



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

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***TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG***

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

MINUTES: Regular Session – April 2, 2019

The Board met in regular session pursuant to adjournment of the March 19, 2019, meeting.

Shannon Jones – present

Tom Grossmann – present

David G. Young – present

Laura Lander, Deputy Clerk – present

Minutes of the March 19, 2019 meeting were read and approved.

- 19-0367 A resolution was adopted to hire Jessica Wisecup as an EMA Emergency Plans Assistant for Warren County Emergency Services. Vote: Unanimous
- 19-0368 A resolution was adopted to approve hiring of Brian Philip Bomer as a Data Technician I within the Telecommunications Department. Vote: Unanimous
- 19-0369 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Brittney Whitaker within the Warren County Department of Job and Family Services, Children Services Division.
Vote: Unanimous
- 19-0370 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Shannon Oxley within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 19-0371 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Jennifer Francis within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 19-0372 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Rebecca Bradley within the Warren County Department of Job and Family Services, Human Services Division.
Vote: Unanimous

- 19-0373 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Julie Arrowood within the Warren County Department of Job and Family Services Division. Vote: Unanimous
- 19-0374 A resolution was adopted to approve settlement payment regarding Charge No #473-2019-00078 filed with the Ohio Civil Rights Commission and Equal Opportunities Commission by Amberly Dubard. Vote: Unanimous
- 19-0375 A resolution was adopted to waive the water tap-in and sewer connection fees for the Hamilton Township Fire Rescue Station 76. Vote: Unanimous
- 19-0376 A resolution was adopted to advertise for bids for six (6) new 2019 ½ ton extended cab 4 x 4 pickup trucks for Warren County Garage. Vote: Unanimous
- 19-0377 A resolution was adopted to approve selection of Strand Associates, Inc. as the engineering firm for the Sycamore Trails Wastewater Treatment Plant Upgrades Project. Vote: Unanimous
- 19-0378 A resolution was adopted to issue Request for Engineering Qualifications for the procurement of professional engineering services related to Morrow-Roachester Sewer District Study. Vote: Unanimous
- 19-0379 A resolution was adopted to establish non-participant charges for the State Route 73 to Brimstone Road Project. Vote: Unanimous
- 19-0380 A resolution was adopted to enter into contract with Rack & Ballauer Excavating Co., Inc. for the Warren County Fairgrounds Paving Project. Vote: Unanimous
- 19-0381 A resolution was adopted to enter into contract with Ford Development Corp. for the Townsley Drive Bridge #1201-0.50 and Everett Avenue Bridge #2032-0.23 Replacement Project. Vote: Unanimous
- 19-0382 A resolution was adopted to approve agreements and addendums with various providers relative to home placement and related services on behalf of Warren County Children Services. Vote: Unanimous
- 19-0383 A resolution was adopted to approve and enter into agreement with CoStar Realty Information, Inc. on behalf of Warren County Office of Economic Development. Vote: Unanimous
- 19-0384 A resolution was adopted to approve and authorize the President of this Board to execute an agreement with Patterson-Pope for materials and installation of a new Clerk of Courts filing system on behalf of Warren County Juvenile Court. Vote: Unanimous
- 19-0385 A resolution was adopted to approve amendment to the contract for Adult and Juvenile Inmate Health Care Services with Correctional Healthcare Companies, LLC. Vote: Unanimous

- 19-0386 A resolution was adopted to enter into agreement with Hewlett Packard Enterprise for renewal of blade infrastructure support on behalf of Warren County Telecommunications. Vote: Unanimous
- 19-0387 A resolution was adopted to enter into agreement with Mobilcomm Inc. for renewal of Manchester Tower maintenance on behalf of Warren County Telecommunications. Vote: Unanimous
- 19-0388 A resolution was adopted to approve Change Order No. 1 to the contract with Layne Christensen Company for the construction of the RAR Water Treatment Plant Filter Rehabilitation Project, Purchase Order No. 19000245. Vote: Unanimous
- 19-0389 A resolution was adopted to declare various items within Building & Zoning, County Court, Child Support, Facilities Management, and Metropolitan Housing as surplus and authorize the disposal of said items. Vote: Unanimous
- 19-0390 A resolution was adopted to amend Resolution 19-0043 authorizing the disposal of various items. Vote: Unanimous
- 19-0391 A resolution was adopted to transfer nine desks no longer being utilized by the Warren County Common Pleas Courts to the Warren County Educational Service Center. Vote: Unanimous
- 19-0392 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 19-0393 A resolution was adopted to approve a subdivision public improvement performance and maintenance security agreement reduction with HT Crossing, LLC for completion of improvements in Hunters Crossing situated in Clearcreek Township. Vote: Unanimous
- 19-0394 A resolution was adopted to approve bond release for Home Run Development for completion of improvements in Trails of Greycliff, Section 3 situated in Franklin Township. Vote: Unanimous
- 19-0395 A resolution was adopted to accept an amended certificate, approve a cash advance and approve a supplemental appropriation for the Fairgrounds Construction Fund 4498. Vote: Unanimous
- 19-0396 A resolution was adopted to approve supplemental appropriation into Lebanon Municipal Court Fund #11011272. Vote: Unanimous
- 19-0397 A resolution was adopted to approve supplemental appropriation into Auditor's Real Estate Fund #2237. Vote: Unanimous
- 19-0398 A resolution was adopted to approve supplemental appropriation into Grant's Administration Fund #2251. Vote: Unanimous

- 19-0399 A resolution was adopted to approve supplemental appropriation adjustment within Sheriff's Office Fund #2257. Vote: Unanimous
- 19-0400 A resolution was adopted to approve appropriation adjustments from Commissioners General Fund #11011110 into Juvenile Detention Center Fund #11012600. Vote: Unanimous
- 19-0401 A resolution was adopted to approve an appropriation adjustment within Prosecutor Fund 11011150. Vote: Unanimous
- 19-0402 A resolution was adopted to approve appropriation adjustment within Treasurers Office Fund #22491130. Vote: Unanimous
- 19-0403 A resolution was adopted to approve an appropriation adjustment within County Construction Fund #4467. Vote: Unanimous
- 19-0404 A resolution was adopted to approve appropriation adjustments within Children Services Fund #2273. Vote: Unanimous
- 19-0405 A resolution was adopted to approve Annexation of 1.00 Acre to the City of Lebanon, Mark S. Yurick, Agent, pursuant to Ohio Revised Code Section 709.022 (A.K.A. Expedited Type 1 Annexation). Vote: Unanimous
- 19-0406 A resolution was adopted to enter into an intergovernmental agreement with the South Lebanon Village Council on behalf of the Village of South Lebanon ("South Lebanon") and the Warren County Commissioners ("County") relative to sewer service to select parcels in South Lebanon. Vote: Mr. Young – nay, Mrs. Jones – yea, and Mr. Grossmann – yea.
- 19-0407 A resolution was adopted to waive a portion of the variance fees associated with Front Yard Setback for Robert Berling in Washington Township subject to certain conditions. Vote: Unanimous
- 19-0408 A resolution was adopted to deny text amendments to the Warren County Rural Zoning Code initiated by John H. Phillips, attorney for applicants. Vote: Unanimous
- 19-0409 A resolution was adopted to approve Variance and Appeal of Conditions Required for and Access Permit of Kevin Ehling in Hamilton Township. Vote: Unanimous

DISCUSSIONS

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

PUBLIC HEARING

TEXT AMENDMENT TO THE WARREN COUNTY RURAL ZONING CODE INITIATED
BY JOHN H. PHILLIPS, ATTORNEY FOR APPLICANTS

The public hearing to consider text amendments to the Warren County Rural Zoning Code initiated by John H. Phillips, attorney for applicants was convened this 2nd day of April 2019 in the Commissioners' Meeting Room to consider amending the following within the Warren County Rural Zoning Code:

to provide that: (i) "a venue for weddings, corporate events, milestones/anniversaries, family gatherings" is a forbidden auditorium (prohibited) or conference-training center (prohibited) in an R-1 zone; (ii) "a venue for weddings, corporate events, milestones/anniversaries, family gatherings" is not a permitted community facility use such as a civic club, hall, and/or lodge (allowed) in the R-1 zone; and (iii) to clarify "Civic Clubs, Halls, & Lodges" to mean "Civic Clubs, Civil Halls, & Civic Lodges"; for the following Townships to be effected: "All"

Michael Yetter, Zoning Supervisor, reviewed the history of the proposed text amendments and stated the Regional Planning Commission and Rural Zoning Commission both recommended denial of the text amendments.

Bruce McGary, Assistant County Prosecutor, explained that these text amendments were filed from a few residents in Franklin Township due to the Board of Zoning Appeals approving a conditional use for a wedding venue in their area. He reviewed that the Board approved text amendments that were effective March 28, 2019, to provide clarification on conditional use as it pertains to wedding venue which did not prevent the current wedding venue from being constructed and this public hearing to consider the amendments proposed by these residents. He stated that the approved wedding venue has been vetted with the court and the residents have dismissed their appeal

The Board considered the recommendation to deny the amendments from the Regional Planning Commission, the decision to deny the text amendments from the Rural Zoning Commission and acknowledged there was no one present, including the applicant, to speak in favor of or in opposition to the proposed amendments.

On motion, upon unanimous call of the roll, the Board closed the public hearing and resolved (Resolution #19-0408) to deny the text amendments to the Warren County Rural Zoning Code.

Tiffany Zindel, County Administrator, advised the Board that Kings Island has requested a first right of refusal for a piece of property, consisting of less than one acre, that they had deeded to Warren County for operation of a sewer lift station in the 1970s. Mrs. Zindel stated that the

County has no further use of the property as the lift station is no longer in operation and asked if the Board has any objection to conveying the property back to Kings Island.

Upon discussion the Board stated that it has no objection.

Martin Russell, Assistant County Administrator, stated that the City of Lebanon is applying for an Ohio Public Works Commission Clean Ohio Funds Green Space Conservation Program Grant to purchase a 55 acre parcel, for the expansion of the Premier Health Atrium Medical Center Bike Park. Since a portion of this property is located in Turtlecreek Township, the City is requesting a resolution of support from the County.

Upon discussion, the Board directed Mr. Russell to prepare a resolution for adoption at a future meeting.

Tim and Pamela Freson, residents of Harlan Township, were present to discuss concerns regarding a conditional use for a business on a neighboring property that was granted in 2012.

Mr. and Mrs. Freson stated that the business is not in compliance with several of the conditions of the conditional use approval and stated that they have brought their concerns to the attention of the Warren County Zoning Office several times but don't feel as their concerns are being adequately addressed.

Michael Yetter, Zoning Supervisor, stated that he is aware of the concerns and has inspected the neighboring property and has determined that they are in violation of several conditions. He further stated that he has been working on drafting a violation notice with the assistance of the Warren County Prosecutor's Office.

Mr. and Mrs. Freson, stated that they feel Mr. Yetter's oversight has been inadequate and requested that the Board's assurance that their concerns would be addressed.

Upon discussion, the Board directed Mr. Yetter to obtain a list of the items that Mr. and Mrs. Freson believe to be non-compliant and investigate further.

The Board met this 2nd day of April 2019, for the administrative hearing to consider the Request for Variance and Appeal of Conditions required for an Access Permit that had been filed on March 12, 2019, by the owner, Kevin Ehling, for access to Zoar Road for Parcel #17-36-200-033 in Hamilton Township.

Laura Lander, Deputy Clerk of Commissioners, stated that a notice had been published in Today's Pulse of Lebanon and Mason newspaper on March 17, 2019, advertising the date, time and purpose of the public hearing and that written notice had also been mailed to the Applicant and the Hamilton Township Board of Trustees on March 12, 2019. She then read into the record what documents were filed with the Clerk and that would be considered by the Board relating to the request for a variance of the Warren County Access Management Regulations.

Chief Deputy Engineer, Kurt Weber, was sworn in and testified that the Applicant was seeking a variance of the requirements in Section 401.12 which provide: *"When a new driveway or driveway upgrade is permitted, the property owner(s) shall eliminate all pre-existing non-conforming driveways upon completion of the new driveway or driveway upgrade as required by the County Engineer and comply with Section 501.4.2 herein. No new driveways or driveway upgrades shall be permitted for parcels or contiguously owned parcels where access rights have been previously extinguished or acquired by a governmental body"*. Mr. Weber further testified that an Access Permit had been approved by the County Engineer's Office for a relocated driveway on the Applicant's property but subject to certain conditions including the existing driveway be removed when the new driveway is installed due to the existing driveway being non-conforming, as it doesn't meet the sight distance/visibility requirements for the safety of the traveling public. Mr. Weber presented and the Board accepted as evidence to be made part of the record, the following exhibits:

- An aerial view of the property; and,
- The Engineer's Report containing: i) answers to general questions/facts and the Engineer's opinion relative to the factors to be considered when granting a variance; and, ii) the Engineer's recommendation for denial of the variance.

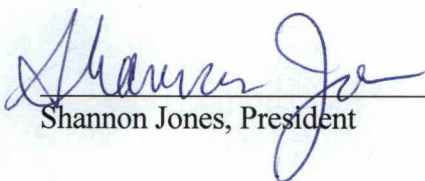
The Applicant, Kevin Ehling, was sworn-in and testified. Mr. Ehling explained that the existing driveway not only serves his property but also another property owned by a third party which is already landlocked except for an easement over the existing driveway, and a new easement would be required for the landlocked property owner to be able to access the new driveway. Additionally, Mr. Ehling testified that there is a creek that runs through the property and while he was not opposed to granting an easement to the landlocked parcel, it would necessitate the owner of the landlocked parcel to put in a bridge to cross the creek and that would also necessitate emergency services vehicles, including heavy fire trucks to cross the creek in the event of an emergency.

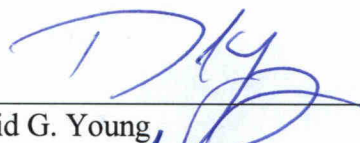
Commissioners Jones confirmed with the applicant that the witnesses were given a reasonable opportunity to present their position, arguments and contentions, as well as examine witnesses, cross-examine witnesses, and present evidence in support of the variance.

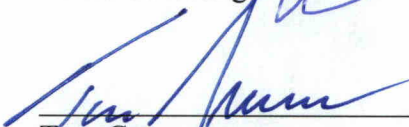
Upon further discussion, the hearing was closed and the Board resolved (Resolution #19-0409) to approve the Variance of Conditions required for an Access Permit of Kevin Ehling, in Hamilton Township.

On motion, upon unanimous call of the roll, the Board entered into executive session at 10:56 a.m. to discuss pending litigation with Children Services pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 11:15 a.m.

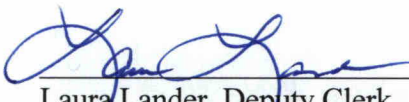
Upon motion the meeting was adjourned.


Shannon Jones, President


David G. Young


Tom Grossmann

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 April 2, 2019, in compliance with Section 121.22 O.R.C.


Laura Lander, Deputy Clerk
Board of County Commissioners
Warren County, Ohio