

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

CITY COUNCIL WORK SESSION

THURSDAY, JULY 21, 2022

6:00 PM

CITY COUNCIL

**John Agenbroad, Mayor
Becky Iverson, Deputy Mayor/At Large
Stephen Harding, At Large
Janie Ridd, Ward 1
Dale Brunner, Ward 2
Jack Hanson, Ward 3
Jim Chmiel, Ward 4**

CITY STAFF

**Chris Pozzuto, City Manager
Greg Shackelford, Assistant City Manager
Gerald McDonald, Law Director
Lori Martin, Clerk of Council**

ITEM 1. CALL TO ORDER. Mayor Agenbroad called the Springboro, Ohio City Council Work Session to order on Thursday, July 21, 2022 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

ITEM 2. ATTENDANCE. Council: All present. **Staff:** Mr. Pozzuto, Mr. Shackelford, Mr. McDonald and Ms. Martin were present. Finance Director Jonathan Hudson was also present. Mr. Pozzuto was absent.

ITEM 3. LEGISLATIVE AGENDA. – Review legislative items slated for July 21.

- 1) EMERGENCY ORDINANCE: FIRST READING.** AN ORDINANCE DECLARING THE NECESSITY OF PROVIDING CERTAIN MAINTENANCE IN THE HEATHERWOODE SUBDIVISION OF THE CITY OF SPRINGBORO, OHIO AND DECLARING AND EMERGENCY.

Mayor Agenbroad confirmed staff's request to waive the second and third readings of this ordinance and proceed with adoption at tonight's Regular Meeting.

There were no objections to this request.

Ms. Iverson asked Mr. McDonald to confirm that despite her address as a property owner in the Heatherwoode Subdivision, she could still vote on this ordinance.

Mr. McDonald confirmed that this ordinance is general in nature; therefore, yes, she may vote on the ordinance.

Mr. Hudson commented on this item as follows: The City has historically helped the Heatherwoode HOA with collecting their HOA fees through special assessments. The fees are collected by the county through a property tax special assessment, then the county forwards

the monies to the City to disperse to the HOA. The Heatherwoode HOA determines the total amount of the assessments and how the monies are spent according to need. In essence, the City acts as the intermediary. The last five-year assessment has expired, and this ordinance increases the assessments to be levied for another five years. There is a small increase in the assessment due to current costs associated with the maintenance and improvements. Any questions or comments concerning the assessments are directed to the HOA President. To reiterate, the City acts as a transactional entity in this process.

Mr. Brunner asked Mr. Hudson if the City would consider providing this service for other HOAs.

Mr. Hudson explained that the City was providing this service for McCray Farms. Their HOA reached out and were told staff would be willing to discuss it, but some of the rules have changed slightly; for example, the county auditor charges a fee now. Staff has not heard back from that HOA. Mr. Hudson commented that they are always open to talking to other HOAs, but there is a little ambiguity in the code regarding this process. If interested, HOAs may reach out to Mr. Hudson or Assistant Finance Director Beth Eaton. Mr. Hudson emphasized that there is a little more to this process now; however, this particular assessment for the Heatherwoode HOA is somewhat grandfathered.

Mr. Brunner commented that HOAs really do not have much leverage when property owners do not comply.

A brief discussion followed concerning the City's role in this process, i.e., the City submits the special assessments to Warren County, the county collects the fees through the property tax bills and forwards the monies to the City to be disbursed to the HOA. The collection enforcement component of this process is through the property owner's tax bill. In other words, if the property's tax bill is not paid, it would eventually go to collections, etc.

There was no further discussion regarding this item.

- 2) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO SELL APPROXIMATELY 4.25 ACRES OF PROPERTY LOCATED AT THE ASCENT ON WEST TECH BOULEVARD TO MAYFIELD CORNERSTONE LLC.

No discussion.

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ODOT PRELIMINARY LEGISLATION AS PRESENTED FOR THE COMPLETION AND APPOINTMENT AS THE LPA – LOCAL PUBLIC AGENCY FOR THE CLEARCREEK-FRANKLIN ROAD RESURFACING PROJECT; WAR-CR-119-0.00, PID NO. 113659.

No discussion.

ITEM 4. CITY MANAGER. – Issues/Reports.

Mr. Shackelford reported on the following items:

--Mr. Shackelford commented that the City sent three Service Department staff members and a dump truck to help the City of Goshen following the recent tornado. Staff members were assisting Goshen for the past week and a half. Mr. Shackelford thanked Public Works Director Vince Murphy and his team for their efforts; it was a great collaboration to help that community.

--Mr. Shackelford also commented on the great job Chief Kruihoff and the Police Department have done to help Clearcreek Township following the recent shooting involving the critical injury of Officer Eric Ney. In addition, the Clearcreek Township Fire Department did a great job of

helping to save Officer Ney's life. Mr. Shackelford thanked the first responders who put their lives on the line every day and the City's police officers, who covered the patrols for Clearcreek Township and have been there in support of the Clearcreek Police Officers.

Mr. Shackelford expressed kudos to Administrative Secretary Sharon Rottert for all of her hard work at the concerts at North Park and Wright Station as well. Mr. Shackelford commented that Ms. Rottert has done a great job, and he appreciates all of her time and efforts.

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

Calendar Updates: "Concerts in the Park" continue every Tuesday at 7:00 PM and every Friday at 7:30 PM in July. The last three concerts of the season are July 22, July 26 and July 29. Concert details can be found on the City's website, newsletters and social media.

The next City Council Work Session will be held on Thursday, August 4, 2022 beginning at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers.

ITEM 6. CITY COUNCIL. – Issues/Reports.

Mr. Harding – No reports.

Mr. Hanson – No reports.

Mr. Chmiel – No reports.

Mr. Brunner – No reports.

Ms. Ridd – No reports.

Deputy Mayor Iverson – No reports.

Mayor Agenbroad – Mayor Agenbroad reported that motions would be in order at tonight's Regular Meeting under Other Business to take action on a Notice for a Liquor Permit for Latin Arepas Street Cafe (85 W. Central Ave.) AND to set a Public Hearing on September 1, 2022 at 7:00 PM in Council Chambers for an amendment to the Planning and Zoning Code (Chapter 1276, Solar Energy Systems). Mayor Agenbroad also announced that a Public Hearing would be held on August 18, 2022 at 7:00 PM in Council Chambers for the application to extend Springboro's existing DORA (Designated Outdoor Refreshment Area) at Wright Station to the Historic Downtown area of the City.

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the Thursday, July 21, 2022 City Council Work Session at approximately 6:10 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JULY 21, 2022

7:00 PM

CITY COUNCIL

John Agenbroad, Mayor
Becky Iverson, Deputy Mayor/At Large
Stephen Harding, At Large
Janie Ridd, Ward 1
Dale Brunner, Ward 2
Jack Hanson, Ward 3
Jim Chmiel, Ward 4

CITY STAFF

Chris Pozzuto, City Manager
Greg Shackelford, Assistant City Manager
Gerald McDonald, Law Director
Lori Martin, Clerk of Council

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting of Thursday, July 21, 2022 to order 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.

Invocation by Council Member Jack Hanson.
- ITEM 3. ROLL CALL.** Agenbroad, Present; Brunner, Present; Chmiel, Present; Hanson, Present; Harding, Present; Iverson, Present; Ridd, Present. Staff: Mr. Shackelford, Mr. McDonald and Ms. Martin were present. Mr. Pozzuto was absent.
- ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF JULY 7, 2022.

Mayor Agenbroad presented the minutes for additions/corrections. No additions/corrections.

Mr. Harding motioned. Ms. Ridd seconded the motion.

No discussion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Abstain; Hanson, Yes; Harding, Yes; Brunner, Abstain; Ridd, Yes. [5-0-2]
- ITEM 5. PRESENTATIONS:** No presentations.
- ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 10 minutes to discuss the following legislative items as well as other City business.
- 1) ORDINANCE O-22-17: FIRST READING.** AN ORDINANCE DECLARING THE NECESSITY OF PROVIDING CERTAIN MAINTENANCE IN THE HEATHERWOODE SUBDIVISION OF

THE CITY OF SPRINGBORO, OHIO AND DECLARING AN EMERGENCY, was read by the Clerk of Council. Mr. Shackelford's comments are summarized as follows:

This is the first reading of an ordinance declaring the necessity of providing common area maintenance in the Heatherwoode Subdivision. The cost of the improvements will be paid by special assessments of \$625 per household/per year for a five-year period. This is the first of three legislative items pertaining to these improvements and assessments. This first item serves as notification to the property owners to be assessed for the improvements.

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

As discussed at the Work Session, Mayor Agenbroad called for a motion to suspend the rules and waive the second and third readings of Legislative Item 1, an Emergency Ordinance.

Ms. Iverson motioned. Ms. Ridd seconded the motion.

No discussion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

Mayor Agenbroad called for a motion to adopt Ordinance O-22-17.

Ms. Iverson motioned. Mr. Harding seconded the motion.

No discussion.

VOTE: Brunner, Yes; Ridd, Yes; Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes. [7-0]

- 2) **RESOLUTION R-22-24:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO SELL APPROXIMATELY 4.25 ACRES OF PROPERTY LOCATED AT THE ASCENT ON WEST TECH BOULEVARD TO MAYFIELD CORNERSTONE LLC, was read by the Clerk of Council. Mr. Shackelford's comments are summarized as follows:

This resolution authorizes an agreement to sell approx. 4.25 acres of property located at The Ascent office park on West Tech Boulevard to Mayfield Cornerstone LLC. This legislation essentially amends a previous Resolution (R-22-22) passed by City Council on July 7, 2022 in order to sell the property directly to the buyers, who plan to use their own general contractor and design firm for this project.

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

Mayor Agenbroad called for a motion to rescind Resolution R-22-22 approved by City Council on July 7, 2022 and to approve the proposed amended Resolution R-22-24.

Ms. Iverson motioned. Ms. Ridd seconded the motion.

No discussion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

- 3) **RESOLUTION R-22-25:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ODOT PRELIMINARY LEGISLATION AS PRESENTED FOR THE COMPLETION AND APPOINTMENT AS THE LPA – LOCAL PUBLIC AGENCY FOR THE CLEARCREEK-FRANKLIN ROAD RESURFACING PROJECT; WAR-CR-119-0.00, PID NO. 113659, was read by the Clerk of Council. Mr. Shackelford's comments are summarized as follows:

This resolution authorizes ODOT preliminary legislation for the Clearcreek-Franklin Road Resurfacing Project. The project includes the resurfacing of the road with base repairs, as required, and pavement markings. This legislation is the first step in the paperwork required for the project to move forward.

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

Mayor Agenbroad called for a motion to adopt Resolution R-22-25.

Mr. Harding motioned. Ms. Ridd seconded the motion.

No discussion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

- ITEM 7. REPORTS: Mayor's Report** – “Concerts in the Park” continue every Tuesday at 7:00 PM and every Friday at 7:30 PM in July. Concert details can be found on the City's website, newsletters and social media.

The next City Council Work Session will be held on Thursday, August 4, 2022 beginning at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers.

In addition, a Public Hearing will be held on Thursday, August 18, 2022 at 7:00 PM in Council Chambers at the Springboro Municipal Building for an application to extend the Springboro's existing DORA (Designated Outdoor Refreshment Area) located in the area of Wright Station to the Historic Downtown area of the City, generally South Main Street from State Route 73 to Mill Street.

City Manager's Report – Mr. Shackelford reported on the following items:

--Mr. Shackelford thanked the Service Department for helping the City of Goshen following the recent tornado. The City sent three Service Department employees, along with a dump truck, to help the Goshen community.

--Mr. Shackelford commended the Springboro Police Department's officers and staff for the great job they did to assist and patrol on behalf of Clearcreek Township following the shooting in the Township on July 12 involving the critical injury of Officer Eric Ney. Mr. Shackelford also commended the Clearcreek Fire Department for helping to save Officer Ney's life. Mr. Shackelford added that we are blessed that Officer Ney is alive and expressed how much he appreciates the great job that our first responders do as well as our Springboro Police Officers.

Mayor Agenbroad commented that our first responders are outstanding and he expressed immense thanks to Chief Kruithoff, the Springboro Police Officers and the Clearcreek Township Police and Fire Departments for all they do each and every day.

Committee Reports –

Mr. Harding – Springboro Pee Wee Football kicked-off this week with 294 tackle players and 120 flag players. Teams will practice at Clearcreek Park regularly throughout the season.

Mr. Hanson – No reports.

Mr. Chmiel – **Concerts in the Park** – There are three more concert opportunities at North Park for the July concert series as follows: Friday, July 22/7:30PM – Fleetwood Gold-a tribute to Fleetwood Mac, Tuesday, July 26/7:00 PM – Model Behavior-an '80s band, and Friday, July 29/7:30 PM – Resurrection-a Journey Tribute Band. Concerts are free and the public is encouraged to attend.

Mr. Brunner – No reports.

Ms. Ridd – No reports.

Deputy Mayor Iverson – No reports.

ITEM 8. OTHER BUSINESS. Mayor Agenbroad presented a notice of an application for a Liquor Permit as follows:

The City of Springboro is in receipt of a notification for a request for a new liquor permit bearing the number 5044085 from Latin Arepas Street Café LLC, 85 W. Central Avenue, Springboro, OH 45066. The request is for Permit D-3, D-5 and D-6 – Nightclub Permit. On premises consumption of spirituous liquor, beer, wine, mixed beverages until 2:30 PM with Sunday sales.

The Springboro Police Division has completed a records check on the applicant/application and based on its investigation makes the following recommendation:

The Springboro Police Department can find no cause for objection to this application and recommends Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control concerning this application.

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

Mayor Agenbroad called for a motion that the City Council and the City of Springboro not express any objections and not request a hearing from the Ohio Division of Liquor Control regarding this Liquor Permit application.

Ms. Iverson motioned. Ms. Ridd seconded the motion.

No discussion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

In addition, Mayor Agenbroad called for the following motion:

A MOTION TO SET A PUBLIC HEARING ON THURSDAY, SEPTEMBER 1, 2022 AT 7:00 P.M. IN COUNCIL CHAMBERS AT THE SPRINGBORO MUNICIPAL BUILDING, 320 W. CENTRAL AVENUE, SPRINGBORO 45066 TO AMEND THE CITY OF SPRINGBORO PLANNING AND ZONING CODE, CHAPTER 1276, SOLAR ENERGY SYSTEMS.

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

Mr. Chmiel motioned. Mr. Harding seconded the motion.

No discussion.

VOTE: Brunner, Yes; Ridd, Yes; Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes. [7-0]

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Mr. Hanson asked to be excused from the August 4 Council Meeting.

Mayor Agenbroad acknowledged Mr. Hanson's request to be excused from the August 4 Council Meeting.

At this time, Mayor Agenbroad called for a motion under ORC121.22(G) to enter Executive Session to discuss pending litigation; whereby, the City Law Director will be present and no votes will be taken.

Ms. Iverson motioned. Ms. Ridd seconded the motion.

No discussion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

As a reminder to the public, no votes are taken during Executive Session.

ITEM 10. GUEST COMMENTS. No Guest Comments.

At this time, Mayor Agenbroad thanked the MVCC for tonight's telecast and scheduled rebroadcasts of this Springboro City Council Meeting.

Mayor Agenbroad called for a motion to conclude the televised portion of the meeting at approximately 7:10 PM.

Mr. Harding motioned. Ms. Ridd seconded the motion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

ITEM 11. EXECUTIVE SESSION. City Council entered Executive Session at approximately 7:10 PM to discuss pending litigation in conference with the City Law Director.

With no objections, City Council exited Executive Session at approximately 7:20 PM; whereby, no votes were taken.

ITEM 12. ADJOURNMENT. With no further business, Mayor Agenbroad called for a motion to adjourn the Thursday, July 21, 2022 Springboro City Council Regular Meeting immediately following the Executive Session.

Mr. Harding motioned. Ms. Ridd seconded the motion.

VOTE: Iverson, Yes; Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [7-0]

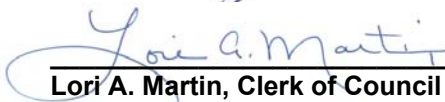
—MEETING ADJOURNED—



John H. Agenbroad, Mayor

John H. Agenbroad

Presiding Officer



Lori A. Martin, Clerk of Council