

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

**CITY COUNCIL WORK SESSION**

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**THURSDAY, JANUARY 4, 2024**

**6:00 PM**

**CITY COUNCIL**

**John Agenbroad, Mayor  
Jack Hanson, Deputy Mayor/Ward 3  
Stephen Harding, At Large  
Becky Iverson, At Large  
Janie Ridd, Ward 1  
Dale Brunner, Ward 2  
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, January 4, 2024 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.

**ITEM 2. ATTENDANCE. Council:** Mr. Chmiel and Ms. Iverson were absent. **Staff:** Mr. Pozzuto, Mr. Shackelford, Mr. McDonald and Ms. Martin were present. City Planner Dan Boron was also present.

Mayor Agenbroad noted that a motion would be in order at tonight's Regular Meeting to excuse Mr. Chmiel and Ms. Iverson.

**ITEM 3. LEGISLATIVE AGENDA. – Review legislative items slated for January 4.**

**1) ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY, REZONING APPROXIMATELY 35.08 ACRES OF LAND AT 1525 SOUTH MAIN STREET (SR 741) FROM R-1, ESTATE-TYPE RESIDENTIAL DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

Mayor Agenbroad commented that the property subject to the rezoning is a neighboring property of his property, but not within 300 ft. of the property; therefore, he did not receive a notice regarding the proposed rezoning. Mayor Agenbroad asked Mr. McDonald if he was free to vote on this item.

Mr. McDonald confirmed that Mayor Agenbroad's property was outside of the 300 ft. radius required for notices; therefore, there is no conflict of interest with respect to the location of his property.

Mayor Agenbroad prompted Mr. McDonald to comment on Legislative Items 1 and 3, but first asked if Council had any comments.

*Ms. Ridd commented that she was not here for the public hearing, but she wanted to say that because the difference between the existing zoning of R-1 and the proposed PUD zoning is only five additional units, she feels that the PUD zoning is very advantageous. Again, with only five additional units, the advantages outweigh the increase in units.*

*Mr. Harding stated that the property could be developed at 70 units under the existing R-1 zoning regardless.*

*Mr. McDonald commented that the neighbor to the property, Sandy Calmes (1405 S. Main Street), asked for a berm on the north side of the development. Ms. Calmes shares the northern property line. Mr. McDonald explained that if Council were to change the Planning Commission's recommendation to include this berm, Council would need an affirmative vote of six Council Members, and there are only five in attendance tonight. Therefore, Council could not pass this ordinance tonight with any changes; it would have to be passed exactly as it is.*

*Mr. Pozzuto commented that Mr. Harding's previous request that a certain percentage of the units be single-story homes again would require six affirmative votes of Council.*

*Mr. McDonald confirmed that if this ordinance were passed tonight; the developer would only be obligated to do what is currently included in the ordinance and conditions of approval. Even if the developer agreed to a change requested by Council, there is no way the City could legally enforce the change.*

*Mr. Harding commented that if we cannot change it tonight, we could ask the developer if they have thought about being a good neighbor to Ms. Calmes by considering berms, etc., to help protect her property.*

*Mr. McDonald commented that they would probably refer to what their engineers say with respect to that request.*

*Mr. Harding commented that at least it would be known that we are asking them to do that.*

*Mr. Pozzuto commented that if Council does not ask them to do it, they will not do it.*

*Mr. Brunner confirmed that what Mr. McDonald is saying is, we cannot make any of these changes if we vote "yes" tonight, but if we wait until all Council Members are present then Mr. Harding could include that change to the ordinance and the developer would have to follow that guideline.*

*Mr. McDonald confirmed that six Council Members would have to approve this PUD with this change.*

*Ms. Ridd confirmed that the developer would still have to go through the Planning Commission review process for a final development, which includes all of the landscaping.*

*Mr. Harding commented that the berm would not be part of the landscaping.*

*Mr. Hanson commented that the request for the berm is to prevent water runoff.*

*Mr. Boron commented that he thinks what is being asked is for a more substantive boundary and that would be included on the general plan for the rezoning, but it could be fleshed out in phase two of review process, which is the final development plan. If Council wants Sandy Calmes' request to be very clearly stated, then yes, it should be added to the conditions of approval for the rezoning and general plan.*

*Mr. Harding asked if Council could table the legislation with only five votes.*

*Mr. Pozzuto and Mr. McDonald both answered that Council could table it with five or even four votes.*

*Mr. McDonald commented that there is plenty of time for Council's decision regarding this rezoning under the timetable for approval in the zoning code.*

*Mr. Brunner commented that he does not think that it is out of line for Sandy Calmes to ask for a berm along her property line.*

*Mr. Pozzuto agreed that he thought it was a reasonable request.*

*Mr. Brunner also commented that if the developer is truly not obligated to comply with the change if Council votes "yes" tonight, then why not wait until the next meeting.*

*Mr. Harding commented that the mound is not unreasonable, but a privacy fence along the entire length of the property would be considered unreasonable. Mr. Harding commented that the developer already builds mounds in their developments similar to the mounding at their Woodgrove development just south of the City limits. That development has a 4-5 ft. mound, which is what Sandy Calmes is requesting.*

*Mayor Agenbroad commented that Planning Commission did a good job working with the developer to make sure certain conditions were included in the overall general plan and with only five lots more than what the existing zoning allows.*

*Mr. Harding commented that Planning Commission's conditions of approval for the general plan included the drop down in the number of lots, no vinyl siding and the extension of the deceleration lane to the junior high school.*

*Ms. Ridd commented that if the mound cannot be addressed by the Planning Commission, then we do need to table the legislation until the next Council Meeting.*

*Mr. McDonald reiterated that any change to the rezoning and general plan that Council would want to enforce requires six affirmative votes.*

*Mr. Pozzuto explained that the PUD ordinance follows the requirements of the Ohio Revised Code, which requires a supermajority. In this case, it would be six of seven votes. Mr. Pozzuto commented that staff plans to address the supermajority issue in the Charter review.*

*Mr. McDonald commented that the ORC requires three-fourths, which is technically six votes for Council. Mr. McDonald also commented that this requirement would not be changed in the Charter, but through an ordinance that would be reviewed by the Planning Commission and recommended to Council for approval.*

*Ms. Martin explained that there are federal regulations that would prevent Council from defining a supermajority in the Charter.*

*Mr. Harding confirmed that if the developer does agree to this change, the legislation would still be tabled.*

*Mr. McDonald explained that even if the developer agrees to the change, it still would not be enforceable if they decided not to do it, unless the change is approved by six affirmative votes of Council.*

*Ms. Ridd commented that if the intent is to table the legislation until the next meeting when all Council Members will be in attendance, she will not be able to attend the next meeting. Ms. Ridd asked if anyone else would be absent as well because we will be in the same situation that we are in tonight.*

*Mayor Agenbrood commented that we do not have a problem voting on the rezoning and general plan tonight, unless we make a change to the recommendation from Planning Commission.*

*Ms. Ridd stated that if we want the developer to include the mound as part of the approval of the rezoning and general plan, then we have to table the legislation until six Council Members are present.*

*Mayor Agenbrood confirmed Ms. Ridd's statement.*

*Mr. Harding commented that as long as no one else is absent from the next meeting, then Council could vote to approve the rezoning and general plan with the change with six affirmative votes. If anyone else is absent from the next meeting, then we would have to table the legislation further. Mr. Harding asked how many times Council could table the item.*

*Mr. McDonald answered that Council has 120 days after the first reading of the ordinance to take action.*

*Mayor Agenbrood asked Council how they wanted to proceed in terms of taking action on this item.*

*Mr. Brunner commented that, in his opinion, the legislation should be tabled to give Council the opportunity make that change to the plan. Mr. Brunner further commented that he agrees that Planning Commission did a tremendous job with the proposed PUD, but there is no reason why we should not table the ordinance in order to make the change to include the berm.*

*Mr. Pozzuto asked Mr. Harding if he still wanted to change the plan to require 50% of the units to be single-story homes.*

*Mr. Harding commented that he believes the developer would probably be back with a plan for the existing R-1 zoning because he has made it clear multiple times that they are not going to build anything other than what the market demands.*

*Ms. Ridd commented that she would love that change, but she feels that for only difference of five units, there is no way the developer would make that change.*

*Mr. Harding reiterated that if they come back with an R-1, they could build 70 huge, two-story family homes.*

*Mr. Hanson commented that they could do the same thing if we table the ordinance tonight.*

*Mr. Pozzuto commented that this change would probably be insignificant to the developer because they would have plenty of dirt to move to construct a berm.*

*Mr. Harding thinks what Mr. Hanson is saying is that if Council tables it to include the berm, the developer may pull the plan and return with a plan for the existing R-1, and then we would not have a berm or any of the other conditions included in the proposed PUD.*

*Mr. Hanson replied yes, if the developer decides to use the existing R-1 zoning, then we would have none of the conditions that were agreed to as part of the PUD.*

*Mayor Agenbrood commented that he shared Mr. Hanson's concerns.*

*Mr. Hanson commented that this is a potential outcome.*

*Mr. Pozzuto commented that if the developer does come back with a plan for the existing R-1 zoning, they have lost fourth months because they would have to go through the Planning Commission review process again with the new plan.*

*Mr. Harding confirmed that they would have to go back through the process from step one again. Mr. Harding also commented that he thought the plan included some type of berming.*

*Mr. Boron explained that there would be something with respect to buffering, but he thinks asking for it would make it a clear requirement.*

*Mr. Harding commented that he understands that, but he thought there were some comments made during the Planning Commission's review concerning the developer's other development (Woodgrove) and even the new Bailey Farm development including mounding, or that mounding has been part of their other developments.*

*Mr. Brunner clarified that if Council were to table the legislation tonight, the developer could come back with a plan for the existing R-1 zoning, but it would take them another three to four months to go through the review process.*

*Mr. Pozzuto replied yes, that is correct.*

*Mr. Brunner asked if everyone really thought that the developer would come back with a plan for the existing R-1 zoning.*

*Mr. Pozzuto and Mr. Harding both commented that they doubted the developer would do that.*

*Mr. Pozzuto commented that Council could always ask the developer if they would construct the berm because they will probably attend tonight's meeting. Mr. Pozzuto suggested letting the developer know that Council would like to make Ms. Calmes' request for a berm a requirement for approval of the rezoning and general plan, and ask if they would be opposed to that. If they are not opposed to the change, then we could explain that we have to table the ordinance for two weeks.*

*Mr. Hanson commented that that would be a good way to approach it, and several other Council Members agreed.*

*Mr. Pozzuto commented that the developer could either wait two weeks or start over with a new plan for the existing R-1 zoning, which would take another four months.*

*Mr. Brunner commented that the developer could start any process they want in the next two weeks.*

*Mr. Pozzuto replied yes, that is correct.*

*Mr. Harding understands that Council cannot approve the PUD with a change tonight, but what if the developer were to guarantee the construction of the berm if Council votes yes tonight.*

*Mr. Pozzuto commented that there would be no enforceability with respect to the berm.*

*Mr. Harding commented that the developer would be on record saying he would do that.*

*Ms. Ridd agreed that the developer would be on record.*

*Mr. Pozzuto commented that Council could proceed that way, or if they do not commit on record, they will have to wait two weeks. Mr. Pozzuto reiterated that if Council proceeds with the approval of the rezoning and general plan, as is, the request would not be enforceable.*

*Mr. Harding also thought that the developer talked with Sandy Calmes at the meeting following the public hearing.*

*Mr. Brunner confirmed that the developer did talk with Ms. Calmes.*

*Mr. Pozzuto commented that the developer might be prepared to do this already thinking that this request is coming from Council.*

*Mr. Harding again commented that the only thing he thought was unreasonable about Ms. Calmes' request was the privacy fence along the entire length of the property, which would be very expensive. Mounding dirt is one thing because they will be moving dirt anyway. Mr. Harding further commented that Ms. Calmes concerns were buffering along her property line as well as runoff at the northwest corner where the catch basin drain is located on the plan.*

*Mr. Hanson commented that they would still have to screen the mound with trees or landscaping anyway.*

*Mayor Agenbroad asked, when the Planning Commission asked about the mound, what was the developer's rationale for not wanting to do it?*

*Mr. Harding commented that Planning Commission never asked for a mound; it was never mentioned. The mound was never a request until Sandy Calmes came to the public hearing and made the request.*

*Mayor Agenbroad confirmed that Planning Commission never discussed the mound.*

*Mr. Harding replied no, they just talked in terms of the general plan with respect to separation between other properties, etc. Mr. Harding commented that he remembers talking about having a mound separation during the Planning Commission review and somebody asking if it would be the type of mound the developer constructed at their Woodgrove development.*

*Mayor Agenbroad again asked how Council would like to proceed.*

*Ms. Ridd commented that she thinks we should ask the developer if they are willing to say that they would construct the berm.*

*Mayor Agenbroad questioned whether the developer would be attending the meeting.*

*Mr. Harding commented that they most likely would be here because this is the third and final reading.*

*Mr. Boron commented that he could talk with the developer prior to the meeting.*

*Mr. McDonald commented that ideally he would like Council to table the legislation tonight and wait two weeks in order to have the change legislated and incorporated in the PUD. Mr. McDonald further commented that he would explain to the developer that this change differs from the Planning Commission recommendation and Council would not be able to pass the legislation tonight with the change. Mr. McDonald also commented that Council's other option*

*is to move forward with the legislation, as is, and hope for the best on the final development plan in eight or nine weeks from now.*

*Mr. Harding asked if the Planning Commission could require the developer to mound to that side of the property when they come back for the final development plan. In other words, could the Planning Commission require that property line to be screened and require the screen to be a mound in the final layout?*

*Mr. Boron explained that the landscaping standards are not that robust in this case. Mr. Boron commented that if Council wants the berm, he thinks the way to do it is to add the provision at the next meeting.*

*Mr. Brunner asked if the mounding as you enter Settlers Walk is around three to four feet.*

*Mr. Boron commented that he knows the sign is six feet; therefore, the mounding is probably around that height.*

*Mayor Agenbroad again asked how Council would like to proceed.*

*Ms. Ridd again suggested asking the developer if they are willing to construct the berm to see what they say and if they are willing to wait the two weeks for Council to include the change in the rezoning and general plan.*

*Mr. McDonald commented that it sounds like it is Council's preference to wait two weeks to properly include the change in the legislation if the developer is agreeable to the berm. Council could also proceed with the vote tonight and the developer could say "no" to the berm, or they could decide to go with the existing R-1 zoning.*

*Mr. Boron stated that he thinks the developer would agree to the construction of the berm because the cost of developing the smaller area, and not developing anything on the back or sides or the historic Janney House, helps them. It is less expensive to develop, which is why in part they are requesting to rezone the property, and they are also not getting that many more homes out of it so it really reduces the imprint of the project. Mr. Boron further stated that he thinks they would be willing to wait two weeks.*

*Mr. Brunner asked if the developer talked about the Homeowners Association taking over the Janney House.*

*Mr. Pozzuto answered that they have not said anything about it to him.*

*Mr. Harding commented that each time the developer has been asked what their plans are for the house; they have said that they do not have any specific plans for it. According to the provisions of the PUD, they cannot tear down that house; they have to incorporate it somehow, but there is nothing definitive about whether they have to restore it or keep it according to certain standards or even upgrade it.*

*Mr. Hanson commented that, during the public hearing, he specifically asked what the developer's intentions were for the house.*

*Mr. McDonald commented that it would just have to meet the property maintenance code.*

*Mr. Harding confirmed that it cannot be dilapidated; it at least has to be livable.*

*Ms. Ridd commented that if they are going to sell high-end homes there, they would have to do something with it; they cannot just let it go.*

*Mr. Harding commented that, for example, the old home at The Farms of Heatherwoode, was made into a pool house.*

*Mr. Hanson commented that making it into a pool house or small community room would be a good use for it.*

*Mr. Harding commented that it would have to be updated to meet code.*

*Mayor Agenbroad confirmed that Council's preference would be to ask the developer to construct the berm and if they do not agree, then table the legislation.*

*Mr. Pozzuto commented that either way, if Council's passes it tonight, it is not a bad plan. Mr. Pozzuto further commented that his thought was that you have the one and only resident who lives right next to the property asking for the berm, and it is very reasonable to ask for some mounding to help with buffering.*

*Mr. Hanson commented that just the dirt from digging the basements for those houses would be substantial, i.e., they will be moving the dirt anyway.*

*Mr. Pozzuto commented that it might even save the developer some money because they do not have to haul away the dirt.*

*Mayor Agenbroad confirmed that Legislative Items 1 and 3 go together with respect to any action.*

*There was no further discussion regarding Legislative Items 1 and 3.*

**2) EMERGENCY ORDINANCE: FIRST READING. AN ORDINANCE AMENDING PART FOURTEEN, BUILDING AND HOUSING CODE, TITLE FOUR, MISCELLANEOUS BUILDING REGULATIONS, CHAPTER 1464 PERMITS, INSPECTIONS AND FEES, SECTIONS 1464.04 PERMIT FEES AND APPENDIX A, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO AND DECLARING AN EMERGENCY.**

*Mr. Pozzuto pointed out that there is a revised version of this legislation before Council tonight, which now includes an increase in the Park and Playground Fee. The increase in this fee is significant and the reason is two-fold. One, this fee has not been raised in six years, and is currently \$929.00. The proposed new rate of \$1,500 is comparable to what every other Warren County community charges; therefore, staff is proposing to raise it to that level. Two, the City is now funneling the inside millage from the parks to the fire station property and needs that increase to make up the difference and keep the City's parks top notch. Also included in the ordinance are some increases in Planning Department fees as well as the Monthly Trash Collection rate, which is increasing \$2.00 per month from \$15.50 to \$17.50. Information regarding this increase was covered in the City's most recent newsletter. If utility customers sign up for e-billing and automatic payments, they will receive a \$2.00 discount, which would balance out the increase in the trash fee. A few people have already signed up for that discount today after reading the newsletter. Those are the highlights of the changes to the fee schedule for 2024.*

*Mr. Hanson commented that, according to the pie chart included in the newsletter, Springboro's trash collection rate is still lower than surrounding communities even at the new rate.*

*Staff recommends waiving the second and third readings of Legislation Item 2 in order to apply the fee adjustments for 2024.*



*Council will consider a motion to suspend the rules and waive the second and third readings of this ordinance at tonight's Regular Meeting.*

*There was no further discussion regarding this item.*

- 3) **RESOLUTION:** A RESOLUTION APPROVING THE GENERAL PLAN FOR APPROXIMATELY 35.08 ACRES OF LAND LOCATED AT 1525 SOUTH MAIN STREET (SR 741).

*(Refer to comments under Legislative Item 1.)*

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

**Mr. Pozzuto reported on the following items:**

**Credit Card Fees:** *This year the City will start charging credit card fees. This issue was unanimously recommended by the Finance Committee. The City has been covering those fees for people paying utility bills, etc., and it is costing approximately \$100,000 per year. The City has been carrying these fees for a long time, but cannot absorb them any longer. The City will begin charging the credit card fees in February. It is common to pass on those fees to the card user and most organizations charge those fees. Again, the City cannot continue subsidizing those fees at \$100,000 per year.*

*Mayor Agenbroad commented that he wished this information could have been included in the City's last newsletter.*

*Mr. Pozzuto commented that if the City receives phone calls and e-mails, staff would publicize the new policy.*

**Income Tax Revenue:** *The books have been closed for 2023 and income tax revenue was up 2.2% over 2022, but is 8.5% over what was budgeted. The City has budgeted conservatively and spent less; staff always does a great job budgeting.*

*There was no further discussion regarding these items.*

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

**Calendar Updates:** *Martin Luther King, Jr. Day observed, January 15 (City Offices Closed). The Finance Committee meeting scheduled for January 18 at 5:30 PM in Council Chambers has been canceled.*

*In addition, the next City Council Work Session will be held on Thursday, January 18 at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers.*

**2024 Charter Review Commission Candidates:** *Ms. Martin confirmed that Council Members received a copy of the nine candidates for the City's 2024 Charter Review Commission. The list of candidates consists of staff members, current committee volunteers and an at-large member, who are all residents of the City. Staff is requesting that Council consider approving these appointments at tonight's Regular Meeting under Other Business.*

*There were no objections of Council and no further discussion regarding the 2024 Charter Review Commission appointments. The proposed appointees will be considered for approval at tonight's Regular Meeting under Other Business.*

*The appointment of the 2024 Charter Review Commission is the first step in the Charter review process. The commission will conduct several meetings in the spring timeframe to review the Charter and submit a report of any recommended revisions to Council by July 1.*

**OEC Financial Disclosure Statement Filing Deadline:** Ms. Martin reminded Council that the deadline to file their Ohio Ethics Commission Financial Disclosure Statements is Wednesday, May 15, 2024.

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

**Mr. Brunner** – No reports.

**Ms. Ridd** – No reports.

**Mr. Harding** – Mr. Harding reported that January 17 would be his first official meeting as Chairman of the Miami Valley Communications Council this year. The Chairman seat is a two-year commitment.

**Deputy Mayor Hanson** – No reports.

**Mayor Agenbroad** – No reports.

**ITEM 7. ADJOURNMENT.** With no further discussion, Mayor Agenbroad adjourned the Thursday, January 4, 2024 City Council Work Session at approximately 6:25 PM.

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

CITY COUNCIL REGULAR MEETING

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THURSDAY, JANUARY 4, 2024

7:00 PM

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CITY COUNCIL

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

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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, January 4, 2024 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 Pastor Terry Carlisle, Springboro United Church of Christ.

**ITEM 3. ROLL CALL.** Agenbroad, Present; Brunner, Present; Chmiel, Absent; Hanson, Present; Harding, Present; Iverson, Absent; Ridd, Present. Staff: Mr. Pozzuto, Mr. Shackelford, Mr. McDonald and Ms. Martin were present. City Planner Dan Boron was also present.

**Mayor Agenbroad called for a motion to excuse Council Members Jim Chmiel and Becky Iverson.**

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

No discussion.

**VOTE: Agenbroad, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [5-0]**

**ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETINGS OF DECEMBER 7, 2023 AND DECEMBER 21, 2023.

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

**Mr. Harding motioned. Mr. Brunner seconded the motion.**

No discussion.

**VOTE: Ridd, Yes; Agenbroad, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes. [5-0]**

**ITEM 5. PRESENTATIONS:** No Presentations.

**ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 25 minutes to discuss the following legislative items as well as other City business.

- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY, REZONING APPROXIMATELY 35.08 ACRES OF LAND AT 1525 SOUTH MAIN STREET (SR 741) FROM R-1, ESTATE-TYPE RESIDENTIAL DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL, was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the third reading of an ordinance rezoning approximately 35.08 acres of land at 1525 South Main Street from R-1, Estate-Type Residential District, to PUD-R, Planned Unit Development-Residential. This rezoning was recommended for approval by the Planning Commission on October 11, 2023. Under the current R-1 zoning, the owner/developer could develop up to 70 lots on this property. The PUD-R zoning being requested by the applicant allows for only 75 lots. In other words, the zoning change would result in a net gain of only five lots. The PUD ordinance provides the City with a lot of flexibility with respect to proposed developments. In this case, the proposed PUD-R zoning would include the preservation of the historic Janney House on the property as well as much more green space, approximately 40% green space under this application in addition to an increased deceleration lane to the junior high school to help with traffic flow on SR741.

Mayor Agenbroad presented the item for questions/comments of Council.

Mr. Harding asked the applicant (Justin Lanham of M/I Homes) if they would consider Sandy Calmes' (1405 S. Main Street) comment at the Public Hearing (December 7, 2023) to construct a buffer, barrier or mound along the north side of the development adjacent to her property, to prevent water runoff, and potential landscaping to be a good neighbor.

*(Mr. Lanham approached the podium to respond to Mr. Harding's question.)* Mr. Lanham responded that they would, as they do a lot of mounding; it is not atypical. They do not have a design here tonight for that particular request, but as they work through the final development plan and landscape drawings, that is something that they would absolutely agree to do.

Mr. McDonald advised that the request made by Mr. Harding differs from the Planning Commission recommendation and it would require six Council Members to approve the plan with the change to construct a berm; however, there are only five Council Members in attendance tonight. If it were the desire of Council to have the developer construct the berm, the ordinance to rezone the property and the resolution to approve the general plan would have to be tabled until the next meeting for passage.

Mayor Agenbroad confirmed that passage of the legislation with the change would require a supermajority of six Council Members.

Mr. Lanham commented that Council could take his word for it, that they would follow through on the change by constructing the berm.

Mr. Harding commented that although Mr. Lanham has given his word on record, he believes that this change would have to be legislated.

Mr. McDonald commented that from a legislative and zoning perspective, in order for this change to be an enforceable provision for subsequent owners, it would need to be part of the

legislation. To clarify, it is not necessarily Mr. Lanham, but any builders or anyone else who comes after M/I Homes or even property owners who later decide they do not like this big hill behind them and take it down, the City would not be able to enforce the provision if it is not officially made part of the PUD. The provision must be part of the actual PUD in order for it to be enforceable in future years and there would need to be six affirmative votes to make this change.

Mr. Harding confirmed that in order to make the change to the PUD plan, Council would have to table Legislative Items 1 and 3 tonight and revisit the vote in two weeks at the January 18 Council Meeting with at least six members present to vote for final approval.

Mr. Brunner commented that the construction of the berm is the only change that he is aware of that is being recommended as of right now.

Mr. Harding commented that all of the other conditions such as the deceleration lane, no vinyl siding, etc., have already been included in the general plan as conditions of approval in the Planning Commission's recommendation.

Mayor Agenbroad explained to Mr. Lanham that Council is trying to make sure they use the legislative process to ensure the change is approved correctly. Council appreciates Mr. Lanham's word and willingness to follow through with the change, but mechanically Mr. McDonald recommends that Council table the legislation tonight and revisit the vote two weeks on January 18.

Mr. Lanham commented that there are still many details to work out. They have not prepared a landscape plan or final drawings. Again, there is still a lot to work out that is not necessarily included in the legislation. Mr. Lanham asked if Council could consider the previously stated berm as one of those details and move forward with the vote tonight. He further commented that he understands Council's position, but asked if the change had to be in the legislation.

Mr. McDonald commented that the City's landscaping regulations are not that robust in that the code does not address issues such as a berm, which is what is being requested. Again, the only way to enforce the maintenance of the berm is if it is part of the zoning, and the only way it can be part of the zoning is if it is approved as part of the zoning change by Council. The City's code requires six affirmative votes of Council when a change departs from the Planning Commission recommendation.

Ms. Ridd commented that she would like to take this opportunity to thank the developer and the Planning Commission for coming together to work on this plan. It is a very advantageous PUD for only a difference of five additional units, and she thanked Mr. Lanham and the Planning Commission for that.

There was no further discussion regarding this item.

Mr. McDonald advised that the action to table would apply to Legislative Items 1 and 3, as the ordinance to rezone the property and the general plan for the development go hand-in-hand.

**With no objections, Mayor Agenbroad called for a motion to table Legislative Items 1 and 3.**

**Ms. Ridd motioned. Mr. Brunner seconded the motion.**

**VOTE: Ridd, Yes; Agenbroad, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes. [5-0]**

- 2) **ORDINANCE O-24-2: FIRST READING.** AN ORDINANCE AMENDING PART FOURTEEN, BUILDING AND HOUSING CODE, TITLE FOUR, MISCELLANEOUS BUILDING REGULATIONS, CHAPTER 1464 PERMITS, INSPECTIONS AND FEES, SECTIONS 1464.04 PERMIT FEES AND APPENDIX A, OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO AND DECLARING AN EMERGENCY, was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This is the first reading of an ordinance amending section 1464.04, Permit Fees and Appendix A, of the City's code. This resolution represents the City's annual code update for fees and provides for adjustments to the City's fee schedule for various items such as building and park permit fees. This would replace the annual fee update.

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

**As discussed at tonight's Work Session, Mayor Agenbroad called for a motion to suspend the rules and waive the second and third readings of Legislative Item 2, an Emergency Ordinance.**

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

No discussion.

**VOTE: Brunner, Yes; Ridd, Yes; Agenbroad, Yes; Hanson, Yes; Harding, Yes. [5-0]**

**Mayor Agenbroad called for a motion to adopt Ordinance O-24-2.**

**Mr. Brunner motioned. Mr. Hanson seconded the motion.**

No discussion.

**VOTE: Harding, Yes; Brunner, Yes; Ridd, Yes; Agenbroad, Yes; Hanson, Yes. [5-0]**

- 3) **RESOLUTION:** A RESOLUTION APPROVING THE GENERAL PLAN FOR APPROXIMATELY 35.08 ACRES OF LAND LOCATED AT 1525 SOUTH MAIN STREET (SR 741).

This resolution approves the General Plan for approximately 35.08 acres of land located at 1525 S. Main Street from R-1, Estate Type Residential District, to PUD-R, Planned Unit Development-Residential.

***(Refer to comments/action under Legislative Item 1.)***

- ITEM 7. REPORTS: Mayor's Report** – Martin Luther King, Jr. Day observed, Monday, January 15 (City Offices Closed).

The next City Council Work Session will be held on Thursday, January 18 at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers.

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

**Snow Preparation:** The City has plenty of road salt and the Public Works Department is fully prepared to plow the streets in their newly named snowplows, which serve the City's various neighborhoods.

**Committee Reports –**

**Mr. Brunner** – No reports.

**Ms. Ridd** – No reports

**Mr. Harding** – No reports.

**Deputy Mayor Hanson** – No reports.

**ITEM 8. OTHER BUSINESS.** As discussed at the Work Session, Mayor Agenbroad called for a motion to appoint the following nine Springboro electors to serve as members of the 2024 Charter Review Commission for a one-year term:

Mayor Agenbroad commented that the City reviews its Charter every eight years. City Council appoints a commission to conduct the review process over several meetings prior to submitting a formal recommendation to Council.

**2024 Charter Review Commission Members: Dan Bentley, Jerry Ferris, Suzanne Geisler, Jonathan Hudson, Matt Leedy, Joe MacKenzie, Chris Pozzuto, Greg Shackelford, Cindy Sitzman, with an Alternate Member to be determined.**

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

No discussion.

**VOTE: Agenbroad, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [5-0]**

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

**ITEM 10. GUEST COMMENTS.** No Guest Comments.

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

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

**ITEM 12. ADJOURNMENT.** With no further business, Mayor Agenbroad called for a motion to adjourn the Thursday, January 4, 2024 Springboro City Council Regular Meeting at approximately 7:10 PM.

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

No discussion.

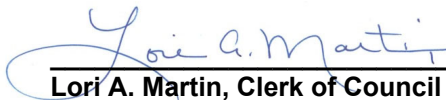
**VOTE: Agenbroad, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes. [5-0]**

—MEETING ADJOURNED—

  
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**John H. Agenbroad, Mayor**

**John H. Agenbroad**

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**Presiding Officer**

  
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**Lori A. Martin, Clerk of Council**