

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

CITY COUNCIL WORK SESSION

THURSDAY, OCTOBER 4, 2007

5:30 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruithoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

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

Ms. Thompson introduced John Fabelo of Lorenz Williams, Lead Architect for the new City building. Mr. Fabelo is scheduled to review/discuss plans and designs for the new City building with Council tonight. Mr. Fabelo's presentation will focus on a more visual approach. Another meeting will be scheduled with Mr. Fabelo to discuss the details of the floor plan and the City Council areas of the building. Mr. Fabelo distributed elevation studies and a summary of the Council questionnaire. (Copies of the elevation studies and the summary of the questionnaire are filed with the minutes for the record.)

Mr. Fabelo commented that the discussion left off at the last meeting trying to answer the question of how to combine the character of the historic area and the new downtown into a new City building –a design that understands the City's past and looks toward the future. Mr. Fabelo referred to the floor plan explaining that it is a little more detailed with respect to rooms and spaces, and he would be presenting a more detailed floor plan in the future, as the plan is still moving and changing. However, the site plan has not changed a lot. Mr. Fabelo presented several elevation studies of the building, and will eventually present a computer model of the new building once the design is modified. He will also present a video of how the building will be seen by passing drivers. Mr. Fabelo also distributed a summary of comments from the eight-question survey that Council completed regarding the desired qualities and characteristics of the new building such as approach, surrounding grounds, and building architecture, both exterior and interior. In question 5, he tallied all of the votes and ranked them based on the summary, and it revealed that staff efficiency and work culture are the highest ranking among all Council comments. Design and innovation received the second highest ranking followed by construction products, long-life, and durability, etc. over minimal construction costs ranking third highest followed by "green" environmental design, which ranked fourth over initial construction costs ranking fifth, followed by energy efficient heating/cooling features with a 3-6 year pay back. Mr. Fabelo interpreted this feedback as design within budget and innovation within budget being very important. To summarize the overall feel, the discussion indicated innovative, high design without being palatial, which was an actual comment. Mr. Fabelo ranked Council's priorities based on the input received, which they refer to as they formulate the design.

Mr. Fabelo reviewed the floor plan by explaining that the building is broken down by city departments. There have been some changes, but the plan still maintains the initial concept of locating the Court Room/Council Chambers and Community Room in a separate building that is connected by a lobby, but is detached enough to allow this part of the building or form to be open more hours. Mr. Fabelo explained that as you approach from the parking area through the front door, you enter a vestibule, to the left are the Council/Court and Community/Training Rooms, and to the right are the administrative offices, safety department, etc. The larger lobby will accommodate Court day traffic, the Clerk of Court's office, and public bathrooms. Mr. Fabelo explained that the idea is to create a separate building that has a scale and a presence that will fill the corner and be very visible with the porch. The bell tower is toward the parking lot, and the porch wraps around, but stops before the entry area in order to focus the public on the entry and the entry does not have to compete with the porch or cause confusion as to where the entrance is. Mr. Fabelo would like feedback on the different elevations presented and the formation of the model. Mr. Fabelo explained that the elevations show slightly different variations of the idea, which is, as discussed, a combination of the character of the historic downtown and uptown Springboro with the notion of porches, the residential scale, and the roof forms. They wanted the design to have some of the historic character like those buildings pictured close to the street downtown, but also wanted to acknowledge the future or where the City is going, and the character of some of the more streamlined, contemporary, simpler forms that are happening in the new downtown. The building is trying to combine both qualities, and still be recognized as a community building. Mr. Fabelo referred to a view from SR73 showing how the gables break up the scale of the building to make a big building feel a lot smaller. The gables also give one of the main areas a little more height, and volumes like the wellness center allow the design to have a little more height. The planning area was given flatter roof to help accentuate that entry and also allow for more glass in the area of the second floor. A glass area defines the second floor offices and allows for light infiltration. The glass area faces south; thus, the lobby, atrium area is always lit. This space plays up the height to one and a half to two stories and would actually have the potential for a visual up to the second floor. The second floor would have windows that take advantage of that light. Mr. Fabelo commented that some of the development along SR73 is very tall, and they are trying to give the area of the building that houses the Court/Council Room a little more height. This height in turn would allow for 15-16 ft. of height inside, but also would give the outside of the building a presence, which is really important in order to anchor the corner. The elevations also show the porch and colonnade that wraps around the three sides, which starts at mid-elevation and goes around the corner facing the intersection as drivers pass by. They do not want the porch along the walkway to be a distraction as the public is walking toward the building; they want the focus to be getting into the building and looking at the building. Mr. Fabelo stated that the initial idea of the flat roof connected with glass separated the two buildings too much, so they introduced tower objects of different scales, but the taller tower breaks that form up. They tried something smaller and added another roof form so it would look like a community or campus, because they did not necessarily want it to feel like one building, but rather a campus of buildings. The campus of buildings would house the safety offices, city hall, etc. like a community, with the library in the background. All of those different forms led to another roof form rather than a tower so that when it is seen from SR73 you would see all these different roofs, which looks like a village or community. The tower was pulled out and made part of the walkway that helps connect the parking area to the building. It is a very simple form, but gives the design height. Based on research, a lot of the old city halls had a tower and a bell, which they used to call meetings. The bell tower could be very appropriate, not necessarily in the front yard, but maybe in the backyard. Mr. Fabelo explained that the elevations he has shown and described were a tool to start studying the scale of the building to make sure it has a presence. Mr. Fabelo further explained that the biggest challenge is that the building does not disappear or look like a house, yet has a scale that is reminiscent of what we really like about the more residential and commercial parts of the community. Mr. Fabelo paused here in his presentation for input.

Mr. Schaeffer referred to the summary of the rankings of the questionnaire by pointing out that "green" was not at the top of the priority list. Mr. Schaeffer asked if any of those types of concepts are built into the design? Mr. Fabelo explained that "green" means a lot of things such as letting natural light into the building, and not having a building that requires you to turn on a light every time you enter. Mr. Fabelo further explained that the way they typically design, regardless of whether a client wants "green" or not, is to be very conscious of trying to build with that type of conservation in mind. For example, there are corridors in the design that on most days would not need artificial light. Also, as seen on the renderings, they looked at metal roofs, which are very green, for a lot of reasons, not just because they are "green", but because it is a commercial building, and we want a form that is very residential, but a product that is a little more commercial because we are in fact a city hall, not just another house in the community. Metal roofing products such as recyclable metal are 50-year products, rather than 20-year products, and you would not need to replace them as often, the windows are also an easy "green" product as far as installing insulated windows, and a lot of the materials for the interior will provide many opportunities for "green" including the mechanical systems, which they have not addressed yet. Even though it is not a high priority, Mr. Fabelo stated that he would avoid proposing the green items that are expensive. There are products that are very good for the environment, but you have to pay a lot more for them up front, but there are things that you can do that are "green" that do not cost any more such as choosing a type of flooring that is more environmentally friendly, and he would present those possibilities even if "green" does

not matter to the client.

Ms. Lairson referred to the atrium, entry area and asked if that area would be naturally lit? Mr. Fabelo replied yes. Ms. Lairson commented that there would need to be lighting for evening events, and inquired regarding lights that would automatically turn on and off based on natural light levels? Mr. Fabelo stated that that type of system is becoming very typical now and they could do that throughout the building, even in an office. He explained that it is as simple as a switch. Instead of a \$3 switch, it may be a \$25 switch, but that switch would automatically turn off when there is enough light level in the space. Again, that could be done everywhere or in select places such as the police area where there are some corridors and circulation spaces internally using clerestories that would allow you to get the natural light and not have to light the corridors all the time. This is a simple way to provide natural light and is one of the common sense things he thinks architects should always use that are not "green." Once the visuals are put into models, he will present a power point presentation showing the building and some of the interior spaces.

Ms. Thompson asked Council what their overall impression is of the design?

Ms. Belpulsi commented that the thoughtfulness put into the concept is very impressive and she likes the idea of the building looking like a community of its own. Ms. Belpulsi stated that she likes the whole concept, but is not sure about the tower. Mr. Fabelo commented that he still likes the idea of a vertical element, but they could create something simple; it does not have to have a gable, cupola or be fussy.

Ms. Lairson commented that she liked the bell tower being between the parking lot and building as a focal point toward the entrance, rather than positioned on the building. Mr. Fabelo stated that you could actually walk through the bell tower like a gateway, as it is shown in the model.

Mr. Chmiel asked for the approximate square footage of the Council Chambers and Community Room? Mr. Fabelo answered that the Council Chambers is 1,000 sq. ft. and the Community Room is 1,200 sq. ft. Mr. Schaeffer asked how it compared to the size of the current Council Chambers? Mr. Fabelo stated that it is close to the width of the current Council Chambers, but is approximately four or five feet wider, and it tapers wider toward the back, which is 15 ft. longer. The Council Chambers is designed to fit 50 people, and would hold additional seating for council meetings; the idea was to get a minimum of 50 people in the room.

Mr. Chmiel commented that one of the things about the current Council Chambers that he really does not like is how crowded it gets when there is something additional going on. Mr. Chmiel stated that it would be nice to have more room to spread out even though the entire space is not used all the time, or to have opportunities to make more space. Mr. Chmiel asked if they could expand the building at the corner to open up the space or would that be something accomplished from the inside? Mr. Fabelo commented that the building would probably have to grow to the outside, but they would be laying out the council bench and spaces next, which will give everyone a feel for what this space does, but you still may want to make it a little bit bigger. Mr. Chmiel suggested that if they were going to change the size of the building by adding 10 ft. to get a little more room, it should be done before the exterior design is finalized. Mr. Fabelo asked Mr. Chmiel if he is speaking in terms of rows or volumes of people with respect to space? Mr. Chmiel stated that he would like more space for people to gather in the room because often people have to stand outside or at the door when there is a crowd.

Ms. Thompson commented that the large conference table would not be in the new council room. The current Council Chambers loses about five rows of seating due to the conference table, and is only about 700 sq. ft. The new building will have additional conference rooms where executive sessions, work sessions, etc. would take place and other spaces that accommodate that kind of use. Ms. Thompson suggested that you could also consider flipping the community room of 1,200 sq. ft. with the Council Chambers, but Ms. Thompson explained that these square footages are comparable to other EOC rooms (emergency operations center), community rooms, and training rooms. She further commented that a 1,000 sq. ft. could hold a lot of straight chairs for a community event, etc.

Mr. Chmiel suggested creating temporary bench seating around the perimeter of the Council Chambers to be able to temporarily accommodate a larger crowd.

Mr. Parise commented that he liked the Council Chambers seating at the Fairborn City Building where the seating is inclined or recessed back to front so that the people in the back row do not have to strain to see over the front rows, and it seemed a lot more open.

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Mr. Fabelo stated that one of the other things that can be explored is whether to raise the council bench. He added that the Council Chambers in the new building would be twice the height of the current Council Chambers.

Mr. Hruska asked if the council room would be opened up by a cathedral or high ceiling? Mr. Fabelo replied yes, the structure would be 18 ft. to the bottom of the structure, and the ceilings would be twice as high adding volume.

Mr. Fabelo explained that 1,200 sq. ft. could easily fit 100 people in chairs. We could add three more rows of seating to the new Council Chambers and accommodate 100 people at a council meeting. Mr. Fabelo explained that you can either raise the audience or you can raise the bench. He further explained that the nice thing about raising the bench is that you still have flexibility in the guest area for stacking seats and reformatting the room for a different type of event or meeting. If you raise the audience, it would really be more like an auditorium, and if you want to have an event or a different type of forum it would be limiting. Mr. Fabelo stated that he thinks that is one of the decisions worth more discussion, and he does not know that the decision would be as much cost driven, as it would be driven by flexibility. Mr. Fabelo explained that they do design forum type spaces that provide that theatrical character, but it is permanent. If you wanted to have an after hours event, you would lose that flexibility. Mr. Fabelo stated that if you raise the bench three steps the person sitting in the last row could easily see the front of the room. In short, one format is more limiting than the other. Mr. Fabelo suggested that the next step might be to design the council bench and the seating area to determine how many people the room could hold.

Mr. Schaeffer asked how high the council dais would be? The current council dais is one step. Mr. Fabelo explained that when they design a typical courtroom they use three steps to the bench, which gives you more presence similar to the feel of the current council bench, but taller.

Mr. Parise confirmed that widening this room would also widen the bench area? Mr. Fabelo replied yes. Mr. Parise commented that the people seated on the ends are very close to the edge of the bench platform, and the space is very tight.

Ms. Thompson stated that the whole council set up would be different; it would be wider, better and have more technology.

Ms. Thompson asked Mr. Fabelo if he had received the input he needs to continue with the design of the building and does Council think the plan is going in the right direction? Mr. Fabelo asked if Council liked the concept of mixing some of the roof forms and flat forms and capturing the character of the old and the new?

Mr. Chmiel asked if they were considering metal roofing? Mr. Fabelo replied yes, it would give the building more presence.

Ms. Belpulsi asked if metal roofs would be noisy? Mr. Fabelo replied yes. Mr. Fabelo explained that most of the spaces that would have metal roofs would have acoustical ceilings, but metal roofs are noisy when installed in an open space. Mr. Fabelo further explained that all of the flat roofs in the elevations shown would have a more traditional rubber roof because there is no point to spend extra money there. The larger gabled areas would have metal roofs with attics, which would be insulated; thus, the noise from the metal roofs would not be an issue.

Mr. Parise confirmed that the "flat roofs" Mr. Fabelo referred to would be inclined? Mr. Fabelo replied yes, the "flat" roofs would slope to drains. Mr. Fabelo explained that he refers to anything with a minimal slope to a drain as a "flat" roof?

Mr. Parise asked if metal roofs are more reliable endurance wise than shingles? Mr. Fabelo replied yes, metal roofing is a 50-year product, shingles last for 20-years and have issues with wind, hail, etc.

Ms. Thompson commented that the library roof was damaged by ice dams resulting in extensive repairs. Ms. Thompson asked if the metal roofs would help avoid that problem. Mr. Fabelo replied yes, it would collect and drain water and ice, etc.

Ms. Lairson commented that she liked the little rows of roof points because the town started with little picket fences throughout the landscape, and it goes along with that historic character, as the points remind her of a picket fence. Ms. Thompson added that it is like the pickets on the city landscape identity signs.

Mr. Fabelo commented that one rendering shows the columns disappearing and reappearing again, as shown in the model. He stated that he likes the historic character of the downtown and all of the porches up against the street, but they are not really porches, they are businesses, but he is trying to create that recall with the porch detail. The porch is maybe 3 ft. in its

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shadow line, and even though you are not going to use that porch, it gives you that very inviting and welcoming feeling in a building that is commercial yet is unique to the community. Mr. Fabelo added that the other porch is a real porch where you could sit or stand, and potentially be able to open up both of those rooms (Council/Court Room and Community Room) to the porches and to the outside for events or to the park area, which is a nice feature.

Ms. Thompson will coordinate the next meeting with Mr. Fabelo to discuss the details of the interior floor plan, specifically the Council areas. Ms. Thompson thanked Mr. Fabelo for his presentation.

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

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

No discussion. This legislation has been deferred to Executive Session to be discussed under imminent litigation.

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

No discussion.

- 3) **EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,750,000 OF REVENUE RENEWAL NOTES BY THE CITY OF SPRINGBORO, OHIO FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES IN THE CITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES; AUTHORIZING NECESSARY AND APPROPRIATE DOCUMENTS; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES; AND DECLARING AN EMERGENCY.

The Director of Finance has requested that City Council waive the second and third readings of this ordinance in order to sell the notes in mid-October (October 10).

Ms. Thompson commented that the City has received more revenue resulting from the Crucible, Children's Medical Center, and Maverick-Renegade land sales to pay this note down, but the funds could not be secured prior to the date the note had to be paid. The new revenue, an additional \$1M from those land sales, will be included in the next renewal. There is an additional million dollars from those sales to pay down more of this note. When the closing occurs with R.G. Properties for the other six acres and the four acres they intend to purchase from the City, it will reduce this note to a minimum; it will amount to \$2.5M in land sales of the \$3.75M note, which has been beneficial. Ms. Thompson reiterated that the current note has been reduced by \$530,000, but there is more money in reserve this year, which could not be secured in time to apply to this note reduction.

Mr. Chmiel asked if Ms. Thompson could show Council the revenue receipts of those land sales as they come through? Ms. Thompson replied yes, she would follow up.

There were no objections to waiving the second and third reading of this ordinance at tonight's City Council Regular Meeting.

- 4) **RESOLUTION:** A RESOLUTION APPROVING THE GENERAL PLAN FOR THE OTTERBEIN RETIREMENT COMMUNITIES INC.'S PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS.

No discussion.

- 5) **RESOLUTION:** A RESOLUTION TO ADOPT THE SPRINGBORO RECORDS RELEASE POLICY, RETENTION SCHEDULE; AND OTHER DOCUMENTS PERTINENT TO THE CITY'S RECORD MANAGEMENT PROGRAM AND TO AUTHORIZE THE INCLUSION OF THE RECORDS RELEASE POLICY INTO THE CITY'S EMPLOYEE MANUAL PURSUANT TO THE REQUIREMENTS OF 2007 HOUSE BILL 9.

Mr. Schaeffer will comment on this legislation at tonight's City Council Regular Meeting following the reading.

ITEM 5. CITY MANAGER. –Issues/Reports.

OCMA Conference: Ms. Thompson will be attending the Ohio City Managers Association Annual Conference in Pittsburgh, PA. Mr. Pozzuto will return to the office on Monday, October 8 following his father's funeral. Mr. Pozzuto will serve as Acting City Manager in Ms. Thompson's absence. Additionally, City staff is collecting money to sponsor a Memorial Tree in honor of Mr. Pozzuto's father who passed away last Sunday, October 30. The tree will be planted in a City park.

Springboro Day at Heatherwoode: Springboro Day at Heatherwoode will be held on Sunday, October 14 at Heatherwoode Golf Course. Food will be served from 11:00AM-1:00PM on the deck. Council Members who plan to host should arrive between 10:30-10:45AM.

Executive Session: Mr. Schaeffer requested an Executive Session, following the Work Session discussion, to discuss imminent litigation and to consider the discipline of a public employee.

At this time, Mayor Agenbroad asked for a motion to enter Executive Session under R.C.121.22(G), following the Work Session discussion, to discuss imminent litigation and to consider the discipline of a public employee.

Mr. Hruska motioned. Ms. Belpulsi seconded.

No discussion.

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

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

Ms. Martin made the following comments and announcements:

Springboro Chamber of Commerce Annual Dinner: The Springboro Chamber of Commerce Annual Dinner event will be held on Monday, October 15, 2007 at Sycamore Creek Country Club; social hour begins at 5:30 PM, followed by dinner at 6:30 PM.

MVRPC Comprehensive Local & Regional Bikeways Public Participation Meeting: MVRPC plans to hold several community meetings regarding the Comprehensive Local & Regional Bikeways plan to inform the public of the data collected to date, the initial ranking and status of the projects, and to seek additional public input from community residents. They will conduct a meeting in Springboro on Tuesday, October 23 in Council Chambers from 4:00-7:00PM.

Calendar Updates: "Halloween Movies in the Park," is Saturday, October 27 at 7:30PM at North Park Amphitheater; Beggars' Night is Tuesday, October 30, 6:00-8:00PM.

In addition, Ms. Martin mentioned that Election Day is Tuesday, November 6, 6:30AM-7:30PM. The City Council Chambers has served as polling site for voting precinct 0032 for a number of years, but due to the City's pending move, the Board of Elections has moved this polling site to Springboro Baptist Church at 125 E. Mill Street. The Board of Elections will notify voters of this precinct regarding this change. The City will have a notice posted at the door and at the front desk.

IIMC/MMC Certified Training Program: Ms. Martin will be attending the Master Municipal Clerk Certified Training Program October 17-19 at Kent State. Lois Boytim will serve as Acting Clerk of Council in Ms. Martin's absence and will attend the

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October 18 City Council Meetings.

5-Year CIP Presentation: The 5-Year CIP presentation and discussion will take place on Thursday, October 18 at 5:00PM in Council Chambers. The Work Session has been scheduled to begin one hour early to accommodate this presentation/discussion.

Records Commission: The Records Commission met this afternoon at 2:00 PM in Council Chambers to finalize and approve the City of Springboro Public Records Manual, which has been distributed to Council Members for review. Mr. Schaeffer will address this issue at tonight's City Council Regular Meeting under Legislative Item 5. There were no additional questions or discussion regarding the proposed Public Records Manual.

ITEM 7. CITY COUNCIL. –Issues/Reports.

Mr. Parise – No issues/reports.

Mr. Chmiel – No issues/reports.

Mr. Hruska – No issues/reports.

Mr. Lairson – Ms. Lairson will be out-of-town October 12-15, and will not be able to attend Springboro Day at Heatherwoode or the Chamber of Commerce Dinner.

Mr. Anderson – In reference to Legislative Item 3, Mr. Anderson asked Ms. Thompson if she had any indication of how much the annual payment would be reduced once the City renews the note? Ms. Thompson explained that the note would be reduced by \$530,000, but she would find out what the annual payment will be when Robyn Brown (Director of Finance) returns to the office next week.

Ms. Belpulsi – Ms. Belpulsi will present a Planning Commission report at tonight's City Council Regular Meeting under Reports.

Mayor Agenbroad – Mayor Agenbroad will not be able to attend the Chamber of Commerce Dinner due to out-of-town business.

At approximately 6:16 PM, City Council entered Executive Session to discuss imminent litigation and to consider the discipline of a public employee; whereby, the Law Director was present.

With no objections, City Council exited Executive Session at approximately 6:50 PM; whereby, no votes were taken.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the City Council Work Session at approximately 6:50 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, OCTOBER 4, 2007

7:00 PM

CITY COUNCIL
John Agenbroad, Mayor

Marie Belpulsi, Deputy Mayor
Scott Anderson
Jim Chmiel

Gary Hruska
Sheila Lairson
John D. Parise

CITY STAFF
Chris Thompson, City Manager

Chris Pozzuto, Assistant City Manager
Jeff Kruthoff, Police Chief

Alan Schaeffer, Law Director
Lori Martin, Clerk of Council

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

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

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

ITEM 4. APPROVAL OF MINUTES: THE MINUTES OF THE SEPTEMBER 20, 2007 CITY COUNCIL WORK SESSION AND REGULAR MEETING.

Mr. Parise motioned to approve the Minutes of the September 20, 2007 City Council Work Session and Regular Meeting as submitted by the Clerk of Council. Ms. Lairson seconded the motion.

No corrections.

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

ITEM 5. PRESENTATIONS: No presentations.

ITEM 6. LEGISLATION:

City Council held a Work Session at 5:30 PM immediately prior to tonight's City Council Regular Meeting for approximately 46 minutes to discuss the following legislative items and to discuss preliminary plans for the new city building with Architect John Fabelo of Lorenz Williams. In addition, City Council entered Executive Session during the Work Session for approximately 34 minutes to discuss imminent litigation and to consider the discipline of a public employee; whereby, no votes were taken.

1) **ORDINANCE O-07-40: THIRD READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 13.3 ACRES OF LAND AT 8683 CLEARCREEK-FRANKLIN ROAD FROM ED, EMPLOYMENT CENTER DISTRICT, AND (T)R-1, FRANKLIN TOWNSHIP RURAL

RESIDENCE DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance amending the official City zoning map to rezone approximately 13.3 acres of land at 8683 Clearcreek-Franklin Road from ED and (T)R-1 to PUD-R. The ordinance contains the following conditions: 1) that a lot split is recorded for the site, 2) that the maximum number of dwelling units is 118, 3) that access to the site would be only from Clearcreek-Franklin Road, and 4) that the site cannot be developed until a general plan is submitted to the Planning Commission. This rezoning is consistent with the City's Comprehensive Land Use Master Plan.

Mayor Agenbroad commented that upon deliberation, City Council does not believe that the applicant's request to table this ordinance until November 15 is in the best interest of the City.

Mayor Agenbroad presented the item for discussion.

Ms. Belpulsi stated that, as Chairman of Planning Commission and as a Member of City Council, she would like to motion to amend Legislative Item 1, Ordinance O-07-40, to stipulate that the rezoning only permit the building of condominiums or cluster homes and adhere to the other conditions as stated in the legislation under Legislative Item 1. Mr. Chmiel seconded the motion.

No discussion.

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

Mr. Hruska motioned to vote on the main motion as amended, thereby adopting Ordinance O-07-40 as amended. Ms. Lairson seconded the motion.

No discussion.

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

Mayor Agenbroad thanked and commended City Council for their deliberations on this subject matter.

FOR THE RECORD, A PETITION CONTAINING APPROXIMATELY 250 SIGNATURES OPPOSING THIS ORDINANCE TO REZONE 8683 CLEARCREEK-FRANKLIN ROAD TO PUD-R WAS SUBMITTED BY MALACHI SLOAN, 485 WHISPERING PINES, SPRINGBORO. (A COPY OF THE PETITION IS FILED WITH THE MINUTES FOR THE RECORD.)

FOR THE RECORD, THE FOLLOWING RESIDENT SUBMITTED THEIR OPPOSITION TO THIS REZONING IN WRITING: LORI DIX, 230 FOLIAGE LANE, SPRINGBORO. (A COPY OF THE WRITTEN SUBMITTAL IS FILED WITH THE MINUTES FOR THE RECORD.)

- 2) **ORDINANCE O-07-41: THIRD READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, REZONING APPROXIMATELY 5.5 ACRES OF LAND NEAR THE SOUTHEAST CORNER OF CLEARCREEK-FRANKLIN ROAD AND WHISPERING PINES FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT, AND O-2, OFFICE PARK DISTRICT, TO PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the third reading of an ordinance amending the official City zoning map to rezone approximately 5.5 acres of land near the southeast corner of Clearcreek-Franklin Road and Whispering Pines from R-2 and O-2 to PUD-B. This ordinance to rezone the subject property specifies only one land use, which is a nursing home and convalescent

facilities, as the sole, permitted use for the site. No other business use would be permitted on this site under this ordinance. This rezoning is consistent with the City's Comprehensive Land Use Master Plan. The Planning Commission approved and recommended this rezoning on July 25, 2007.

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

Mr. Chmiel motioned to approve Ordinance O-07-41. Ms. Belpulsi seconded the motion.

No discussion.

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

- 3) **ORDINANCE O-07-42: FIRST READING.** "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,750,000 OF REVENUE RENEWAL NOTES BY THE CITY OF SPRINGBORO, OHIO FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES IN THE CITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES; AUTHORIZING NECESSARY AND APPROPRIATE DOCUMENTS; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES; AND DECLARING AN EMERGENCY," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This is the first reading of an ordinance providing for the issuance of not-to-exceed \$3,750,000 of revenue renewal notes originally for the purpose of acquiring real property for municipal purposes (approx. 90+/- acres (Danis Property) at South Tech Business Park). The purpose of this legislation is to renew \$4.280M in real estate acquisition revenue notes that mature on November 1, 2007. The City wishes to renew the notes by a reduced amount of \$530,000. In other words, the City has been able to pay down the principle by that amount of money through land sales of city-owned property in the South Tech Industrial Park.

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

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

No discussion.

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

Mr. Hruska motioned to approve Ordinance O-07-42. Ms. Lairson seconded the motion.

No discussion.

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

- 4) **RESOLUTION R-07-45:** "A RESOLUTION APPROVING THE GENERAL PLAN FOR THE OTTERBEIN RETIREMENT COMMUNITIES INC.'S PUD-B, PLANNED UNIT DEVELOPMENT-BUSINESS," was read by the Clerk of Council. Ms. Thompson commented on this item as follows:

This resolution approves the general plan for the Otterbein Retirement Communities, Inc.'s PUD-B consisting of approximately 5.5 acres near the southeast corner of Clearcreek Franklin Road and Whispering Pines. As stated in Legislative Item 2, the Otterbein Communities will be the PUD-B located at the corner of Clearcreek-Franklin Road near Whispering Pines. As part of the general plan that was submitted, the property would be developed as five

buildings that would accommodate 10 residents per building, or a 50-bed facility. Each building would be approximately 7,000 sq. ft., and the density of the project would be 9.1 beds per acre. The resolution incorporates staff comments and conditions that were placed on the approval of the general plan by the Planning Commission on July 25, 2007. The rezoning and the general plan are the first steps in a three-step PUD approval process. Following approval of the rezoning and the general plan, the PUD would be subject to a final development plan review by the Planning Commission.

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

Ms. Belpulsi motioned to approve Resolution R-07-45. Mr. Chmiel seconded the motion.

No discussion.

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

- 5) **RESOLUTION R-07-46:** "A RESOLUTION TO ADOPT THE SPRINGBORO RECORDS RELEASE POLICY, RETENTION SCHEDULE; AND OTHER DOCUMENTS PERTINENT TO THE CITY'S RECORD MANAGEMENT PROGRAM AND TO AUTHORIZE THE INCLUSION OF THE RECORDS RELEASE POLICY INTO THE CITY'S EMPLOYEE MANUAL PURSUANT TO THE REQUIREMENTS OF 2007 HOUSE BILL 9," was read by the Clerk of Council. Ms. Thompson deferred to the Law Director to comment on this item.

This resolution adopts the Springboro records release policy, retention schedule, and other documents pertinent to the City's Record Management Program, etc. pursuant to the requirements of 2007 House Bill 9 effective September 29.

Mr. Schaeffer commented as follows: Legislative Item 5, dealing with the public records law and requesting Council to adopt the new public records manual that the City has developed, is a direct outgrowth of House Bill 9 passed last December by the State legislature, which calls for the implementation of that new law by September 29 of this year. The City was in full compliance with House Bill 9 as of September 29. This resolution simply ratifies that act by giving City Council the opportunity to review the City of Springboro Public Records Manual and taking action to approve it tonight. The City is in full compliance with the law and deems the whole concept of public records to be a very serious matter, and understands that it holds the records for and on behalf of the people of the community. Adoption of this legislation is a very open and outward extension of that understanding by this Council, and Council is asked to act favorably on this legislation tonight.

Mayor Agenbroad presented the item for questions/comments.

Ms. Belpulsi commented that the records policy is very well done and very thorough. Ms. Belpulsi congratulated the Records Commission, and Ms. Martin and Mr. Schaeffer for their work on this policy.

Mr. Schaeffer thanked Ms. Belpulsi for her comments, and stated that a lot of people worked on this policy.

Ms. Belpulsi motioned to approve Resolution R-07-46. Mr. Hruska seconded the motion.

No discussion.

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

ITEM 7.

REPORTS:

Mayor's Report – 3rd U.S. District Representative Office Hours will be held on Friday, October 12, 9:00-10:00AM in

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Council Chambers; Springboro Day at Heatherwoode will be held on Sunday, October 14; "Halloween Movies in the Park" will be held on Saturday, October 27 at the North Park Amphitheater; Beggar's Night will be observed on Tuesday, October 30, 6:00-8:00PM. The next City Council Work Session will be held on Thursday, October 18, 2007 beginning at 5:00 PM in Council Chambers to accommodate the 5-Year CIP presentation/discussion. The next City Council Regular Meeting will be held on Thursday, October 18, 2007 at 7:00 PM in Council Chambers, as scheduled.

City Manager's Report – No reports.

Committee Reports –

Mr. Parise – No reports.

Mr. Chmiel – No reports

Mr. Hruska – No reports.

Ms. Lairson – No reports.

Mr. Anderson – No reports.

Ms. Belpulsi – Planning Commission – The Planning Commission held their Regular Meeting on Wednesday, September 26, 2007 at 7:00 PM in Council Chambers to consider the following items: Record Plan – South Tech, Section 17, Children's Medical Center located in South Tech Industrial Park [APPROVED]; Informal Site Plan Review – 610 West Central Avenue, TrueNorth Convenience Store/Gas Station and Dunkin' Donuts, new retail building. The Planning Commission provided additional input regarding this plan. The next Planning Commission Work Session will be held on October 10, 2007 at 7:00 PM in Council Chambers, as scheduled.

ITEM 8. OTHER BUSINESS. No other business.

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

ITEM 10. GUEST COMMENTS. 1) **Joseph Koussa, 1537 Beavercreek Lane, Kettering, OH** – Mr. Koussa asked God to protect the troops serving overseas and to bring them home safely. In addition, Mr. Koussa expressed his opinion that a student needs three different teachers in every school. One teacher to teach the book, another to teach domestic finance, because most divorces are the result of financial problems, and the third teacher to teach good parenting. Mr. Parise also expressed his concern regarding the number of teenaged children thrown out of their homes due to divorce or familial unrest. Mr. Parise would like to see a mandatory course on finance and parenting required for marriage. Finally, Mr. Parise stated that two hundred years ago, under the first president, President George Washington, 3,000,000 people lived in America, and now, over 300,000,000 people live in America.

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

2) **Mike Hemmert, 115 Heatherwoode Boulevard, Springboro** – Mr. Hemmert commented that he has been part of the Heatherwoode Subdivision for about a year. The residents of Heatherwoode see so many positive things happening at Heatherwoode Golf Course after the City changed management companies. He thanked City Council for that change. His neighbors in Heatherwoode have expressed that they see a lot of positive things happening. He has passed those positive comments on to the City Manager. In addition, Mr. Hemmert commented that a second local food pantry has been started in the Springboro area. Mr. Hemmert recognized that Mayor Agenbroad had recently made a contribution to that food pantry. Mr. Hemmert explained that the food pantry he works with is located in Franklin and helps the residents in Springboro, Franklin, and Carlisle, and he has been proud to be a part of that food pantry for the past seven years and on the board. Mr. Hemmert mentioned that there are a number of area businesses in Springboro that donate to the food pantry on a regular basis. The first business that has done so much for the food pantry is Preston's IGA in Springboro. They won a contest for a number of IGAs in a geographic area, and they received an entire truckload of food, and without hesitation they donated that entire truckload to the food

pantry. Also, Dorothy Lane Market in Springboro donates to the food pantry three times per week. They donate all of their artisan breads, and the food pantry is proud to receive those. The Donut Haus in Springboro also donates their day-old products to the food pantry. The food pantry bags up the products in Ziploc bags; Six donuts per bag are frozen, and then donated to people in need. Mr. Hemmert attended a food pantry board meeting on Monday night, and for the first time ever the food pantry stock is down, and he circulated a picture to City Council to show how low the stock is now. For the first time ever, they may have to close up the food pantry for a couple of days per week. On Monday alone, they served 180 people that came in, in need. Mr. Hemmert thanked the City of Springboro for its contribution to the food pantry every year, which is usually made in December, and hopes the City considers the food pantry again for a donation. Mr. Hemmert stated that he wanted to encourage the residents of Springboro to support those area businesses that continue to donate to the food pantry, and if anyone is in a position to make a donation to the food pantry; they are doing wonderful things. There are 100 volunteers involved with the food pantry, and again, they hope people will want to continue to help the food pantry.

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

3) Leslie Marsh, 160 Foliage Lane, Springboro – Ms. Marsh lives across the street from the 13.3 acres located at 8386 Clearcreek-Franklin Road, which was rezoned to PUD-R at tonight's meeting under Legislative Agenda Item 1. Ms. Marsh commented as follows: "I spoke with you the last time you had your Council meeting. The first thing I would like to do is thank you very much for the attention and consideration that you have given to the development issue of the 13.3 acres there on Clearcreek-Franklin Road. Thank you very much also for the change that you made tonight. I really appreciate that consideration, and the change that you have considered for that, and we hope that you will continue to take control of that issue and make sure that development and any other development here in Springboro is also carefully considered to maintain Springboro and the character that this town has. I would like to reiterate that there is a real need to preserve the green space in that particular development to make sure that there is a park or playground area that is developed within that area and that there is preservation of the mature trees on that property; this would be a really wonderful thing to see. Again, we have concern for the traffic control there on Clearcreek-Franklin Road especially considering that there are going to be at least 178 additional cars going in and out of that one subdivision with one entrance and egress point for all of those cars to go through. My other concern is that there are busses that will be going up and down Clearcreek-Franklin Road. As I spoke last time, the other apartment complex that is there on Clearcreek-Franklin picks up their students right there on Clearcreek-Franklin and it is necessary for the traffic to stop there. It would be very nice to see that development put in a bus turn around within that area, so that there is not that issue. I realize that those students belong to Franklin, but then that raises the issue that there are going to be Franklin as well as Springboro busses going up and down that street. We really need to ensure that the development will preserve the value of the local properties right there in that area. I know that the consideration that you made and the change that you made to only have condominiums and small cluster housing or perhaps something even lower density will really help with that. Thank you very much for the traffic monitoring that we noticed over the past week or so. A police car was parked up there at the top of the hill and that really helps slow people down including myself. I was wondering that the number of units on that particular development was not addressed, and I am hoping that with the change in this development to condominiums and cluster housing . . . I just do not know? Is that in the planning ordinances that use will also lower the density? Does anyone know?"

Ms. Belpulsi answered as follows: "I cannot tell you whether it is going to lower it or not. All I can tell you right now is that they cannot have any more than 118 units. When we get into the general plan review, once it is presented, and we work out streets and green space and things of that nature, it may reduce it or it may not, but we have to address it then. The tough part here for us, for Planning Commission, is that we never had a plan. We approved this rezoning only on number of units, and we negotiated that way down. We will address those issues through the general plan review, and then it will come back to Council again for approval. You have some safe guards there."

Ms. Lairson asked Ms. Belpulsi to explain how the PUD requires a certain amount of green space.

Ms. Belpulsi explained as follows: "When we do a PUD rezoning, and we like to work with PUDs because it gives us a lot of flexibility and it gives the developer a lot of flexibility also, but it also requires a minimum of 25% green space, and that helps address some of your issues regarding trees and park areas."

Ms. Marsh replied as follows: "She read that requirement in some of the minutes, so that was good to hear."

Ms. Belpulsi further commented as follows: "I know about the trees and related issues, and we will work very diligently with the developer when they present a plan and take all of those concerns into consideration. We live here too, and we want what is best for all of us."

Ms. Marsh replied as follows: "Good; that is good to hear, and I see that in the considerations that you all have put forward. We really very much appreciate that, but thank you again for your vigilance over Springboro and its development. Thank you."

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

4) Eugene Charles "Chip" Haerr, III, 340 Clearcreek–Franklin Road, Springboro – Mr. Haerr commented as follows: "I do want to thank you. I also want to thank the Police Chief for the additional monitoring. Just as a comment on the traffic, yesterday morning I believe it was, we have the busses stop two, three, four times down along that road, and we did have a vehicle blow right on past the bus, and that is part of my major concern; the traffic on the road. Today, as the bus was stopped in front of Heather's house picking up her son, there was a fellow with his head out the window, short of honking his horn, 'Come on!' he is yelling, and the bus is sitting there with the lights flashing, that is the sensitivity of and the amount of traffic on that road. I do not know that I necessarily want it reduced to 25MPH or what the solution is, but there is a problem in this case with traffic and the busses. Thank you very much."

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

No other guests came forward.

ITEM 11. EXECUTIVE SESSION. No Executive Session.

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

Ms. Belpulsi motioned to adjourn the meeting; whereby, the Thursday, October 4, 2007 Springboro City Council Regular Meeting was adjourned at approximately 7:25 PM. Ms. Lairson seconded the motion.

No discussion.

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

John Agenbroad, Mayor

Presiding Officer

Lori A. Martin, Clerk of Council