

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

**CITY COUNCIL WORK SESSION**

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**THURSDAY, DECEMBER 2, 2010**

**6:00 PM**

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**COUNCIL**

**John Agenbroad, Mayor**

**Jim Chmiel, Deputy Mayor      Marie Belpulsi**  
**Tom LaDu                              Sheila Lairson**  
**Bruce Moore                          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 Work Session to order on Thursday, December 2, 2010 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

**ITEM 2.      ATTENDANCE. Council:** Ms. Belpulsi was absent. **Staff:** Ms. Thompson, Mr. Pozzuto, Police Chief Jeff Kruithoff, City Planner Dan Boron, Mr. Schaeffer, and Ms. Martin were present.

**ITEM 3.      LEGISLATIVE AGENDA. –Four legislative agenda items were reviewed for the December 2 Regular Meeting.**

1) **ORDINANCE:      THIRD READING.** AN ORDINANCE AMENDING CHAPTER 244 – EMPLOYEES GENERALLY, OF TITLE 6 OF PART TWO – ADMINISTRATION CODE, OF THE SPRINGBORO CODIFIED ORDINANCES AND ADOPTING AN EMPLOYEE POLICY MANUAL.

*No discussion.*

2) **ORDINANCE:      SECOND READING.** AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF SPRINGBORO, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, DECLARING CERTAIN PUBLIC IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER DEVELOPMENT OF THOSE PARCELS, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.

*No discussion.*

3) **ORDINANCE:      SECOND READING.** AN ORDINANCE AMENDING SECTION 474.06(a), RIDING BICYCLES UPON SIDEWALKS, CHAPTER 474, BICYCLES, MOTORIZED BICYCLES AND SNOWMOBILES, TITLE TEN- BICYCLES, MOTORCYCLES AND SNOWMOBILES, PART FOUR – TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO.

*No discussion.*

4) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING CHAPTER 826 OF THE CODIFIED ORDINANCES TO ALLOW ELECTRONIC MESSAGE SIGNS IN THE COMMERCIAL SIGN DISTRICT.

Ms. Thompson commented that Mr. Boron would present information regarding this ordinance at tonight's Work Session and also make a presentation at the third reading during the Regular Meeting on January 6.

**City Planner Dan Boron made the following presentation in regard to Legislative Item 4, an ordinance amending Chapter 826 of the City's code to allow Electronic Message Signs in the Commercial Sign District:** (A printed copy of the presentation is filed with the minutes for the record.)



**Background**

- What are electronic message signs?
- What the proposal allows
- What the proposal doesn't allow
- Examples fulfilling electronic message proposal

**What are electronic message signs?**

- Signs that use changing light patterns to send a message or messages in text and graphic form
- Rate of change and message is electronically programmed and can be modified to transition between messages



**What the proposal allows**

- Allows electronic message signs in the Commercial Sign District
- Allows electronic messages signs only as part of a ground sign occupying no more than 50% of the allowable sign area
- Requires the message to be held a minimum of 8 seconds between messages
- The entire message to be contained on the screen at one time.

**What the proposal allows—continued**

- Limits message—text and graphic—to one color and one background color
- Limits transition between messages to one second and no transition animation permitted
- Limits hours of operation when adjacent to residential uses
- Requires automatic shutoff in event of sign malfunction
- Specifies design characteristics—brick or stone frame plus landscaping.



**What the proposal doesn't allow**

- Does not increase the message area permitted for ground signs in the Commercial Sign District
- Does not allow electronic message signs in the Historic District or most residential areas
- Does not allow electronic message signs subject to special exceptions for the Interstate Sign District provisions which allows signs up to 60' tall or greater

**What the proposal allows—continued**

- Limits message—text and graphic—to one color and one background color
- Limits transition between messages to one second and no transition animation permitted
- Limits hours of operation when adjacent to residential uses
- Requires automatic shutoff in event of sign malfunction
- Specifies design characteristics—brick or stone frame plus landscaping.





This ordinance represents a proposed amendment to the City's sign code, Chapter 826, Signs. This provision was written based on **research of other communities in the Miami Valley Region and** statewide as well as national feedback. A lot of input was received from other communities in order to prepare this ordinance over the last year along with assistance from City Manager Chris Thompson, Assistant City Manager Chris Pozzuto, and Zoning Inspector Dan Fitzpatrick who regulates and enforces the sign code. This presentation

includes examples of electronic message signs and is similar to the presentation that was included in the Agenda Packet. Mr. Boron began the presentation by stating that Electronic Message Signs are signs that use changing light patterns to send a message(s) in text and graphic format. The best example in the City is the electronic message sign at Heatherwoode Golf Course on SR741. The rate of change and the message is electronically programmed to be modified between the transition of messages. These signs are essentially computers. The staff at the golf course can manage the intensity, the message, and the rate of change for the sign, which is all controlled by a computer. The Heatherwoode Golf Course electronic sign is in compliance with this proposal to provide regulations for Electronic Message Signs.

This proposal to amend the sign code allows Electronic Message Signs in the Commercial Sign District, which is primarily the SR741 and SR73 corridors and for non-residential uses in the Residential Sign District, which include churches, schools, community quasi-public or public uses outside of the primary area of the SR741 Commercial District and SR741 north of the Historic District. The provisions allow for message signs only as part of a ground sign; electronic message signs would not be allowed on wall signs or billboards, which are referred to as off-premise signs in the City's code. The message sign would occupy no more than 50% of the sign area with no proposal to increase the allowable sign area or message area in the sign code under this recommendation. For example, 35 square feet is the maximum allowed for most commercial areas in the City and the proposal does not increase that regulation to allow for 50 square feet to allow for the 50% of this electronic message sign. The electronic message sign must be contained in the area permitted now under the sign code regulations. The proposed code requires the changeable message to be held for a minimum of eight (8) seconds, which is consistent and complies with the ODOT standard. After some research at the state level, it was determined that the message needs to be held that long for the traveler on the road to observe the message and take in the detail without the distraction of more frequent changes. Also, with respect to traffic safety, the message has to be on one screen at a time. For example, the words City of Springboro cannot be separated on two screens as the message transitions; the entire message has to be on one screen i.e. one message on one screen.

*Ms. Lairson asked Mr. Boron to clarify his last comment. Ms. Lairson asked if these regulations allow for more than one sign. Mr. Boron explained that corner lots and through lots can have two of these Electronic Message Signs. For example, the City Building could have one of these types of signs on SR73 and one on Park Lane, but the message on the screen has to be self contained during the message.*

*Mr. Vomacka commented that the current sign regulations permit 35 square feet of signage area. Mr. Vomacka confirmed that the maximum sign area for this type of sign would be 17.5 square feet. Mr. Vomacka further confirmed that the other 17.5 square feet would be background. Mr. Boron explained that it could be background or other parts of the sign such as the business name.*

*Ms. Thompson emphasized that the message cannot flash or scroll; it must be static during the holding period of eight (8) seconds.*

*Mr. Boron continued his presentation by commenting that the provisions would limit the text and graphics to one color in the foreground and one color in the background. These proposed regulations do not delineate what colors can be used, which is left to the business owners and others to use at their discretion. The transition between messages is another traffic safety issue and requires that the message transition in one (1) second and has no animation, again, one message, one second maximum transition. Lights cannot go from foreground to background; the message has to dissolve or fade and both of these terms are defined in the regulations to avoid any loop holes the sign industry might find in how these transitions can be achieved. In preparing this proposal, staff did coordinate with the sign industry to get their feedback and they did have concerns and felt that these regulations go a little too far in terms of its regulation. The regulations define things they are not very happy with, but staff thought this proposal was a good middle ground in terms of a recommendation. Mr. Boron pointed out that these signs can be programmed at a later date if the City approves a new regulation aside from size. For example, if the intensity becomes an issue or the message or the color becomes an issue; it can be changed at a later date. The regulations also limit the hours of operation when adjacent to residential uses and is important relative to residential uses behind non-residential uses for example on the SR741 corridor where there is a lot of residential development very close. A sign would use an automatic shut-off in the event of malfunction causing it to flash creating a worse distraction; the City is recommending the sign have an automatic shut off. In addition, specific design characteristics include brick or stone frame plus landscaping. A site plan review would be used as part of the design to mitigate the impact of these signs at the base. They have seen a lot of examples where the signs are mounted on metal or plastic posts, but according to the proposed regulations the signs have to be flush to the ground.*

*Mr. Boron reiterated that these signs do not increase the message area permitted for ground signs in the Commercial Sign District; thirty-five (35) square feet is the maximum allowable message area and 17.5 square feet is the maximum area for the electronic message area. Electronic Message Signs are not allowed in the Historic District or most residential areas with the exception of non-residential uses in those areas. For instance, the City has a lot of R-1 uses that allow schools, churches, etc., which would be permitted to have this type of sign. The proposed regulations do not allow Electronic Message Signs subject to special exceptions for the Interstate Sign District provisions at the I-75 Interchange area, which allow signs up to 60 ft. tall or taller within a 500 ft. halo. Currently, there are three signs in the Interstate Sign District and they will not be permitted to have electronic messages. Also, the proposed regulations do not allow temporary electronic message signs, electronic message signs as wall signs, and animation within the message, only static messages are allowed. The proposed regulations redefine animated signs to make the distinction clear. These signs are really internally illuminated signs, which are already permitted.*

*Mr. Boron reviewed the examples of Electronic Message Signs shown on the slides above, which indicate permitted or not permitted under the proposed regulations.*

*Mr. Vomacka confirmed that the regulations do not govern the message or content of the sign. Mr. Boron confirmed that the proposed regulations do not regulate the message on the sign.*

*Mr. Schaeffer explained that the City is regulating the delivery of the message, not the message itself.*

*Mr. Boron offered to answer any other questions of Council.*

*Mr. Chmiel asked if someone has a pole sign that uses the maximum sign area allowable and they wished to reduce that sign to half the size and have a ground sign as well could they have a pole sign and a ground sign. Mr. Boron replied yes, if the ground sign meets the requirements. Mr. Boron explained that the ground sign would have to be reduced in size if an owner has both sign applications and the sign would then be 50% of the maximum allowable for that reduced size requirement.*

*Mr. Chmiel asked if the name on the front of the building uses the maximum signage area, could they reduce that lettering to within half of the allowance and install a ground sign that is lit and use half of that amount for an electronic sign i.e. if the maximum amount is 35 square feet and a business owner reduced their current signage by 50% to use the other percent for a ground sign.*

*Mr. Boron corrected his response by stating that a pole sign would not be allowed to have an electronic message and as a matter of fact the City is phasing pole signs out by attrition and only a few remain such as Arby's, KFC, and Edwards Furniture, which are allowed to remain as legally non-conforming signs. Mr. Boron stated that the pole sign would have to be brought down to the ground to meet the code for an electronic message sign.*

*Mr. Chmiel confirmed that it appears that it would be one or the other rather than both types of signs with reduced signage areas. Mr. Boron replied yes.*

*Ms. Lairson confirmed that the lettering on the building does not count as the sign on the road. Ms. Thompson answered by commenting that it depends, sometimes it does.*

*Mr. Boron stated, for example, if a business had double frontage, a corner lot, they could keep their first sign if it was a pole sign and could construct a second sign that met the Electronic Message Sign provision, which would be permitted on the opposite frontage.*

*Mr. Vomacka asked if Council could receive a copy of the full sign code with this proposed change in strikethrough text. Mr. Boron replied yes.*

*Mr. Vomacka referred to 1(a) in the proposed text of the new regulations which states that "Only one (1) electronic message sign is permitted on any lot except for corner or through lots." Mr. Vomacka asked if an outlot is a separate lot by this definition. Mr. Boron replied yes. Mr. Vomacka then confirmed that there could be eight signs lined up in front of Dorothy Lane Market. Mr. Boron replied yes, if it were under conventional zoning, but under a PUD, which Dorothy Lane Market is, it would be presented as a sign package where the applicant would present the entire sign package. Dorothy Lane Market has three frontages and multiple signs could be presented, but ultimately the Planning Commission, through the review process, could actually limit in special circumstances the number of ground signs, but under conventional zoning, the answer would be yes.*

*Ms. Thompson commented that all of the outlots at Dorothy Lane Market are part of the PUD and the Planning Commission could actually deny additional signage for that development.*

*Mr. Vomacka pointed out that this scenario could arise at the Kroger/Kmart shopping center.*

*Mr. Schaeffer explained that this ordinance is not creating a proliferation of signs; this ordinance is simply saying that, of the signs allowed under the code, this type of sign is also allowed. Mr. Schaeffer further explained that the new regulations do not allow owners to increase the size of signs or install more signs than they are entitled to under the existing code. Mr. Schaeffer added that if it is a PUD, signs will be handled completely differently outside of the City's sign ordinance and be subject to a sign package approved by the Planning Commission.*

*Ms. Thompson commented, for example, that CVS on SR741 could request to replace its current sign with the proposed Electronic Message Sign under the rules for this type of sign and the Planning Commission would review the request, but businesses under conventional zoning such as K-Mart cannot do this because there is no existing sign. Ms. Thompson emphasized that this proposed amendment to the sign code does not add signs; it regulates a certain type of sign. Ms. Thompson explained that a business cannot install a new sign unless the business is under the maximum allowable signage. The gas station at Remick Boulevard could replace its gasoline price sign with Electronic Message Signs on two sides because it has two frontages if Planning Commission allowed because although it is an outlot, it is part of the larger PUD. However, the gas station could not add a third sign and K-Mart cannot add a sign and even if they could it would have to be a ground sign similar to Ledgstone on Remick Boulevard where all of the businesses have to share the sign.*

*Mr. Vomacka asked what compelled the City to create this amendment to the sign code in the first place. Mr. Vomacka asked if businesses were refusing to come to town. Ms. Thompson answered that the City is getting requests from existing businesses for this type of sign.*

*Mr. Schaeffer commented that in five years this type of sign will be the majority of signs in any commercial zone in the United States.*

*Mr. Vomacka commented that that does not necessarily make it acceptable or desirable.*

*Mr. Chmiel commented that this new type of sign benefits the business owner.*

*Mr. Vomacka stated that allowing these types of signs will make the community look tacky and destroy the quality of the community. Mr. Vomacka further stated that the City has worked really hard in this community to keep a high standard of quality.*

*Ms. Lairson commented that these types of signs are better than the signs with the letters that slide in and out because they frequently fall out of the signs.*

*Ms. Thompson commented that the City currently allows the changeable letter signs referred to by Ms. Lairson.*

*Mr. Vomacka asked if the City would then eliminate the provision for changeable letter signs. Ms. Thompson answered that the City is not eliminating those signs; the sign code, Chapter 826, allows for those types of signs, but does not currently allow for Electronic Message Signs. Ms. Thompson further explained that the proposed regulations for Electronic Messages Signs does not replace other types of signs unless someone chooses to replace an existing sign with this type of sign. The Electronic Message Signs are less maintenance and business owners will choose to replace their signs.*

*Ms. Thompson reiterated that there can only be one foreground color and one background color. Staff is recommending these types of the restrictions on the signs to avoid a negative impact on the community. Ms. Thompson commented that the flashing signs, etc. in her opinion are very tacky and she agreed with Mr. Vomacka's regarding this point. Ms. Thompson also commented that Mr. Schaeffer's point is well taken in that the business community that is currently here is asking for this type of sign and they are the businesses that the City tries to retain on a daily basis. The City is trying to accommodate the businesses without sacrificing the brick and stone enclosures that are demanded in this ordinance. She further commented that it is certainly Council's decision as to whether they want to permit the signs, but the staff tried to accommodate the business community and not sacrifice aesthetics by allowing metal poles or plastic composites with a lighted sign. Ms. Thompson added that the hours issue came up because there are areas of the City, although limited, where businesses are open 24 hours. Ms. Thompson explained that at first the ordinance read that after dusk or 9:00 PM the signs had to be off, but the 24-hour business owner would be significantly impacted if they had to turn the sign off at night. Ms. Thompson commented that the existing signs are back lit; therefore, they are on all night anyway.*

*Mr. Schaeffer commented that they can control the intensity at night and sign makers say that turning down the intensity at night works because there is still the great contrast, but less light.*

*Ms. Thompson commented that, to answer Mr. Vomacka's original question, this proposal is a reaction to the current business owners and no businesses have refused to come to Springboro because they could not have Electronic Message Signs.*

*Mr. Vomacka asked if a stone or brick frame is required or recommended. Mr. Boron replied that stone or brick is required and is written in the proposed code as "shall have a base of brick or stone," which is an even higher standard than the City requires under the current sign code for other signs.*

*Mr. Moore commented in regard to Ms. Thompson's answer that no businesses have decided not to come to Springboro because the City does not allow this type of sign. Mr. Moore pointed out that that is really unknown. Mr. Moore explained that a business may have made a decision not to come to Springboro for that reason and simply never said anything because some people make a decision and never say anything to anyone; therefore, we really do not know the answer to that question.*

*Mr. Schaeffer commented that he is not necessarily advocating these signs, but his interest in this subject is that they are out there and they are coming whether the City wants them or not unless the City radically changes its sign code, which would be practically impossible. Mr. Schaeffer further commented that Springboro is not Carmel, California, which has been through years and years of litigation and now everyone conforms to a practically zero sign limit. If the City does not regulate these types of signs, the City will get signs it really does not want. The City needs to be on the front end of the regulation. Mr. Schaeffer further commented that even if this proposal is not completely acceptable to Council, he would recommend that Council pass the ordinance anyway and revisit it again if changes are desired because these signs exist now in Springboro.*

*Ms. Thompson reminded Council what the City did in respect to the VRAD (VIDEO READY ACCESS DEVICE) boxes used by some of the utility companies. She explained that the City stepped ahead of that issue and regulated those utility boxes by insisting on landscaping, placement outside of the right-of-way, etc. The City passed a whole ordinance regulating those boxes. Ms. Thompson mentioned that she recently received an e-mail from a resident accusing the City of denying a utility company the ability to do work in the City because an engineer at the company stated that. Ms. Thompson commented that the City did not deny them the opportunity, but only regulated what they could do in the community, which is what this ordinance is attempting to do with Electronic Message Signs. The City can choose to not regulate the signs and hope to not fight someone who wants to install a really offensive sign or the City can choose to regulate the signs. Ms. Thompson commented that if this ordinance is not good enough then as Mr. Schaeffer pointed out the City needs to take the first step by adopting some regulations and then working on any unresolved issues.*

*Mayor Agenbroad commented that when he served on Planning Commission the City did not have a good or stringent sign code. He further commented that they eventually used Hilton Head as an example when creating the first sign code and from there the sign code got better and better as time went on, but they had to start somewhere.*

*Ms. Thompson commented that she agreed with Mr. Schaeffer that the City will get challenged regarding this type of sign. Ms. Thompson pointed out that this is the first reading of this ordinance.*

*Mr. Chmiel commented that this is no different than the changes to the lighting code that the City made a few years ago to accommodate the new technology in lighting.*

*Mayor Agenbroad thanked Mr. Boron for his time and his presentation.*

*Ms. Thompson reiterated that Mr. Boron would make a presentation at the Regular Meeting on January 6 at the third reading of this ordinance.*

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

**Executive Session:** *Ms. Thompson requested an Executive Session to discuss pending litigation following the Work Session discussion.*

**Snow Removal/Street Preparation:** *Ms. Thompson reported that in anticipation of snowfall this Saturday, the Public Works Department will be applying a brine solution to the streets tomorrow as a preventative measure to help melt the snow.*

**Upcoming Events:** *The City's Holiday Open House for volunteers and employees will be held December 10, 6:00-10:00 PM, Heatherwoode. The City Council Work Session on December 16 will begin one hour early at 5:00 PM in the Community Room to discuss City water and sewer rates.*

*Mr. Chmiel asked Ms. Thompson when Council would receive the data regarding the water and sewer rates. Ms. Thompson explained that Finance Director Robyn Brown is on vacation, but has provided her with some of the information that Council had requested at the last meeting.*

*Mayor Agenbroad confirmed that it was 3, 5, and 10 year projections.*

*Ms. Thompson commented that Ms. Brown has prepared the spreadsheets and could e-mail them to Council if desired.*

*Mayor Agenbroad requested to have the spreadsheets in advance. Ms. Thompson will make sure they are delivered to Council.*

*Mr. Vomacka stated that Council also asked for information regarding what kind of trade-offs from other parts of the budget would be required to offset the water and sewer costs.*

*Ms. Thompson confirmed that the trade-offs would be from the capital budget and Ms. Brown has not finished compiling that information. Ms. Thompson explained that this part of the information concerns capital that would have to be denied in order to offset water and sewer costs. Ms. Thompson stated that Ms. Brown would return on December 8 and will be able to forward the information to Council at that time.*

*Ms. Thompson further commented that the first Citizens Academy class will take place this Saturday, December 4, 8:00 AM-Noon in the Community Room. The first session is for educational purposes such as what is Springboro's form of government, how the legislative process works, what is Council's role and what is staff's role in Springboro government, and what are the specific responsibilities of each department. Mayor Agenbroad will greet participants with opening remarks from 8:00-8:10 AM. The purpose of the academy is to educate citizens regarding Springboro local government. The second of the two part Citizens Academy will be held on January 29 when participants will be given tours of all of the City's facilities such as the City Building, Golf Course, Public Works Center, and Water and Sewer Plants. Following the second session on January 29, the participants are invited to contact the City to schedule a ride around with a police officer and a ride in one of the City snow plows. Ms. Thompson added that the City is converting to all steel blades this year and the streets will be a lot cleaner. Ms. Thompson explained that the rubber tipped blades are a lot less effective in removing snow. Also, all of the manholes in the City have been repaired and should not be an obstacle for the blades.*

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

**Calendar Update:** *The Warren Council Municipal League Annual Holiday Meeting will be held on December 8 beginning at 6:00 PM at Heatherwoode. Ms. Martin will RSVP for Council Members planning to attend.*

*In addition, Ms. Martin commented that she is glad to be back and thanked Acting Clerk of Council Kelly Sizemore for all of the work she did during her absence; Ms. Sizemore did a great job and Ms. Martin appreciated Council's support.*

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

**Mr. Moore** – No issues/reports.

**Mr. LaDu** – No issues/reports.

**Mr. Chmiel** – No issues/reports.

**Mr. Vomacka** – No issues/reports. *Mr. Vomacka welcomed Ms. Martin back to work.*

**Ms. Lairson** – No issues/reports.

**Mayor Agenbroad** – *Mayor Agenbroad noted that a motion will be order at tonight's Regular Meeting to excuse Ms. Belpulsi from the meetings.*

***At approximately 6:51 PM, Mayor Agenbroad asked for a motion, under R.C.121.22(G), to enter Executive Session to discuss pending litigation.***

***Mr. Vomacka motioned to enter Executive Session under RC121.22(G) to discuss pending litigation. Ms. Lairson seconded the motion.***

*No discussion.*

***VOTE: Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [6-0]***

***With no objections, City Council exited Executive Session at approximately 6:58 PM; whereby, no votes were taken.***

**ITEM 7. ADJOURNMENT.** *With no further discussion, Mayor Agenbroad adjourned the December 2, 2010 City Council Work Session at approximately 6:58 PM.*

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

CITY COUNCIL REGULAR MEETING

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THURSDAY, DECEMBER 2, 2010

7:00 PM

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COUNCIL

John Agenbroad, Mayor

Jim Chmiel, Deputy Mayor      Marie Belpulsi  
Tom LaDu                              Sheila Lairson  
Bruce Moore                          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, December 2, 2010 at 7:00 PM in Council Chambers at the Springboro Municipal 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; Belpulsi, Absent; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Jeff Kruihoff, City Planner Dan Boron, Mr. Schaeffer, and Ms. Martin were present.

**Mr. Chmiel motioned to excuse Ms. Belpulsi from the meeting. Mr. LaDu seconded the motion.**

No discussion

**VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes. [6-0]**

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF NOVEMBER 18, 2010.

**Mr. LaDu motioned to approve the Minutes of the City Council Work Session and Regular Meeting of November 18, 2010, as submitted. Ms. Lairson seconded the motion.**

No corrections.

**VOTE: Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [6-0]**

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

**ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 51 minutes to discuss the following legislation as well as other City business. During the Work Session, City Council entered Executive Session for approximately seven minutes to discuss pending litigation; whereby, the City Law Director was present and no votes were taken.

- 1) **ORDINANCE O-10-39: THIRD READING.** "AN ORDINANCE AMENDING CHAPTER 244 – EMPLOYEES GENERALLY, OF TITLE 6 OF PART TWO – ADMINISTRATION CODE, OF THE SPRINGBORO CODIFIED ORDINANCES AND ADOPTING AN EMPLOYEE POLICY MANUAL," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the third reading of an ordinance to amend Chapter 144, Employees Generally, of the Administration Code and to adopt an employee policy manual. The City currently has polices, rules, and procedures that govern all of the employees that work within the City, which are contained in Chapter 244 of the Codified Ordinances of the City. This legislation will essentially take those rules and regulations and place them into a new employee manual that will be provided to the public and all of the employees of the City. With state and federal laws changing almost daily based on new court cases regarding employment law, etc., it is cumbersome to change all of those regulations, as contained in Chapter 244. The policy manual will allow staff to change these rules and regulations a lot more efficiently; however, certain polices pertaining to employees will remain within the power of City Council to change. Again, this legislation will allow the employee policy manual to be revised in a more efficient manner.

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

**Ms. Lairson motioned to adopt Ordinance O-10-39. Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes. [6-0]**

- 2) **ORDINANCE: SECOND READING.** "AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF SPRINGBORO, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, DECLARING CERTAIN PUBLIC IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER DEVELOPMENT OF THOSE PARCELS, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the second reading of an ordinance declaring improvements, exempting improvements from property taxation, and establishing a Tax Increment Financing (TIF) District within the Springboro School District in Warren County in South Tech Business Park. The TIF proceeds will help pay for the public improvements consisting of the extension of West Tech Road by approximately 1,100 linear feet to open approximately 31 acres of land for development within South Tech Business Park in Springboro. A private developer, Synergy Austin Place, has already purchased 3.83 acres of property at the end of West Tech Road and is under contract to potentially purchase the remainder of the 31-acre property. The developer has proposed approximately \$39M in building improvements on the property over a 10-year period. Contrary to what was reported in the Dayton Daily News, this ordinance does not represent a tax abatement. The developer actually makes payments in lieu of taxes; therefore, they are still paying taxes and the City still receives the property tax. However, the City can apply those payments to the extension of the roadway. Under this TIF agreement, the developer would pay 75% percent of the TIF over 10 years; therefore, the City will retain 75% of those payments and the Springboro School District will retain 25%. Also, contrary to what was reported in the Dayton Daily News, this ordinance has not yet passed; a third reading is scheduled for the next Council meeting on December 16.

Ms. Thompson added that the City has contacted the School District and offered to attend a School Board meeting to talk to the Board Members about the TIF and answer any questions. The School Board had to cancel the previously planned meeting, but plan to reschedule that meeting. Ms. Thompson reiterated that this is a Tax Incrementing Financing District; it is not a tax abatement. Both the Superintendent and the Treasurer of the School District understood exactly what the benefit of the TIF district is to the School District i.e. 25% of something is great; 25% of nothing is nothing, and former Council Member and current School Board Member Scott Anderson alluded to this in the Dayton Daily News article. The City will attend a School Board meeting at the Board's earliest convenience to discuss the TIF. The third reading of this ordinance is scheduled for December 16.

**No action required at this time.**

- 3) **ORDINANCE: SECOND READING.** "AN ORDINANCE AMENDING SECTION 474.06(a), RIDING BICYCLES UPON SIDEWALKS, CHAPTER 474, BICYCLES, MOTORIZED BICYCLES AND SNOWMOBILES, TITLE TEN- BICYCLES, MOTORCYCLES AND SNOWMOBILES, PART FOUR – TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO, OHIO," was read by the Clerk of Council. Chief Kruithoff's comments are summarized as follows:

This is the second reading of an ordinance to amend Section 474.06(a), Riding Bicycles Upon Sidewalks, Chapter 474, Bicycles, Motorized Bicycles and Snowmobiles, of the Codified Ordinances of the City. While preparing for a bike program, one of the police sergeants noticed that there was a conflict between state law and local ordinance; whereas, the local ordinance required people on bicycles to be on the sidewalk, but state law prohibits local communities from enforcing this regulation. This is a housekeeping issue that allows the local ordinance to be amended to correspond with state law.

**No action required at this time.**

- 4) **ORDINANCE: FIRST READING.** "AN ORDINANCE AMENDING CHAPTER 826 OF THE CODIFIED ORDINANCES TO ALLOW ELECTRONIC MESSAGE SIGNS IN THE COMMERCIAL SIGN DISTRICT," was read by the Clerk of Council. Chief Kruithoff's comments are summarized as follows:

This is the first reading of an ordinance to amend Chapter 826 of the Codified Ordinances of the City to allow Electronic Message Signs in the Commercial Sign District. This ordinance was the subject of a presentation at the Work Session earlier this evening. Staff will take into account some of the questions and issues that were presented during that discussion. This ordinance revises Chapter 826, Signs, of the Codified Ordinances. This ordinance involved research and coordination with communities outside of Springboro including most recently the City of Centerville, which revised its code to provide for this type of sign. The proposed Electronic Message Sign is a changeable face sign proposed to be a sign which allows for a portion of a ground sign to change from time to time as defined in the City's sign code as part of the allowable sign area for individual businesses. This proposal to amend the City's sign code was prepared in coordination with the City Manager's Office, the Assistant City Manager, the City's Business Retention Specialist and also the City Zoning Inspector. The City did receive feedback from businesses and others who have expressed an interest in having this type of sign within the City's code. Simply put, the signs would allow for changeable messages, not animated signs, within ground mounted signs in Commercial Sign Districts in the City. The new provisions also allow for non-residential uses in residential districts. Signs are limited to 50% of the proposed sign area of a ground sign. In the largest case scenario, 17.5 sq. ft. of a sign on each face would permit an electronic message required to hold for eight (8) seconds before the transition period with no animation. Other provisions for traffic safety have been included in the proposed sign code, as well. In order to protect the community and enhance the quality of these signs, the proposed provisions require a brick or stone base, which is currently not a minimum requirement for most other signs in the community and there is also a landscape requirement for these signs. Mr. Boron offered to answer any questions and thanked Council for the opportunity to present this proposal earlier this evening.

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

**No action required at this time.**

**ITEM 7. REPORTS: Mayor's Report** – The 3<sup>rd</sup> U.S. District Representative Office Hours will reconvene in January 2011. The next City Council Work Session and Regular Meeting will be held on Thursday, December 16, 2010 beginning with the Work Session at 5:00 PM in the Community Room followed by the Regular Meeting at 7:00 PM in Council Chambers. The December 16 Work Session will begin at 5:00 PM to accommodate a discussion regarding City water and sewer rates.

**City Manager's Report** – Ms. Thompson reported that snow is anticipated this Saturday and the City Public Works Department will be treating the streets with a brine solution for the safety of the residents over the weekend. The brine application is very effective and can dissolve a two-inch layer of snow and then plows can remove additional snow. Again, the brine really helps to remove that first layer of snow from the streets to allow for safe travel.

In addition, this Saturday the City staff will be conducting the first Citizens Academy; fifteen residents will participate in the session. The second session of the Citizens Academy will be held on Saturday, January 29, which will include tours of City facilities, lunch, and a recognition certificate for the participants who completed the two-day program. Staff plans to hold a second Citizens Academy in the fall and continue the program into the future.

Finally, Ms. Thompson thanked the City Parks Department Staff including Vince Murphy, Melissa Whitt, Jon Brown, Jason Frisch, and Tim Leonard for installing the fifteen ft. tree in the lobby of the City Building. Ms. Thompson stated that she is very proud to say that the City bought the tree on sale at the end of last season for a very low price and did not spend taxpayer money in any excess. Ms. Thompson further stated that it was appropriate in trying to help with the Christmas Festival last weekend and to have a holiday spirit for residents. Again, she wanted to thank those staff members for their help in making the City Building look very festive in time for the Christmas Festival on South Main Street.

**Committee Reports** –

**Mr. Vomacka** – No reports.

**Ms. Lairson** – No reports.

**Mr. Moore** – No reports.

**Mr. LaDu** – No reports.

**Mr. Chmiel** – No reports.

**ITEM 8. OTHER BUSINESS.** No Other Business.

**ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS.** Mr. LaDu wished a Happy Hanukkah to everyone in the community celebrating Hanukkah.

**ITEM 10. GUEST COMMENTS.** No guest comments.

**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. In addition, Mayor Agenbroad reported that the 2015 Committee held its third meeting last night in preparation for the City's bicentennial celebration in 2015. Mayor Agenbroad thanked the citizens who are serving on that committee and participating in the planning process.

Mr. Moore motioned to adjourn the meeting; whereby, the Thursday, December 2, 2010 Springboro City Council Regular Meeting was adjourned at approximately 7:15 PM. Mr. Vomacka seconded the motion.

VOTE: Lairson, Yes; Agenbroad, Yes; Chmiel, Yes; LaDu, Yes; Moore, Yes; Vomacka, Yes. [6-0]

—MEETING ADJOURNED—

John H. Agenbroad

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John H. Agenbroad, Mayor

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Presiding Officer

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Lori A. Martin, Clerk of Council