

CITYNotes

A PUBLICATION FOR THE CITIZENS OF SPRINGBORO

DECEMBER 2022/JANUARY 2023

City Council Agrees to Easton Farm Lawsuit Settlement

Agreement includes no financial damages for City

Last fall, after a \$265 million housing, retail and commercial development and rezoning proposal for Easton Farm was unanimously rejected by Springboro City Council, the developer and owners of the property along St. Rt. 741 filed a lawsuit in Warren County Common Pleas Court against the City. The lawsuit alleged unconstitutional taking of property along with a request for the development of the original plan and financial damages of more than \$7 million.

The City immediately presented its legal basis for the denial of the zoning in a motion to dismiss however, all of the City's arguments were summarily denied by Judge Donald E. Oda, and a trial date was set by the court for March 20, 2023.

Over the past year, after much review of the factors of the lawsuit, the judge's rejection of all the City's arguments for dismissal of the case, the potential for a high seven-figure payout in financial damages to the plaintiffs and no insurance coverage to protect the City against any financial damage, the City's attorneys recommended to settle the lawsuit.

"Entering into a court-ordered settlement agreement was not a quick or rash decision," said Chris Pozzuto, city manager. "City Council received regular and in-depth updates from the City's legal team over the course of a year's time. The court-ordered mediation process, guided by a respected and knowledgeable land-use attorney, lasted for months. Ultimately, the City was presented with the option of accepting a development plan with no financial damages."

According to the settlement agreement, the developer and owners of the 103-acre farm were granted Planned Unit Development/Mixed Use Zone status and a general preliminary development plan.

In addition, as part of the agreement, the developer will be required to submit new development plans to the Planning Commission that will be reviewed during open public meetings.

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Kick Off the Ho-Ho-Holidays with City of Springboro Special Events

Write a letter to Santa, and he'll write back!

Santa is accepting letters at his special mailbox in Springboro! Youngsters can drop off their notes in the Santa mailbox located in the lobby of the City Building, 320 W. Central Ave. The mailbox will be moved to the SPARC and Go, 320 S. Main St., during the Christmas in Springboro festival, Nov. 18 – 20, and then return to the City Building lobby.

Santa will respond to all letters that include a name and mailing address. Letters will be accepted in the box through Wednesday, Dec. 16.

Meet Santa at the PAC

Tell Santa all your dreams and wishes during Visits with Santa Claus at the Springboro Performing Arts Center, 115 Wright Station Way. Santa will stop by the lobby to meet youngsters 6 – 8 p.m. Friday, Dec. 2, noon -2 p.m. and 6-8 p.m. Saturday, Dec. 3 and noon to 2 p.m. Sunday, Dec. 4. Make a craft, too! This event is free and open to the public.

Help us decorate the Christmas tree at the PAC

We're celebrating an Old Fashioned Christmas in the lobby of the Springboro Performing Arts Center. You can help decorate the tree! Bring an ornament from your collection to the PAC during the Santa visitation hours listed above and in exchange, while supplies last, you'll receive a special ornament for your Christmas tree.



City Receives DORA Approval From State

The City recently received state approval to extend the Designated Outdoor Refreshment Area to include downtown Historic Springboro. The new area includes S. Main Street to Mill Street and includes Springboro United Church of Christ and Midwest Wealth Management.

A DORA allows patrons over the age of 21 to purchase alcoholic beverages in specially marked cups from an establishment and carry them within a clearly defined area. Signage and markers denoting the participating businesses and area will be posted throughout downtown.

Wright Station, the development at Main and Central avenues, was designated as a DORA in 2020. That DORA includes the area around Warped Wing, The Performing Arts Center, Heroes and Cassano's—all liquor permit holders. The Springboro Community Theatre holds the permit for the PAC.



Fiber to Home Update

As part of the City's Fiber Master Plan, construction on the 17-mile fiber optic loop with six conduits is complete. This \$2.4 million investment in the digital future is a partnership with the Warren County Port Authority to build a broadband fiber network to provide high-speed internet service to Springboro homes and businesses.

The City is not providing internet services, however, this investment in a fiber network has attracted two Internet Service Providers (ISPs) that have collectively purchased five of those conduits—providing internet service options for residents and businesses. In addition, the sale of the fiber lines has covered a majority of the fiber optic loop installation. Point Broadband began installing its lines last year and is wrapping up work in neighborhoods. Alta Fiber (formerly Cincinnati Bell) purchased four lines from the City and is now working in neighborhoods with an expected completion date by the end of 2023.

The internet providers run their own fiber optic cables to provide high speed internet to neighborhoods. Expect to see construction teams and equipment for both ISPs throughout the City completing necessary aerial and underground work.

In addition to providing options to residents and businesses for high speed internet, the technology upgrades will help the City provide better safety, communication and public works services. For a list of FAQs, visit ci.springboro.oh.us Fiber to Home project.

City and Library Partner to Offer Next Destination Speaker Series



The City of Springboro Bicycle & Pedestrian Advisory Committee (BPAC) in partnership with the Franklin-Springboro Public Library present the 2023 Next Destination Speaker Series that focuses on hiking and bicycling programming during the winter months. **All programs begin at 6:30 p.m.**, include a 60- minute presentation and plenty of time for questions after. For more information, visit www.ci.springboro.oh.us or call 937-748-6183.

Tuesday, Jan. 10, Springboro Community Room, 320 West Central Ave.: **Andy Niekamp**, author and Chief Adventure Officer at Outdoor Adventure Connection, returns to Springboro to talk about his recent hike on Alabama's 335-mile Pinhoti Trail.

Thursday, Jan. 26, Springboro Performing Arts Center Premier Health Theatre, 115 Wright Station Way: **Justin Kellermeier of K&G Bicycles**, will discuss bicycle maintenance and repair to prepare your bike for spring. Learn basic adjustments and safety checks, how to pick out a bike and work with your local bike shop. Bring your bike tire and we'll learn how to fix a flat.

Monday, Feb. 6, Springboro Performing Arts Center Premier Health Theatre, 115 Wright Station Way: **Steve Magas, Ohio's Bike Lawyer**, presents part bike law, part bike history.

Monday, Feb. 20, Springboro Performing Arts Center Premier Health Theatre, 115 Wright Station Way: **Jocelyn Hardman, Ph.D.**, returns to the Next Destination series to talk about her recent trip on the St. Cuthbert Way in Scotland and England.





From Mayor John Agenbroad

Springboro has much to be thankful for: great schools, vibrant downtown, strong history, terrific parks, friendly neighborhoods, a wide variety of restaurants and shopping options, and a robust business community. We are also fortunate to have many involved and engaged citizens volunteering for so many organizations throughout our City. We appreciate your service!

As we wrap up 2022, please get out and enjoy all the wonderful resources your City has to offer! Our parks are perfect for walking, running, cycling, playing or sitting on a bench taking in the beautiful views.

One of our community's signature events, Christmas in Springboro, is Nov. 18-20 in beautiful historic downtown. Featuring food vendors, shopping, entertainment, kids' activities and 5K run, the tree lighting ceremony kicks off the festivities at 6:45 p.m. Friday at Rotary Park. Santa's Parade begins at noon Saturday and the festival concludes at 5 p.m. Sunday. Christmas in Springboro utilizes funds raised during this event to support local non-profits. Visit www.springborofestivals.org for the complete schedule.

Our leaf collection program is underway. Crews will be on your street several times to collect leaves at the curb. Please see our website, www.ci.springboro.oh.us for the schedule, as this City service will continue through the end of the year.

As we approach the holidays, on behalf of your City Council, we wish you a peaceful and joyous season. Warmest wishes for a healthy and happy 2023!

Happy Holidays!



The Christmas in Springboro Committee receives a check in support of the annual festival from Mayor Agenbroad.



Heatherwoode Shines During OHSAA Tourney

Heatherwoode Golf Club was selected to host the five-day Ohio High School Athletic Association Southwest District Boys & Girls Golf tournaments. Held over two weeks in October, our municipal course showcased the best junior golfers in the area. The top three winners of each district then moved on to the state competition held in Columbus—including both the Springboro High School Boys and Girls teams.

In addition to hundreds of high school golfers from all over the Dayton and Cincinnati area, family and friends attended the events in support of their players. The City and Miami Valley Golf worked with the Miami Valley Communications Council to broadcast the event live each day. Fans from all over the country including California and South Carolina were able to watch their players tee off, see playoff rounds and interviews with players—all available live on our YouTube channel.



The voice of the Cincinnati Reds, Hall of Famer Marty Brennaman stopped by the announcer booth to visit with Heatherwoode staffers Neal Amburgey and Austin Schoonmaker, who handled play-by-play action.

Auto Pay and E-billing Available for Utilities Payments

Take away the stress of finding a stamp and mailing your utilities payment. Springboro water, sewer and trash customers can pay the bill through Auto Pay and never worry about missing a due date. Customers also have the option to pay bills online using a credit card with **NO FEE**. You can also receive a notification when your utility bill is ready to view, through e-billing. For more information, visit www.ci.springboro.oh.us Utility Services or call 937-748-4343.

City's YouTube Channel Showcases Special Programming and Concerts

Relive all the great music and fun of our summer concert series by watching the City of Springboro YouTube channel. In addition to our concert lineup from the past several years, you can also catch episodes of our government programs, speaker series and other special events. Subscribe to the channel and never miss a Springboro show! Search City of Springboro on YouTube for all the latest programs.

Leaf Collection—Rules for Rakin’ ‘Em Right

Our leaf collection program is underway. To keep collection on schedule and help keep costs down, please follow these guidelines:

- Rake your leaves to the curb or tree lawn, but not into the street where they will block traffic.
- Place your leaves at the curb at least two days before crews are scheduled to arrive. Depending on Mother Nature, equipment problems and volume of leaves, **crews may run up to two days early or two days late.**
- Do not rake anything except leaves to the curb for collection. Branches, sticks and other waste clog the machinery and can potentially damage the leaf vacuum.
- Do not bag your leaves for collection. Bagged leaves will be by-passed. Leaves must be at the curb for ease of pick up by leaf vacuums. Bagged leaves will be left for Rumpke to pick up as part of their yard waste collection.
- Do not park vehicles within 20 feet of leaf piles. Leaves must be accessible to the trucks and the leaf vacuum. If leaves are not accessible, they will be bypassed – we do not want to risk damaging the leaf vacuum or your vehicles.

The leaf collection schedule and map are available at www.ci.springboro.oh.us or call 937-748-0020 for more information.



Gallery Showcases Variety of Works Through December

A variety of works is scheduled at the Springboro Performing Arts Center Art Gallery, 115 Wright Station Way.

The current show highlights the works of **Cecilia Brendel**, owner of Olde Masters Galleria in Centerville. Her oil works include large biblical pieces, paintings on copper panels, portraits and seasonal landscapes. Her love of fine details inspired her to create a series of miniature paintings which have been published in American Art Collector magazine as “One to Collect.” These oil collectible miniature pendants will also be on display. The show is available through Nov. 23.

ArtAbilities is the December show set for the gallery. Coordinated by Cathy Jeffers, the exhibit will showcase the work of local artists managing physical or mental illnesses. The show runs Dec. 1 – 22.

The gallery kicks off 2023 with a photography exhibit **Ohio Nature**, set for January. The juried exhibition includes nature photography from across the state and features 22 photographs from 17 photographers.

Gallery Hours are 8 a.m. – 4 p.m. Monday through Friday with some extended hours on evenings and weekends or by appointment by calling 937-748-5774. For more information, visit ci.springboro.oh.us.



Community Continues to Support Officer Ney

To show their love and support of Clearcreek Township Police Officer Eric Ney, three community organizations made significant contributions to the Ney family. The Springboro Optimist Club and Springboro Lions Club each donated \$1000 and the Springboro Eagles gave \$5000 to assist the family. Other clubs, individuals and families have held fundraisers and events for the family.

Officer Ney was shot in July while responding to a domestic disturbance call. He was released from the hospital and as of press time, was progressing well in rehab.

“This community always gives from the heart,” says Mayor John Agenbroad, “We come together to help our neighbors—and we’ll continue to do so.”

Lights! Broken! Action!

Recycle your broken Christmas lights—and all other strand lights through Feb. 1. Drop-off barrels are available 24/7 in the lobbies of the Springboro Municipal Building, 320 W. Central Ave. and the Springboro Performing Arts Center, 115 Wright Station Way. Thanks to Warren County Solid Waste Management District for coordinating this program.



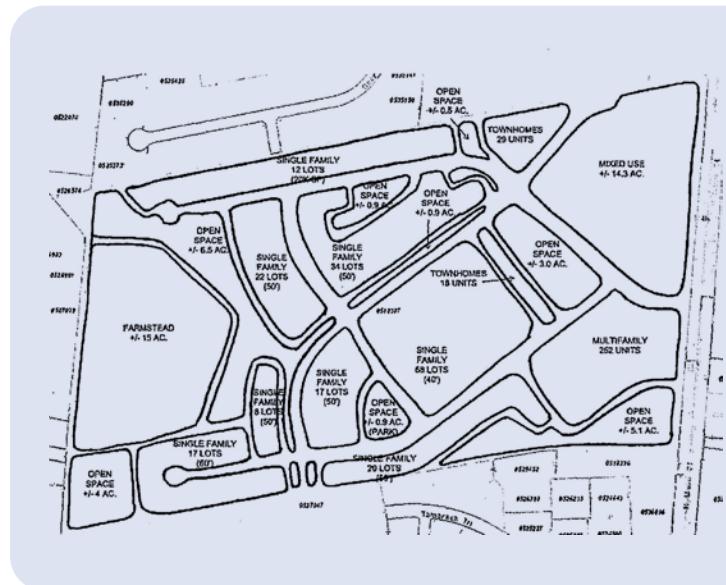
Easton Farm Settlement

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According to Pozzuto, settling the lawsuit “Came down to the fact that the City was staring at the potential for very large financial damages, for which we had no insurance coverage. This meant the whole weight of the financial damages and attorney fees would be paid by all taxpayers. Additionally, the plaintiffs could have been awarded the original plan and then the development would be built. Those were risks the City Council could not take. This court-ordered settlement protects the taxpayers from having to pay any financial damages or attorney fees and reduced the development from the original plan that was submitted.”

Based on the plaintiff’s court filings, the downturn in the economy and the rising cost of construction over the past year, the damages that could have been levied against the City were estimated at \$7,000,000. Since the City was denied insurance coverage for this case—even after appealing the decision twice—that dollar amount would have fallen to the taxpayers to cover. “City Council felt it could not risk those kinds of taxpayer dollars,” said Pozzuto. “That was first and foremost in their minds.”

To put the damages number in perspective, *\$7,000,000 is approximately half of the City’s net annual income tax collections.* “If this amount was required to be paid in damages due to an adverse court ruling, it would be catastrophic for the City and our residents,” said Pozzuto. “Services like street resurfacing, leaf collection and park maintenance would have to be reduced immediately or taxes would need to be raised to offset those



damages in order to keep the same level of services people in the community enjoy. Also important to note,” said Pozzuto, “is if the City did lose the court case, the plaintiffs could have received all the components of the original plan they submitted, notably 330 multi-family units, a parking garage, a direct street cut-through to Deer Trail, 33-foot wide lots and close to 700 total residential units.”

In legal cases such as these, the Court reviews a set of facts and attempts to answer certain questions based on the following in order to make a ruling:

- * What does the Master Plan in effect at the time recommend for the zoning and use of the property in question?
- * Does the proposed rezoning and development adhere to the Zoning Code in effect at the time?
- * Does the proposed rezoning and development reflect the uses of the land surrounding the property?
- * By denying the rezoning and development – did the City deprive the property owner of an economically feasible use?
- * Was the decision to deny the rezoning and development arbitrary?

Courts do not take into account community sentiment, petitions, objections from neighbors or other opinions of that nature. The proposed rezoning and development met all of the City requirements in the zoning code, was consistent with the recommendations of the 2009 Master Plan, and compatible with uses of land surrounding the property. “The only argument the City may have had to defend itself was that the decision was not arbitrary,” said Pozzuto. “Based on this set of facts, it was clear that the City had an uphill battle to win the lawsuit.”

“During the zoning process, in many respects, the City held all the cards,” said Pozzuto. If a developer desires a timely approval of a project by the City, the developer is usually willing to make various concessions it may not otherwise be required to make. “Over multiple meetings spanning months, the City was able to get the developer to make many significant changes to the original plan to address concerns of the Planning Commission, Council and citizens – namely eliminating the street connection to Deer Trail, eliminating the parking garage, reducing the number of homes and ultimately

eliminating the multi-family,” he said. “Even with those compromises by the owner and developer, some neighboring residents still voiced strong opposition.” City Council at that time denied the rezoning. Once the developers and owners filed the lawsuit, and the judge denied the City’s request for dismissal, “it was at this point where the plaintiffs then held most, if not all the cards because of how the courts would ultimately review the legalities of the lawsuit,” Pozzuto said.

The settlement is available in its entirety at www.ci.springboro.oh.us.

City Crews Ready for Snow

Springboro's Public Service Department is ready for winter! Our crews work to provide quality services so motorists can safely travel our roadways.

You can help expedite snow and ice removal by:

- Removing portable basketball hoops from cul-de-sacs so plows can clean curb to curb.
- Parking your car in the driveway—during the snowstorm or when one is predicted. This allows the snowplows to better and more efficiently clean your streets so you can safely drive on them.

Take It Slow on Ice and Snow

We're heading into winter weather and icy driving conditions. Take it slow and easy when driving on icy roads. Springboro and neighboring communities have crews working to keep roads clear and safe. Motorists can help, too. Follow these guidelines from the Ohio Department of Transportation:

Know Before You Go

- Know the latest driving conditions. Visit www.ohgo.com for the latest driving conditions.
- Clear snow and ice from your vehicle's windows, lights and signals.
- Make sure tires, wiper blades, lights and other vehicle functions are working properly and maintain an adequate fuel level.
- Give yourself extra time to get to your destination.

Take it Slow

- Watch for black ice. Roads that seem dry may actually be slippery and dangerous. Use caution when approaching intersections, off-ramps, bridges or shady areas—all can be hot spots for black ice.
- Reduce speed and increase distance between vehicles. Remember a four-wheel drive vehicle can still slide on icy roads.
- Brake early, brake slowly, brake correctly and never slam on the brakes.
- Don't use cruise control and avoid abrupt steering maneuvers.

Don't Crowd the Plow

- Snow plows travel well below the posted speed limit. Be patient and give them room to work. Try not to pass the plow. Watch for sudden stops or turns.
- Watch out for blind spots. The plow driver's field of vision is limited. If you can't see the plow's side mirrors, the driver can't see you. Stay two to three car lengths behind the plow.
- Beware of snow clouds. Snow plows often create clouds as they clear the roads, often reducing your ability to see.

Check Traffic Before You Go

Traffic cameras are located at major Springboro intersections.

Check out live road conditions and traffic situations 24/7 from the City website. The City has three live-streaming traffic cameras at the following intersections: St. Rt.



741 at Lytle-Five Points, St. Rt. 741 and St. Rt. 73, and St. Rt. 73 at Drug Mart. Visit ci.springboro.oh.us and scroll down the main page under the "Calendar". Click on a camera location to see a live feed of the traffic.



Call Before You Dig

Before starting any outdoor project, call OHIO811 or visit oops.org—it's the law. The Ohio Utilities Protection Services works with member utilities including Duke Energy, CenterPoint Energy, AT&T, AES and Spectrum to locate and mark buried utility lines. The service is free and helps ensure your utility services won't be interrupted by someone digging in to them.



Get a Permit Before Remodeling

Residents planning to remodel, build or add-on to any structure must first obtain a permit from the Springboro Building/Zoning Department. This includes the construction of decks, fences, patio covers, enclosures, accessory buildings, installation of irrigation systems and the like. Any remodeling to existing houses such as basements or an unfinished area in a home requires building plans to be filed with the City along with a building application. Pick up an applications at the City Building or download at www.ci.springboro.oh.us.

Double fees are charged for work completed without a permit and some work may need to be removed and redone. It is very important to apply for the appropriate permit prior to work being started. Problems have developed when residents put their house on the market without proper inspection records on file with the Building Department. Contact the Building/Zoning Department, 937-748-9791, with questions.



Keep Your Vehicle Safe

While Springboro residents are fortunate to live in a safe community, crime can occur anywhere. Your Springboro Police work to stay ahead of criminals each day and reduce one of the most common crimes in the City — thefts from motor vehicles.

Whether you are parked in a lot all day or just a few minutes, or in your own neighborhood, don't make it easy for thieves to break into your vehicle. Take steps to prevent thefts from vehicles and thefts of vehicles.

- Lock your vehicle: The majority of stolen vehicles are unlocked.
- Park in a well-lit, high traffic area whenever you are away from home.
- Take your valuables with you, if you can. If not, hide them in a secure area like the trunk.
- Call the Springboro Police immediately if you witness a crime or something suspicious.



**For crimes in progress, call 911.
To report suspicious behavior, call 937-748-0611.**

As winter weather approaches, the Springboro Police Department recommends motorists keep the following safety kit in your car:

- Blanket
- Flares
- Small bag of sand
- Flashlight with fresh batteries
- Small shovel
- Boots
- First aid kit
- Jumper cables
- Ice scraper



Before you leave for your destination...

- Check tires (tread/inflation)
- Check maintenance and keep your vehicle in good running condition
- Keep fuel tank full
- Know where to tune the radio or TV for road safety information



Springboro Police Sgt. Don Wilson congratulates Officer Jason Huelsman on his successful completion of DARE training.

Huelsman Named DARE Officer

Officer Jason Huelsman has been assigned full time to the Springboro City Schools. Selected for assignment to the DARE Officer position, he has recently completed DARE Instructor and School Resource Officer training. Officer Huelsman fills the position

left vacant because Officer Aaron Morgan returned to road patrol.

D.A.R.E.



All treats—no tricks for the more than 1000 costumed kids who participated in Historic Springboro merchants' annual event up and down S. Main Street. We had a great time at Rotary Park giving out cookies with our Police Department's comfort dog, Blue. It was a spooktacular event!



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City Notes

City Notes is a publication of the City of Springboro
Chris Pozzuto, City Manager

Please direct comments and questions to:
Maureen Russell Hodgson, 937-748-5774 or
maureen@cityofspringboro.com

Mayor and Council

John Agenbroad - Mayor 937-748-0842
1255 South Main Street

Becky Iverson - Deputy Mayor
Council Member - At Large 937-470-1812
105 Dalfaber Lane

Stephen Harding
Council Member - At Large 937-748-4851
74 Wheatmore Court

Janie Ridd
Council Member - Ward 1 937-748-0370
440 Queensgate Road

Dale Brunner
Council Member - Ward 2 937-673-2954
28 Pinehurst Place

Jack Hanson
Council Member - Ward 3 937-219-1669
10 Andover Drive

Jim Chmiel
Council Member - Ward 4 937-748-0093
1235 South Main Street

City Council Email
council@cityofspringboro.com

Lori Martin - Clerk of Council 937-748-4356
320 West Central Avenue
Email: lori@cityofspringboro.com

City Offices

City Manager's Office 937-748-4352
Police Non-Emergency 937-748-0611
Public Works 937-748-0020
Utility Department 937-748-4343
Tax Department 937-748-9701
Building & Zoning 937-748-9791



www.ci.springboro.oh.us
askus@cityofspringboro.com



Scan Here!

Holiday Schedule

City Offices will be closed on the following days:

- Thursday, November 24 and Friday, November 25 in observance of the Thanksgiving holiday
- Friday, December 23 and Monday, December 26 in observance of the Christmas holiday
- Monday, January 2 in observance of New Year's Day

Rumpke waste collection will remain on schedule.

Look for Treasure Bags in Our Parks

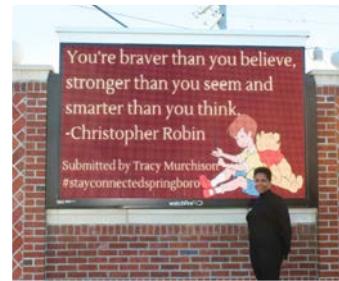
Youngsters are having a ball finding our treasure bags hidden in various City parks. Since May 2021, 85 bags have been found—each filled with fun treats! Look for clues posted monthly on our social media sites. We hide five bags each month.



Submit a Message for Gateway Sign

Share your uplifting message or quote for our community on our gateway sign at St. Rts. 73 and 741. Submit your message for consideration to maureen@cityofspringboro.com and:

- Include your name, phone number and address.
- Keep your message to about 24 characters per line with a maximum of three lines.
- Quotes are accepted. Author of the quote must be cited.
- The City reserves the right to edit submissions if needed.



Celebrate the Holidays at Christmas in Historic Springboro

Springboro's annual Christmas Festival is a celebration of the winter holidays! Set for Nov. 18 – 20 and covering more than seven blocks of our beautiful historic downtown, the festival attracts more than 60,000 visitors with plenty of food vendors, local music and entertainment, shopping, crafts and other activities for the entire family to enjoy. The official tree lighting ceremony kicks off the festivities at 6:45 p.m. Nov. 18 at Rotary Park. Santa's Parade begins at noon Nov. 19 and the festival concludes at 5 p.m. Nov. 20.

Christmas in Springboro partners with Operation Santa, the Springboro Community Assistance Center and The Pantry utilizing festival funds to help improve the quality of life for families in need in our community. The festival is managed by the Springboro Christmas Festival Committee. Visit www.springborofestivals.org for the complete schedule of events.