

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

CITY COUNCIL WORK SESSION

THURSDAY, OCTOBER 7, 2021

6:00 PM

CITY COUNCIL

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

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, October 7, 2021 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. Police Lieutenant Dan Bentley and City Planner Dan Boron were also present.

ITEM 3. LEGISLATIVE AGENDA. – Review legislative items slated for October 7.

- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, REZONING APPROXIMATELY 103.32 ACRES OF LAND LOCATED AT 605 NORTH MAIN STREET, BEARING WARREN COUNTY PARCEL NO. 04142270050, FROM R-1, ESTATE-TYPE RESIDENTIAL DISTRICT, TO PUD-MU, PLANNED UNIT DEVELOPMENT-MIXED USE.

This item was tabled on September 16, 2021.

- 2) **RESOLUTION:** A RESOLUTION APPROVING THE GENERAL PLAN FOR THE EASTON FARM PUD-MU, PLANNED UNIT DEVELOPMENT-MIXED-USE.

This item was tabled on September 16, 2021.

- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAPITAL ELECTRIC LINE BUILDERS INC. FOR THE "REMICK BOULEVARD PEDESTRIAN CROSSING" PROJECT.

No discussion.

ITEM 4. CITY MANAGER. – Issues/Reports.

No reports.

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

Calendar Events: Trick-or-Treat will be observed Sunday, October 31, 6:00-8:00 PM. The next City Council Work Session will be held on Thursday, October 21 at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers. The Finance Committee will meet on October 21 at 5:30 PM in Council Chambers.

2022 Committee Appointments: Ms. Martin commented that all board and commission members whose terms expire in December have been notified. The deadline for committee members seeking reappointment is tomorrow, and there will most likely be an opening on the Architectural Review Board, Park Board and Springboro's representative to the Warren County Board of Health.

ITEM 6. CITY COUNCIL. – Issues/Reports.

Mr. Harding – No reports.

Mr. Hanson – Mr. Hanson will present a Tree Authority report at tonight's Regular Meeting under Reports.

Mr. Chmiel – No reports.

Ms. Iverson – No reports. Ms. Iverson asked about the ad hoc committee that was formed by the City Manager to discuss the Easton Farm and never met.

Mayor Agenbrood commented that he did not have the answer to that question because he does not have the details.

Ms. Iverson asked if Mr. Pozzuto could address the question. Ms. Iverson explained that she just wants to know factually, what happened, because she does not rely on social media to judge what is going on in our community.

At this time, Deputy Mayor Ridd recused herself and exited the meeting.

Mr. Pozzuto commented that in terms of the working group meeting that was scheduled for last Thursday; he had a conversation with the developer, who declined to attend.

Ms. Iverson asked if the developer gave any reasons for not attending.

Mr. Pozzuto answered that the developer did not feel that the opposition was as representative, by the two people who were chosen, as they could have been considering all of the citywide opposition there has been.

Mr. Brunner asked Mr. Pozzuto to repeat his answer.

Mr. Pozzuto repeated that the developer said they did not want to attend because they did not think the opposition representation was citywide. Mr. Pozzuto clarified that the two people who were selected were from the Deer Trail area; therefore, the developer did not feel the opposition was represented because of all of the opposition that is happening citywide.

There was no further discussion.

At this time, Deputy Mayor Ridd returned to the meeting.

Mr. Brunner – No reports.

Deputy Mayor Ridd – Ms. Ridd will make a brief Warren County Municipal League announcement at tonight's Regular Meeting under Reports.

Mayor Agenbroad – Mayor Agenbroad stated that he will call for motions concerning notices for two new liquor permits (Bob Evans, 40 Sharts Road and Kroger, 625 W. Central Avenue) at tonight's Regular Meeting under Other Business.

At this time, Mr. McDonald commented that there is always potential litigation in a contested zoning case; in this particular case, it is actually more than potential as he is aware that litigation against the City is actually being considered depending on how the vote goes. Mr. McDonald stated that he would like to advise Council of the legal issues as well as what Council's legal obligations are such that, irrespective of how Council might vote, the City is going to be in the strongest position it can be to defend either side that might do this. Mr. McDonald asked if a member of Council would make a motion, under ORC121.22(G), for a conference with the City Attorney concerning a matter that is the subject of imminent court action.

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

Ms. Ridd asked if she should be present during the vote on the Easton Farm legislation to abstain and recuse herself from the Executive Session.

Mr. McDonald answered yes.

There was no further discussion regarding this motion.

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

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

At this time, Deputy Mayor Ridd recused herself and exited the meeting.

Executive Session: City Council entered Executive Session at approximately 6:10 PM to discuss imminent litigation in conference with the City Attorney.

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

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the Thursday, October 7, 2021 City Council Work Session at approximately 6:55 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, OCTOBER 7, 2021

7:00 PM

CITY COUNCIL

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

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, October 7, 2021 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 Sam Holmes, Christ Church United Methodist.
- ITEM 3. ROLL CALL.** Agenbroad, Present; Brunner, Present; Chmiel, Present; Hanson, Present; Harding, Present; Iverson, Present; Ridd, Present. Staff: Mr. Pozzuto, Mr. Shackelford, Mr. McDonald and Ms. Martin were present. Police Lieutenant Dan Bentley and City Planner Dan Boron were also present.
- ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF SEPTEMBER 2, 2021 AND SEPTEMBER 16, 2021.
- Mayor Agenbroad presented the minutes for additions/corrections. No additions/corrections.
- Mayor Agenbroad called for a motion to approve the Minutes.**
- Mr. Harding motioned. Ms. Iverson seconded the motion.**
- No discussion.
- VOTE:** Agenbroad, Yes; Chmiel, Yes; Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes; Iverson, Yes. [7-0]
- 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. During the Work Session, City Council entered Executive Session for approximately 45 minutes to discuss imminent litigation in conference with the City Attorney; whereby, no votes were taken.

(THE THIRD READING OF LEGISLATIVE ITEM (1), AND LEGISLATIVE ITEM (2), WERE TABLED ON SEPTEMBER 16, 2021.)

At this time, Mayor Agenbroad called for a motion to remove Legislative Items 1 and 2 from the table.

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

VOTE: Hanson, Yes; Harding, Yes; Brunner, Yes; Ridd, Abstain; Iverson, Yes; Agenbroad, Yes; Chmiel, Yes. [6-0-1]

1) ORDINANCE: THIRD READING. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, REZONING APPROXIMATELY 103.32 ACRES OF LAND LOCATED AT 605 NORTH MAIN STREET, BEARING WARREN COUNTY PARCEL NO. 04142270050, FROM R-1, ESTATE-TYPE RESIDENTIAL DISTRICT, TO PUD-MU, PLANNED UNIT DEVELOPMENT-MIXED USE.

Mayor Agenbroad asked if the City Manager had any comments regarding Legislative Item 1.

Mr. Pozzuto replied no, not at this time.

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

Mayor Agenbroad commented that a public hearing was held at Planning Commission and City Council followed by a first and a second reading in addition to numerous e-mails, phone calls and letters to Council, and he believes City Council is up to date.

Mayor Agenbroad called for a motion to adopt Legislative Item 1, an Ordinance rezoning the Easton Farm (605 N. Main Street).

Mr. Chmiel motioned. Mr. Hanson seconded the motion.

Mayor Agenbroad stated that he wanted to take a little liberty as the Mayor of this City for a long, long time. Mayor Agenbroad commented that it is unfortunate that the City is as divided as it is right now and we have to make a decision, based on our vote, what is best for the City of Springboro at the present time. Mayor Agenbroad further commented that this is going to be the hardest vote that he has had to take in his 26 years of being on City Council. Mayor Agenbroad concluded his comments by stating that the community has to come first in his opinion.

Mr. Brunner commented that he appreciates the efforts and time that citizens, Council and the developer have put into this. On all sides, everybody has taken a lot of time to make sure we are getting this right and that is what the decision is tonight. Thank you.

There was no further discussion.

At this time, Mayor Agenbroad asked for the Roll Call on the Vote.

VOTE: Harding, No*; Brunner, No; Ridd; Abstain; Iverson, No*; Agenbroad, No; Chmiel, No*; Hanson, No*. (MOTION FAILED 6-0 Against and 1 Abstention)

*Mr. Harding commented that considering this right now, he votes No because he feels that this is not the best final plan for this location.

*Mr. Chmiel commented that he is voting No because he does feel that the removal of certain components from the original plan make him a little skeptical of the success of the entire development; therefore, that is his reason for voting No.

*Mr. Hanson commented that he is voting No tonight because he, as well, feels like this is not the best plan right now for this part of the community; therefore, his vote is No.

*Ms. Iverson commented that this is not the plan she voted Yes to at Planning Commission. Ms. Iverson further commented that she actually liked the multi-family; therefore, in all good conscience, she cannot vote Yes to something that is different from what she saw before, and it has evolved into something that she does not recognize.

Mayor Agenbroad stated that there are six “No” votes and one “Abstention” vote; therefore, the ordinance is defeated, which makes Legislative Item 2, a Resolution approving the General Plan for the Easton Farm, a moot issue.

There were no further comments or actions concerning Legislative Items 1 and 2.

- 2) **RESOLUTION:** A RESOLUTION APPROVING THE GENERAL PLAN FOR THE EASTON FARM PUD-MU, PLANNED UNIT DEVELOPMENT-MIXED-USE.

(THIS ITEM FAILS BASED ON THE VOTE ON THE ORDINANCE TO REZONE THE SUBJECT PROPERTY.) *(Please refer to proceedings above.)*

- 3) **RESOLUTION R-21-19:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAPITAL ELECTRIC LINE BUILDERS INC. FOR THE “REMICK BOULEVARD PEDESTRIAN CROSSING” PROJECT, was read by the Clerk of Council. Mr. Pozzuto’s comments are summarized as follows:

This resolution authorizes the City Manager to enter into a contract with Capital Electric Line Builders, Inc. for the “Remick Boulevard Pedestrian Crossing” Project. This project will consist of installing Rectangular Rapid Flashing Beacons (RRFB) on Remick Boulevard, just east of the entrance to the YMCA. This installation will be similar to the beacons on Lytle-Five Points Road and S. Main Street in the downtown district, which allow pedestrians to activate the flashing light to assist them in safely crossing the street. The City received one bid of \$65,280.00 to install this RRFB.

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

Mayor Agenbroad called for a motion to adopt Resolution R-21-19.

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 – Trick-or-Treat, Sunday, October 31, 6:00-8:00 PM; be safe, have fun and drive carefully.**

In addition, the next City Council Work Session will be held on Thursday, October 21 at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers. The Finance Committee will meet on October 21 at 5:30 PM in Council Chambers.

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

Leaf Collection Program: The City's annual leaf collection program will begin on Monday, October 11 and will run through the end of the year. Residents are asked to rake their leaves to the tree lawn area and City crews will pick them up according to the published schedule. The Public Works Department crews try to pass through every area of the City at least seven or eight times. If your leaves are not falling yet, crews will be back in your area multiple times throughout the season to pick up leaves.

Summer Events Wrap Up: Boro BBQ Fest, held on Saturday, was the City's last of many community events this summer including Bike the Boro, the 10 summer concerts, etc. Mr. Pozzuto thanked the staff who helped to pull all of these events together and especially the Park Board. Mr. Pozzuto also specifically thanked Dan Boron for his work on Bike the Boro as well as Maureen Russell-Hodgson, Sharon Rottert, Logan McCormick, Vince Murphy, James Rutherford, Ryan Michel and Jon Brown. These staff members really spearheaded the coordination of all these community events. It was an exciting season of events, and we look forward to next summer.

Committee Reports –

Mr. Harding – No Reports.

Mr. Hanson – Tree Authority – The Tree Authority met on September 21 to discuss committee business. Springboro has been awarded a grant for an Aquapond to be located at Clearcreek Park. Mr. Hanson commented that often people question where their tax dollars are being spent, and to be clear, this project is being funded by a grant. When the Aquagarden is installed, it will be a nice addition to our community and parks.

Mr. Chmiel – No reports.

Ms. Iverson – No reports

Mr. Brunner – No reports.

Deputy Mayor Ridd – Warren County Municipal League – The WCML general meeting will held on Wednesday, October 20 at The Great Wolf Lodge in Mason at 6:00 PM. The guest speaker will be State Senator Steve Wilson. Council should forward any RSVPs to Ms. Martin.

Mayor Agenbroad commented that Representative Wilson was the guest speaker at the Springboro Chamber Breakfast this morning and brought everyone up-to-date on some state issues, which was very informative.

Mr. Harding commented specifically on the financial literacy program for the schools. Mr. Harding explained that State Senator Wilson was able to get a bill passed, which will hopefully be signed by the Governor. Under that bill, schools will actually be funded for the program. In other words, it is not a mandate, but they have to have a credit that will go toward the school to graduate for school-aged kids who go through the financial literacy program. Again, this program is not a mandate that the school has to fund; this credited program is actually funded. Therefore, if schools do need teachers and other resources to carry out this program, they will be funded. Mr. Harding further commented that it is a great program.

Mayor Agenbroad commented that it is a great piece of legislation and those who have children in school now will have an opportunity to have more teachers and not have oversized classrooms.

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 48888880630 from Kroger Limited Partnership I DBA Kroger 925, 625 W. Central Avenue, Springboro, OH 45066. The request is for Permit C-2 – Wine and mixed beverages in sealed containers for carry out.

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. 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.

Mr. Brunner 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]

The City of Springboro is in receipt of a notification for a request for a new liquor permit bearing the number 03207030545 from Bob Evans Restaurant LLC Bob Evans Restaurant 403, 40 Sharts Drive, Springboro, OH 45066. The request is for Permit D-2 – On premises consumption and carry out of wine and mixed beverages until 1:00 a.m.

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. 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.

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

No discussion.

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

Mayor Agenbroad commented that from what he understands under the law, when you apply for a new liquor permit, it is based on size and volume of the establishment, and a background check is performed before the permit is issued.

Mr. McDonald replied yes, background checks are required on the principal owners of the business applying for the permit.

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

ITEM 10. GUEST COMMENTS. Mayor Agenbroad invited any guests that wished to be heard to approach the podium, state their name and address for the record, and make their comments accordingly.

(The record of public comments submitted to Council pertaining to this development have been made available to Council for review prior to this meeting as well as any additional public comments submitted to City Council for consideration. All public comments will be filed for the record.)

Guest Comments are summarized as follows:

1) David Beckman, 168 Deer Trail Drive – Mr. Beckman commented that, regarding the ordinance, the third reading tonight, he would like to thank you for listening to the residents of the community and making the choice that you did. On two completely unrelated notes, he really enjoyed the BBQ Fest last weekend, and the electronic speed sign on Park Lane is a good addition. Thanks.

2) Doug Wiedeman, 330 Wellington Way – Mr. Wiedeman commented that, in regard to the Easton Farm, nobody he has talked to is against developing that farm or bringing a commercial aspect into it along 741. The only thing that everybody seemed to have an almost universal agreement with was the density issue. Again, nobody is really against the development of that farm; they just do not want to see everything crammed into it. Thank you.

3) Donald Cummings, 173 Deer Trail Drive – Mr. Cummings commented that he wants to make a remark regarding the committee that was formed to discuss possible plans, compromises or anything like that. He was very upset that, that meeting was not held. Ultimately, the vote went, in his opinion, in the favor of the community, but had it not, he still would equally be upset that the meeting with the committee was not held whether or not Larry Dillin decided to attend or not. He still thinks that, the decision to make the committee, to listen to representatives for people that were against and for the development or those that were neutral, it was a great idea to still come together and listen in a more intimate setting; whether or not, like he said, someone decided to attend or not was their own personal choice. If that was ever a decision to do in the future, it is his opinion that a meeting should continue to be held with or without someone's personal opinion or whether they are going to attend or not. It is his thought that, that was an invitation to people that they could accept or decline; not that we are only going to have it if Larry decided to go. The other part is, for the Mayor, you said you wear your heart on your sleeve when it comes to Springboro; you wear your heart on your sleeve. Tonight, you did something that made him believe. He wanted to quote you again.

4) Mike Webber, 310 Foliage Lane – Mr. Webber commented that he does not have anything prepared, but he just wants to speak from the heart. The time that he has been in this

community, and Mayor, what you have done actually for this community, how you have defended its residents and you have united us many, many times. He thinks whenever we look at circumstances, we look at the caliber of a person, you really find out when they are really held to a very difficult decision, a very difficult circumstance. He knows that this was probably a difficult decision for everybody; he senses that. It is something that many people on the City Council wanted and he does not actually blame you for that; it is something that generally speaking he wanted too, but he thinks that the direction everything went, starting several months back on both sides, just went to the wrong place and it does not have to do that. He thinks your words are well taken when you cast your vote, which was that you want to unite this community. He thinks the fact that this community was divided so greatly over this, regardless of whether this was a good idea or not, it is indisputable that it was divided, and it does not have to be that way. He is hopeful that we can do it again because you know this community is great. He has been here his whole adult life and you have done a great job keeping us united. We have a great representative government and that is the reason he has been here so long. He absolutely refuses to move out of Springboro, –he has had every opportunity to do that– because he loves this community, his kids love it, their spouses have bought houses here, and he thinks that your gesture today really exemplifies the reason we have been here all along is you...not because you have agreed with some and disagreed with others, but because you said we can still stay united, we can get there a better way, and he looks forward, as we go forward, to finding that better way; he knows 100% we can get there and he thinks you believe that we can too. So, thank you very much for keeping us where we need to be until such point that we can get united about something, and he will be the one that will cut that ribbon on that development when we get to a place that everybody can be excited and proud about it. Thank you all very much; he deeply respects every one of you. Thank you.

5) Larry Dillin, Easton Farm Developer, 155 W. Central Avenue – Mr. Dillin commented that he agrees with the previous speaker. We do not know how good we are until we face challenge. What he would like to do tonight is simply compliment this community for the leadership that it has within it and that really starts with the staff. Staff really did an excellent job in working with them and providing guidance. The Land Use Committee volunteers and the Planning Commission volunteers all really did excellent work. They listened not only to us, but to other residents in the community and we should all be proud of that. The sun will rise tomorrow, and they will be working on Easton Farm. Thank you.

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 scheduled rebroadcasts of this Springboro City Council Meeting.

Mayor Agenbroad called for a motion to adjourn the Thursday, October 7, 2021 Springboro City Council Regular Meeting at approximately 7:20 PM.

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]


—MEETING ADJOURNED—



John H. Agenbroad, Mayor

John H. Agenbroad

Presiding Officer



Lori A. Martin, Clerk of Council