented that it serve as a refresher for seasoned Council Members. Ms. Martin will register Council Members that wish to attend.

**January 14 Meeting Agenda Packet:** Ms. Martin asked if Council would object to receiving the January 14 Council agenda packet via e-mail, in PDF format, tomorrow or Monday morning due to the change in the meeting schedule. She noted that there were only two items on the January 14 agenda. Ms. Martin added that she would distribute a hard copy for each Council Member at next Thursday's meeting. There were no objections to receiving the January 14 Council Packet via e-mail.

**Assistant City Manager Chris Pozzuto:** Mr. Pozzuto announced that the City's Annual Business Appreciation Breakfast would be held on Thursday, April 22, 8:00-9:30AM, at Heatherwoode Golf Club. Mr. Pozzuto explained that every year the City invites the business community to Heatherwoode for breakfast. Each business representative has a chance to introduce themselves and meet Council Members and staff.

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

**Mr. Moore** – No issues/reports.

**Mr. LaDu** – In regard to the opening on the Bicycle & Pedestrian Advisory Committee (BPAC), Mr. LaDu asked if there were some applicants that were not appointed to the BPAC when the committee was originally appointed.

Mayor Agenbroad commented that Darlene Ferris asked to be appointed to the BPAC, if she was not appointed to the Park Board.

Ms. Martin explained that John Cole's resignation from the BPAC was submitted after the deadline for committee applicants for terms beginning in 2010 and all of the information was distributed to Council for consideration. Ms. Martin also commented that there is a list of applicants for the BPAC that were not appointed from the pool of applicants when the committee was formed in 2009. Ms. Martin is waiting for a list of those applicants from City Planner Dan Boron. Ms. Martin added that there are some applicants who applied for a citizen committee appointment in 2010 who did not indicate a committee preference and could also be considered for the open seat on the BPAC.

**Mr. Vomacka** – Mr. Vomacka commented that, at some point, he would like to talk about the rezoning on Lytle-Five Points Road.

Mayor Agenbroad recommended that Mr. Vomacka make his comments regarding this rezoning at tonight's Regular Meeting following the second reading of the ordinance to rezone the property. Mr. Vomacka agreed to make his comments at that time.

**Ms. Lairson** – No issues/reports.

**Ms. Belpulsi** – No issues/reports.

**Mr. Chmiel** – No issues/reports.

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**Mayor Agenbroad** – Mayor Agenbroad reminded Mr. Moore and Mr. Vomacka to abstain from the vote on the meeting minutes of December 17, 2009, as they were not serving as Council Members at that time.

**At this time, Mayor Agenbroad began the nominations for Council Committee Appointments for 2010 as follows:**

**Deputy Mayor:** Ms. Belpulsi nominated Mr. Chmiel to serve as Deputy Mayor again in 2010.

There were no other nominations for Deputy Mayor.

Mr. Chmiel commented that it was a pleasure to serve as Deputy Mayor in 2009, and he would be honored to serve as Deputy Mayor again this year.

Mayor Agenbroad commented that he has appreciated Mr. Chmiel being there when he needed someone to step up to the plate on his behalf, and thanked him for his one year of service.

**Mr. Chmiel was nominated to serve as Deputy Mayor in 2010.**

**Finance Committee:** Mayor Agenbroad, Mr. LaDu, and Ms. Lairson were currently serving.

All three current members wish to continue serving on the Finance Committee in 2010.

There were no other nominations for the Finance Committee.

**Mayor Agenbroad, Mr. LaDu, and Ms. Lairson were nominated to serve on the Finance Committee in 2010.**

**Legal Committee:** Ms. Belpulsi and Mr. Chmiel were currently serving with a vacancy left by former Council Member John Parise.

Ms. Belpulsi and Mr. Chmiel indicated wish to continue serving on the Legal Committee in 2010.

Mayor Agenbroad offered that, if there were no other nominations, he would be willing to serve on the Legal Committee in 2010.

There were no other nominations for the Legal Committee.

**Mayor Agenbroad, Ms. Belpulsi, and Mr. Chmiel were nominated to serve on the Legal Committee in 2010.**

**Utilities, Safety and Street Committee:** Mayor Agenbroad and Mr. LaDu were currently serving with a vacancy left by former Council Member John Parise.

Mayor Agenbroad and Mr. Chmiel wish to continue serving on the Utilities, Safety and Street Committee in 2010.

Mayor Agenbroad nominated Jim Chmiel to serve on the Utilities, Safety and Street Committee in 2010.

There were no other nominations for the Utilities, Safety and Street Committee.

**Mayor Agenbroad, Mr. Chmiel, and Mr. LaDu were nominated to serve on the Utilities, Safety and Street Committee in 2010.**

**Sanitary Claims Committee:** Mr. Pozzuto, Assistant City Manager was currently serving with a vacancy left by former Council Member John Parise .

Mayor Agenbroad offered that, if there no other nominations, he would be willing to serve on the Sanitary Claims Committee in 2010.

There were no other nominations for the Sanitary Claims Committee.

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**Mayor Agenbroad and Assistant City Manager Chris Pozzuto were nominated to serve on the Sanitary Claims Committee in 2010.**

**Architectural Review Board:** Vacancy left by former Council Member John Parise.

Mr. Vomacka wishes to serve as the Council representative to the Architectural Review Board in 2010.

There were no other nominations for the Architectural Review Board.

**David Vomacka was nominated to serve on the Architectural Review Board in 2010.**

**Community Service Board:** Ms. Lairson was nominated without debate to continue serving on the Community Service Board in 2010.

**Housing Council (Community Reinvestment Committee):** Mr. Chmiel was nominated without debate to continue serving on the Housing Council (Community Reinvestment Committee) in 2010.

**Miami Valley Communications Council:** Mayor Agenbroad was currently serving at the Alternate to the MVCC with a vacancy left by former Council Member Scott Anderson.

Mayor Agenbroad nominated Bruce Moore to serve as the Council representative to the Miami Valley Communications Council and Tom LaDu to serve as the Alternate.

There were no other nominations for the Miami Valley Communications Council.

**Bruce Moore and Tom LaDu, as the Alternate, were nominated to serve on the Miami Valley Communications Council in 2010.**

**Park Board:** Ms. Lairson was currently serving at the Alternate with a vacancy left by former Council Member John Parise.

Mr. Chmiel wishes to serve as the Council representative to the Park Board in 2010 in lieu of serving on the Planning Commission.

Mayor Agenbroad nominated Bruce Moore to serve as the Alternate for the Park Board.

There were no other nominations for the Park Board.

**Jim Chmiel and Bruce Moore, as the Alternate, were nominated to serve on the Park Board in 2010.**

**Planning Commission:** Ms. Belpulsi and Mr. Chmiel were currently serving.

Ms. Belpulsi wishes to continue serving as a Council representative to the Planning Commission in 2010.

Jim Chmiel indicated that he did not wish to serve on the Planning Commission in 2010 in lieu of serving on the Park Board, as stated above.

Mr. Vomacka wishes to serve as a Council representative to the Planning Commission in 2010.

There were no other nominations for the Planning Commission.

**Marie Belpulsi and David Vomacka were nominated to serve on the Planning Commission in 2010.**

**Tree Authority:** Ms. Lairson served in 2009.

Mayor Agenbroad nominated Bruce Moore to serve on the Tree Authority in 2010.

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Ms. Lairson offered to serve as the Alternate for the Tree Authority.

There were no other nominations for the Tree Authority.

**Bruce Moore and Sheila Lairson, as the Alternate, were nominated to serve on the Tree Authority in 2010.**

**Warren County Board of Health:** Phyllis Harover was nominated without debate to continue serving on the Warren County Board of Health in 2010. Ms. Harover wishes to be reappointed to the Board, and there were no other nominations or applicants for this appointment.

**Warren County Regional Planning Commission:** Ms. Thompson, City Manager, Dan Boron, City Planner, as an Alternate, Barry Conway, Public Works Director; and Mr. Chmiel, as an Alternate, were nominated without debate to continue serving on the WCRPC in 2010.

**Miami Valley Regional Planning Commission:** Mayor Agenbroad, Barry Conway, Public Works Director, as the Alternate, Barry Conway, Public Works Director, as the TAC Representative, and Elmer Dudas, Assistant City Engineer, as the TAC Alternate were nominated without debate to continue serving on the MVRPC in 2010.

Mayor Agenbroad commented that a separate motion would be taken on the appointments to the Miami Valley Communications Council, as Ms. Belpulsi would like to abstain from the vote, but would like to vote on all of the other Council Committee appointments.

Mr. Vomacka commented that he has an unavoidable on conflict with the date of the first Architectural Review Board Meeting of the year. Mr. Vomacka's conflict was duly noted.

**At this time, Mayor Agenbroad began the nominations for Citizen Committee Appointments for 2010:**

**Architectural Review Board (two-year terms/ three seats):** Terry Dudley, Joy Faini, Helen Sproat (incumbents), and Sarah Jobe (BZA Member) were considered.

**By unanimous consent, the three incumbents Terry Dudley, Joy Faini, and Helen Sproat were nominated for reappointment to the Architectural Review Board for a two-year term.**

**Audit Committee (one-year term/ one seat):** Sarah Jobe (incumbent) does not wish to be reappointed to the Audit Committee leaving a vacancy. David Meno, Paul Scheuermann, and Andrew Tully (new applicants) were considered.

**Mayor Agenbroad reviewed the applicants and nominated Paul Scheuermann based on his term of residency and professional background in the community.**

**By majority consent, Paul Scheuermann was nominated to serve on the Audit Committee for a one-year term.**

**Board of Review/Taxation (three-year term/ one seat):** Jim Wininger (incumbent) was considered. The only other applicant was Paul Scheuermann, who was previously appointed to the Audit Committee.

**By unanimous consent, Jim Wininger was nominated for reappointment to the Board of Review/Taxation for a three-year term.**

**Board of Zoning Appeals (one-year term as Planning Commission Representative):** Barbara Gibson (incumbent)

**There were no other nominations to consider, and Barbara Gibson was nominated for reappointment as the Planning Commission representative to the Board of Zoning Appeals for a one-year term.**

**Community Service Board: (two-year term/ two seats):** Mark McKinney, Jeanne Porter (incumbents), Michael Wolfe (ARB Member), Amy Blakeman, Tara Cumbow, Mir Pasha, and Kay von der Embse (new applicants) were considered.

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**By unanimous consent, Mark McKinney and Jeanne Porter were nominated for reappointment to the Park Board for a two-year term.**

Mayor Agenbroad asked Ms. Lairson if, based on the number of applicants interested in serving on the board, it would make sense to appoint some more people to the committee.

Ms. Lairson commented that the ordinance pertaining to the Community Service Board is written to include a certain number of members. Ms. Thompson confirmed that the membership of the board would have to be changed by ordinance.

Mr. LaDu asked how many members currently serve on the Community Service Board. The current board membership consists of five citizens.

Mayor Agenbroad suggested nominating the two incumbents for reappointment, and considering an ordinance to amend the membership of the board to include additional members. Once the membership is expanded, Council could reconsider the new applicants for the board.

Mr. LaDu asked how many members Council would consider adding to the board. Mayor Agenbroad commented that the board would like to accomplish a lot with respect to its purpose to provide volunteer assistance to those in need in the community e.g. snow shoveling, transportation, etc.

Ms. Thompson commented that the committee does not provide those services directly, but connects volunteers in the community with citizens in need of assistance.

Mayor Agenbroad commented that the committee still needs members to orchestrate and advertise that program.

Ms. Lairson commented that currently each committee member is responsible for monitoring requests for assistance for an assigned period of time (monthly); therefore, the more people on the board the less turns each member has to take monitoring those requests.

Mr. Chmiel suggested adding two members for a total of seven.

Ms. Lairson agreed that two additional members would work.

Mayor Agenbroad reiterated that the two incumbents, Mark McKinney and Jeanne Porter, would be nominated for a reappointment tonight.

**Park Board (two-year term/ three seats):** James Crabtree, Diane Johantges, Mary Sillies (incumbents), Darlene Ferris, and Denise Price (new applicants) were considered.

**By unanimous consent, James Crabtree, Diane Johantges, and Mary Sillies were nominated for reappointment to the Park Board for a two-year term.**

**Tree Authority (three year terms/ two seats):** Bill Riegel (incumbent) was considered. There were no new applicants.

**By unanimous consent, Bill Riegel was nominated for reappointment to the Tree Authority for a three-year term.**

**Warren County Board of Health (one year term/ one seat):** Phyllis Harover was considered. As noted above, there were no other nominations or applicants for this appointment, and Ms. Harover wishes to continue serving on the Board.

**By unanimous consent, Phyllis Harover was selected to serve on the Warren County Board of Health for a one-year term.**

Mayor Agenbroad asked if Council would like to consider the appointment to the vacancy on the Bicycle & Pedestrian Advisory Committee at tonight's Work Session.

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*Mr. LaDu commented that when the Bicycle & Pedestrian Advisory Committee was formed Council received a list of applicants who were very interested in the BPAC, and he would like to review the list of applicants who were not originally appointed when the committee was formed.*

*Mayor Agenbroad asked Ms. Martin to compile the letters/resumes of interested applicants from the original pool of applicants for the BPAC for Council's review on January 14.*

*(Ms. Martin will notify all of the appointees and send a letter of thanks to the applicants that were not selected for committee service.)*

*Mayor Agenbroad announced that City Council would take formal action on all committee appointments for 2010 at tonight's Regular Meeting under Other Business.*

***Executive Session: At approximately 6:35 PM, City Council entered Executive Session to consider the appointment of a public employee.***

***With no objections, City Council exited Executive Session at approximately 6:55 PM; whereby, no votes were taken.***

***ITEM 7. ADJOURNMENT.*** *With no further discussion, Mayor Agenbroad adjourned the January 7, 2010 City Council Work Session at approximately 6:55 PM.*

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

**CITY COUNCIL REGULAR MEETING**

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THURSDAY, JANUARY 7, 2010

7:00 PM

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**COUNCIL**

**John Agenbroad, Mayor**

**Jim Chmiel, Deputy Mayor**  
**Tom LaDu**  
**Bruce Moore**

**Marie Belpulsi**  
**Sheila Lairson**  
**David Vomacka**

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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 Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, January 7, 2010 at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio. Mayor Agenbroad also wished everyone a Happy New Year!

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

At this time, Mayor Agenbroad welcomed the two new Council Members, and thanked them for serving to the community.

**ITEM 3. ROLL CALL.** Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present.

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF DECEMBER 17, 2009.

**Ms. Belpulsi motioned to approve the minutes of the City Council Work Session and Regular Meeting of December 17, 2010 as submitted by the Clerk of Council. Mr. LaDu seconded the motion.**

No corrections.

**VOTE: Moore, Abstain; Vomacka, Abstain; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes. [5-0-2]**

**ITEM 5. PRESENTATIONS:** No presentations.

**ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 35 minutes to discuss the following legislation as well as other City matters. During the Work Session, City Council entered Executive Session for approximately 20 minutes to consider the appointment of a public employee; whereby, no votes were taken.

**1) ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF

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SPRINGBORO, OHIO, AND REZONING 6.29 ACRES OF LAND ON LYTLE-FIVE POINTS ROAD, BEARING SIDWELL NO. 04181010060, FROM O-R, OFFICE-RESIDENTIAL DISTRICT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance to rezone 6.29 acres of land on Lytle-Five Points Road located southeast of the intersection of Lytle-Five Points Road and N. Main Street (SR741) from O-R, Office Residential District to PUD-B, Planned Unit Development-Business. This ordinance to rezone the subject property was the topic of a public hearing and presentation by City Planner Dan Boron on December 17, 2009, which were followed by the first reading. The applicant has proposed to develop the property using the B-2 Local Business District as the basis for a PUD-B. This is the second reading of the ordinance; therefore, no action will be taken. Mr. Boron will attend next week's Council meeting to answer any questions even though the third reading of this ordinance will not be conducted on January 14 due to the General Plan not being submitted at this time.

Mayor Agenbroad presented the item for questions/comments.

Mr. Vomacka commented that he was new to looking at this certain issue, but he has a whole host of concerns regarding this rezoning. First, this is spot zoning; it is changing a single parcel of property in order to respond to a single developer's interest, and that is generally a bad idea, not always, but is generally a bad idea because it casts doubt on the strength of the City's zoning ordinances around the rest of the community, as well. If the zoning ordinances will not hold up on this parcel, what will happen to other undeveloped parcels around the community; it questions the whole zoning process in place. Second, O-R is in fact exactly the right kind of zoning for this particular parcel for which it was designed in the first place. Mr. Vomacka further commented that he was a member of the Planning Commission when they first designed the O-R designation to buffer businesses and residences from one another as they come up against each other. O-R zoning has worked very successfully on State Route 741. A substantial stretch of State Route 741 has in fact been redeveloped extensively over the last four years specially using the O-R zoning, and as far as he understands not one of the property owners that live behind that zoning district has ever complained about the business development that occurred immediately advancement to them. Mr. Vomacka stated that he sees no reason to change the zoning on this particular piece of property. Mr. Vomacka further stated that he is also concerned with one of the uses being proposed on this property, which is a bank. Mr. Vomacka explained that banks, at least every one he has seen, have drive-up windows that require 24 hour lights bright enough to take photographs of the license plates of the vehicles moving through them; it is a crime prevention issue. Under these circumstances, adjacent residents likely would have substantial lighting in their back yard. Mr. Vomacka reiterated that it does not appear to him that this rezoning is an appropriate move to be making. Mr. Vomacka also stated that on the other side of this whole question, which he has to say because he is sure there are some residents in attendance that are concerned about this rezoning, they need to understand that that property is going to develop and the sooner it develops the better as far as he is concerned because the City frankly could use the tax revenues from that property as it develops. Mr. Vomacka further stated that the trees are going to come down if they are not in a resident's yard. He does not like that a whole lot, but it is a fact of life; it is going to happen. And, the phrase has been often used and he has used it himself occasionally, which is "If you like what you can see, buy it" because somebody else is probably going to change it if they have an opportunity. Mr. Vomacka concluded his comments by stating that this issue certainly has two sides goes, but he has to say he does not like the idea of changing the zoning of this property from what it is today.

Mr. LaDu also commented that he too does not feel any compelling reason to change the zoning of this property and he likes the idea of transitional zoning between businesses and residences; therefore, he does not see any great reason to make a change in this case either.

**Mayor Agenbroad commented that, as stated by the City Manager, this is the second reading of the ordinance, and it requires no action this evening.**

- ITEM 7. REPORTS: Mayor's Report** – Martin Luther King Jr.'s Birthday will be observed Monday, January 18; whereby, the City Offices will be closed. The 3<sup>rd</sup> U.S. District office hours will be held on January 22, 1:00-2:00 PM in the Community Room. In addition, Mayor Agenbroad announced that City Council wishes to reschedule the Thursday, January 21, 2010 Council Work Session and Regular Meeting to Thursday, January 14, 2010; the Work Session will be held at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers. The Finance Committee will meet on January 14 at 5:30 PM in Council Chambers.

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At this time, Mayor Agenbroad asked for a motion to reschedule the Thursday, January 21, 2010 City Council Work Session and Regular Meeting to Thursday, January 14, 2010, due to scheduling conflicts.

**Mr. Vomacka motioned to reschedule the Thursday, January 21, 2010 City Council Work Session and Regular Meeting to Thursday, January 14, 2010 beginning with the Work Session at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes. [7-0]**

**City Manager's Report** – Ms. Thompson welcomed the two members of Council and welcomed back the two re-elected members. She commented that it was the first meeting of a new year, and she looks forward to a good year. Ms. Thompson also commented that Council discussed scheduling a Goals & Objectives Session for 2010, which will probably be held in February, which gives Council the opportunity to share with staff what they might be looking at as City goals for this year. The Goals & Objectives Session will be publicized, once Council has decided on a date. Also, Ms. Thompson thanked the City crews today who were out there trying to make the streets passable enough for everyone to travel through the City, and to remind everyone to keep the streets clear of vehicles as much as possible. Ms. Thompson commented that she knows it is difficult in some neighborhoods to keep cars off the street, but it really helps the snow plow drivers to be able to clean the streets properly. She thanked residents for their help, and stated that the crews will be on duty until the streets are cleared.

Mayor Agenbroad thanked Ms. Thompson for her report.

**Committee Reports** –

**Mr. Vomacka** – No reports.

**Ms. Lairson** – No reports.

**Ms. Belpulsi** – No reports.

**Mr. Moore** – No reports.

**Mr. LaDu** – No reports.

**Mr. Chmiel** – No reports.

**Mayor Agenbroad** – In regard to Legislative Agenda Item 1, Mayor Agenbroad reemphasized the City Manager's comments that Council would not be addressing the adoption of the ordinance to rezone the property on Lytle-Five Points Road on January 14; it would be addressed at the first meeting in February at the very earliest. For the record, Mayor Agenbroad also commented that Council has received and reviewed an e-mail from Joe Matsko objecting to the proposed rezoning on Lytle-Five Points Road, as proposed in Legislative Agenda Item 1. (A copy of Mr. Matsko's letter is attached for the record.)

**ITEM 8. OTHER BUSINESS.** At this time, Mayor Agenbroad presented the nominations for committee appointments for 2010, as discussed at tonight's Council Work Session.

**The nominations for Deputy Mayor and Council Committee Appointments for 2010 are as follows:** **Deputy Mayor** – Jim Chmiel; **Finance** – John Agenbroad, Tom LaDu, Sheila Lairson; **Legal** – John Agenbroad, Marie Belpulsi Jim Chmiel; **Utilities, Safety And Street** – John Agenbroad, Jim Chmiel, Tom LaDu; **Sanitary Claims** – John Agenbroad, Chris Pozzuto, Assistant City Manager; **Architectural Review Board** – David Vomacka; **Community Service Board** – Sheila Lairson; **Housing Council (Community Reinvestment)** – Jim Chmiel; **Park Board** – Jim Chmiel, Bruce Moore (Alternate); **Planning Commission** – Marie Belpulsi, David Vomacka; **Tree Authority** – Bruce Moore, Sheila Lairson (Alternate); **Warren County Board of Health** – Phyllis Harover; **Warren County Regional Planning Commission** – Chris Thompson, City Manager, Dan Boron, City Planner (Alternate), Barry Conway, Public Works Director, Jim Chmiel (Alternate); **Miami Valley Regional Planning Commission** – John Agenbroad, Barry

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Conway, Public Works Director (Alternate), Barry Conway, Public Works Director (TAC), Elmer Dudas, Assistant City Engineer (TAC Alternate) .

**Ms. Belpulsi motioned to approve the Council Committee Appointments for 2010, as stated above, with the exception of the Miami Valley Communications Council appointments. Mr. Chmiel seconded the motion.**

No discussion.

**VOTE: LaDu, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes. [7-0]**

**(As discussed at the Work Session, motion to appoint representatives to the MVCC will be made separately to allow Ms. Belpulsi to abstain from the vote due to a conflict of interest.)**

**The nominations for Council Committee Appointments for 2010: Miami Valley Communications Council – Bruce Moore, Tom LaDu (Alternate).**

**Mr. Chmiel motioned to approve the Council Committee Appointments to the Miami Valley Communications Council, as stated above. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: Belpulsi, Abstain; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Abstain; Vomacka, Yes; Lairson, Yes. [5-0-2]**

**The nominations for Citizen Committee Appointments for terms beginning in 2010 are as follows: Architectural Review Board – Terry Dudley, Joy Faini, Helen Sproat (two-year terms); Audit Committee – Paul Scheuermann (one-year term); Board of Review/Taxation – Jim Winger (three-year term); Board of Zoning Appeals – Barbara Gibson (one-year term as Planning Commission Representative to the BZA), Community Service Board – Mark McKinney, Jeanne Porter (two-year term); Park Board – James Crabtree, Diane Johantges, Mary Sillies (two-year terms); Tree Authority – Bill Riegel (three-year term); Warren County Board of Health – Phyllis Harover (one-year term).**

**Mr. LaDu motioned to approve the Citizen Committee Appointments for 2010, as stated above. Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes. [7-0]**

Mayor Agenbroad noted that Council will be reviewing legislation to increase the membership of the Community Service Board, as an FYI to the new applicants who expressed interest in serving on the board.

At this time, Mayor Agenbroad asked for a motion to accept the resignation of John Cole from the Bicycle & Pedestrian Advisory Committee, with a vote of thanks. Mayor Agenbroad added that unfortunately the committee's meeting schedule is not working for Mr. Cole.

**Ms. Belpulsi motioned to accept the resignation of John Cole from the Bicycle & Pedestrian Advisory Committee, with a vote of thanks. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes. [7-0]**

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

**ITEM 10. GUEST COMMENTS.** 1) **Paul Van Maldeghem, 1860 W. Tamarron Court, Clearcreek Township – Mr. Van Maldeghem's comments are as follows:** Mr. Van Maldeghem distributed an outline of his comments to Council regarding the second reading of the ordinance to amend the official zoning map and rezoning 6.29 acres of land on Lytle-Five Points Road from O-R (Office Residential District to PUD-B (Planned Unit Development-Business)). (A copy

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of Mr. Van Maldeghem's handout is attached for the record.) Mr. Van Maldeghem participated in the public hearing at the December 17, 2009 meeting, and he appreciates the comments that were made earlier this evening on the proposed rezoning. Mr. Van Maldeghem wanted to make a brief presentation on some of his neighborhood's concerns regarding the subject rezoning. Mr. Van Maldeghem introduced himself as an active duty Air Force member assigned to Wright Patterson Air Force Base, and a former military prosecutor. He does not want to be reiterative of the comments he made last month at the public hearing, but he wanted a chance to give a more formal presentation of some of his neighborhood's concerns. At the suggestion of staff, Mr. Van Maldeghem is kind of an informal representative of residents from Woodland Greens, Settlers Walk, some other subdivisions, and neighbors and friends in the area that have some concerns including those who have attended tonight's meeting and those who could not make it due to the weather. He pointed out the subject property and his property, the northeast adjacent property on the satellite photo included the handout, and Woodland Greens and Settlers Walk cul-de-sacs. He also pointed out that the subject property falls within the O-R (Office-Residential District), which, as mentioned, acts as a buffer between the business districts and the residential districts. The next document Mr. Van Maldeghem referred to in the handout was the O-R district zoning requirements on which he has highlighted some specifics including the purpose of the district to act as a buffer and that "permitted uses do not generate or create traffic or noise detrimental to the adjoining neighborhoods," and also building proportions, and lot sizes and yard requirements. Mr. Van Maldeghem stated that one of their concerns is with the proposed general plan, shown on the last document in the handout, which is still not finalized; therefore, there are still unknowns, but there are some dimensions to scale on the drawing, and even though it is a proposed PUD based on the B-2, it is still not meeting any of those setbacks or buffer areas. According to Mr. Van Maldeghem's neighbor, Mr. Hunter, when this property was rezoned, according to the letter from the City Manager in the handout, which dealt with some of the concerns when they rezoned the property to O-R in 1999 and included the statement that the City spent many years going through the planning process and used many experts when they approved the proposal of the legislation that changed the zoning to O-R. Mr. Van Maldeghem referred to his outline in the handout, which includes a number of identified objections and issues that have already been pointed out. The neighborhood residents have seen a copy of the draft of minutes from the December meeting of the Planning Commission and the minutes of the previous Planning Commission meetings in August and October. The outline of their concerns are kind of reiterative and are what staff has identified and what the planning Commission has been looking at, and Mr. Van Maldeghem wanted to point out that staff and the Planning Commission have identified them. Mr. Van Maldeghem continued by stating that the developer has been working on the rezoning proposal, from what he understands, about two years now and there are still a bunch of unresolved issues and a lot of vagueness and ambiguity in the proposed general plan, which has not been resolved, at least, not to the necessary specificity that it should be and he would like to emphasize that point. Mr. Van Maldeghem further commented that on the economics of it, he would like to point out a couple of comments that he did not make in December, but that they have been discussing. The proposed rezoning is not for any unique purpose to Springboro. It does not fulfill necessary business requirements, but to the contrary there are five other banks within a stone's throw of the property and within a mile or so another half dozen banks on State Route 741. There are five daycare centers within a mile of the property and there are a number of churches that conduct pre-schools along SR741. Mr. Van Maldeghem stated that he would just like to point out that the rezoning is not for any unique business purpose in Springboro. Those residents opposing the rezoning in Woodland Greens, Settlers Walk, and other adjacent residential neighborhoods understand that ultimately that property will be developed. They purchased their properties and some have lived here when it was rezoned in 1999 and were aware of the O-R zoning and perfectly understood that it would be zoned to that effect, which offers the buffering and the transition from business to residential that they can live with. The new traffic patterns and the new cycles of business that a bank and a daycare would bring beyond just normal professional offices that have Monday through Friday type of nine to five business hours, which they can all live, but they feel the proposal just goes well beyond what that transition should be when abutting residential properties. Mr. Van Maldeghem referred to the zoning map in the handout commenting that all of the adjacent residential districts, Woodland Greens, McCray Farms, everything that buffers these neighborhoods from business areas are O-R districts, and as it has been pointed out it seems to work well and they think it should remain O-R. Mr. Van Maldeghem summed up by stating that they do not feel that the proposed rezoning has any real rational purpose, that there are negative impacts that outweigh the positive that mostly impact the property owners and other residential districts in the State Route 741 corridor, and that it does not comport with the overall City plan. Mr. Van Maldeghem thanked Council for their time and consideration of their concerns and suggestions, and would be willing to answer any questions.

Mayor Agenbroad thanked Mr. Van Maldeghem for his comments, and commended him on the way he presented himself on behalf of his neighbors.

Mayor Agenbroad asked if there were any other guests that wished to be heard to please come forward and state their name for the record and make their comments accordingly. No other guests came forward.

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**ITEM 11. EXECUTIVE SESSION.** No Executive Session.

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

Mr. Vomacka motioned to adjourn the meeting; whereby, the Thursday, January 7, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:24 PM. Ms. Lairson seconded the motion.

**VOTE: Belpulsi, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [7-0]**

—MEETING ADJOURNED—

John H. Agenbroad

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John H. Agenbroad, Mayor

\_\_\_\_\_  
Presiding Officer

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Lori A. Martin, Clerk of Council