

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

**CITY COUNCIL WORK SESSION**

**THURSDAY, APRIL 7, 2011**

**6:00 PM**

**COUNCIL**

**John Agenbroad, Mayor**

**Tom LaDu, Deputy Mayor      Marie Belpulsi**

**Jim Chmiel                              Sheila Lairson**

**Bruce Moore                             David Vomacka**

**CITY STAFF**

**Chris Thompson, City Manager**

**Chris Pozzuto, Assistant City Manager**

**Alan Schaeffer, 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, April 7, 2011 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Ave., Springboro, Ohio.

**ITEM 2. ATTENDANCE.** Council: All present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Kruithoff, City Planner Dan Boron, Mr. Schaeffer, and Ms. Martin were present.

**ITEM 3. LEGISLATIVE AGENDA. –Five legislative agenda items were reviewed for April 7.**

- 1) **EMERGENCY ORDINANCE: THIRD READING.** AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-11-5 AND DECLARING AN EMERGENCY. (2011 SIDEWALK/DRIVEWAY APRON PROGRAM)

No discussion.

- 2) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 0.36 ACRES OF LAND LOCATED AT 10 FAIRWAY DRIVE, FROM O-R, OFFICE-RESIDENTIAL DISTRICT, TO PUD-O, PLANNED UNIT DEVELOPMENT-OFFICE.

No discussion.

- 3) **EMERGENCY ORDINANCE: SECOND READING.** AN ORDINANCE REGULATING COMPUTERIZED INTERNET SWEEPSTAKES CAFES WITHIN THE CITY OF SPRINGBORO TO ESTABLISH STANDARDS FOR LICENSING, REGULATING, AND CONTROLLING THESE CAFES AND PREMISES UPON WHICH THEY ARE LOCATED UNDER CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO AND DECLARING AN EMERGENCY.

It has been requested that Council waive the third reading of this ordinance.

There were no objections to this request.

Council will consider a motion at tonight's Regular Meeting to waive the third reading of Legislative Item 3, an Emergency Ordinance, Second Reading.

- 4) **ORDINANCE: FIRST READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 2.43 ACRES OF LAND LOCATED AT 945 WEST CENTRAL AVENUE, FROM ED, EMPLOYMENT CENTER DISTRICT, TO B-1, HIGHWAY BUSINESS DISTRICT.

No discussion.

- 5) **RESOLUTION:** A RESOLUTION APPROVING A REVISION TO THE APPROVED GENERAL PLAN FOR THE SPRINGS PUD, PLANNED UNIT DEVELOPMENT, SUBMITTED BY FISCHER DEVELOPMENT COMPANY.

Ms. Lairson commented that in the 2005 plan for The Springs development, it appears that vinyl siding is on the list of approved construction materials to be used. The use of vinyl has been one of the items in the proposed revised plan that residents have voiced concerns about.

Ms. Thompson stated that Mr. Coffman had not submitted a list of approved materials with the 2005 plan.

Mr. Boron confirmed that Ms. Thompson's statement was correct.

Ms. Lairson confirmed that if Council denied the request to revise the plan and the 2005 plan was kept in place, vinyl siding would not be prohibited.

Mr. Boron stated yes, Ms. Lairson's statement is correct.

Mr. LaDu asked if the 2005 plan included any restrictions regarding constructing two-story homes in Area 4.

Ms. Thompson stated that in the 2005 plan, there were no restrictions on home elevations. There were three elevations submitted in the 2005 plan all of which have an appearance of a second story, although some homes only contain a loft.

Mr. Chmiel asked if there were any items in the 2005 plan that the City is not in possession of that may surface at a later date.

Ms. Thompson stated that the 2005 plan never reached the point where plan details were provided at the level of detail that they have been provided for the proposed amendment requested by Fisher Development; there was no Final Development Plan submitted. At the time when the project was abandoned, the City had a Clubhouse approval, a Street Layout approval, the General Plan approval on three elevations, and approval on one elevation for a Condominium plot.

Mr. Boron commented that all together this is the fifth change to the 2001–2002 General Plan. The latest change that is pending was in 2010 regarding St. Mary's Church and the continuing care area. Another change, which was withdrawn by the applicant, was a request to remove sidewalks from the development. The 2005 change, which is the most significant to date, involved the proposal for 192 condominiums on the north central portion of property, and the change to the original PUD for the General Plan itself dating back to 2001-2002.

Ms. Thompson commented that not all of these changes were necessarily considered major or were presented to the Planning Commission, but they were all changes nonetheless.

Ms. Belpulsi asked if she were the property owner and wanted to develop the land according to the 2005 plan, what are the guidelines that she would be required to follow? Ms. Belpulsi stated

*that she is aware she would have to comply with the densities, the three elevations, and the condominium plan. Ms. Belpulsi asked if there would be any restriction regarding the kind of materials that could be used to build.*

*Mr. Boron stated that the General Plan sets the overall tableau; the layout of the streets, homes, and open spaces within the development and is what has been approved and amended from time to time. The Final Development Plan has been carried forward on individual elements of the PUD, but not all of them. The Record Plans, which are the final stage, are where the developer and seller allow for the transfer of property from one to the other. This has been done for some portions of the site, but not all. The question of what requirements would have to be met really depends on which section of the development you are talking about. The area where the single family homes are currently built has gone through all three stages. Mr. Boron stated that the Common Area actually contains the most detail; the entire construction phase was completed for this section. Other areas are more open because a Final Development Plan and Record Plan were never submitted.*

*Ms. Belpulsi commented that one of the biggest concerns she has been hearing in meetings is in regard to the types of materials to be used. Ms. Belpulsi stated that it is her understanding that if the developer has to build according to the 2005 plan, there are no requirements established for materials.*

*Ms. Thompson stated essentially yes, that is correct.*

*Mr. Vomacka commented that whoever wanted to develop the property would have to come back to the Planning Commission with specific Final Development Plans for all of the areas where they do not exist. Other than the set of developed lots and the three existing elevations, no action has been taken.*

*Ms. Thompson stated that Fisher Development has included more information and material work than an applicant customarily would do in the first phase and this is included in the packet and documented and is part of the denial by the Planning Commission last Wednesday, even though it was not provided by Coffman Development in 2005. Ms. Thompson commented that if Fisher were to build tomorrow, they would be able to build in Sections 1 through 4 using what they indicated in their submittal with the materials that are approved by the Planning Commission. Ms. Thompson added that if the Planning Commission's vote is upheld and the amendment is denied that is one issue, but if Council was to vote to approve the amendment and override the Planning Commission's recommendation Fisher Development would have to build in compliance with all items submitted. This includes percentages of vinyl, wood, brick, stone, etc. for sections in Areas 1 through 4, and would be part of the amendment that Council would approve.*

*Mr. LaDu asked, if Council was to agree with the Planning Commission and deny the request would any future developer have to come back to the Planning Commission for another amendment to continue the path of the 2005 General Plan.*

*Mr. Schaeffer stated that this is true for all sections except for the Condominiums. The plans for the Condominiums are, for the most part, complete.*

*Ms. Thompson stated that any developer would have to come to Planning Commission for another request to amend the General Plan PUD to change density, road systems, or any other major items.*

*Mr. Vomacka asked if any developer could proceed with the Condominiums since they were already approved in the 2005 General Plan.*

*Mr. Boron stated that a developer could proceed with the Condominiums, but they would have to propose the Final Development Plan. Mr. Boron commented that the proposed amendment addresses three major areas of change being requested. In the Fisher Plan, there*

has been a change to the configuration of the road system and open space system, an increase in units, and a change in materials including building materials and elevations.

Ms. Thompson stated that so much detail was lacking in the 2005 plan that it makes it difficult to compare that plan with the proposed amendment from Fisher Development. The approval of the 2005 General Plan was based on three elevations for Homes, one elevation for Condominiums, the Layout of the Streets, the Clubhouse, and the Density.

Ms. Belpulsi asked for comments on the Clubhouse and what will happen if a developer is required to follow the 2005 General Plan.

Ms. Thompson stated that there is a high level of doubt that the Clubhouse can be salvaged in its current condition. The site of the Clubhouse would have to remain consistent with the 2005 plan; the location cannot be altered. The City approved a Clubhouse and a Recreation area; the City did not approve any specific square footage, amenities, etc.

Ms. Belpulsi asked if the developer would be required to demolish the existing Clubhouse.

Mayor Agenbroad commented that it would be more expensive to bring the Clubhouse up to standards that would satisfy the code than it would be to demolish and rebuild it.

Mr. Schaeffer stated that the developer owns the ground upon which the Clubhouse sits. As the phasing gets to a certain point, a Clubhouse will have to be established and will eventually go to the Home Owners Association. According to the the 2005 plan, the Clubhouse will be where the existing building is.

Mr. Vomacka asked if the Clubhouse could simply be taken down and the site filled in with grass.

Mr. Schaeffer stated that in order to comply with the 2005 plan there would eventually have to be a Clubhouse.

There was no further discussion, questions, or comments regarding Legislative Item 5.

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

**Executive Session:** Ms. Thompson requested an Executive Session, following the Work Session discussion, for the purpose of discussing imminent litigation.

At this time, Mayor Agenbroad requested an Executive Session, under R.C.121.22(G), following the Work Session to discuss Imminent litigation.

**Ms. Belpulsi motioned to enter Executive Session under R.C.121.22(G), following the Work Session discussion, to discuss imminent litigation. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [7-0]**

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

**Calendar Update:** Ms. Martin reported that Friday, April 22 is Good Friday and City Offices will be closed. The Arbor Day Ceremony will be held on Saturday, April 30 at 8:00 AM at the Fire Station, 925 S. Main Street.

**Warren County Municipal League Monthly Meeting:** Ms. Martin informed Council that the WCML monthly meeting will be held on April 20 at the Houston Inn in Lebanon. The featured

speakers will be local Finance Directors and Springboro Finance Director Robyn Brown will one of the speakers.

**Board and Commission Handbook:** Ms. Martin commented that phase one of the Boards and Commission Guide has been completed and distributed to Council. This booklet serves as a guide to residents who may be interested in serving on a Board or Commission in the City. An application is included in the center of the booklet. These booklet and application will be distributed to all current board and commission members and will be made available at various locations throughout the City as well as on the website as a resource for residents.

Ms. Martin stated that phase two, which is the expanded version of the training manual, the Board and Commission Handbook, will coincide with a training session, and is still in production and hopefully will be completed in the next few weeks.

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

**Mr. Vomacka** – No issues/reports.

**Ms. Lairson** – Ms. Lairson will present a Community Service Board report at tonight's Regular Meeting under Committee Reports.

**Mr. Moore** – No issues/reports.

**Mr. Chmiel** – No issues/reports.

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

**Mr. LaDu** – No issues/reports.

**Mayor Agenbroad** – No issues/reports.

**Executive Session: At approximately 6:29 PM, City Council entered Executive Session to discuss imminent litigation.**

**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 April 7, 2011 City Council Work Session at approximately 6:55 PM.

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

**CITY COUNCIL REGULAR MEETING**

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THURSDAY, APRIL 7, 2011

7:00 PM

**COUNCIL**

John Agenbroad, Mayor  
Tom LaDu, Deputy Mayor      Marie Belpulsi  
Jim Chmiel                      Sheila Lairson  
Bruce Moore                     David Vomacka

**CITY STAFF**

Chris Thompson, City Manager  
Chris Pozzuto, Assistant City Manager  
Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

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- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, April 7, 2011 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.
- ITEM 3. ROLL CALL.** Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Kruithoff, City Planner Dan Boron, Mr. Schaeffer, and Ms. Martin were present.

**PUBLIC HEARING**

A PUBLIC HEARING WAS HELD BEFORE THE CITY COUNCIL OF THE CITY OF SPRINGBORO, OHIO AT 7:00 P.M. ON THURSDAY, APRIL 7, 2011 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO. THE PUBLIC HEARING TOOK PLACE IN COUNCIL CHAMBERS AT THE CITY OF SPRINGBORO MUNICIPAL BUILDING, 320 WEST CENTRAL AVENUE (SR 73).

**PUBLIC HEARING:** THIS PUBLIC HEARING WAS IN REGARDS TO A RECOMMENDATION FROM THE SPRINGBORO PLANNING COMMISSION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO AND REZONE APPROXIMATELY 2.43 ACRES OF LAND LOCATED AT 945 WEST CENTRAL AVENUE—SITUATED ON THE SOUTHWEST CORNER OF WEST CENTRAL AVENUE AND SHARTS ROAD—FROM ED, EMPLOYMENT CENTER DISTRICT, TO B-1, HIGHWAY BUSINESS DISTRICT.

THIS PUBLIC HEARING WAS HELD IN ACCORDANCE WITH CHAPTER 1284 (AMENDMENTS) OF THE CITY'S PLANNING AND ZONING CODE. THE PUBLIC HEARING WAS LIMITED TO 30 MINUTES; 15 MINUTES RESERVED FOR THE OPPONENTS, AND 15 MINUTES RESERVED FOR THE PROPONENTS.

MAYOR AGENBROAD STATED THAT, AS IS THE PROTOCOL OF THIS COUNCIL, THE PUBLIC HEARING WILL BEGIN WITH PROPONENTS FOLLOWED BY OPPONENTS. MAYOR AGENBROAD INVITED ANY PROPONENTS THAT WISHED TO BE HEARD TO PLEASE COME TO THE PODIUM AND

STATE THEIR NAME AND ADDRESS FOR THE RECORD AND MAKE THEIR COMMENTS ACCORDINGLY.

BEFORE PROPONENTS WERE HEARD, CITY PLANNING CONSULTANT DAN BORON PROVIDED BACKGROUND INFORMATION REGARDING THE PUBLIC HEARING AS FOLLOWS: (A COPY OF THE PRESENTATION HANDOUT IS FILED WITH THE MINUTES FOR THE RECORD AND APPEARS BELOW.) THE SITE PROPOSED TO BE REZONED IS A 2.43-ACRE SITE. THIS PARCEL WAS FORMERLY THE SITE OF NORTHERN SUNOCO AT THE CORNER OF SHARTS ROAD AND STATE ROUTE 73 AT THE WESTERN EDGE OF THE COMMUNITY. THIS PROPERTY HAS DIRECT FRONTAGE ON BOTH SHARTS ROAD AND STATE ROUTE 73 (WEST CENTRAL AVENUE) AND IS PRESENTLY VACANT. AGAIN, IT IS THE FORMER SIGHT OF NORTHERN SUNOCO AND HAS BEEN VACANT FOR AT LEAST FOUR YEARS. THE SITE IS PRESENTLY ZONED ED (EMPLOYMENT CENTER DISTRICT) AND IS THE ONLY FRONTAGE IN THE DISTRICT ON STATE ROUTE 73; MOST OF THE LAND IS TO THE NORTH AND SOUTH OFF DIRECT PROPERTIES ONTO THE STATE ROUTE 73 CORRIDOR. THE PROPOSAL TO REZONE THE PROPERTY TO B-1 (HIGHWAY BUSINESS DISTRICT) IS REQUESTED. THE APPLICANT'S AGENT IS IN ATTENDANCE TONIGHT FROM A FIRM IN AKRON, OHIO FOR THE PURPOSES OF ULTIMATELY USING THE PROPERTY FOR A GASOLINE SERVICE STATION AND CONVENIENCE STORE. TO CLARIFY WHY A REQUEST TO REZONE A PROPERTY THAT USED TO HAVE A GAS STATION ON IT TO A DISTRICT THAT ALLOWS GAS STATIONS IS BECAUSE THE USE IS NOT PERMITTED UNDER THE ED DISTRICT. SIMPLY PUT, NORTHERN SUNOCO WAS A PREEXISTING NON-CONFORMING USE, WHICH, ONCE THE USE CEASED TO EXIST AND THE BUILDING CAME DOWN, LOST ITS "GRANDFATHERED" STATUS AND THAT USE IS NOT PERMITTED IN THE ED DISTRICT. THE APPLICANT REQUESTED B-1 AND IS A DISTRICT THAT IS SET ASIDE FOR THIS TYPE OF LOCATION WHERE THERE IS HIGH VISIBILITY AND TRAFFIC FOR A BUSINESS TO SUCCEED. THE PROPOSED REZONING IS CONSISTENT WITH THE LAND USE PLAN THE CITY ADOPTED IN 2009 UNDER POLICY AREA #6, THE I-75 GATEWAY. THE PLANNING COMMISSION MADE A POSITIVE RECOMMENDATION ON FEBRUARY 23, 2011 TO REZONE THIS PROPERTY TO B-1. ADJACENT LAND USES ARE COMMERCIAL IN ALL DIRECTIONS WITH THE EXCEPTION OF THE I-75 CORRIDOR TO THE WEST. B-1 ZONING CAN ALSO BE FOUND TO THE NORTH AND WEST OF THE SITE IN ADDITION TO B-4, BOTH ZONING DISTRICTS WHICH ARE CONSISTENT WITH THAT AREA, AND ED DISTRICT TO THE SOUTH. THE FIRST GRAPHIC SHOWS THE LOCATION. THE SITE ACTUALLY EXTENDS MUCH FURTHER TO THE WEST AND ENCOMPASSES A MUCH LARGER AREA THAT ULTIMATELY THE END USER PLANS TO USE FOR THE DEVELOPMENT OF A GAS STATION AND CONVENIENCE STORE. THE SECOND GRAPHIC SHOWS THE LOCATION OF THE PROPERTY ON THE ZONING MAP AND THE ADJACENT ZONING. MR. BORON OFFERED TO ANSWER ANY QUESTIONS OF COUNCIL. THERE WERE NO QUESTIONS/COMMENTS OF COUNCIL.



**Background**

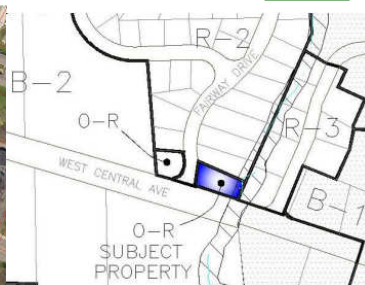
- 2.43-acre site located on northwest corner of Sharts Road and SR 73
- Direct frontage onto SR 73 and Sharts Road
- Site presently vacant; former location of Northern's Sunoco
- Presently zoned ED, Employment Center District
- Rezoning to B-1, Highway Business District is requested

**Planning Framework**

- All 13 currently permitted O-R District uses—artist studios; home occupations; professional services; medical/dental services; single-family residential; schools; parks, playgrounds, community centers; churches; greenhouses, garden centers; farms; civic clubs; animal hospitals markets; medical care facilities; animal hospitals—requested with the addition of one use: day spa

**Planning Framework**

- Proposed rezoning is consistent with Springboro Land Use Plan, Policy Area #2, Northwest Neighborhoods
- Recommended for approval at January 26th Planning Commission meeting.



**PROPONENTS:**

**NO PROPONENTS CAME FORWARD.**

**OPPONENTS:**

**NO OPPONENTS CAME FORWARD.**

**MAYOR AGENBROAD CLOSED THE PUBLIC HEARING AT APPROXIMATELY 7:04 PM.**

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**REGULAR ORDER OF BUSINESS RESUMED**

**ITEM 4. APPROVAL OF MINUTES:** APPROVAL OF THE MINUTES WILL TAKE PLACE AT THE SECOND REGULAR MEETING OF APRIL 7 (RESCHEDULED FROM APRIL 21).

**ITEM 5. PRESENTATIONS:** ECONOMIC DEVELOPMENT UPDATE – CHRIS POZZUTO, ASSISTANT CITY MANAGER.

Mr. Pozzuto presented the following economic development update: Highlights from last year and the beginning of 2011 include 23 new companies in the community, six vacant buildings occupied, which Mr. Pozzuto will expand upon later in the presentation, 6.8 acres of City-owned land sold at South Tech and in the southern part of the City, increase in income tax due to new businesses, and two additional City economic development projects planned for 2011.

The first company is Thaler Machine that moved to 216 Talequah Trail, opened in October of 2010, and relocated 69 employees to the City. They have plans to hire an additional 40 employees in two to three years. At the business breakfast this morning, Peter Thaler, the president and CEO of the company commented that they are already well on their way to hiring the 40 new employees and are actually up to 85 employees now. They are an aerospace manufacturer who makes everything from putter heads to war heads. The next company to fill a vacant building is the Tooling Zone at 275 S. Pioneer Boulevard, which opened in November of 2010 and relocated 33 employees from the City of Kettering. The owner, Steve, actually lives in Springboro, which is one of the reasons why he wanted to relocate to the City. They are a tool and die machine shop. Another new business is Pontecorvo Ballet Studios on Commercial Way that opened in January of 2011 and occupies the old Chantrell's Restaurant, which is an interesting reuse from a restaurant to a ballet studio. The Pontecorvo Ballet Studio actually did a performance at the amphitheater at North Park a few years and liked the venue so much that they wanted to relocate in Springboro this year and the City worked with them to find a location. Another new business is Cam Industries that moved into the old Leather Gallery building at South Tech. The building was vacated in the middle of 2010 and was purchased by Cam Industries in December. They also are an aerospace manufacturer and will be relocating 60 employees from the City of West Carrollton. Mr. Pozzuto commented that he does want to highlight that the City is filling vacant buildings because there is always a concern when green space is used for development when existing buildings available, but the City now has four nice examples of infill development where the City actually filled vacant buildings and does not have a lot left vacant. 2010 land sales included the sale of 6.83 acres of City-owned land for economic development purposes. The first is 3.83 acres at South Tech the City sold for \$268,000 and PS Properties, who is acting as the agent for Brickman Landscaping and bought 3 acres on Commercial Way for \$125,000. The City has been able to generate some income through land sales over the past year. Brickman Landscaping will be relocating 20-25 full time employees and about 40-50 seasonal employees bringing additional income tax into the City. In 2010, the City had \$70,000 in new withholdings from employees working within the City, which is significant in the current economy. Through economic development efforts like this, the City has actually been able to

increase income tax revenue and help grow the tax base. 2.7% more was collected in 2010 than was collected in 2009, which is significant because the City actually budgeted a decrease for 2010; the City is actually almost 13% above what was budgeted. Again, being prudent, the City budgeted for a decrease due to the current economic conditions, but was able to achieve an increase. The two businesses of Thaler Machine and the Tooling Zone generated close to \$55,000 in income taxes. Past economic development initiatives include the Business First! Program business community, involving communities in Montgomery County and some outlying communities like Springboro, that is a software based program. Part of executing the program involves on-site visits to businesses and Mr. Pozzuto and the City's Business Retention Specialist Nick Motto will visit larger businesses in the City. In 2010, they visited 16 companies that had a total of 1,783 employees, which is significant and a very good prospect for 2011-2012 because 10 of the companies visited plan to expand their buildings and/or number of employees. Again, Springboro is bucking the economic trend by having businesses locate here and having existing businesses expand here. Also in 2010, the City began offering free seminars for small businesses in the Community Room. In March, the City offered a Direct Mail Marketing Seminar, in May, an Internet Marketing Seminar, and in November, a Marketing 101 Seminar. The purpose was to bring speakers in to help our small businesses, as some businesses may not know the benefits of direct mail and internet marketing using Facebook, Twitter, etc. In addition, the City held its annual business appreciation breakfast this morning. In 2010, the City hosted 170 attendees at the breakfast and this morning around 180. This event has grown over the past several years and it is one way the City can say thank you to all of our businesses for locating and operating in Springboro. In 2011, the City is extending West Tech Boulevard at South Tech approximately 1,100 linear feet, which will open approximately 31 acres of property for development in and around the Austin Road Interchange. This development is within the City of Springboro School District and will generate property tax dollars for the school district, which is a positive prospect. Synergy Austin Place is proposing to build 10-12 office buildings with approximately 400,000 s.f. of Class A office space. They are one of the top developers in the Dayton area and the City has been able to partner with them. Also, on the City's website under the business section there is a tool that allows prospective businesses and brokers to search our website to find available properties. The City has partnered with Xceligent Company who will be updating that website with vacant properties, but it also allows local brokers to do that as well. Any businesses in town or out of town can use the City's website to search for available properties or sites; they can input their parameters and available properties will pop up. Mr. Pozzuto offered to answer any questions.

Mayor Agenbroad asked if there were any questions or comments of Council. No questions/comments.

Ms. Belpulsi commented that she is very proud of the work staff has put into economic development; well done.

Mr. Pozzuto commented that it is a team effort involving the City Manager, City Planner, etc., and staff takes economic development very seriously.

Mayor Agenbroad thanked Mr. Pozzuto for his presentation.



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- 2010-2011 Highlights
- 23 New Companies
  - 6 vacant buildings occupied
  - 6.8 Acres of city-owned land sold
  - Income tax collections increased due to new business
  - 2 additional City projects planned for 2011

Thaler Machine – 216 Talequah Trail



- Opened October 2010; 69 Employees Relocated
- Plans to hire additional 40 new employees in 2-3 years
- Aerospace manufacturer

**Tooling Zone – 275 S. Pioneer Blvd.**



- Opened November 2010; 33 employees relocated
- Tool & Die Machine Shop

**Pontecorvo Ballet Studio – Commercial Way**



- Opened January 2011
- Building Reuse from Restaurant to Ballet Studio & Performance Center
- Students have performed at North Park Amphitheater

**Cam Industries – South Tech**



- Building vacated mid-2010; Purchased by Cam Dec. 2010
- Aerospace Manufacturer
- 60 employees relocating

**Land Sales in 2010**

- Total 6.83 Acres
- Synergy Austin Place – 3.83 Acres at South Tech - \$268,100
- FS Properties – Brickman Landscaping – 3 acres on Commercial Way - \$125,000
  - Relocating 20-25 Full-time Employees and 40-50 Seasonal Employees

**Steady Income Taxes**

- The City had \$70,000 in new withholdings in 2010.
- 2.7% more than collected in 2009.
  - Budgeted a 10% decrease for 2010
- Thaler Machine and The Tooling Zone bring close to \$55,000 in new income taxes annually.

**Past Initiatives**

- Business First Visit:
  - 16 visits in 2010 with companies that total 1,783 employees.
  - 10 of the companies plan expansion of their building, employees or both in 2011/2012.
- Seminars for small businesses:
  - March-Direct Mail Seminar: May-Internet Marketing: Nov-Marketing 101
- Business Appreciation Breakfast:
  - 170 attendees in 2010
  - 180 attendees in 2011.

**Current and Future 2011 Initiatives**

- Extension of West Tech Boulevard at South Tech:
  - West Tech will be extended an additional 1,100 feet to open up 31 acres of property for development around Austin Road Interchange.
  - Synergy Austin Place proposes 10-12 office buildings totaling 400,000sf of Class A office space.
- Xceligent web based property search:
  - Added to the City website
  - Will allow prospective businesses to search available properties within the City
  - Updatable by City, local realtors and the Xceligent company

**ARBOR DAY PROCLAMATION – MAYOR JOHN AGENBROAD** At this time, Mayor Agenbroad commented that Springboro has been named a Tree City USA again this year and presented the annual Arbor Day Proclamation. (The Proclamation appears below and is attached for the record.) Councilman Bruce Moore will present this proclamation at the City's Arbor Day Ceremony on Saturday, April 30, 2011 at 8:00 AM at the Clearcreek Fire Station, 925 S. Main Street.

**ITEM 6. LEGISLATION: A MOTION TO DEFER LEGISLATION AND REPORTS TO THE SECOND REGULAR MEETING OF APRIL 7 (RESCHEDULED FROM APRIL 21.)**

Mayor Agenbroad asked for a motion to defer legislation and reports to the second Regular Meeting of April 7 (Rescheduled from April 21).

**Mr. Chmiel motion to defer legislation and reports to the second Regular Meeting of April 7 (Rescheduled from April 21). Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes. [7-0]**

**ITEM 7. REPORTS: Mayor's Report. Deferred. City Manager's Report. Deferred. Committee Reports. Deferred.**

**ITEM 8. OTHER BUSINESS. No other business.**

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



**ITEM 10. GUEST COMMENTS.** Mayor Agenbroad made the following statement before proceeding with Guest Comments: "As has always been the case, City Council values public input in all of its deliberations. The Fischer/Springs matter is no exception and your expressed comments, views, and concerns have been reviewed by Members of Council. Within the past week, the City has received letters from an attorney stating that he represents Miller-Valentine and 15 property owners at The Springs at Settlers Walk. In those letters, he has requested the City to take certain actions ". . . to avoid the potential for future litigation." The City has received a similar from an attorney representing Fischer Development, as well. The City takes such threats very seriously. Now that this matter has escalated to parties being represented by counsel and threats of litigation, the City Council will not entertain any discussion nor is it able to respond to any questions that may be part of any "potential future litigation." Accordingly, I would ask that anyone speaking tonight limit any comments you may wish to make and please do not present your comments in the form of questions as the City Council will not be able to answer them in the forum. We are not prohibiting anyone from speaking, we will give you respect and courtesy, and we want you to speak. We know it is a very passionate, very emotionally charged issue as it should be it is your property value and your homes, and we understand that. We have been inundated with e-mails and we have read all of your e-mails. Also, we have Planning Commission minutes, etc. and we know what is going on. What we would ask you to do is those who will be speaking, to say what you have to say. What we would not like to have is 10 people coming up and saying the same thing; that would be counterproductive. The floor is yours. We ask that you take the podium and state your name for the record and make your comments accordingly. I am not going to put a time clock on speakers because it is a very important issue, but if it gets out of hand you will force me to do that. Now, the floor is yours and we welcome your comments and invite whoever would like to go first to come forward."

**1) Mike Hingsbergen, 48 Stanton Drive, Springboro** – Mr. Hingsbergen made the following comments: "My property backs up to The Springs. In the current approved PUD, there is a 20 ft. common space that separates my property from the lots in The Springs. In the proposed revision this common space is removed and The Springs' lots will now be up against my neighbors properties. Usually during the school year, I spend nearly every evening helping my kids on their homework, but the last couple of months, by my coming and speaking at the Planning Commission meetings, the time I have invested in distributing information to my neighbors and writing e-mails to people who are supposed to be representing me, I think I have been the one who has gotten schooled. Tonight, I guess I will see who this Council really represents, an out-of-state builder who specializes in buying properties under their value, jamming in as many low price homes as possible, and then moves on to the next town or do you represent the residents of Springboro, who have only asked that you keep the standards of the plan that was approved in 2005 and that means the 20 ft. common space. That is what's important to the folks on Stanton. We're the folks who made our investment in Springboro on that plan and we also placed our trust in this Council to protect our property values, so I am asking you to do the right thing and I hope that our trust wasn't misplaced."

Mayor Agenbroad thanked Mr. Hingsbergen for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**2) Ron Woeste, 178 Winding Creek Drive, Springboro** – Mr. Woeste made the following comments: "Myron Rheame and myself were selected as the spokespeople for The Springs neighborhood after Fisher purchased the property. We first would really like to thank the Planning Commission for all the work, especially those who dug into the plans and specifications to find the truth of what was really being proposed versus what we were hearing. During the course of the last 5 months, we've expressed the same concerns about the proposed modifications to the 2005 PUD. We are very concerned about maintaining the density, building materials, architectural characteristics, square footage, roof pitch requirement, and garages for each condo that are in the 2005 PUD or are consistent with the City's land use plan. When Fisher purchased this property, they knew the terms of the 2005 PUD. We believe our tax base, schools, our neighborhood and the surrounding communities will suffer if this PUD is amended the way it is

currently proposed. We also believe the requirements of the 2005 PUD are reasonable and in an effort to work with Fisher we have not disagreed on the illumination of the boulevard or the demolition of the existing clubhouse for a smaller one. These two changes alone along with the redesign of streets represent a huge cost savings to them. Our neighbors in Settlers Walk, The Falls Apartments, and Sycamore Springs also have their concerns for what has been proposed along with many others in the community. We were able to collect around 200 signatures on a petition against this change in just four short and partially rainy days. If given more time between the meetings, we would anticipate well over a thousand signatures against this. This is not a distressed property as they say it is. We talked to several builders who tried to purchase The Springs when it became available. We talked to other large builders, who if given the opportunity, would purchase and develop this property, maintain or reduce density, and maintain all the concerns I previously expressed, and it would not be a hardship for them. This plan does not follow the City's land use plan adopted just two years ago for The Springs, which are specifically mentioned in there. We have not followed the City's good neighbor policy in notifying all surrounding neighbors in Washington Township. Different price points can be done without sacrificing architectural design, building materials, and the quality of the homes. I thank you for your time and attention and I ask you, our City Council Members, to not approve this revision to the 2005 PUD as Fisher has written."

Mayor Agenbrood thanked Mr. Woeste for his comments, which are duly noted for the record. Mayor Agenbrood asked if there were any other quests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**3) Charla Rheume, 148 Winding Creek Drive, Springboro** – Ms. Rheume made the following comments: "We were the very first residents in The Springs so we have lived this for the last six years. I would like to read a little excerpt from the Dayton Business Journal that was put out on September 20, 2004: "Coffman said he expects The Springs to attract older working people in addition to retirees and that suits the City just fine," said the Springboro Assistant City Manager Chris Pozzuto. "This kind of development," this is a quote from him, "is good for the community because of the price point and the type of resident it will attract," he said. "Since many of the potential residents most likely will be retirees, empty nesters, have grown children, they won't put much of a strain on the school district," Pozzuto said. "The influx of residents should help with revenue for the City, which is suffering a budget deficit, to increase revenue since the City recently reduced its income tax credit for residents who work outside the City. The change meant that many residents who did not pay income tax to the City are now paying a portion of their income tax to Springboro," Pozzuto said. "The Springs would raise the bar for future development. You like to see good developments like this," Pozzuto said. "It helps raise awareness that Springboro is the place to be. We do things right down here." (end quote from Dayton Business Journal) And, when we made the move here, we felt the same way. We felt that this is going to be a nice place. Not that we don't want children, but this would become a great retirement home for us. We sold out of Washington Township to come here. We really felt that this was going to be our retirement home. Apparently, it will be our retirement home because we aren't going anywhere because we can't afford it. I respect you all and I wish you would look deep in our hearts that you would respect us. Please maintain our PUD that was presented to us and that we all bought into."

Mayor Agenbrood thanked Ms. Rheume for her comments, which are duly noted for the record. Mayor Agenbrood asked if there were any other quests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**4) Myron Rheume, 148 Winding Creek Drive, Springboro** – Mr. Rheume made the following comments: "As Ron Woeste stated, he and I were appointed by our peers in our neighborhood to speak through the residents, at the pleasure and the pain both, to work with the Planning Commission over the past five months. I greatly respect the effort that was put in by all Members of the Commission. Marie who cared, Mr. Vomacka who is sitting here, Dan Boron, you've got a gem here, Chris Thompson, everybody worked hard to try to do the right thing and to try to keep everybody not necessarily happy, but with open dialogue and working together. I'm

one of those tax payers. I'm not bragging, I have a six figure income so I put a significant amount of money into the coffers here at the City; I pay my taxes. I heard mention earlier in the Work Session about the marketing materials and that we couldn't look to those. When we bought in The Springs, it was obviously part of the sales pitch. Up until six months ago, I didn't know what a PUD was; I didn't care. I doubt the average citizen has a clue what a PUD is. I've learned a lot; it's been an educational experience. So, I didn't run down to the City in August 2004 when I bought my lot or when I closed on my property and moved into my home to say are these marketing materials consistent with the PUD. I didn't do that; I just assumed, and we all know what that word does, that Springboro had done their homework. Not to be derisive to anybody in the City or what have you, but I don't feel that the residents of The Springs should be penalized on the 2005 PUD that was approved if all the "T"s weren't crossed and the "I"s weren't dotted. That wasn't my responsibility. If the City didn't do their due diligence at that time, and somebody is hanging their hat right now on some missing pieces, that's not our fault. I again respectfully request that you honor the work that have been put in by the citizens, by Fisher Homes, by the Planning Commission, and hear their recommendation not to approve the revision to the PUD. Thank you."

Mayor Agenbroad thanked Mr. Rheaume for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other quests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**5) Jim Fenwick, President of Property Management Miller Valentine Group, 810 Waterwood Way** – Mr. Fenwick made the following comments: "I think it's important to understand that we probably have the single largest investment in Settlers Walk with twelve million dollars invested in this community. This property is managed by Miller Valentine Residential Property Management, but it's actually owned by a group of investors of which Miller Valentine Group is a minority partner. When we made the decision to make this investment in the City of Springboro, we had a lot of other investment options. Twelve million dollars goes a long way. We looked very carefully at the demographics of the City, the exciting economic growth that we anticipated taking place in the City, and we also looked at the requirements of what it took to develop in Settlers Walk. We were very much aware of the PUD that was in place and did everything within our control to make sure that we were a responsible owner and investor in Springboro. We really believe that our investment will be negatively impacted by the modifications that have been proposed. Higher density generally leads to lower market prices and high costs of services. Increased density increases costs to the City. Some studies show that costs for residential development can be \$1.40 for every \$1.00 of tax revenue earned. Why we would want to increase our density and increase our costs to provide services surprises me. Projects must be evaluated within the context of the existing community and not simply on their own merits. We feel very strongly that the City of Springboro must hold its obligation to the people who trusted and invested in this community, and we ask you to please not approve the proposed modification to the 2005 PUD. I really appreciate everybody's time tonight, thank you very much."

Mayor Agenbroad thanked Mr. Fenwick for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other quests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**6) Karen Mueller, 90 Trevor Lane, Springboro** – Ms. Mueller made the following comments: "My husband and I were relocated here almost exactly four years ago today. We have a different situation; my husband is retired military that was active duty. Where were we living? Guam. I did not have the luxury of coming over here and looking at a home before we moved because it is quite an expensive airline ticket and we also have 5 children. One of the reasons we chose Springboro was because of the schools and because of the house. I can get more house for my money in Springboro. I never saw my house until after we did the closing. I had left it up to my husband and to the realtor. The reason we chose Springboro was because it is an excellent community, the website was beautiful, and the house was gorgeous. We live in Settlers Walk and it will affect me because Trevor backs up to Stanton. Another concern is the school system. I know what the changes to the PUD are going to propose and it will be an increase in enrollment. I

have five kids and I work almost full time and my husband works full time. My son and my daughter are in fifth grade. They have 32 kids in their class, which is quite a large number for a teacher. I have five kids in the elementary school continuing to go on. If you change the PUD, it is going to affect me, and it's going to affect all of us in Settlers Walk and the entire neighborhood and the entire Springboro. As for the folks from Guam, six other folks from Guam moved here. We were the only ones that chose Springboro because we got more house for our money and because we believe in Springboro and we wanted to move here. Those other five folks chose a neighborhood, Beaver creek, much closer to Springboro, which we could have easily done, but we chose Springboro because we want to stay in Springboro. I ask you please, please, do not approve that PUD on behalf of myself, the future generation, my five kids, and my neighbors. Thank you."

Mayor Agenbroad thanked Ms. Mueller for her comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**6) Scott Phillips, Attorney, Frost, Brown, Todd** – Mr. Phillips made the following comments: "Mr. Mayor, I don't believe our letter threatened litigation. I certainly understand your concerns, but I did want to note that we haven't threatened litigation. We were retained by some of the residents in order to take a look at this situation and to try to provide some advice and some input into our review. Like we do with any project, we sat down and started looking at the zoning resolution, we looked at the information that we could get on the current approved PUD project from 2005, and we also looked at your land use plan. We've only been in this for about ten days or so; so, we're playing catch up. One of the things we looked at when we looked at 2005 that was kind of noted tonight that is a little interesting, is somehow it seems unclear as to exactly what standards were in place when these 15 or 16 homes that are currently there at The Springs were built. I will kind of point you to a couple things that we do know. The first is we know what the overall density was. I don't think there is any dispute that they are proposing a significant increase in the level of density; the Fisher property is. Also, there were various marketing materials that were provided to our clients that they reviewed that basically showed what's currently there which is, in essence, a patio home type quality and single story for the most part; these are very nice products. There are significant dollars in those houses, \$400,000 to \$500,000 and greater homes. So, in essence, of a high quality home, they're definitely marketed towards empty nesters. We know that somehow, even without a very clear set of guidelines as to what the expectation was, we know that 15 or 16 homes were built that in essence look basically the same. It is a very well integrated product that is currently there. Also, Fisher, for the Planning Commission, did an analysis where they went through and basically for this area, Area 4, as well as Area 3, and Area 2, of course their Area 4 that they propose is different than what was currently Area 4. They went through and they listed the 2005 approved plan, and then they list basically what the expectation was as to what was going to be built there and include things like building materials, brick, stone, wood products. They indicate that it was a single-story or a single-story that looks like a two-story with a pitch roof product that's currently there. So, Fisher has acknowledged that there was some sort of standard that was there because they have went in and did a comparison to what they're proposing. Finally, we have the Land Use Plan, which we noted in our letter. The bottom line on that is that you did a Land Use Plan that looks specifically at this area, which is designated in the plan as Policy Area Number 4. In Policy Area Number 4, there's an implementation recommendation that says "development and redevelopment activities in this policy area should emphasize residential uses that conform to the existing character to the neighborhood in which the development or redevelopment is located. Similar building materials, building massing and orientation are essential to the integration of new dwellings." So, your Land Use Plan basically contemplates what happens in a situation that we have here in which there is, in essence, a proposal to go a different direction. Reviewing this from a good public policy point of view, I think that there could be a plan that would work here. I think that what my clients have formatted that they have tried to do is sit down with Fisher and basically do some phase outs that will provide buffer areas to basically go back to the original Area 4, which has now been kind of morphed into something much smaller than they're proposing to do, some things within a block or so that perhaps may mimic some of the characteristics of this neighborhood. One of the big

things they are unwilling to do is limited to the patio home. They're basically saying they're going to do two stories. They can expand this area they're talking about and stick with the original plan. That would certainly go a long way in doing this, but the plan that is before you today, that the Planning Commission reviewed, in essence doesn't address things that need to be addressed. I'm not saying there's never going to be a plan that works, but this is not the plan. This is not the plan that's going to protect the investment that my clients have made in this neighborhood. Quite frankly, there's no reason why at this point in time we should be throwing in the towel and saying OK we finally have someone willing to give us something; let's go with that. There's too much at stake for my clients at this point and time to do this. So, what was presented to the Planning Commission was this, a plan in essence "this is what we're going with" and frankly the Planning Commission voted to turn this down. I saw Mr. Trauth's letter today and something that really surprised me is that he is taking the position that apparently because this is, quote, "an administrative process," that it only takes a simple majority to overturn the Planning Commission's recommendation. First off, in your zoning resolution, there's nothing that comes remotely close to saying that. It basically says that somehow, if it's an administrative process, you ignore the three-fourths rule. There is no support for that proposition in your zoning resolution that I've seen, in the Ohio Revised Code, or in Mr. Trauth's letter. He has provided no support other than his statement. If you look at section 1272.18 Revision of Approved General Plans, major changes to the General Plan, which is the plan we are talking about here, may not be made unless and until Revised General Plan is processed and approved in accordance with this Chapter. That's what we're dealing with; we're dealing with a major change to the General Plan; I think that's undisputed, and that refers you back to 1272.17, which is entitled "Amendment of Official Zoning Map, General Plan Approval" and in Section B of that section it says, among other things, "after receipt of the recommendation, City Council shall act on the recommendation of the Planning Commission in accordance with Ohio Revised Code section 713.12 and Chapter 1226 of the Official Zoning Code. When you look at this section of the Ohio Revised Code, which is referenced...."

Mayor Agenbroad interrupted Mr. Phillips by stating the following: "Sir, in all due respect, I don't really need you to cite the law; we have a Law Director. What you need to do is talk about the issue and we'll debate the issue."

Mr. Phillips continued as follows: "That's fine. I would like to finish this though for the record."

Mayor Agenbroad interrupted Mr. Phillips again by stating the following: "My point is I've allowed you to go eight minutes, and I want to make sure everyone else gets a chance to go, so wind your comments up please."

Mr. Phillips continued as follows: "So, when you look at 713.12, it is very clear that in essence no ordinance, measure or regulation which defers from or departs from the plan or report submitted by the Planning Commission, Board, or Officer shall take effect unless passed or approved by not less than three-fourths of the membership of the legislative authority. So frankly, I don't know how you come to any conclusion other than that it would take three-fourths of you today to reverse the Planning Commission decision. In conclusion, the issue I think is quite simple. The Planning Commission reviewed this, they spent six months looking at it, and they're entitled to deference. If this case went to court, the courts would give them deference and I believe you should give them deference since they're the ones who have basically went through the process, heard many, many months of testimony and evidence about this, and you should basically affirm their decision."

Mayor Agenbroad thanked Mr. Phillips for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**7) Todd Huss, Fisher Development Company** – Mr. Huss made the following comments: "I want to thank you for your time and attention this evening. I wanted to begin with a quick background of the Fisher Group. The Fisher Group is the largest builder in the greater Cincinnati

area and the 36<sup>th</sup> largest builder in the USA. We've been in business for over 30 years and we're actively building in over 130 communities between Cincinnati, Indianapolis, and Columbus. Our development team, the Fisher Development Company, owns and develops approximately 60% of these communities. I'm assuming you're familiar with the contents of our application and have had a chance to review the letter I submitted to you on April 1. In respect for your time, I will try to be brief, but there are several key elements I would like to review. First, to fully comprehend the situation one must understand the history of The Springs. The original Approved General Plan was submitted in 2001 by the Coffman Development Company. Modification of the General Plan was then approved in 2005. The original concept of this plan included extensive amenities, a massive clubhouse and pool, and maintenance free lots. The plan also included many development inefficiencies including unloaded streets, inefficient street, utility, and detention designs, and a plan that did not promote housing diversity. From the start, this concept faltered, even though it opened for business in the heart of the housing market boom. This failed concept resulted in a boarded up and partially completed clubhouse and pool, boarded up homes, and weed covered lots and open spaces. This project has languished for going on four years. Following a series of foreclosure actions by multiple lenders, the Coffman Development Company lost control of the properties. In September 2010, the Fisher Development Company acquired from multiple sellers the remaining existing platted lots and undeveloped land of The Springs. We believed and still believe that our revised General Plan offers the best overall solution for community viability and will result is a quality residential community that the City of Springboro and the Fisher Group can be proud of. The Fisher Group companies include all the components necessary to take this community from its current situation all the way to complete build out. These components include planning, development, HOA management, and the selling and building of various attached and detached housing. We were able to assemble and acquire all the various land components of the community and can offer a single source solution to the existing situation. We've heard multiple opinions, including those of Mr. Woeste and Mr. Coffman, that the previously approved concept is viable and that other developers, builders, and investors are winding up to buy the property with a promise to develop the property in accordance with Mr. Coffman's vision. If this was the case, they have had ample opportunity, in fact years, to make this happen. Since we've owned the property, we have not received one single inquiry as to the status of the property, none whatsoever. Not a single e-mail; not a single phone call. We know and understand our business. We know what is viable and what is not. Quite simply, we don't believe this community would be successful. We believe such statements are being made for the sole purpose of negatively influencing our pending application. Our initial application for the revised General Plan was submitted in October 2010. Since that time we've participated in a total of five work sessions and 2 business meetings with the Planning Commission as well as numerous meetings with City staff. At every step, we listened to all concerns, discussed the issues, and made modifications to our application to address those items. Our application is complete and we've address and agreed to all staff comments. We've also incorporated a vast majority of all Planning Commission comments into our plan, including the comments made at our last work session meeting of March 9. All of the details of the application are included in the materials provided to you previously. I assume you've had a chance to review the information; I won't go through it in detail but would be happy to answer any questions you may have. I understand that's probably not the forum tonight. I would however like to review some of the highlights of our revised plan, in particular how it compares favorably to the previously approved 2005 plan. The first item is minimum lot width. We are proposing an increase in lot width in Area 4 by 5 feet, in Area 3 along the west property line by 10 feet, and in Area 2 by 5 feet. In regard to minimum lot area, we've increased the minimum lot area in Area 4, and all other areas remain the same. In terms of setbacks, front and side yard setbacks remain the same while rear yard setbacks in the future development area increase from 10 feet to 25-30 feet. The minimum square footage of homes remains the same with the exception of ranch homes in Area 2. In terms of density, the overall density is increased by a total of 50 housing units or from a total of 419 to 469 units. Total open space is increased to almost 45 acres or over 27% of the total property area, which is almost three acres more than the 2005 plan. In terms of housing, we have proposed a diversity of housing choices both in size, price point, and architecture which will feature the majority of housing options offered by the Fisher Group. Types of housing will be located in pods or areas and will transition from all masonry and hardy sided homes in Area 4 to

homes with mostly masonry front elevations and low brick side elevations in Area 3 to homes with partial masonry front elevations in Area 2. Area 1, the Condominiums, will include partial masonry front, side, and rear elevations. The location of the various areas were determined to maximize the compatibility with the existing homes within The Springs and the surrounding residential areas, which include masonry, partial masonry, and vinyl siding homes as well as apartments. A key component of our revised General Plan, a component that is not a part of the 2005 plan, is a specific commitment to architectural guidelines, which will become part of the revised General Plan and would therefore govern housing choices and architecture within all current and future sections of The Springs. These guidelines were developed with significant input from City staff and Planning Commission to coincide with the various areas and sub-areas and therefore serve to maximize compatibility with existing homes and surrounding residential areas. As detailed in my April 1st letter, after obtaining a clear understanding of the facts, we believe you will find that our revised plan represents the best overall solution to the existing condition of The Springs. Many have formed opinions on our application, largely based on false information or misinterpreting the facts surrounding the approved 2005 plan. For example, in regards to the 2005 plan, The Springs is not an active adult community. There are no age or empty nester restrictions. The 2005 plan was approved with 227 single-family detached homes. These homes are not required to be ranch or patio style homes. The homes are not subject to any architectural restrictions other than restrictions put in place by the declarant. The architectural restrictions currently adopted by the board do not include requirements or restrictions on exterior materials and this includes brick, stone, hardy panel, and vinyl siding. There are no restrictions on roof pitches or shingles. In our revised General Plan application, if the revised General Plan application is denied, we would proceed with building homes in accordance with the approved 2005 plan and the architectural restrictions currently adopted by the board. Under this scenario, none of the architecture and housing features we have proposed, we were prepared to commit to with our revised General Plan, will be applicable under the 2005 plans. In stark contrast to the 2005 General Plan our revised General Plan commits to a specific set of architectural restrictions, which would become a condition of approval. As previously mentioned, these guidelines would include an increased usage of brick, stone, and hardy siding and a commitment to certain home elevations with a minimum percentage of masonry by area and sub-area. We do not believe such requirements are necessary for sales success and compatibility of housing; however, we're able to commit to these features and the additional cost of these features because they are contingent upon approval of the revised General Plan, which is more efficient and cost effective. In other words, we've agreed to put the financial benefits of a revised General Plan back into the development in the form of additional architectural features. The financial equation of The Springs can support the development cost of the 2005 General Plan or the architectural benefits and features of the revised General Plan, but not both. Upon consideration of all the facts, we believe the revised General Plan is a much better alternative than the 2005 general plan. The alternatives must be evaluated with facts and logic. Despite statements to the contrary, we have tried to work with the existing residents. We met with them on several occasions, listened to their concerns, and made efforts to address their issues. Their list of demands exceeded any architectural standards ever in place and their lists never changed. It's unfortunate that they were sold a dream that did not come true. We did not create the situation, but we do offer a solution. Over time, property values will rebound from depressed values, depressed values which were largely caused by the eight existing homes in The Springs, which were sold at distressed pricing. As you know, there are opponents to almost every planning and zoning matter that comes before you. While we understand why the existing residents might, at least initially, oppose our proposal, we believe that a clear understanding of the facts, and more importantly the alternatives, should cause existing residents to recognize we have a plan that creates a successful community, which is the best way to protect their interests. We honestly do not understand why residents outside of The Springs, in particular the owner of the adjacent apartment complex would oppose our proposal. Perhaps the owner of the adjacent apartment complex did not wish to compete with for sale condominiums. If the facts and alternatives were clearly understood, we would think that anyone in adjacent residential communities would choose as a neighbor a thriving successful residential community to a failed and distressed community with boarded up windows and waist high weeds. Regardless, we are confident that our proposed plan will revitalize the community and we believe in our commitment and ability to deliver on an improvement to the existing

condition. In conclusion and to recap some of the features of our revised plan, the revised plan includes larger lots, both in width and in area, and an increase in setbacks. The revised plan includes an overall increase in open space, open space that is centralized, consolidated, and useful and which surrounds a right sized and maintainable community facility that we will cause to be built. The revised plan includes architectural guidelines that are part of the plan approval, which include a commitment to housing, architecture, and exterior materials that are not in place under the 2005 plan. These guidelines will protect the existing and surrounding residents by requiring housing compatibility and will include homes with higher and better features than what would be required under the 2005 plan. Based on these facts and upon consideration of the merits and the alternative to our revised plan, we believe our proposed plan is a better choice for the City of Springboro. We certainly appreciate your time and attention to this complicated and sensitive matter, and we respectfully request that you find in favor of our proposal. Thank you."

Mayor Agenbroad thanked Mr. Huss for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**8) Joe Trauth, Attorney representing Fisher Development** – Mr. Trauth made the following comments: "I just wanted to respond quickly regarding Mr. Phillip's point. I'm sure Alan Schaeffer will advise you on. What Mr. Phillip's is referring to is Ohio Revised Code Section 713.12, which relates to legislative action taken by City Council. As you all know, this is an administrative act and not a legislative act. The legislative act occurred when you originally approved the PUD. It was subsequently amended once and this is the second request for an amendment, so this does not require a three-fourths vote of Council. Mr. Phillips referred to the Fisher chart and on that particular chart it says in Footnote Number 1 that this is not a standard that was contained in the original 2005 PUD, but rather what exists there today; the chart was only indicating what is built there today. The one thing I have not heard from the opposition, even though Mr. Phillips indicated in his letter that these facts are so, and even though I've heard in two hearings now that these facts are so, there are no PUD conditions and I would defy anyone to show me any PUD conditions in the 2005 General Plan that state that this area has to be an active senior community. There is no such condition; there is nothing in the record on that. Secondly, there are no architectural standards specified in the 2005 PUD. Again, we keep hearing these are supposed to have no vinyl and this and that and the other thing. There are none; they do not exist. Thirdly, there is no prohibition on two-story homes in that PUD. There are three drawings that are not part of the record, that are not part of the conditions, that were submitted at the City's request by the former developer later on, but they are certainly not conditions nor are they referred to in the record. Those are three misconceptions that have pervaded these two hearing and I wanted to set the record straight on that. What has happened however, as Mr. Huss mentioned, is there is an agreement by Fisher through the Homeowners Association to self-impose those conditions if their amendment is granted. So we've said in my letter of today to you and we've said in Todd Huss's letter and in testimony that Fisher can afford to build a successful, economically feasible, and viable community, but they can't afford to build what has already failed once in a good market and try to recreate that same thing in a very bad market or a very struggling market. Their willingness to buy the land and invest their time and effort and money, and they've spent six months with staff, with Planning Commission, attempting to address not only what the residents have said, but also what the staff has said and what Planning Commission members have said. They can afford to do those voluntary architectural conditions, but they can't afford to build it the way the seventeen neighbors claim they want it to be built. So, in other words, we're saying that we are indeed agreeable to following the self-imposed conditions if you approve it. If you don't, then we would be forced back to the 2005 plan, some of which has Final Development approval and none of which has architectural controls on it, and none of which has elevations that we must conform to, and none of which has an active senior community status attached to it. So, what we're saying is we think this is a win, win for the City, it is a win, win for the neighbors, and I think a lot of people have been stirred up by these three misconceptions I just mentioned that are simply not true. We have attempted to overcome those, but like they say if you repeat an untruth long enough people begin to believe it; it's just not the case. We believe that if you approve the Fisher plan, which is much improved over the failed plan

of 2005, that we'll have a successful community. If you don't approve it, we may be forced to build something similar to the 2005 plan to the extent that 82 lots already have Final Development Plans on them, and to the extent that we can build the remainder of it without PUD conditions that do not exist. Again, we think it's a positive step forward. It's a community that's languished throughout the recession and prior to the recession. When you think about it, 2005, 2006, and 2007 were some of the booming years in the housing market and nothing happened there. It was just a failed concept that really didn't work. We would highly urge you to approve the plan and we think that it will be a very excellent development for the City of Springboro. Thank you very much."

Mayor Agenbroad thanked Mr. Trauth for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**9) Kristi Rock, 365 Woodstream Drive, Springboro** – Ms. Rock made the following comments: "The property really wasn't distressed; it was tied up with Coffman being in bankruptcy probably for about four years. Nobody could build, nobody could buy, nobody could do anything. When there were about five homes up there that became available through the Sheriff's sale that Coffman had started; they sold immediately. It was a guy out of receivership. He put signs in the yards. They weren't listed in the multiple listing service; they just had signs in the yard. They had multiple offers on five of those homes. When the property did become available through the Sheriff's sale last fall, I actually had conversations with the President of Home Savings Bank and there were other people who had offers on that property. They had the cash and therefore closed quickly. I have to say this that the Maple Street Series of homes that Fisher is proposing to build is their cheapest of cheapest homes. Cheap quality, cheap homes, this will be the cheapest development in the City of Springboro, just so that you know that, the cheapest. If you would do any research and pull up Maple Street Home Series that Fisher builds in other communities and see what the prices are going for that are available now that are ready and available for sale, they are anywhere from \$133,000 to \$166,000 and nobody has ever questioned the price. It will be a very viable community for Fisher because they'll sell like hot cakes. I don't think that's the type of community that we want for Springboro. Thank you."

Mayor Agenbroad thanked Ms. Rock for her comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**10) Janet Kitts, 135 Winding Creek Drive, Springboro** – Ms. Kitts made the following comments: "We have been there for five years. We lived in our other home for 35 years before we decided to move. I found this house; I fell in love with it. It's custom built; they're all custom built. They're all different on the inside; they're all beautiful homes. Coffman promised us everything and then he got in over his head. The land sat there for five years. My husband and I went out there and bought a riding lawn mower. We mowed the commons, the other neighbors pulled the weeds, we kept it looking as decent as we could hoping that somebody would come in and finish the development off. Fisher comes in and they're wanting to build clone homes. You've seen one, you've seen them all and we don't want that. I'm asking you to vote "no." Thank you."

Mayor Agenbroad thanked Ms. Kitts for her comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**11) Frank DeLuca, 380 Woodstream Drive, Springboro** – Mr. DeLuca made the following comments: "I'm going to try to keep this simple. I was in the mortgage industry for twelve years between 1995 and 2007. I saw the good and I saw the bad. I lost my job in 2007 at National City Mortgage right up the street behind Wal-Mart because of the bad economic situation. Fisher Homes' attorney, who just stood up here and said at the time it was a good time, he's wrong because National City Mortgage is no longer in existence and I just wanted to make that correction for the record. Another thing to, I was coming back from Cincinnati from my

Grandmother's funeral on Tuesday. On I-75 there's a humongous Fisher Homes billboard and on it, it said Fisher Homes' properties from the \$100,000s to the \$600,000s. My question is, yes, we know that we can't get the \$500-\$600,000 valued properties back, but, as Kristi (Rock) just mentioned, why are they wanting to build \$90,000 to \$160,000 homes when they claim on their billboard that they've got this plethora of product; that's my only concern. I mean, let's keep it simple. Who cares about pitch, who cares about this, who cares about that. The bottom line is why can't they at least come in the middle with us so that we are not losing as much money as what we are losing; I just want you to consider that when you think about the 2005 PUD. We realize that we cannot get all of the values back, but we certainly don't want to dip to the standard of the Maple Street Homes district, so please vote "no" for the PUD, the revised PUD that is."

Mayor Agenbrood thanked Mr. DeLuca for his comments, which are duly noted for the record. Mayor Agenbrood asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

**12) Tom Kitts, 135 Winding Creek Drive, Springboro** – Mr. Kitts made the following comments: "I have addressed two letters to the Planning Commission, to the City Council, to the Mayor. I even addressed one apology because the last time I spoke before the Planning Commission I was very emotional and shaking like I am now and I used a poor choice of words to describe the way I feel about the Maple Street Homes and the Area 1 and 2 that Fisher proposes for our revised PUD. I'm sorry I used a term which offended everybody. The term will eventually be known as The Springs ghetto. It won't have anything to do with what covering is on the home. It will have to do with the quality and the people who populate that area. You have heard from the surrounding people who already have invested considerably and taken a considerable loss. I think I just heard from the legal counsel for Fisher something very similar that was in one of the letters that I gave you the URL to go read the Middletown article as to what Fisher did to the Planning Commission there. They said, you can approve our plan, or we can go in and we can do what we want to do. So please take our plan and help protect your citizens because otherwise we can do what we feel like doing, and you can't stop us because we'll be within the original PUD. I think I just heard that very statement. Yea, shake your head no. I sat there, I heard your words. This is the kind of company that wants to build in our community and wants you to approve their revision. It's not something I look forward to. I know what it's going to do to my home; I know what it's going to do to my family. I can't run out and sell it right now. So, am I going to try to go somewhere else and lease it? Am I going to be an absentee landlord? Does that help? What happens to the Yankee Terrace when they've got to look out at the two-story \$90,000 condos, and what happens in Settlers Walk? What happens in Sycamore Springs? It will start on the edges closest to The Springs property line. Those people will have a choice, put up with it, sell, and it's not a good selling market, or move and lease and also add to the problem. The fortunate thing for the other people, Yankee will serve as a fire break of having to look at what Fisher proposes and what they can build in there. Lytle-Five Points will be a fire break for the area south of Lytle-Five Points. Settlers Walk Boulevard will be a kind of a fire break that helps protect the west side. The fact that there's only one street on the North side, Yankee Terrace will just have to make their own decisions, move or lease. It's a very emotional time, and I've been very emotional about this. I've listened to the mouths speak. I've listened to them while they spoke at the Planning Commission meetings. They never said the same thing twice; they never came back with the exact same thing that they said they were going to do, and I didn't know until I read the letter from Dan (Boron) to the Planning Commission that in the very last meeting the amount of masonry was reduced in Area 4, the area I live in, which was all masonry. That's reduced, and I didn't hear the words for that. So, basically I've heard double speak, and I've now heard what I consider a threat –approve my plan and you'll protect the citizens who have spoken many, many times. Don't protect us; don't let them in or since they own the property they can do what they want, but I think they have to come to the Planning Commission before they can do what they want because those details aren't there yet. Given a choice, I'll pull weeds before I attempt to live in a neighborhood that they build. Thank you very much for listening."

Mayor Agenbroad thanked Mr. Kitts for his comments, which are duly noted for the record. Mayor Agenbroad asked if there were any other guests that wished to be heard, if so please come to the podium, state your name, and make your comments accordingly.

Mayor Agenbroad closed the Guest Comments portion of the meeting by stating the following: "We've heard a lot of difference of opinions so we need to wind down, but I don't want to shut anybody off. If there's someone who wants to speak, and if you have something new to say that someone hasn't said, then obviously I want to afford you the opportunity. We're not going to take rebuttals. Obviously, there are two sides to this equation and we know you are all passionate about what you have said at this meeting. If there is someone that wants to say something that hasn't been said already, we'll be more than glad to afford you the opportunity."

No other Guests came forward.

At this time, Mayor Agenbroad adjourned the meeting and stated that the next Regular Meeting of April 7 (Rescheduled from April 21) will begin in approximately five minutes. Mayor Agenbroad stated that the meeting stood adjourned.

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

**ITEM 12. ADJOURNMENT.** Mayor Agenbroad adjourned the meeting; whereby, the Thursday, April 7, 2011 Springboro City Council Regular Meeting was adjourned at approximately 8:18 PM.

—MEETING ADJOURNED—

John H. Agenbroad

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John H. Agenbroad, Mayor

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Presiding Officer

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Lori A. Martin, Clerk of Council

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

**CITY COUNCIL REGULAR MEETING**

THURSDAY, APRIL 7, 2011

(THIS MEETING REPRESENTS THE RESCHEDULED REGULAR MEETING OF APRIL 21.)

(THIS MEETING BEGAN DIRECTLY FOLLOWING THE FIRST REGULAR MEETING OF APRIL 7.)

**COUNCIL**

John Agenbroad, Mayor  
Tom LaDu, Deputy Mayor      Marie Belpulsi  
Jim Chmiel                      Sheila Lairson  
Bruce Moore                     David Vomacka

**CITY STAFF**

Chris Thompson, City Manager  
Chris Pozzuto, Assistant City Manager  
Alan Schaeffer, Law Director  
Lori Martin, Clerk of Council

- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting to order on Thursday, April 7, 2011 (Rescheduled from April 21, 2011) at approximately 8:26 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.
- ITEM 3. ROLL CALL.** Agenbroad, Present; Belpulsi, Present; Chmiel, Present; LaDu, Present; Lairson, Present; Moore, Present; Vomacka, Present. Staff: Ms. Thompson, Mr. Pozzuto, Police Chief Kruthoff, City Planner Dan Boron, Mr. Schaeffer, and Ms. Martin were present.
- ITEM 4. APPROVAL OF MINUTES:** THE MINUTES OF THE CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MARCH 17, 2011.
- Ms. Belpulsi motioned to approve the Minutes of the City Council Work Session and Regular Meeting of March 17, 2011, as submitted. Mr. LaDu seconded the motion.**
- No corrections.
- VOTE:** Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [7-0]
- ITEM 5. PRESENTATIONS:** No presentations.
- ITEM 6. LEGISLATION:** City Council held a Work Session at 6:00 PM tonight for approximately 29 minutes to discuss the following legislation as well as other City business. During the Work Session, City Council entered Executive Session for approximately 26 minutes to discuss the imminent litigation; whereby, the City Law Director was present and no votes were taken.
- 1) **ORDINANCE O-11-7: THIRD READING.** "AN ORDINANCE DETERMINING TO PROCEED WITH IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO, AS DESCRIBED IN RESOLUTION NO. R-11-5 AND DECLARING AN

EMERGENCY. (2011 SIDEWALK/DRIVEWAY APRON PROGRAM)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the third reading of an ordinance to proceed with the 2011 Sidewalk/Driveway Program. This ordinance represents the annual sidewalk and driveway apron program and the ordinance presented will provide for the City to proceed with the improvements to properties that have been identified when the owners do not wish to perform the work on their own. This year the Engineering Department estimates that the square footage cost for the work is \$7.00 per s.f. for sidewalks and \$8.00 per s.f. for driveway aprons. The cost of these maintenance improvements will be paid by or assessed to the abutting property owners and no City funds will be utilized to accomplish the work.

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

**Mr. Vomacka motioned to adopt Ordinance O-11-7. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [7-0]**

- 2) **ORDINANCE O-11-8: THIRD READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 0.36 ACRES OF LAND LOCATED AT 10 FAIRWAY DRIVE, FROM O-R, OFFICE-RESIDENTIAL DISTRICT, TO PUD-O, PLANNED UNIT DEVELOPMENT-OFFICE," was read by the Clerk of Council. Mr. Boron's comments are summarized as follows:

This is the third reading of an ordinance to rezone approximately 0.36 acres of land located at 10 Fairway Drive from O-R, Office-Residential District, to PUD-O, Planned Unit Development-Office. This rezoning was the subject of a public hearing on March 3, 2011. This rezoning would accommodate one additional use, a "day spa in addition to the family of O-R District uses, which are permitted on that site and have been permitted on that site for six years. This rezoning was recommended for approval by the Planning Commission to City Council on January 26, 2011.

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

**Ms. Belpulsi motioned to adopt Ordinance O-11-8. Mr. Chmiel seconded the motion.**

No discussion.

**VOTE: Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes. [7-0]**

- 3) **ORDINANCE O-11-9: SECOND READING.** "AN ORDINANCE REGULATING COMPUTERIZED INTERNET SWEEPSTAKES CAFES WITHIN THE CITY OF SPRINGBORO TO ESTABLISH STANDARDS FOR LICENSING, REGULATING, AND CONTROLLING THESE CAFES AND PREMISES UPON WHICH THEY ARE LOCATED UNDER CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO AND DECLARING AN EMERGENCY (AN ORDINANCE ESTABLISHING CHAPTER 850, COMPUTERIZED INTERNET SWEEPSTAKES CAFÉS, IN THE BUSINESS REGULATION AND TAXATION CODE, PART VIII OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGBORO; AND DECLARING AN EMERGENCY)," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This is the second reading of an ordinance regulating internet sweepstakes cafes within the City of Springboro to establish standards for licensing, regulating, and controlling these cafes and

premises upon which they are located under Chapter 850 of the Codified Ordinances of the City of Springboro. The internet sweepstakes cafés are a new wave of business across the country. These types of facilities allow for a form of wagering or sweepstakes winnings that are bordering the definition of gambling in the State of Ohio. This ordinance is necessary in order for the City to be able to regulate and license those facilities. Staff has worked with the City Law Director's Office not only to prepare this ordinance to regulate internet sweepstakes cafés, but to also present a companion piece in the near future that City Planner Dan Boron will work on with the Planning Commission to make sure that the City Zoning Code is up to date for internet sweepstakes cafés and also to include sexually oriented businesses in the list of permitted uses in the district to coincide with the existing regulations for those types of businesses. The City can regulate and license the cafés, but the zoning code and zoning map have to be amended to only allow for them in certain districts. The internet sweepstakes cafés will only be permitted in the ED (Employment Center District), which is essentially west of Clearcreek-Franklin Road towards the interstate and will not allow for those types of businesses to adjoin residential properties or those types of nuances in order to make sure the City can control where they are permitted when a user does submit an application that meets all of the City's criteria. The regulating and licensing criteria is very extensive and involves background checks, etc., which will involve the Police Chief and Police Department and Zoning Code Enforcement Officer. It has been requested that Council waive the third reading because the City currently has a moratorium that denies anyone the ability to apply for an internet sweepstakes café license and the moratorium will expire prior to the third reading of this ordinance.

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

**Mr. Moore motioned to suspend the rules and waive the third reading of Ordinance O-11-9. Mr. Vomacka seconded the motion.**

No discussion.

**VOTE: Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes. [7-0]**

**Mr. LaDu motioned to adopt Ordinance O-11-9. Ms. Lairson seconded the motion.**

No discussion.

**VOTE: LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes. [7-0]**

- 4) **ORDINANCE: FIRST READING.** "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, OHIO, AND REZONING APPROXIMATELY 2.43 ACRES OF LAND LOCATED AT 945 WEST CENTRAL AVENUE, FROM ED, EMPLOYMENT CENTER DISTRICT, TO B-1, HIGHWAY BUSINESS DISTRICT," was read by the Clerk of Council. Mr. Boron's comments are summarized as follows:

This is the first reading of an ordinance to rezone approximately 2.43 acres of land located at 945 W. Central Avenue from ED, Employment Center District, to B-1, Highway Business District. This rezoning was the subject of a public hearing at the beginning of the first Regular Meeting this evening. This rezoning would allow the user, which is Thornton's Gasoline Service Station and Convenience Store, to be located on this site, which is currently zoned ED, Employment Center District. The site is proposed to be rezoned to B-1, which is a zoning district consistent with the land use plan and also zoning map periphery of the community. The site is located on the southwest corner of Sharts Road and State Route 73 near the I-75 Interchange.

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

**No action required at this time.**

- 5) **RESOLUTION:** "A RESOLUTION APPROVING A REVISION TO THE APPROVED GENERAL PLAN FOR THE SPRINGS PUD, PLANNED UNIT DEVELOPMENT, SUBMITTED BY FISCHER DEVELOPMENT COMPANY," was read by the Clerk of Council. Ms. Thompson's comments are summarized as follows:

This resolution approves a revision to the approved General Plan for The Springs PUD, Planned Unit Development, submitted by Fischer Development Company. After this evening's discussion and comments and the past six months of review, there is no need for any further explanation regarding this piece of legislation. However, the motion to approve the recommendation for approval of the revised General Plan, conditioned on compliance with all staff comments, was not approved by the Springboro Planning Commission at its March 30, 2011 meeting. This piece of legislation would in fact approve the General Plan amendment if approved.

Mayor Agenbroad presented the item for questions/comments.

Ms. Belpulsi commented that she has a lot of knowledge on what has gone on over the past six months, and she really appreciates all of the residents' comments. In fact, she met on one occasion with Ron Woeste (178 Winding Creek) and Myron Rheaume (148 Winding Creek) to discuss their concerns and because of those discussions was able to get protection for their homes creating a pod because that is what they told her they wanted and that is what she proposed to Fischer Development and that is what they agreed to. Fischer Development has met every requirement that the Planning Commission requested. They reduced the density, they created pods, they have done specific guidelines as far as architecture and quality of materials, etc. Ms. Belpulsi stated that she really appreciates Fischer Development working with them. Ms. Belpulsi further stated that the Planning Commission vote, as you know, was a four to three vote to deny the approval. Ms. Belpulsi finally stated that she was one of the three Commission Members that voted to approve the revised plan and she stands by that vote and when the vote is taken tonight she will be voting "yes."

Mr. Vomacka asked for a clarification as follows: If Council supports the General Plan that Fischer has proposed they need to vote "yes" tonight. If Council does not support the General Plan that Fischer has proposed, they need to vote "no" tonight.

Ms. Thompson replied by stating that Mr. Vomacka is correct and accurate.

Mr. Schaeffer added that legislation is always presented in the positive otherwise a "yes" vote is a "no" vote and "no" vote is a "yes" vote and it gets very confusing. Therefore, a motion is always presented in the positive and a "yes" vote is in favor and a "no" vote is not in favor.

**Mr. Vomacka motioned to adopt Legislative Item 5, a Resolution. Mr. LaDu seconded the motion.**

No discussion.

**VOTE: Agenbroad, No; Belpulsi, Yes; Chmiel, No; Moore, No; Vomacka, No; Lairson, No; LaDu, No. [MOTION FAILS 6-1; THE RESOLUTION IS NOT ADOPTED]**

Mayor Agenbroad commented that City Council is acting on behalf of the City and that he understands the passion of the residents concerning this issue tonight and over the past six months and also appreciates the work that Fischer Development has done.

- ITEM 7. REPORTS: Mayor's Report** – Good Friday observed Friday, April 22; City Offices closed. Arbor Day Ceremony, Saturday, April 30 at 8:00 AM at the Fire Station, 925 S. Main Street. City Council has held two Regular Meetings tonight to comply with the Charter and will hold a Special Meeting on Thursday, April 21 at 5:30 PM in the Community Room to discuss City goals. As always, the public is welcome to attend. In addition, the Finance Committee will meet on Thursday, April 21 at 5:00 PM in the Community Room.

**City Manager's Report** – Ms. Thompson reported that the City held its annual City Appreciation Breakfast for the business community this morning. Ms. Thompson commented that she wanted to thank Mr. Pozzuto, City staff, and staff at Heatherwoode for putting on a great event. Approximately 180 attendees represented the Springboro business community at the breakfast to learn from the City what is new and different. The City does work very hard on economic development issues and some of the topics they talked about this morning were the SR73/I-75 improvements, the Austin Boulevard continuing improvements with respect to the delay in the left turn signal. In regard to the left turn signal issue, the City has spoken to ODOT and is pleased to think that they are moving forward to try to resolve that. They also mentioned electronic or digital signs to the business community, which is something businesses had requested. The breakfast was a great event and they collected comment cards from people who were in attendance and will again be reacting to some of the suggestions that were made. Ms. Thompson thanked those Council Members who were able to make it this morning and the staff at the City and Heatherwoode.

**Committee Reports** –

**Mr. Moore** – No reports.

**Mr. Chmiel** – No reports.

**Ms. Belpulsi – Planning Commission** – The Planning Commission met on Wednesday, March 30 in a Formal Meeting to consider the following items: Revision to the Approved General Plan – The Springs PUD, Planned Unit Development, which was acted on by City Council at tonight's meeting; Planning and Zoning Text Amendment – Section 1264.15(b), ED, Employment Center District, Permitted Uses Generally, which will be presented to Council in the near future in the form of a recommendation to revise the language to clarify a few of the uses and where they are located. The next Planning Commission Work Session will be held on Wednesday, April 13 at 7:00 PM in Council Chambers, as scheduled.

**Mr. Vomacka** – No reports.

**Ms. Lairson – Community Service Board** – Ms. Lairson reported that the Community Service Board will hold a meeting on Monday, April 18 at 7:00 PM in the Community Room for anyone in the community who does any kind of volunteer work or community service. The Police Chief will speak about safety and identifying needs while volunteers are helping their neighbors improve their lives.

**Mr. LaDu** – No reports.

**ITEM 8. OTHER BUSINESS.** Under Other Business, the following motion was made:

Mayor Agenbrood commented that when he was Chair of the Planning Commission a number of years ago they regulated sexually oriented businesses because they cannot be denied. The following motion is in part a housekeeping item in order for Chapter 840 to coincide with the specific uses in Chapter 1264.

Based on the Planning Commission's recommendation, Council will proceed with a motion to schedule a Public Hearing on Thursday, May 19, 2011 at 7:00 PM in Council Chambers for a recommendation to amend Section 1264.15(B), ED, Employment Center District, Permitted Uses Generally, adding Sexually Oriented Businesses and Computerized Internet Sweepstakes Cafés to the list of permitted uses in this district.

**Ms. Belpulsi motioned to schedule the a Public Hearing on Thursday, May 19, 2011 at 7:00 PM in Council Chambers for a recommendation to amend Section 1264.15(B), ED, Employment Center District, Permitted Uses Generally, to add Sexually Oriented**

**Businesses and Computerized Internet Sweepstakes Cafés to the list of permitted uses in this district. Mr. Moore seconded the motion.**

No discussion.

**VOTE: Vomacka, Yes; Lairson, Yes; LaDu, Yes; Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes. [7-0]**

**ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS.** Mr. Chmiel commented to Ms. Belpulsi, who serves as Chairperson of the Planning Commission, that he knows how passionate she is about the work she does and how hard she works and how much of herself she puts into this and he thanks her. Mr. Chmiel further commented that he knows that there are not too many people in this City that have the will to do the right thing for the City like she does and even though this has been a very difficult situation he does support all of her input and recommendations and he does think her work is excellent. Mr. Chmiel thanked Ms. Belpulsi.

Mayor Agenbroad commented that all of Council would echo Mr. Chmiel's comments, as they know how many tireless hours Ms. Belpulsi spends at the meetings and on the telephone, etc; they commend her efforts.

Ms. Lairson commented that her vote on The Springs issue was by no means an easy decision; it was probably the hardest decision she has had in her five plus some years on Council. Ms. Lairson further commented that she would like to commend those who are present in the audience tonight for behaving themselves, but she also wants to let the Fischer people know that she is not proud of the comments that have been made in some of the correspondence received on this issue and she wants to thank them for their cooperation on that. Ms. Lairson stated that some of the comments she found very painful and insulting and she is not ashamed to be one of those people that can only afford a lower priced home and does not feel she is a detriment to this community. Finally, Ms. Lairson stated that she is sorry that the dream that they were sold has not come to pass and she hopes that some day it will.

**ITEM 10. GUEST COMMENTS. 1) Mike Hemmert, 115 Heatherwoode Boulevard, Springboro –** Mr. Hemmert made the following comments: "I wanted to briefly address the Fischer Homes Development project. I know we have heard a lot about it, but I just want to thank each of you for listening to the residents of Settlers Walk and their concerns. These people are property owners and are involved in our community. They volunteer in our schools and they give back to our community. They merely want to see their investment in their homes protected and many were knowledgeable of the General Plan that was approved in 2005. The changes Fischer proposed in building products, density, low pitched roof lines, and lack of detailed specifications were very concerning to all of us. We want to see the Fischer parcel developed; however, it must be done in the spirit of working with the existing homeowners to come up with a workable plan for both sides. Thank you."

Mayor Agenbroad thanked Mr. Hemmert for his comments stating that they were duly noted for the record.

Mayor Agenbroad invited any other guests that wished to be heard to please come to the podium, state their name and address for the record, and make their comments accordingly.

**2) Myron Rheume, 148 Winding Creek Drive, Springboro –** Mr. Rheume made the following comments: "I would like to thank the Council for listening and thank you for your decision. I have a gut feeling that this is just round one and we may be seeing Council again. Thank you."

Mayor Agenbroad thanked Mr. Rheaume for his comments stating that they were duly noted for the record.

Mayor Agenbroad invited any other guests that wished to be heard to please come to the podium, state their name and address for the record, and make their comments accordingly.

No other Guests came forward.

Mayor Agenbroad thanked all of the guests for being in attendance, sharing their concerns with Council, and making comments accordingly; we do appreciate that on behalf of Council.

**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.

**Mr. Vomacka motioned to adjourn the meeting; whereby, the Thursday, April 7, 2011 (Rescheduled from April 21) Springboro City Council Regular Meeting was adjourned at approximately 8:48 PM. Mr. LaDu seconded the motion.**

**VOTE: Agenbroad, Yes; Belpulsi, Yes; Chmiel, Yes; Moore, Yes; Vomacka, Yes; Lairson, Yes; LaDu, Yes. [7-0]**

—MEETING ADJOURNED—

John H. Agenbroad

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John H. Agenbroad, Mayor

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Presiding Officer

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Lori A. Martin, Clerk of Council