

CITY OF SPRINGBORO
320 W. CENTRAL AVENUE, SPRINGBORO, OH
CITY COUNCIL WORK SESSION

THURSDAY, JANUARY 4, 2018

6:00 PM

CITY COUNCIL
John Agenbroad, Mayor
Stephen Harding, Deputy Mayor/At Large
Becky Iverson, At Large
Janie Ridd, Ward 1
Dale Brunner, Ward 2
Carol Moore, Ward 3
Jim Chmiel, Ward 4

CITY STAFF
Chris Pozzuto, City Manager
Greg Shackelford, 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, January 4, 2018 at 6:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.
- ITEM 2. ATTENDANCE. Council:** All present. **Staff:** Mr. Pozzuto, Mr. Shackelford, Mr. Schaeffer and Ms. Martin were present. Police Chief Jeff Kruithoff and City Planner Dan Boron were also present.

Mayor Agenbroad welcomed new Assistant City Manager Greg Shackelford.

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

Mayor Agenbroad stated that Council would review Legislative Agenda Items 3 and 4 and following the Work Session discussion, he would recuse himself in order for Council to discuss Legislative Items 1 and 2 concerning the rezoning and general plan of 1360 S. Main Street. Mayor Agenbroad will abstain from the vote on Legislative Items 1 and 2 at tonight's Regular Meeting.

- 1) **ORDINANCE: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, REZONING APPROXIMATELY 2.35 ACRES OF LAND LOCATED AT 1360 SOUTH MAIN STREET FROM R-1, ESTATE-TYPE RESIDENTIAL DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.
- 2) **RESOLUTION:** A RESOLUTION APPROVING THE GENERAL PLAN FOR THE STREAMSIDE AT HEATHERWOODE PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL.
- 3) **RESOLUTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY COMMISSIONERS TO PROVIDE CRIME LABORATORY SERVICES FROM THE GREATER MIAMI VALLEY CRIME LABORATORY AS OPERATED BY THE MONTGOMERY COUNTY CORONER.

No discussion.

- 4) **RESOLUTION:** A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, RECONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT, RECONSTRUCT OR REPAIR THE SAME. (2018 SIDEWALK/DRIVEWAY APRON PROGRAM)

No discussion.

ITEM 4. CITY MANAGER. – Issues/Reports.

SR73/SR741 Intersection Improvements Project: The traffic signal and streetlight poles at the intersection of SR73/SR741 are currently being installed. Weather permitting, the contractor will apply temporary striping on the new lanes and open all of the lanes until the spring when they will return to apply the final course of asphalt once the asphalt plants re-open. The project will be “shut down” i.e. there will not be a lot of activity at the intersection through February-March. The project is making great progress and the city looks forward to the opening of the intersection.

Salt Supply: The city still has plenty of road salt with a little more than 800 tons left in the bin. Service Director Vince Murphy has already ordered another 450 tons of road salt. Mr. Pozzuto commented that the smaller snow falls actually require a lot more salt than the heavier snow falls. He added that, unfortunately, we have had a few of those small snows, which used a substantial amount of salt, but we have plenty left for future snow/ice events.

Ms. Iverson commented that the city has received a lot of positive comments regarding snow removal and road conditions.

Mr. Pozzuto commented that not only did the city receive positive comments from residents, but also from people traveling through the city.

Ms. Ridd added that there was also a lot of positivity in regard to plowing the walking paths at the parks.

Mr. Pozzuto commented that the city started that service this year with a new sidewalk plow to allow residents to utilize the walking paths in the winter.

Mayor Agenbroad commented that these types of services such as leaf pick-up, etc. is what this community is about, making it user friendly and taking care of our citizens. Our road crews really do an outstanding job of keeping our streets and paved areas clear and safe.

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

Calendar Update: Martin Luther King, Jr. Birthday will be observed Monday, January 15; whereby, the city offices will be closed. The next City Council Work Session will be held on Thursday, January 18, 2018 at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers.

Ms. Martin also commented that Mr. Pozzuto has arranged a tour of the Victory Wholesale expansion project, which was completed last year. The tour is scheduled for February 15 at 5:30 PM at the facility. Due to the tour, the February 15 Work Session will begin at 6:30 PM rather than 6:00 PM.

ITEM 6. CITY COUNCIL. – Issues/Reports.

Mr. Brunner – No reports.

Ms. Ridd – The Architectural Review Board meeting scheduled for January 8 has been canceled.

Ms. Iverson – No reports.

Mr. Chmiel – The Park Board meeting scheduled for January 3 was canceled.

Ms. Moore – No reports.

Deputy Mayor Harding – The Planning Commission meeting scheduled for January 10 has been canceled.

Mayor Agenbroad – Mayor Agenbroad commented that he would be presenting his State of the City Address at tonight's Regular Meeting under Presentations. Also, Mayor Agenbroad suggested holding both February Council meetings on February 15; therefore, the Council Meeting of February 1 and February 15 will be held back-to-back on the February 15 meeting date.

There were no objections to this meeting schedule change. The revised February meeting schedule will be posted accordingly.

At this time, Mayor Agenbroad recused himself from the Work Session due to a conflict of interest with the rezoning and general plan of 1360 S. Main Street, which will be discussed under Legislative Items 1 and 2. (Mayor Agenbroad exited Council Chambers.)

Deputy Mayor Harding opened the discussion of Legislative Items 1 & 2 pertaining to the rezoning and general plan of 1360 S. Main Street.

Mr. Pozzuto invited City Planner Dan Boron to the podium to briefly review the background concerning the proposed rezoning and general plan at 1360 S. Main Street and the process moving forward if it were approved tonight.

Mr. Boron's comments are summarized as follows: Mr. Boron referred to an aerial view of the general plan for the site between Dunnington Court and Heather Glen developments off of SR741, which showed the proposed 7-lot development. The development is approximately 2.35 acres with a dedication of right-of-way on the west side of the property, which is to the middle point of SR741 to the half right-of-way. There is currently a highway easement that allows traffic to continue in the area. Currently, the property is zoned R-1, which allows two units per acre. It was originally zoned TR-1 upon annexation to the city and was zoned R-1 in 2015 as part of the land use plan recommendation and implementation to remove all township zoning in the city, which was achieved. The property owner is requesting PUD-R (Planned Unit Development-Residential) and is proposing seven lots, which was a recommendation that came from Planning Commission in October. At a previous Planning Commission meeting, a higher number of lots was proposed. City staff also saw a development density that was much higher in discussions with the applicant. The density as of now is 2.97 units per acre, which includes that 0.22 acre right-of-way dedication along SR741 and is how the density is always calculated. Another density number referred to is 3.29 units per acres. The reason for the discrepancy is because some of the other developments within the Heatherwoode community use the right-of-way dedication and some do not. Therefore, just to be fair when comparing two subdivisions the same figure will be used. There are some new design standards in the city's code, which were adopted in 2015, which provide that garages cannot comprise more than 60% of the frontage of the lot as viewed from the right-of-way, or in this case the private road, and development must conform with the outward appearances of neighboring properties. Those are two provisions in the current planning and zoning code that the city did not have in previous iterations of the PUD ordinance. The R-1 zoning district allows two units per acre, which is a framework for the rezoning of the property under the PUD ordinance. The city always uses an underlying zoning district that is conventional as the basis to identify what the development plan is going to be. Under the city's land use plan, Heatherwoode's section encompasses most of the communities south of Clear Creek and also areas such as the church, the golf course, which extends north of Clear Creek, and the fire station. All of that area recommends development density of four units per acre when there is at least 25% open space provided within a subdivision, and that is the case in this subdivision with approximately 27% open space. The general plan, which will be considered by Council tonight, was also recommended by the Planning Commission to Council for approval. The relationship between

adjacent developments is as follows: Streamside at Heatherwoode proposes 7-units, Dunnington Court to the south has 18-units built and Heather Glen to the north has 14 units built. Again, the development density for Streamside at Heatherwoode is 2.97 units per acre. Dunnington Court is approximately 4.27 units per acre and Heather Glen is approximately 3.17 units per acre; therefore, the proposed development's density is right in between the two neighboring developments. Information also previously provided was the overall development density of Heatherwoode, a larger development, which includes all of the larger lots on Heatherwoode Circle and some of the lots on Carnoustie and some of the stub streets such as Dalfaber. The overall development density of the Heatherwoode Subdivision is approximately 2.1 units per acre or specifically 221 units on 105 acres for a development density of 2.09 units per acre, which includes all of the cluster homes on Dunnington and Heather Glen and also the single-family lots within the remainder of the development. In the adjacent developments compared to Streamside at Heatherwoode, the setbacks are roughly similar with a front setback of 20 feet proposed and measured from a private street and a rear setback of 10 feet. Dunnington Court setbacks are 20 feet in front and 20 feet in rear; there is a larger setback for the SR741 side where there was a dedication of right-of-way that the rear yards abut, and Heather Glen setbacks are both 20 feet front and rear. A private drive is proposed in this development and is the one departure from the development pattern in the remainder of this area and neighboring cluster homes on Dunnington Court and Heather Glen. Dunnington Court has a public road that is 21-24 feet wide, the private road in the proposed Streamside at Heatherwoode development is 20 feet wide and the road in the Heather Glen development is also 20 feet wide, which is another public road with no sidewalks. Streamside at Heatherwoode is proposing 27% open space, which is approximately 0.58 acres. Dunnington Court has 0.14 acres in open space for the two areas within the right-of-way in those loops and ponds, which are managed by that HOA. Heather Glen has no open space currently. A comparison of the size of the buildings as proposed is the first six building pads are proposed to be 2,100 sq. ft. and the rear most property which has the most space around it is roughly 2,700 sq. ft. According to the calculations for Dunnington Court and Heather Glen, the average home size is roughly similar at 2,118 sq. ft. Mr. Boron concluded that this information is a summary of what he presented at the Public Hearing for the rezoning on December 7, 2017 before City Council.

Mr. Pozzuto asked Mr. Boron to explain the process moving forward.

Mr. Boron explained that the process moving forward is following consideration of the ordinance to rezone the property and the resolution approving the general plan for the development there is a 30-day wait period. Following that, the applicant can proceed with final development plan review and approval, which is by Planning Commission alone. Planning Commission reviews the plan just like they would for a site plan for conventional zoning, which would entail reviewing more details associated with the development than occurs with the general plan. Planning Commission would see the home design, house plans and engineering detail like storm water calculations that they currently do not have and do not ask for at this point in the process. They are proposing two detention ponds as part of this development in the open space areas. One pond is on the southeast corner facing the golf course and another is on the southwest corner facing SR741 as well as the details for the private road. Even though it is a private road, Planning Commission will be looking at the design details associated with that road. This would all transpire during the final development plan phase of the process through Planning Commission. Staff would provide feedback as they normally do for any normal, conventional site plan review for a development. Planning Commission would review and approve the final development plan before the property owner could proceed with development. During this review process, Planning Commission would see and consider the issues that were brought up at the Public Hearing. What is required at this point in the process would be the furnishing of HOA documents and covenants and restrictions, the dedication of right-of-way, etc. Following approval of the final development plan, the record plan would be recorded and that is when the actual dedication of the right of way along SR741 would occur and other details such as the platting of the lots to be sold to individual buyers. Finally, the record plan would come before Council for approval based on a recommendation by Planning Commission; however, this step is well down the road following the final development plan.

Deputy Mayor Harding thanked Mr. Boron for his comments and opened the discussion to Council.

Ms. Ridd confirmed that Planning Commission has a lot of requirements that this development has to meet and if the developer chooses not to or cannot comply with the requirements then the plan does not move forward.

Ms. Ridd asked Mr. Boron if the city's latest design standards are stricter than the Heatherwoode HOA design standards.

Mr. Boron answered yes, he believes the city's design standards are stricter.

Ms. Ridd asked if the developer would be required to comply with the strictest design standards.

Mr. Boron answered that the developer would have to follow the city's design standards as part of the final development plan.

Mr. Pozzuto commented that one of the concerns of the Heatherwoode HOA was the development standards. Although the city's design standards appear to be stricter, the Heatherwoode HOA would like the standards for the proposed development to mirror their standards. Mr. Pozzuto further commented that Council could require that as a condition of approval of the general plan tonight.

Mr. Brunner commented that he agrees with the recommendation to rezone the property to PUD-R, however, the issue for him is the HOA. If the property owner is not willing to join the Heatherwoode HOA, then there is an issue which has to be addressed in his opinion. Mr. Brunner further commented that if the development is not going to be a part of the HOA, he would like the Planning Commission to go back and ask the property owner to further define what they are going to provide in terms of development standards or what they are planning to do next –will it be city standards or HOA standards. Mr. Brunner stated that he would not be in support of anything other than what Heatherwoode has as an HOA right now.

Ms. Ridd commented that the problem would be if the Heatherwoode HOA decides not to allow the development to become part of the HOA, then they would not have any other choice. Ms. Ridd further commented that she thinks the developer should have the opportunity to create an HOA that is exactly similar in requirements if the Heatherwoode HOA does not accept them.

Mr. Chmiel agreed that the city should require either/or.

Ms. Ridd confirmed that the developer should be required to either establish an HOA with similar requirements or become part of the Heatherwoode HOA. Mr. Ridd commented that she believes they will need a secondary HOA anyway to address the maintenance of the private road.

Deputy Mayor Harding commented that Heatherwoode currently has three separate HOAs, but are acting as one body with respect to the design standards.

Mr. Pozzuto commented that he believed that the Streamside HOA could be set up the same way as the other two HOAs (Dunnington Court and Heather Glen) within the larger Heatherwoode HOA.

Deputy Mayor Harding commented that it would keep the design standards cohesive.

Ms. Ridd commented that she thinks the development should be incorporated into the Heatherwoode HOA if the HOA allows it. If the Heatherwoode HOA does not allow the development to join, then they should establish their own HOA with similar requirements.

Mr. Schaeffer commented that he thinks there is a problem with forcing the development to be part of the Heatherwoode HOA. Mr. Schaeffer further commented that he thinks what the city can do with impunity is require that the development standards mirror those of the Heatherwoode HOA. Mr. Schaeffer continued by stating, however, the HOA fees and how their HOA would be formed separate

and distinct from the Heatherwoode HOA is their right and the city does not have the right to force them into the Heatherwoode HOA.

Mr. Pozzuto asked if the motion could recommend that the developer reach out to the Heatherwoode HOA or something to that effect.

Mr. Schaeffer answered yes, absolutely.

Mr. Chmiel asked if the Heatherwoode HOA offers for the development to join their HOA and they choose not to join but to mirror the Heatherwoode HOA, they would still have that opportunity.

Mr. Schaeffer replied yes, if the motion was amended to that effect that is how the motion should read.

Mr. Pozzuto commented that he thinks an either/or scenario does work because legally the city cannot force them to join the Heatherwoode HOA, but again the Heatherwoode HOA is open to the opportunity to consider bringing the development into the HOA. Under this scenario, they would at least have to adopt the standards of the Heatherwoode HOA to provide some assurance or level of comfort to the neighboring community that the development will be held to the same standards for the homes.

Deputy Mayor Harding commented that those standards are going to be identified through the Planning Commission process before final plan approval.

Mr. Pozzuto confirmed that tonight's approval is not the final step; the development will have to go through the site plan review process.

Ms. Iverson asked if the Planning Commission would wait to vote on the final development plan until the HOA is mapped out and that piece is resolved.

Mr. Pozzuto replied yes. Mr. Pozzuto explained that the final development plan would be tabled until we know and are confident that one of those two scenarios has been adopted, and they will not vote on the final plan until staff feels the development has met any conditions placed on the general plan tonight.

Ms. Ridd commented that if the General Plan is approved and moves through the final plan review process and reaches the engineering phase, they might find they have to make adjustments and there may not be room for six or seven homes.

Mr. Pozzuto commented that Ms. Ridd makes a great point, the development cannot be more than seven homes, but it absolutely could be less due to engineering issues.

Deputy Mayor Harding agreed that some of Planning Commission's requirements as well may impact the final plan. Mr. Harding further commented that hearing some of the residents' concerns pertaining to the detention ponds, maintenance and water issues, if for example we require a concrete sleeve in the basin first to compensate for that as a forethought the developer may say that is too costly.

Ms. Ridd also commented that one of the issues that came up in some of the letters Council received from residents was the precedent that is being set. Ms. Ridd does not see this development as a precedent because absolutely everything we consider is a different set of circumstances depending on what is being proposed, the surrounding landscape, whether it is creating access or creating a lot of traffic. Everything is different; there is no precedent. Ms. Ridd added that the precedent she wants to avoid is overturning a Planning Commission recommendation that meets the city's land use master plan and current planning and zoning code.

Mr. Schaeffer commented that that is an excellent point. Mr. Schaeffer continued by commenting that the whole concept of precedent is somewhat overblown in general simply because the facts in virtually every case are different. For example, you have two houses right next to each other and one wants to do one thing and the other wants to copy that, which might create an issue or two, but certainly in a case like this there are no other facts that are going to be identical to these facts anywhere in city. There is just no precedent here that is being set and he does not think Council has anything to worry about in that regard. The other point he would make is the fact that as submitted the plan might meet the land use plan and all of the aspects of the planning and zoning code, but that does not remove discretion from this Council. The whole purpose of the PUD zoning as stated in the purpose clause of the PUD zoning code is in part to make sure that the proposed PUD is consistent and compatible with surrounding properties in the community in general somewhat like an open-ended or ill-defined standard, but when you apply it to this set of facts it is real easy. Council has no requirement to approve this proposal as submitted simply because the plan on a minimum basis meets all of the standards i.e. this does not mean that Council does not have discretion.

Ms. Iverson commented that she feels comfortable with the timeline that was just established because she knows from a couple of residents that have reached out to her personally that a lot of their concern stems from not being familiar with the process and understanding that there is a lot of oversight before it reaches the final development plan.

Mr. Pozzuto commented that staff understands that this is a concern and has talked internally about trying to better define the process for people in the future. Staff realizes that people do not always understand the process and how it transpires, which causes concerns and they have talked about doing a better job of educating and getting people more involved in knowing how the process works.

Deputy Mayor Harding agreed adding that people could be more involved at the Planning Commission stage when the discussions begin.

Mr. Boron commented that staff has made a commitment to involve all three HOAs to let them know when future activity occurs on this plan, if approved, as we have in the past with the Hunter Springs HOA when the Easton Farm plan was being reviewed. Staff has done this on an ad-hoc basis and will continue to do this because we are increasingly having development activity next to existing developments and this trend will continue into the future.

At this time, Deputy Mayor Harding stated that Council does not typically have a guest comments forum during Work Sessions; however, if a representative from an HOA or a guest would like to address Council at this time they will accept comments.

Guests were invited to approach the podium and state their name and address for the record and make their comments accordingly.

1) Joe Westendorf, 35 Dunnington Court, Springboro, Ohio 45066 – Mr. Westendorf made the following comments:

I'm Joe Westendorf, 35 Dunnington Court. One thing I'd kind of like to point out is in the comparison of the neighborhoods, the houses on Dunnington Court the ones right on Heatherwoode Boulevard they have smaller lots by far. So as far as comparable lots, my lot and the houses all along the creek or whatever you want to call it, I call it a "ditch," they're bigger so just to be fair in comparison. The other thing I would just like to point out, whichever way this goes, I appreciate the opportunity to have our opinion, but Heather Glen is a 20 ft. (setback) as you pointed out and I know Heather Glen has an issue with 20 ft. already. Cars are parked on the street, and when I have been going there more lately for meetings concerning this issue, and sometimes it's kind of hard to get through so how will fire trucks go through on those roads when cars are parked there; that's concerning. I guess the only other issue I can think of right now is I still go back to the traffic and well a couple of things. The traffic, no matter what you do it's just going to get worse and sometimes you just have to look at it as we can't afford to have more cars on that stretch of SR741 so I still point that out. The other thing you

mentioned, the pad or cement or something like that. I don't want that back behind my house; that's not going to look good. They've got to be sure even if they became part of the Heatherwoode HOA, I don't think the Heatherwoode HOA is going to maintain their road so they would have to have a separate HOA and the ponds as well. They've got to maintain those ponds. Now, who is going to police that; they're supposed to, but is the city going to step in to make sure those are mowed and all that stuff.

Mr. Pozzuto replied yes, the city will monitor the maintenance of the common areas as we do in neighborhoods all over the city.

Ms. Ridd asked who polices the maintenance of the common areas on Dunnington Court and Heather Glen, as they have their own HOAs for their maintenance.

Mr. Pozzuto answered that those HOAs do a good job with their maintenance; therefore, the city does not have to police it, but if something were to fall into disrepair then the city would step in to enforce the maintenance.

Ms. Ridd pointed out, that is why we would recommend that the new development's HOA mirror the same standards.

Mr. Westendorf responded that he gets that and he is good with that.

Mr. Schaeffer commented that their HOA document actually is submitted to the city for review. We make sure it contains the appropriate language in case the city needs to enforce rights to go in and maintain those areas if they do not and assess that cost against the property owners.

Ms. Ridd asked how Royal Dornosh handles maintaining their private road.

Mr. Pozzuto answered that he thinks the residents on that street pay for snow removal and maintenance of the road.

Ms. Ridd pointed out that this development with its private road would be the same as Royal Dornosh.

Mr. Boron clarified that the proposed development would maintain a private road, but within an HOA.

Mr. Westendorf commented that Dunnington Court and Heather Glen, have their own HOA, which takes care of the pond, etc.

Ms. Ridd asked if Dunnington Court and Heather Glen have private streets.

Mr. Westendorf replied no.

Ms. Ridd clarified that she was comparing the private road in the proposed development with Royal Dornosh because that is also a private road.

Mr. Westendorf had no further comments.

Ms. Moore asked Mr. Westendorf if he could show her on the aerial view of the general plan which house is his.

Mr. Westendorf pointed to his house at 35 Dunnington Court. Mr. Westendorf also pointed to the location of the two retention ponds, which is a concern he has. Mr. Westendorf continued by commenting that just like all of the other people in the neighborhood, they bought their house based on nothing being there behind their homes. Mr. Westendorf further commented that he thinks the property is zoned to have at least a couple houses there, but not seven.

Ms. Ridd confirmed that they could develop four homes under the current zoning and the proposed development is three additional.

Mr. Westendorf stated that he appreciated Council's time and consideration.

Ms. Iverson asked if only four homes were developed under the current zoning, would there still need to be a detention pond the way it is right now.

Mr. Pozzuto replied yes, there would have to be a detention pond.

Mr. Boron also replied yes, as with any new development.

Mr. Westendorf commented that as he pointed out before there is an issue with that water even by the golf course on Dunnington Court. The house that backs up to the clubhouse has had ongoing issues with the water.

Mr. Pozzuto stated that he knows all about the issue as it runs right across the golf course.

Mr. Westendorf further commented that the "ditch" behind his house, which is probably frozen now, will flow a little bit, a trickle, but when it rains it just runs down there like there's no tomorrow; it moves rocks, big boulders.

Mr. Pozzuto commented that regardless of whether Council approves this proposed plan that is an issue that the city is going to have to take a look at. We know it has been a problem for awhile, but it is one of those issues that has not risen to the level of emergency. However, it is getting to the point where the city will probably look at it because again it does flow right across our golf course as well. Mr. Pozzuto further commented that he thinks there may be a project or two that could be done there to possibly protect everybody.

Deputy Mayor Harding confirmed that something could be done to possibly address the erosion or slow it down.

Mr. Pozzuto commented that he knows traffic has been an issue for a lot of people, and again he is just putting facts out to put it into perspective. There are about 10,000 cars on that street everyday; therefore, even if you add 56 trips, which is probably what the proposed development would generate, that is only about .005% of any traffic on the road. Mr. Pozzuto reiterated that he knows traffic is a big concern, but when you really look at the numbers seven homes on that stretch of road really is not going to add that much traffic in the whole scheme of things.

Mr. Westendorf made the following comments: As I mentioned a while back, a lot of our concerns within Heatherwoode is traffic. There is a lot of traffic out there now and seven homes is not going to matter; we all get that, but if you rezone that property what is going to happen across the street. They are going to want to rezone that and now you have set a precedent.

Mr. Pozzuto responded by stating that he thinks the Law Director addressed the issue of precedent. Mr. Pozzuto explained that even if Council were to rezone this property that does not set a legal precedent because all of the facts are different in other situations. Seven homes are proposed here and if a developer wants 20 over that it is a different set of facts; therefore, this development does not set a legal precedent.

Mr. Ridd added, that may justify a traffic study and cause them to have to make road improvements, which is what normally happens.

Mr. Pozzuto commented that at that point the city will follow the land use plan like we have in this situation and there are all kinds of factors to consider. Mr. Pozzuto reiterated that he knows that traffic and future development in the area of that roadway are concerns, but again it does not set a

legal precedent. Planning Commission and Council are going to look at each plan as a totally separate development because each has a different set of facts.

Deputy Mayor Harding thanked Mr. Westendorf for his comments and for attending tonight's Work Session.

Deputy Mayor Harding asked if there were any additional comments. With no further comments, Mr. Harding asked Mr. Pozzuto what Council's options are with respect to this proposed rezoning and general plan.

Mr. Pozzuto stated that he thinks there are three options as follows: Option one is to vote to deny the recommendation from the Planning Commission on the rezoning and general plan.

Mr. Pozzuto confirmed with Mr. Schaeffer that option one would require 5 votes.

Mr. Schaeffer replied yes, that is correct.

Option two is to vote to approve the recommendation from the Planning Commission on the rezoning and general plan as submitted with 4 votes.

Option three is to vote to approve the recommendation from the Planning Commission on the rezoning and general plan with conditions with 5 votes.

Mr. Pozzuto commented that another option would be to table the item if more time is needed to discuss the proposed rezoning and general plan.

Ms. Ridd stated that those conditions in her mind would be regarding the HOA.

Mr. Pozzuto replied, if that is the option Council chooses, he thinks that would be a good option based on the discussion because again the Heatherwoode HOA President did open that door. Mr. Pozzuto commented that he thinks that is one of the residents' major concerns, particularly Mr. Westendorf; they want to make sure the houses that are built in the proposed development are at least the same as their homes. Mr. Pozzuto stated that he thinks Council can certainly do that as a condition of approval.

Ms. Iverson commented that, obviously for the Heatherwoode residents, but also for the people who go by that development every day, there is a desire to make it aesthetic for everyone.

Mr. Pozzuto agreed that Council would not want to approve a development that is not aesthetically pleasing, but if Council wants to require that they can certainly accomplish that by placing a condition on the motion to approve.

With no further comments, Deputy Mayor Harding closed the discussion regarding the rezoning and general plan at 1360 S. Main Street.

(Mayor Agenbroad entered Council Chambers and continued with the proceedings of the Work Session.)

ITEM 7. ADJOURNMENT. With no further discussion, Mayor Agenbroad adjourned the Thursday, January 4, 2018 City Council Work Session at approximately 6:45 PM.

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

CITY COUNCIL REGULAR MEETING

THURSDAY, JANUARY 4, 2018

7:00 PM

CITY COUNCIL

John Agenbroad, Mayor
Stephen Harding, Deputy Mayor/At Large
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- ITEM 1. CALL TO ORDER.** Mayor Agenbroad called the Springboro, Ohio City Council Regular Meeting of Thursday, January 4, 2018 to order at 7:00 PM in Council Chambers at the Springboro Municipal Building, 320 W. Central Avenue, Springboro, Ohio.
- ITEM 2. PLEDGE OF ALLEGIANCE.** Mayor Agenbroad led the Pledge of Allegiance.
- ITEM 3. ROLL CALL.** Agenbroad, Present; Brunner, Present; Chmiel, Present; Harding, Present; Iverson, Present; Moore, Present; Ridd, Present. Staff: Mr. Pozzuto, Mr. Shackelford, Mr. Schaeffer and Ms. Martin were present. Police Chief Jeff Kruithoff and City Planner Dan Boron were also present.
- ITEM 4. APPROVAL OF MINUTES:** No minutes were submitted for approval.
- ITEM 5. PRESENTATIONS:** 2018 STATE OF THE CITY ADDRESS. Mayor Agenbroad presented the 2018 State of the City Address as follows:

**STATE OF THE CITY ADDRESS
MAYOR JOHN AGENBROAD
JANUARY 4, 2018**

AS MAYOR OF SPRINGBORO, I am excited to share some highlights of the progress we have made over the past year and just a few reasons why Springboro is such a great place to call home. The year 2017 was underscored by a personal lifelong dream of building a veterans memorial in Springboro. On November 11, Veterans Day, at 11:00 a.m. that dream became a reality when nearly 400 people witnessed the dedication of the new Springboro Veterans Memorial. The new memorial at Gardner Park will serve as a beautiful and lasting tribute to our veterans. Many thanks to everyone who made this project possible and made the dedication such a special day in the history of our city.

With that said, I would like to welcome our newly appointed Assistant City Manager Greg Shackelford to the team and say a fond farewell to Retired City Manager Chris Thompson with special

thanks for her 28 years service to Springboro. I would also like to recognize our outstanding staff led by City Manager Chris Pozzuto, who is dedicated to making Springboro the best it can be. Together, we are committed to improving services to our residents and business community while continuing to provide all of the great programs our city has to offer. We would not be able to rise to the level of service our citizens deserve without the hard work and support of our staff, which is why it gives us great pride to report that Springboro received a 97% satisfaction rating in our 2017 public opinion survey. This is the fourth survey completed since 2008. In 2008, 87% of the citizens surveyed were either satisfied or highly satisfied living in Springboro. Today's rate is 97%! According to the Miami University Center for Public Management, who conducted the survey, no other community has reached this threshold for overall rating. Wow, what a great vote of confidence! According to the survey, our high ratings are driven by Springboro's quality of life enhanced by amenities such as parks, walking trails and community activities and events like our "Concerts in the Park." Survey results reflected some very positive opinions regarding various city services such as street maintenance and especially snow removal. The survey also indicated that our park system remains one of our most popular community assets. A lot of time and resources have been spent developing our park land in response to increasing demands for recreational space and we are glad to see that these efforts will benefit our community for many years to come. We appreciate the great response we received from our citizens and will make every effort to address areas needing improvement as quickly as possible. Overall, the survey revealed that people really enjoy living here and appreciate what the city is doing for the community.

SPRINGBORO continues to be recognized as one of the best, family-friendly communities in Ohio for reasons such as economic stability and growth, quality schools and neighborhoods, safety and services and assets like our beautifully preserved historic district, eight recreational parks and superior public golf course, which is now the official golf course of Wright State University. We have worked together to shape the progress of our community and have enjoyed growth and prosperity in recent years, but remain a small town at heart. We would like to take this opportunity to thank the community for your support and trust in City Council. All four incumbent Council Members were elected to serve another term, and we are honored to continue representing Springboro by striving to provide a high level of service and leadership on behalf of our citizens.

FINANCE We are pleased to report that the city has a healthy financial outlook going into 2018. Our annual budget was approved in November following a review of anticipated revenues and expenditures needed to fund operations, programs and services such as police, building and zoning, water and sewer services, and street and park maintenance. All 44 funds reflect a total budget of \$61.4 million in expenditures for 2018, which is a decrease of 4.3% from 2017. Reserve balances fall within the recommended range of 30 to 50% of expenditures allowing the City to tap into those funds if necessary eliminating the need to generate additional revenue by raising income taxes or fees.

Our General Fund comprises approximately 20% of our overall budget and covers the cost of most city services. We truly appreciate the efforts staff makes each year to streamline operating costs while providing the same or enhanced services. About 80% of the General Fund's revenue is generated from income tax and revenue continues to increase with income tax collections up 13% since 2014. We are again anticipating a 2% increase in income tax revenue over last year's projections at \$8.84 million in 2018. Our tax base has increased 37% in the past 10 years and Springboro's tax rate has remained the same since 1988, 30 years. Our strong tax base is attributed to our thriving business community, increased commercial development, and economic growth partnerships like the Austin Center JEDD (Joint Economic Development District), which generated approximately \$185,000 in income tax revenue for the city in 2017 and is projected to produce the same revenue in 2018. Although Austin Landing is entirely within Miami Township, Springboro benefits from this additional revenue stream each year. Also, Council passed legislation to refinance outstanding bonds held by the city for various street, water system and other capital improvements saving approximately \$450,000 in interest last year. We appreciate the efforts of our Finance Department to pursue these savings and for their professional accountability with our city's finances. Staff has done a great job of analyzing the budget and Springboro in on solid fiscal ground.

CAPITAL IMPROVEMENTS Our most recent population estimate is well over 18,000 and our community's growth has presented some challenges. Among one of the most important has been meeting the needs of our growing population while remaining focused on what makes Springboro such a desirable community. There are many important factors to consider such as land planning and

development, traffic, infrastructure and services. Our Capital Improvement Program, which is reviewed on an annual basis, serves as an excellent tool to help the city plan and apply staff and financial resources long-term. Proposed expenditures for capital over the next five years is \$19.8 million, with investments covering our entire infrastructure improvement program. Transportation projects have been a priority to improve the flow of traffic in our community and reconstruction of the SR73/SR741 intersection will be complete sometime this year. This major capital project will be the culmination of a six-year planning and funding process under the management of the Warren County Transportation Improvement District and received more than \$3 million in federal transportation dollars. Expansion and safety upgrades will improve peak traffic flow and allow more traffic to safely utilize the intersection. We appreciate the community's patience during construction and look forward to the official re-opening of our main intersection. It will definitely be worth the wait and temporary inconvenience.

The city also maintains approximately 84 miles of streets each year, which involves cleaning, plowing, asphalt repairs and leaf pick-up; however, street maintenance also involves resurfacing and concrete replacement. In 2017, 18 streets were repaved mainly in the subdivisions of Brookside, Royal Oaks and Sycamore Springs. Our annual street resurfacing program will continue in 2018 on 15 streets in six other neighborhoods.

Maintaining our water system requires capital as well and in 2017 the city replaced 4,000 feet of water main in several residential areas and repaired and painted the Lytle Five Points Water Tower. Water service is a 24-hour operation, which typically provides 2.5 million gallons of water per day to our residents and businesses and water quality is a very important factor. The city received an award from the Ohio EPA last year for exceptional implementation of our source water protection program and was recognized for doing an outstanding job of actively protecting our drinking water from contamination. Of the 165 communities with ground water systems in Southwestern Ohio, Springboro was 1 of 9 communities that received this distinction. Well done!

Capital improvements are ongoing for our more than 400 acres of park land, which is a significant percentage of our community dedicated to parks per capita. Springboro's park system offers numerous athletic fields, shelters and playgrounds, an amphitheater and paved walking paths. The city received \$23,000 in grand funds from the State of Ohio last year for Hazel Woods Park. The first phase of development was completed in 2017 with the construction of a dog park facility that is now open to the public. Development of the park will continue westward through 2022 with the construction of multiple soccer/lacrosse fields, a play area, concession stand, restrooms and another walking trail. We will continue to invest in our recreational space as resources permit to preserve these valuable assets within our community including our public golf course. Heatherwoode has undergone recent course and clubhouse upgrades that have further enhanced the excellent course conditions and facilities. Golf course customer service and maintenance continue to exceed regional standards attracting collegiate teams, tournaments and major corporate outings. About 34,000 rounds were played in 2017, and we applaud our entire Heatherwoode staff for earning such high-ratings in both golf and event services.

ECONOMIC DEVELOPMENT Springboro is hands-on in supporting business growth through incentives and assistance programs and works regionally with the Small Business Development Center, the Warren County Port Authority and the JobsOhio Regional Network; alliances that create opportunities for business and employment growth in Springboro and the greater region. Last year, we joined the Springboro Chamber of Commerce in welcoming 15 businesses to the nearly 500 businesses supporting our local economy, and we approved more than 41,000 sq. ft. of new commercial projects for development in the community. Our city is home to a variety of successful manufacturing, wholesale, service and retail enterprises and we thank our businesses for choosing to invest and grow in Springboro.

Developments on the horizon include the former IGA plaza. Funds have been budgeted to begin constructing basic infrastructure at the site this year and proposed designs include retail and convenience services. A public building for community oriented activities is also being considered and the city will be seeking state capital dollars to help fund this community space.

Also, conceptual plans for the south side of Austin Boulevard in Springboro were presented to Council in September. The proposed development will be a large-scale, mixed-use community featuring retail, residential, corporate and medical office plus public spaces for events and activities, and will produce an income tax and hotel tax within the city limits. This new development will be unique from the north side of Austin and all of the roadways will be constructed up-front to ensure the internal traffic circulation is convenient and accessible. Construction is anticipated to begin this spring with the public

improvements such as underground infrastructure, signage and public plaza. According to the project's timeline, the first wave of development will open in November 2019 and will continue within an overall time frame of five years. It is a great new project for Springboro and we are excited to watch it take shape. Austin Center and other developing commercial areas and main corridors in the city promise to further strengthen our tax base supporting the services and amenities enjoyed by our residents well into the future.

COMMUNITY LEADERSHIP AND SERVICE Council has appointed all citizen boards and commissions for new terms beginning in 2018, and we greatly appreciate the willingness of our nearly 40 volunteers to continue their service this year in areas such as planning, historic preservation and parks and recreation among others.

This past year, Springboro's Architectural Review Board initiated a historic preservation grant program to assist property owners in the historic district with building improvement projects. The city sponsored matching grants from \$1,000 to \$5,000 totaling \$25,000. Twenty-two property owners responding to the application process and the board approved eight grants, which resulted in a pledged investment of approximately \$220,000 in the downtown area. This program was a huge success and will be offered again later this year. This is one of the many initiatives, projects and programs that our board and commission members carry out as volunteers, and we are grateful for everything they do for Springboro!

COMMUNITY SAFETY Under the direction of Chief Jeff Kruithoff, our police department employs 26 officers in command, investigations and patrol, who are dedicated to the safety, security and welfare of our citizens and community. Our 17-hour per day communications center received approximately 16,500 calls for service in 2017 compared to 15,400 in 2016. Our police department also provides a neighborhood crime prevention program and participates in regional law enforcement such as the Warren County Drug Task Force and Miami Valley Tactical Crime Suppression Unit to aid in investigations and policing, and shares costs for specialized services, equipment and training across agencies. Our police officers also work in partnership with the community by meeting with residents to address questions and concerns regarding community safety. This past year, officers responded to traffic concerns in neighborhoods surrounding the schools along S. Main Street. We would like to thank our residents for their positive feedback regarding the department's efforts to help alleviate these issues and promote safety during school hours. Also, Springboro D.A.R.E. celebrated 25 years in 2017 and was recognized by Council, staff and D.A.R.E. representatives in November. The program started in 1992 and has educated and mentored 39,500 students in our school district through a 100% working partnership with Springboro Schools. We congratulate Springboro D.A.R.E. and acknowledge the many contributions the program has made to our students, families and community over the past 25 years.

ON A FINAL NOTE, I truly enjoy working with our citizens and partnering with all of the other communities and officials in Warren County to make our community a better place. Effective leadership is a team effort and our success is the result of many people working together to make Springboro a great place to live, work and enjoy life. Our commitment to leadership and service has enabled us to take Springboro to the next level, and it is an immense honor to share this success with all of you! Many thanks for your support and please accept my very best wishes for health and happiness in 2018!

– Mayor John Agenbroad

ITEM 6. LEGISLATION: City Council held a Work Session at 6:00 PM tonight for approximately 45 minutes to discuss the following legislative items as well as other city business. Mayor Agenbroad noted that he recused himself from deliberations and discussion for approximately 20 minutes of the Work Session due to a conflict of interest with the rezoning for 1360 S. Main Street.

- 1) **ORDINANCE O-18-2: THIRD READING.** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGBORO, REZONING APPROXIMATELY 2.35 ACRES OF LAND LOCATED AT 1360 SOUTH MAIN STREET FROM R-1, ESTATE-TYPE RESIDENTIAL DISTRICT, TO PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL," was read by the Clerk of Council. Mr. Boron's comments are summarized as follows:

This is the third reading of an ordinance amending the official zoning map of the city to rezone approximately 2.35 acres of land located at 1360 S. Main Street from R-1, Estate-Type Residential District, to PUD-R, Planned Unit Development-Residential. This ordinance was the subject of a public hearing held by City Council on December 7, 2017 and first and second readings subsequent to that hearing. The rezoning request involves property located between Dunnington Court and Heather Glen Court adjacent to the Heatherwoode Development. The recommended zoning of the property is PUD-R (Planned Unit Development –Residential), which proposes 7-lots on the 2.35-acre site. The seven lots will be accessed by a private drive, which will be the subject of more discussion regarding the general plan. The rezoning of the property officially changes the city's zoning map, and the general plan, which is the second piece of legislation, actually incorporates the physical changes proposed by the development including lots and other improvements. There is 0.22 acres of right-of-way dedication proposed on the west side of the property, which is associated with the right-of-way from the center of SR741 to the property line as proposed under this development. Also proposed is approximately 0.578 acres of land in open space, which is over 27% of the overall site. This is the 25% minimum allowed for the development under a recommendation included in the city's land use plan, which allows up to four units per acre permitted to be developed within the City of Springboro within what is called the Heatherwoode policy area that incorporates much of the south end of the community. The land use plan supports this recommendation and the development density is around 2.79 acres, which is less than the density permitted in the policy area. Assuming Council would approve this recommendation by formal action tonight, there are two more steps in the PUD review process. The first would be the final development plan, which is similar to a site plan review process in that you would see a lot of the detail, which has been the subject of some discussion amongst city staff, neighbors and City Council. We would see the details associated with the development such as the detention ponds, storm water calculations, the grading of the property as well as details associated with the private drive, which is proposed as part of this development accessing the seven lots. Also, all of the architectural details and other exterior materials proposed as part of this PUD for the seven homes would be reviewed as well as other legal details such as HOA materials and subdivider's agreement that are all incorporated as part of the final development plan, which is only reviewed by Planning Commission. Subsequent to the final development plan, we would see, as the third step of the process, a record plan submitted in which the lots are platted and the right-of-way along SR741 would be dedicated to the city. Also, the open spaces would be set up for maintenance by an HOA that the property owners pledge to develop. During the course of the review of this development by Planning Commission, we have made a commitment to adjacent property owners and the three HOAs that encompass the community adjacent to Heatherwoode Golf Course to notify them of any future meetings that should take place, and staff will do that as they have done for other developments in the community. Mr. Boron concluded his comments by offering to answer any questions.

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

Ms. Iverson commented that Council discussed this rezoning and general plan at length at tonight's Work Session.

Deputy Mayor Harding commented that he appreciated once again the very detailed summary of the rezoning and plan review process Mr. Boron provided during the Work Session. Deputy Mayor Harding further commented that tonight's actions are restricted to the rezoning and the preliminary plan, which will be reviewed by Planning Commission in more detail in the future.

Ms. Moore asked if the 27% open space provided in this plan is only comprised of the retention area.

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Mr. Boron explained that the open space also incorporates an area on the east side of the property abutting the golf course.

Ms. Ridd commented that she personally thinks we have a great Planning Commission and she trusts them wholeheartedly and to keep in mind that should the developer not be able or willing to meet whatever requirements they set forth the plan will not move forward.

Mr. Brunner commented that, as he mentioned earlier during the Work Session discussion, he would not be in support of this plan if the HOA does not mirror Heatherwoode's HOA standards or does not become a part of Heatherwoode's HOA. Mr. Brunner asked if Mr. Boron would be bringing that decision back to Council or would Planning Commission be considering that issue.

Mr. Boron answered that Planning Commission would be considering that during review of the final development plan.

Ms. Ridd confirmed that the Planning Commission actually sees the final HOA covenants and restrictions.

Mr. Boron answered yes, that is correct.

Mr. Pozzuto commented that any condition Council places on this general plan, if approved, Planning Commission would have to implement.

Deputy Mayor Harding commented that Council mainly discussed the HOA as a condition, and he asked Mr. Schaeffer how they would incorporate that condition into the motion to approve the general plan.

Mr. Schaeffer explained that because the ordinance and resolution before Council is based on a recommendation of Planning Commission, which has been discussed in public at tonight's Work Session and again discussed at this Regular Meeting, the resolution with the condition placed on it is different from the recommendation from Planning Commission and would require five votes, a supermajority of this Council, in order to pass it tonight. The resolution would include the following language: a resolution approving the general plan for the Streamside at Heatherwoode PUD-R (Planned Unit Development-Residential) to include development standards met by either 1) inclusion of this development into the Heatherwoode Golf Course Community Association, Inc. and by doing so adopting the development standards of the Heatherwoode Golf Course Community Association, Inc., or 2) within the Streamside at Heatherwoode HOA documents adopting the development standards of the Heatherwoode Golf Course Community Association, Inc. and by doing so adopt the development standards of the Heatherwoode Golf Course Community Association, Inc. for this development. Mr. Schaeffer further explained that Council would first adopt the ordinance to rezone the property to PUD-R as submitted and then amend the following resolution approving the general plan for the property.

Ms. Iverson reiterated for the audience that did not attend the Work Session, if this rezoning and general plan are voted on with that stipulation as stated above then the development goes back to Planning Commission for site plan review and Planning Commission cannot vote on the final development plan until the HOA piece is approved.

Mr. Pozzuto confirmed Ms. Iverson's statement. Mr. Pozzuto clarified that the development either joins the Heatherwoode HOA or adopts the exact same standards as the Heatherwoode HOA, and the final development plan will not be voted on by Planning Commission until that step is complete. Mr. Pozzuto commented that this is only step one of a three or four step plan approval process.

Deputy Harding confirmed that staff would handle that step in the process.

Mr. Pozzuto replied yes, that is correct. Staff will review the HOA documents to make sure that the covenants and restrictions are exactly the same as those of the Heatherwoode HOA before they are submitted to Planning Commission for a vote.

Mr. Brunner asked Mr. Boron if included in that review would be the watershed and detention of water issues by Planning Commission as Mr. Westendorf mentioned at the Work Session today.

Mr. Boron replied yes, that is correct as is normally the case. The Planning Commission would look at storm water calculations, the ponds, which are proposed as part of this development, and also the regrading of the site, which they anticipate will occur.

Deputy Mayor Harding pointed out, as mentioned during the Work Session discussion, that the HOA documents would contain a provision for the city to intervene if the open space was not being properly maintained.

Mr. Pozzuto commented that typically in covenants and restrictions you will find whenever there are detention or retention areas it falls on the HOA to maintain. However, there is usually or almost always a stipulation in those covenants and restrictions that if it is not being properly maintained by the HOA the city can step in to help protect the residents by maintaining those areas. Obviously, the city would do this as a last resort, but that stipulation is included if it becomes necessary for the city to maintain those areas and assess the owners.

Mr. Boron commented that the City Attorney routinely reviews subdivider's agreements and also the HOA documents in the normal course of review of subdivisions, and in this case we will have that additional requirement regarding the standards.

Mayor Agenbroad asked if there was any further discussion regarding Legislation Item 1, the ordinance in question.

There was no further discussion.

Mayor Agenbroad called for a motion to adopt Ordinance O-18-2.

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

No discussion.

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

- 2) **RESOLUTION R-18-1:** "A RESOLUTION APPROVING THE GENERAL PLAN FOR THE STREAMSIDE AT HEATHERWOODE PUD-R, PLANNED UNIT DEVELOPMENT-RESIDENTIAL," was read by the Clerk of Council.

This resolution approves the General Plan for the Streamside at Heatherwoode PUD-R.

Mayor Agenbroad asked Mr. Schaeffer to read the proposed amendment to the legislation. Mayor Agenbroad explained that Council will then vote on the amendment and then Council will vote on the resolution as amended if the amendment passes.

Mr. Schaeffer stated that the amended resolution would read as follows: a resolution approving the general plan for the Streamside at Heatherwoode PUD-R, Planned Unit Development-Residential to include development standards met by either 1) inclusion of this development into the Heatherwoode Golf Course Community Association, Inc. and by doing so adopting the development standards of the Heatherwoode Golf Course Community Association, Inc., or 2) within the Streamside at Heatherwoode HOA documents adopting the development standards of the Heatherwoode Golf Course Community Association, Inc. and by doing so adopting the development standards of the Heatherwoode Golf Course Community Association, Inc. for this development.

Mayor Agenbroad called for a motion to amend the resolution to include the above stated language.

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

No discussion.

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

Mayor Agenbroad called for a motion to adopt Resolution R-18-1 as amended.

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

No discussion.

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

- 3) RESOLUTION R-18-2:** "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY COMMISSIONERS TO PROVIDE CRIME LABORATORY SERVICES FROM THE GREATER MIAMI VALLEY CRIME LABORATORY AS OPERATED BY THE MONTGOMERY COUNTY CORONER," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows:

This resolution authorizes an agreement with the Montgomery County Commissioners to provide crime laboratory services from the Great Miami Valley Crime Laboratory as operated by the Montgomery County Coroner. The city has used the crime laboratory services for over 20 years with a good service history, and the relationship is now being formalized under an agreement. The police department will take various forms of evidence from cases throughout the year to be processed by the crime laboratory. The annual fee for these services is \$25,090 and is included in the 2018 budget passed by City Council on November 16.

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

Mayor Agenbroad called for a motion to adopt Resolution R-18-2.

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

No discussion.

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

- 4) **RESOLUTION R-18-3:** "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, RECONSTRUCTING OR REPAIRING CERTAIN SIDEWALKS IN THE CITY OF SPRINGBORO, COUNTY OF WARREN, OHIO REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT, RECONSTRUCT OR REPAIR THE SAME. (2018 SIDEWALK PROGRAM)," was read by the Clerk of Council. Mr. Pozzuto's comments are summarized as follows

This resolution declares the necessity of the 2018 Sidewalk Program. This program entails evaluating sidewalks throughout the City to determine which sidewalks in different neighborhoods are in need of repair in order to maintain the safety and integrity of the sidewalks in the community. The following streets were identified for this year's sidewalk program: Brandon Court, Berryhill Court, Chase Court, Churchill Court, a portion of Eleanor Drive, a portion of Evergreen Drive, Larchway, a portion of Null Boulevard, Pine Ridge Court, a portion of Renwood Place, Sheridan Circle, Teakwood Lane, Waverly Road, Wood Creek Court, and Woods Road. Staff is requesting Council's approval of this year's declaration of necessity for the 2018 Sidewalk Program.

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

Mayor Agenbroad called for a motion to adopt Resolution R-18-3.

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

No discussion.

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

- ITEM 7. REPORTS: Mayor's Report** – Martin Luther King, Jr. Birthday observed Monday, January 15; whereby, the City Offices will be closed. The next City Council Work Session will be held on Thursday, January 18, 2018 at 6:00 PM followed by the Regular Meeting at 7:00 PM in Council Chambers. The Finance Committee will meet on January 18 at 5:30 PM in Council Chambers.

City Manager's Report – Mr. Pozzuto reported that the new traffic signal poles are being installed as part of the improvement project at the intersection of SR73/SR741. Once the traffic signals are attached to the poles; weather permitting, the contractor will temporarily stripe the road and open all of the lanes to traffic. There will be project "shut down" i.e. little to no activity on the project during February and March because the contractor is waiting for the asphalt plants to reopen in order to apply the final course of asphalt and finish curb work before officially opening the intersection. In addition, the road salt reserves are in good shape with a little over 800 tons left. Public Service Director Vince Murphy has just ordered another 450 tons; therefore, we will have plenty of salt on hand for future winter weather events. Mr. Pozzuto commented that heavier snow falls are easier to plow than for example ½-inch snows, which use a lot more of salt. Finally, Mr. Pozzuto welcomed new Assistant City Manager Greg Shackelford, who started yesterday. Mr. Shackelford will be primarily responsible for economic development and human resources.

Mayor Agenbroad asked Mr. Pozzuto when Starbucks would open.

Mr. Pozzuto stated that he believes Starbucks will open mid to late February, which is what they were told by the contractor.

Committee Reports –

Mr. Brunner – No reports.

Ms. Ridd – Ms. Ridd reported that the Architectural Review Board meeting scheduled for January 8 has been canceled due to a lack of agenda items.

Ms. Iverson – No reports.

Ms. Moore – No reports.

Mr. Chmiel – No reports.

Deputy Mayor Harding – Mr. Harding reported that the Planning Commission meeting scheduled for January 10 has been canceled, as no items were submitted for review.

ITEM 8. OTHER BUSINESS. No Other Business.

ITEM 9. FINAL COUNCIL AND MANAGER COMMENTS. Ms. Ridd thanked city staff for all of their efforts maintaining the roadways during the recent snow and ice events. Ms. Ridd commented that she has received a lot of really good feedback regarding how clear the roadways were, and she is thrilled that the city is clearing the park walking paths now as well.

ITEM 10. GUEST COMMENTS.

1) Joe Westendorf, 35 Dunnington Court, Springboro, Ohio 45066 – Mr. Westendorf made the following comments:

Joe Westendorf, 35 Dunnington Court. As far as the streamside at Heatherwoode, there are a couple concerns. You (referring to Law Director Alan Schaeffer) had mentioned no legal precedent for rezoning across the street or it being kind of an open window for them or not an open window, but kind of like a greeting for them to rezone. Is there any documentation that you can share particularly with the Council because they're going to vote on this? Is there something you can share with us to assure us that maybe next year or ten years from now that this would not happen?

Mr. Schaeffer asked Mr. Westendorf if he is expecting that the property across the street will never be rezoned and never be developed.

Mr. Westendorf answered as follows: I expect it to be developed, but it is zoned now and I am talking about the farm land. I think that it is zoned R-1 now. If they want to go to something more than that and build a bunch of, I don't know, Ryan Homes packed together and they want it rezoned to fit more in there is there something legally, I mean you say that, but is there some legal document that can assure us and the City Council that that won't happen.

Mr. Schaeffer responded by stating that Mr. Westendorf is asking two questions and he will answer the first question first, which is the precedent issue. The action that Council has taken tonight will have absolutely no impact on any sort of rezoning that might come from across the street, which is currently R-1. Since R-1 is our most restrictive zoning district, any sort of rezoning of that area would be down zoning, with the exception of PUD. In this case, the rezoning from R-1 to PUD-R is virtually identical. The changes are minimal between R-1 and the PUD. The PUD zoning that is being imposed allows a certain amount of flexibility in some areas, but the density is the same and virtually all of the development standards that are going to be applied are going to be those that at a minimum are R-1 in addition to the action Council has taken to include the development standards under the Heatherwoode Golf Course Community Association. The facts across the street would be radically different and

there are no precedents being created tonight that would apply across the street. Mr. Schaeffer further commented that Mr. Westendorf's other question is how can you be assured that that property will never develop at a greater density than R-1, which is what he heard Mr. Westendorf ask. The answer to that question will be determined when the project is brought in for development, if ever, and submitted for action. Anybody can ask to have their property rezoned; there is no prohibition against that. Your question is going to be answered or rather the answer you want to hear would be determined by what the Planning Commission and Council does when that application comes in.

Mr. Westendorf answered as follows: You're saying that if they "okay" the rezoning here at the Streamside at Heatherwoode, you're saying there's no way and nothing you can show us to prevent the property across the street from saying they did it so we get to do it.

Mr. Schaeffer responded by stating that he will answer that question the best way he can because there are no absolutes. To answer that particular question, if the owner of that property at some point in time comes in and wants to do a PUD residential development and wants to change the zoning from R-1 to PUD-Residential and if they do it the way they have done this project actually you have better protection that you would have had under R-1.

Mr. Westendorf answered as follows: I guess if the City Council takes that into consideration and feels comfortable with that I guess that's all I can say. The other issue we talked about is the water runoff. There's the addition of not only rooftops that are obviously going to go into the creek or "ditch," whatever you want to call it, and we've got concerns about that, which we mentioned. There will also be a road out there now and where's that going to go; do we know where that's going to go? It is going to flow to the golf course or to the creek and again that's something you've got to question.

Mr. Schaeffer asked if Mr. Westendorf was talking about the runoff.

Mr. Westendorf answered as follows: The runoff from the street itself that they will be maintaining.

Mr. Schaeffer responded that the law in Ohio is pretty straight forward in regard to runoff. Runoff post-development can never be at a rate greater than pre-development. Therefore, the purpose for the detention ponds on this project is to hold the storm water runoff that is now being generated by roof tops and asphalt and roads on site and released at a rate no greater than would have been released pre-development. Mr. Schaeffer further commented that these detention areas are going to be dry detention ponds; they are not going to be wet all of the time, as he understands it. That being the case, while we are waiting for this outlet to allow water to run out over a three to four to five hour timeframe to mimic pre-development runoff it is also going to be soaking into the ground and you will actually get a double benefit. Also, there are actually two detention ponds proposed on this property. One sets more toward the west and the other one sets more toward the east. Mr. Schaeffer stated that it is his understanding that the outlet for the one to the east will be essentially east of the waterway that runs through the existing development so that detention will never even come through the development that is currently receiving drainage from elsewhere.

Mr. Westendorf answered as follows: The other concern along with the retention ponds is maintaining them; they have to be maintained. Consulting with Shawn Hunter of the HOA for Heatherwoode, they would have to have their own HOA to be able to maintain that as well as the road of course. The question there again is that I guess the city will make sure it's maintained, but the rate of the water that flows through that creek or "ditch," whatever you want to call it, is very strong at times. It can be nothing during the summer and then we get a strong rain and it flows like there's no tomorrow. It's like the Grand Canyon; it keeps cutting through deeper and deeper and deeper so we have retention ponds and its flowing back and

forth and slowing everything down, but rain eventually is going to go the quickest route and will dig deeper and then the retention ponds will be how many feet higher and all of sudden now you have a retention pond that doesn't even work anymore so you've got to take that into consideration. Other than that, I would just like to close by saying I think it's great to have the Work Session. Not everybody knows that we can be here so it was a privilege to be here for that. Thank you very much.

Mayor Agenbroad thanked Mr. Westendorf for his comments and for attending tonight's meeting.

2) Shawn Hunter, 990 Heatherwoode Circle, Springboro, Ohio 45066 – (HGCCA) Heatherwoode Golf Course Community Association Board Chair & President – Mr. Hunter made the following comments:

Shawn Hunter, 990 Heatherwoode Circle. As the Chair of the Heatherwoode Golf Course Community Association HOA, I want to say that I definitely empathize with our residents who are going to be directly affected by this rezoning many of whom are not here tonight, but you've heard from them in some of the other sessions. But, I do want to extend my thanks to the Council, to Chris and to Dan for being receptive to not only their concerns, but our concerns or basically our comments from the HOA. You really listened to those and took that to heart, and we have had a dialogue about having a seat at the table with respect to the HOA maybe adopting our covenants and standards. I just want to say I look forward to continuing that dialogue and making sure that we do ensure that this development goes forward the right way to as minimal impact as possible to the residents that are adjacent and ensure it maintains the standards of the Heatherwoode community. Thank you.

Ms. Iverson commented that residents should look at the city's website for Planning Commission meeting dates, which are all open to the public.

Mr. Hunter responded that they would definitely have representation there.

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

No other guests came forward.

Mayor Agenbroad commented that even though his was no allowed to be involved in any deliberations or discussions concerning this rezoning and general plan, he thanked the residents for all of their comments and the way they handled themselves; this is how the process works and what makes Springboro what it is. We work together and there is nothing that beats teamwork.

Ms. Ridd commented that one other thing to keep in mind is that this property, being zoned R-1, could develop into four lots with fewer restrictions and at least now that it is a PUD we can control the design, we can control the HOA, and the overall development. Ms. Ridd further commented that if the property developed under the city's standard zoning, there really would not be anything we could do; therefore, in her mind this is a huge boost. If it is not this property owner that develops it, then it may be the next, but at least we can control what happens there now.

There was no further discussion under Guest Comments.

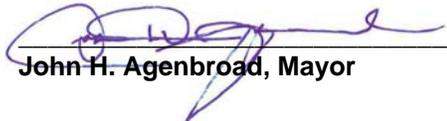
ITEM 11. EXECUTIVE SESSION. No Executive Session.

ITEM 12. ADJOURNMENT. Mayor Agenbroad thanked the MVCC for tonight's telecast and scheduled rebroadcasts of this Springboro City Council Meeting.

Mayor Agenbroad called for a motion to adjourn the Thursday, January 4, 2018 Springboro City Council Regular Meeting at approximately 7:45 PM.

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

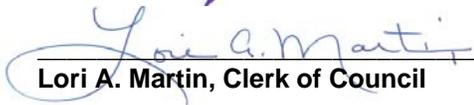
VOTE: Agenbroad, Yes; Chmiel, Yes; Moore, Yes; Harding, Yes; Brunner, Yes; Ridd, Yes; Iverson, Yes. [7-0]



John H. Agenbroad, Mayor

John H. Agenbroad

Presiding Officer



Lori A. Martin, Clerk of Council