



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

**Telephone (513) 695-1250
Facsimile (513) 695-2054**

***TOM GROSSMANN
PAT ARNOLD SOUTH
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – September 6, 2016

The Board met in regular session pursuant to adjournment of the September 1, 2016, meeting.

David G. Young – present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the August 30, 2016, meeting were read and approved.

- 16-1386 A resolution was adopted to designate Family and Medical Leave of Absence to Brandon Coldiron, Custodial Worker I, within the Facilities Management Department of Warren County. Vote: Unanimous
- 16-1387 A resolution was adopted to approve leave donation for Andre Farlaino, Emergency Communications Operator, within the Emergency Services Department. Vote: Unanimous
- 16-1388 A resolution was adopted to authorize Termination of Risk Consulting Contract with Hylant Group and approve notice of intent to negotiate new Risk Consulting Contract with the Ballator Insurance Group. Vote: Unanimous
- 16-1389 A resolution was adopted to rescind resolution #16-1200 approving to advertise for bid for the FY14 & FY16 Village of Harveysburg Sewer and Pavement CDBG Project. Vote: Unanimous
- 16-1390 A resolution was adopted to approve certification of delinquent Village of Waynesville Sewer Accounts- Warren County Water and Sewer Department. Vote: Unanimous

- 16-1391 A resolution was adopted to transfer vehicle no longer being utilized by the Warren County Sheriff's Office to the Clermont County Civil Air Patrol. Vote: Unanimous
- 16-1392 A resolution was adopted to approve and authorize the County Administrator to execute an engagement letter with Hurst Kelly and Company, LLC relative to the assembling of the County's Schedule of Expenditures of Federal Awards for the year end 2016. Vote: Unanimous
- 16-1393 A resolution was adopted to approve notice of intent to award bid to Barrett Paving Materials Inc. for the 2016 improvements to Warren County Airport- Lane Field Rehabilitate Taxiway Pavement Project. Vote: Unanimous
- 16-1394 A resolution was adopted to approve notice of intent to award bid to Belgray Inc. for the FY16 Village of South Lebanon- High Street Reconstruction CDBG Project. Vote: Unanimous
- 16-1395 A resolution was adopted to authorize the Warren County Engineer to issue and administer highway right-of-way permits on County maintained highways, and highway right-of-way permits on Township maintained roads not specifically authorized by a Board of Township Trustees. Vote: Unanimous
- 16-1396 A resolution was adopted to approve emergency repair to the belt press gear at the Lower Little Miami Waste Water Treatment Plant. Vote: Unanimous
- 16-1397 A resolution was adopted to acknowledge receipt of August 2016 Financial Statement. Vote: Unanimous
- 16-1398 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41 (D) (1). Vote: Unanimous
- 16-1399 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 16-1400 A resolution was adopted to approve various funds. Vote: Unanimous
- 16-1401 A resolution was adopted to approve a street and appurtenances bond release for Lonnie Lisle for completion of improvements in Lisle Estates situated in Washington Township. Vote: Unanimous
- 16-1402 A resolution was adopted to approve Lisle Lane in Lisle Estates for public maintenance by Washington Township. Vote: Unanimous
- 16-1403 A resolution was adopted to approve a street and appurtenances (including sidewalks) bond release for VWC Holdings, Ltd, for completion of improvements in the Villages of Winding Creek, the Boulevards at Winding Creek, Section Three situated in Clearcreek Township. Vote: Unanimous

- 16-1404 A resolution was adopted to approve Holly Brook Court and Linden Brook Drive in the Villages of Winding Creek, the Boulevards at Winding Creek Section Three for public maintenance by Clearcreek Township. Vote: Unanimous
- 16-1405 A resolution was adopted to enter into street and appurtenances (including sidewalks) security agreement with Rhein Natorp Development Co, LLC for installation of certain improvements in Long Cove, Phase 6B situated in Deerfield Township. Vote: Unanimous
- 16-1406 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with Rhein Natorp Development Co., LLC for installation of certain improvements in Long Cove Subdivision, Phase 6B situated in Deerfield Township. Vote: Unanimous
- 16-1407 A resolution was adopted to approve the following record plats.
Vote: Unanimous
- 16-1408 A resolution was adopted to accept an amended certificate and approve supplemental appropriations for Grants Administration Fund #265.
Vote: Unanimous
- 16-1409 A resolution was adopted to accept an amended certificate, approve a supplemental appropriation and approve a cash advance within Engineer's Office Fund #489 for the Towne Center Blvd. Extension Project. Vote: Unanimous
- 16-1410 A resolution was adopted to approve supplemental appropriation into Clerk of Courts Certificate of Title Administration Fund #250. Vote: Unanimous
- 16-1411 A resolution was adopted to approve supplemental appropriation into Grants Administration Fund #265. Vote: Unanimous
- 16-1412 A resolution was adopted to approve supplemental appropriation into Sheriff's Office Fund #291. Vote: Unanimous
- 16-1413 A resolution was adopted to approve appropriation adjustments within Sheriff Office funds #101-2210 and #101-2200. Vote: Unanimous
- 16-1414 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 16-1415 A resolution was adopted to authorize Emergency Procurement of Precast Box Culvert for Edwardsville Road Culvert #196-0.278 Replacement Project.
Vote: Unanimous

- 16-1416 A resolution was adopted to continue public hearing to consider text amendments to the Highland Development Partners PUD requesting to allow secondary dwelling units on 7 of the 43 lots within the development in Union Township. Vote: Unanimous
- 16-1417 A resolution was adopted to approve modification to the rezoning application of Travis Wilson (Case #2016-04) to rezone approximately 9.7733 acres from Resort "H" as a planned unit development in Washington Township. Vote: Unanimous
- 16-1418 A resolution was adopted to hire Darrin Sparks as Mechanic II, within the Warren County Garage. Vote: Unanimous
- 16-1419 A resolution was adopted to approve promotion of Nolan Cook to the position of Assistant Chief Mechanic within the Warren County Garage. Vote: Unanimous
- 16-1420 A resolution was adopted to approve pay increase for Darrel Lamb, Mechanic II within Warren County Garage. Vote: Unanimous
- 16-1421 A resolution was adopted to approve and authorize President or Vice President to execute deed to convey certain properties located at the intersection of Main Street and Broadway Street in the City of Lebanon, Ohio to the City of Lebanon. Vote: Unanimous
- 16-1422 A resolution was adopted to approve and authorize the Board President or Vice-President to execute a Quit-Claim Deed prepared by the County Prosecutor's Office conveying property back to Cincinnati Electronics Corporation, now known as L-3 Communications Cincinnati Electronics Corporation, as provided for in section 11.5 of the Agreement of Lease in connection issuance of eight million dollars (\$8,000,000.00) Industrial Development Revenue Bonds. Vote: Unanimous
- 16-1423 A resolution was adopted to approve amended Variance and Appeal of Conditions required for an access permit onto Dixie Highway in Franklin Township for Middletown (Dixie) DOHP, LLC. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

PUBLIC HEARING

CONSIDER TEXT AMENDMENTS TO THE HIGHLAND DEVELOPMENT PARTNERS
PUD TO CONSIDER THE REQUEST TO ALLOW SECONDARY DWELLING UNITS ON 7
OF THE 43 PROPOSED LOTS IN UNION TOWNSHIP

This Board met this 6th day of September 2016, in the Commissioners' Meeting Room, to consider a text amendment to the Highland Development Partners PUD to consider allowing secondary dwelling units on 7 of the 43 proposed lots in Union Township.

Michael Yetter, Zoning Supervisor, presented a rendering of the proposed houses requesting to be considered and reviewed the proposed changes to their zoning code that would accommodate their request.

There was discussion relative to the concern that a secondary dwelling could be turned into rental property.

Bruce McGary, Assistant Prosecutor, recommended adding conditions that state they cannot lease the property and also require the language to be placed into the covenants and restrictions for the subdivision and give standing to the Homeowner's Association for enforcement of violators.

Commissioner Grossmann questions the concern why they wouldn't be permitted to lease their property.

Commissioner Young explained that this property is not zoned multi-family.

There was discussion relative to the clarification of accessory structure as stated in the proposed language.

Mr. Yetter then reviewed the Regional Planning Commission recommendation and the Rural Zoning Commission decision.

There was discussion relative to correct wording of conditions to reflect the Board's concerns relative to the renting or leasing of the properties.

Upon further discussion, the Board resolved (Resolution #16-1416) to continue this public hearing to September 8, 2016, at 5:00 p.m.

PUBLIC HEARING

REZONING APPLICATION OF TRAVIS WILSON (CASE #2016-04), TO REZONE APPROXIMATELY 9.7733 ACRES FROM RESORT "H" TO RURAL RESIDENCE "R-1" AS A PLANNED UNIT DEVELOPMENT IN WASHINGTON TOWNSHIP

The Board met this 6th day of September 2016, in the Commissioners' Meeting Room to consider the rezoning application of Travis Wilson, owner of record (Case #2016-04), to rezone approximately 9.7733 acres located at 8368 Strout Road in Washington Township from Resort "H" to Rural Residence "R-1" as a Planned Unit Development.

Mike Yetter, Zoning Supervisor, presented the recommendation from the Regional Planning Commission to modify the rezoning request to Resort "H" as a planned unit development to allow the residential accessory use without a site plan review subject to certain conditions. He then stated the Rural Zoning Commission's decision to approve and accept the Regional Planning Commission recommendation.

Mr. Yetter stated the applicant currently resides on the portion of the property that contains a residence and the other half of the property is a pay lake that is owned by someone else. He stated that the applicant desires to construct a pole barn on his property and because of current zoning, cannot do so without following the site plan review application process.

Travis Wilson, property owner, stated he does not utilize his property as a pay lake, just a residence. He then stated his desire to purchase the other portion of the property in the future for personal use.

Upon further discussion, the Board resolved (Resolution #16-1417) to approve a modification to the rezoning application of Travis Wilson, owner of record (Case #2016-04), to rezone approximately 9.7733 acres located at 8368 Strout Road in Washington Township from Resort "H" to Resort "H" as a Planned Unit Development subject to the following conditions:

1. Any standards or conditions found in Resolution 91-1162 or the Warren County Rural Zoning Code adopted July 31, 1973 that are not modified, varied, or addressed by the PUD document shall apply to the PUD.
2. Travis Wilson (property owner to date) shall be the designated spokesperson for the PUD.
3. Residential uses allowed within the Resort "H" Zone and associated accessory uses do not require Site Plan Review per Section 1.303 of the most current Warren County Rural Zoning Code;
4. Accessory structures shall comply with the standards in Section 3.102 "Accessory Uses, Buildings, and Structure Standards" of the most current Warren County Rural Zoning Code.
5. Parcel 1421200013-1 shall be included in the PUD.

On motion, upon unanimous call of the roll, the Board entered into executive session at 10:10 a.m. to discuss personnel matters relative to hiring and reclassifications within the County Garage pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:29 a.m.

ADMINISTRATIVE HEARING

CONSIDER VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS
PERMIT ONTO DIXIE HIGHWAY IN FRANKLIN TOWNSHIP
FOR MIDDLETOWN (DIXIE) DOHP, LLC

The administrative hearing to consider a variance and appeal of conditions required for an access permit onto Dixie Highway in Franklin Township from Middletown (Dixie) DOHP, LLC (applicant) was opened the 23rd day of August 2016, and at the request of the applicant, reconvened this 6th day of September 2016, in the Commissioners' Meeting Room.

Commissioner Young administered the oath to all those desiring to give testimony during this administrative hearing.

Kurt Weber, Chief Deputy County Engineer, explained the request from the applicant and stated the reasons for the denial by the Engineer's Office of the request on July 8, 2016 for a proposed full access onto Dixie Highway from Parcel # 07-05-101-003 for a proposed Dollar General Store. He then stated that he is not in support of a full access on Dixie Highway due to safety concerns.

Mr. Weber then presented and reviewed a map showing the dangerous situation that would be created if a full access was granted. He stated he would not be concerned with a right in/right out access on Dixie Highway with a full access on Riverview.

Mr. Weber discussed the 2001 traffic information study (TIS) requiring left turn lane to be constructed by the developer and the performance bond agreement that is in place relative to same.

There was discussion relative to this property being located within the jurisdiction of the City of Middletown and the only portion that is within Warren County's purview is the Dixie Highway roadway.

Dan Utt, attorney for the property owner, explained how the property was re-acquired and the plan for the property owner to develop two outlots on the parcel being considered for access today.

Ray Flake, Civil Engineer for the applicant, provided testimony in support of the application relative to the need for a reduced speed limit and a full access being permitted once reduced.

There was discussion relative to Warren County's Access Management Regulations not being based upon ODOT regulations and therefore, the speed limit is not a factor for consideration.

Commissioner Grossmann questioned if the right in/right out access proposed by the County Engineer's Office with a full access on Riverview would provide reasonable access for the property.

Mr. Flake stated that it would but it is not ideal to provide commercial access through a residential area (Riverview).

Bob Gage, GBT Realty, stated the proposed access is for both outlots, one being the Dollar General and the other is unknown at this time. He then stated that a retailer must have a full access to build on this location. He then stated that the proposed full access was designed based on the assumption of a 35 mph speed limit. He then stated that if this application is not approved, they will not build at this location.

Commissioner Grossmann reiterated the safety concerns stated by the County Engineer's Office due to dueling turn lanes if approved.

Mr. Gage stated they would try to line up their full access directly with the curb cut for the car lot across the street and stated he does not feel it would be a conflict.

There was discussion relative to the performance bond for the construction of a turning lane.

Mr. Weber reiterated the safety concerns with a full access even if it lines up with the adjacent property.

Mr. Utt reviewed the hardship and reasons for approval. He then questioned if the Board chooses not to approve the appeal, would they consider a variance request for a right in /right out.

Bruce McGary, Assistant Prosecutor, stated that the applicant would need to amend the current application if they want the Board to consider a different request. Otherwise, a new application would be required.

Mr. Utt then requested a recess to confer with his clients.

Upon return, Mr. Utt requested the Board to amend the application to request a right in/right out access on Dixie Highway with a full access on Riverview.


Mr. Weber stated his recommendation to approve the amended request.

Upon further discussion, the Board resolved (Resolution #16-1423) to grant the Amended Variance and Appeal.

The Board stated their desire to grant a fee waiver for the renovation of the City of Lebanon Fire Station, as requested by the City Manager of Lebanon.

Upon motion the meeting was adjourned.

David G. Young, President




Tom Grossmann



Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on September 6, 2016, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio