



**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 – May 28, 2019

The Board met in regular session pursuant to adjournment of the May 21, 2019, meeting.

Shannon Jones – present

Tom Grossmann – present

David G. Young – absent

Tina Osborne, Clerk – present

- 19-0631 A resolution was adopted to authorize the posting of the “Eligibility Referral Specialist II” position, within the Department of Job and Family Services, Human Services Division, in accordance with Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous
- 19-0632 A resolution was adopted to authorize the posting of the “Protective Services Caseworker I or II” positions, within the Department of Job and Family Services, Children Services Division, in accordance with the Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous
- 19-0633 A resolution was adopted to accept resignation of Melodi Chasteen, Fiscal Coordinator, within OhioMeansJobs Warren County, effective may 31, 2019. Vote: Unanimous
- 19-0634 A resolution was adopted to authorize the posting of “Fiscal Coordinator” position, within OhioMeansJobs Warren County, in accordance with Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous
- 19-0635 A resolution was adopted to rescind Resolution #19-0591 which authorized the hiring of Kaitlyn Tucker as Protective Services Caseworker I within the Warren County Job and Family Services, Children Services Division. Vote: Unanimous

- 19-0636 A resolution was adopted to accept resignation of Morgan Crawford, Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division, effective October 1, 2019.
Vote: Unanimous
- 19-0637 A resolution was adopted to accept resignation of Cyndi West, Fraud Investigator, within the Warren County Department of Job and Family Services, Human Services Division, effective June 6, 2019. Vote: Unanimous
- 19-0638 A resolution was adopted to waive fees associated with the construction of a park ranger bulletin board at Testerman Park on behalf of the Hamilton Township Trustees. Vote: Unanimous
- 19-0639 A resolution was adopted to reduce load limit on Bridge #41-2.49 on Springboro Road over Bull Run from the current load limit. Vote: Unanimous
- 19-0640 A resolution was adopted to reduce load limit on Bridge #158-0.92 on Stephens Road over a branch of Bear Run from the current load limit. Vote: Unanimous
- 19-0641 A resolution was adopted to reduce load limit on Bridge #33-4.92 on Union Road over Hendricksons Run from the current load limit. Vote: Unanimous
- 19-0642 A resolution was adopted to reduce load limit on Bridge #147-0.47 on Grog Run Road over Grog Run from the current load limit. Vote: Unanimous
- 19-0643 A resolution was adopted to approve Change Order No. 1 to the contract with Danis Industrial Construction Company for the construction of the Simpson Creek, Bear Run, Kings Union Lift Station Improvements Project, Purchase Order No. 25089. Vote: Unanimous
- 19-0644 A resolution was adopted to approve emergency rebuild of a failed hydraulic cylinder on belt press #1 at Lower Little Miami Wastewater Treatment Plant. Vote: Unanimous
- 19-0645 A resolution was adopted to adjust sewer bill for Cedar Fair Kings Island Sewer Account (306559). Vote: Unanimous
- 19-0646 A resolution was adopted to advertise for bids for the 2019 Striping Project. Vote: Unanimous
- 19-0647 A resolution was adopted to approve Notice of Intent to award bid to John R. Jurgensen Co. for the 2019 Resurfacing Project. Vote: Unanimous
- 19-0648 A resolution was adopted to approve Notice of Intent to award bid to DDK Construction Inc. for the Socialville-Foster Road Bridge #32-5.14 Rehabilitation and Retaining Wall Replacement Project. Vote: Unanimous

- 19-0649 A resolution was adopted to approve and enter into an agreement with Improvedge, LLC for a leadership development program for directors.
Vote: Unanimous
- 19-0650 A resolution was adopted to approve and authorize County Administrator to execute underwriter letter of intent and MSRB G-17 letter relative to refunding revenue bonds, series 2019A (Otterbein Senior Life Obligated Group).
Vote: Unanimous
- 19-0651 A resolution was adopted to enter into agreement with Ohio CSEA Directors' Association (O.C.D.A) on behalf of Warren County CSEA. Vote: Unanimous
- 19-0652 A resolution was adopted to approve a subgrant agreement on behalf of the Child Support Enforcement Agency. Vote: Unanimous
- 19-0653 A resolution was adopted to approve and sign Amendment #1 of the Area 12 Workforce Development System Memorandum of Understanding.
Vote: Unanimous
- 19-0654 A resolution was adopted to approve Amendment #1 to the contract with Triton Services, Inc. and authorize the President and/or Vice President of this Board to sign documents relative thereto. Vote: Unanimous
- 19-0655 A resolution was adopted to approve and authorize the President of the Board to enter into Youth Worksite Agreements on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 19-0656 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
- 19-0657 A resolution was adopted to issue mortgage revenue bonds (Alcoresenior, LLC) and authorizing execution of preliminary agreement. Vote: Unanimous
- 19-0658 A resolution was adopted to approve and authorize the President of the Board to enter into Crop Rental Agreement with Jeff Weaver. Vote: Unanimous
- 19-0659 A resolution was adopted to declare various items within Auditor, Common Pleas Court- Domestic Relations, Facilities Management, Planning, Sheriff's Office and Telecommunications as surplus and authorize the disposal of said items.
Vote: Unanimous
- 19-0660 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous

- 19-0661 A resolution was adopted to approve a subdivision public improvement performance and maintenance security release with M/I Homes of Cincinnati, LLC for Rivercrest, Section 2 situated in Hamilton Township. Vote: Unanimous
- 19-0662 A resolution was adopted to approve a subdivision public improvement performance and maintenance security release for M/I Homes of Cincinnati, LLC for Rivercrest Section Three, Phase B situated in Hamilton Township. Vote: Unanimous
- 19-0663 A resolution was adopted to enter into a sidewalk security agreement with M/I Homes of Cincinnati, LLC, for installation of sidewalk along Stillwater Drive between the pathway and US 22/SR 3 in Rivercrest, Section One situated in Hamilton Township. Vote: Unanimous
- 19-0664 A resolution was adopted to enter into street and appurtenances (including sidewalks) security agreement with M/I Homes of Cincinnati, LLC, for installation of certain improvements in Rivercrest, Section Four, Phase C situated in Hamilton Township. Vote: Unanimous
- 19-0665 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with M/I Homes of Cincinnati, LLC for installation of certain improvements in Rivercrest, Section Four, Phase C situated in Hamilton Township. Vote: Unanimous
- 19-0666 A resolution was adopted to approve record plat. Vote: Unanimous
- 19-0667 A resolution was adopted to approve operational transfer from Commissioners Fund #11011112 into Child Support Enforcement Agency Fund #2263. Vote: Unanimous
- 19-0668 A resolution was adopted to approve operational transfer from Commissioners Fund #11011112 into Children Services Fund #2273. Vote: Unanimous
- 19-0669 A resolution was adopted to approve supplemental appropriation into Common Pleas Court Community Based Corrections Fund #2289. Vote: Unanimous
- 19-0670 A resolution was adopted to approve supplemental appropriations into Common Pleas Court Community Based Corrections Fund #2289. Vote: Unanimous
- 19-0671 A resolution was adopted to approve supplemental appropriation into Fairgrounds Construction Project Fund #4498. Vote: Unanimous
- 19-0672 A resolution was adopted to approve appropriation adjustment from Commissioners General Fund #11011110 into Emergency Services Fund #11012850. Vote: Unanimous

- 19-0673 A resolution was adopted to approve appropriation adjustment within Telecommunications Department Fund #11012812. Vote: Unanimous
- 19-0674 A resolution was adopted to approve appropriation adjustment within Comprehensive Opioid Abuse Program (COAP) Fund #2251. Vote: Unanimous
- 19-0675 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Community Based Corrections #2289. Vote: Unanimous
- 19-0676 A resolution was adopted to approve appropriation adjustment within Transit Fund #22997000. Vote: Unanimous
- 19-0677 A resolution was adopted to declare the necessity to renew a levy of tax in excess of the ten mill limitation. Vote: Unanimous
- 19-0678 A resolution was adopted to approve appointment to the Warren County Port Authority. Vote: Unanimous
- 19-0679 A resolution was adopted to approve Variance of Conditions required for an Access Permit filed by applications, Scott and Diane Fornshell, in Turtlecreek Township subject to conditions. Vote: Unanimous
- 19-0680 A resolution was adopted to approve with conditions the site plan application of Gates Investment LLC in Franklin Township. Vote: Unanimous

DISCUSSIONS

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

Duane Stansbury, Warren County Combined Health District Health Commissioner, was present to present the Auditor's Certificate of Estimated Property Tax Revenue and request the Board to declare the necessity to renew the levy.

Mr. Stansbury stated that the County Auditor has provided the requested estimate and everything is in order for the Board to proceed with declaring the necessity for the levy renewal.

Upon discussion, the Board resolved (Resolution #19-0677) to declare the necessity to renew a levy of tax in excess of the ten mill limitation.

The Board discussed the request to appoint James Wolfe, Director and Corporate Planner at ADVICS North America, to replace Dave Bolton who resigned from his position on the Warren County Port Authority.

Upon discussion, the Board resolved (Resolution #19-0678) to appoint James S. Wolfe to the Warren County Port Authority.

Commissioner Jones commended the Economic Development Department and the Warren County Port Authority for the planning and efforts that led to a successful 5th Annual Warren County Fly-In in Washington D.C.

ADMINISTRATIVE HEARING
VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS PERMIT OF
SCOTT AND DIANE FORNSHELL IN TURTLECREEK TOWNSHIP

The Board met this 28th day of May 2019, in the Commissioners Meeting Room to consider the continuation of the administrative hearing for the Request for Variance and Appeal of Conditions required for an Access Permit that had been filed on April 15, 2019, by the owners, Scott and Diane Fornshell for access to 2000 Wilmington Road for Parcel #13-24-300-002 in Turtlecreek Township.

Kurt Weber, Chief Deputy County Engineer, stated he has met with the applicant to discuss the conditions of approval as requested by the Board. He stated that the applicants understand the conditions and are in agreement

Commissioner Jones requested the applicant, Scott Fornshell, to approach the microphone and then proceeded to ask the standard questions of an administrative hearing relative to the applicant's rights.

Mr. Fornshell stated he is in agreement with the proposed conditions of approval for the access appeal.

Upon further discussion, on motion, the Board closed the hearing and resolved (Resolution #19-0679) to approve the Variance of Conditions required for an Access Permit filed by applications, Scott and Diane Fornshell, in Turtlecreek Township subject to conditions.

ADMINISTRATIVE HEARING
SITE PLAN REVIEW APPLICATION OF GATES INVESTMENT LLC
IN FRANKLIN TOWNSHIP

The Board met this 28th day of May 2019, in the Commissioners' Meeting Room for the continuation of the administrative hearing to consider the site plan review application of Gates Investments LLC in Franklin Township.

Michael Yetter, Zoning Supervisor, presented the attached PowerPoint presentation stating that the applicant is requesting to open a used car lot at 9762 N. Dixie Highway. He stated that the previous use was a used car lot but because there was discontinuance in use for two years, site plan approval is required.

Mr. Yetter reviewed the property size, future land use map, zoning history and issues for consideration by the Board relative to compliance with Section 1.303 of the Warren County Rural Zoning Code. He then reviewed the comments from departments and officials relative to the site plan review application and stated his recommendation to approve subject to seven (7) conditions.

Mr. Yetter explained that there is a residential property to the rear of the car lot. He reviewed the Regional Planning Commission's (RPC) recommended condition relative to fencing and landscaping as follows:

- Rear access to be maintained for the dwelling to the rear of the property for the north side and markers to denote the property boundary per RPC recommendation.

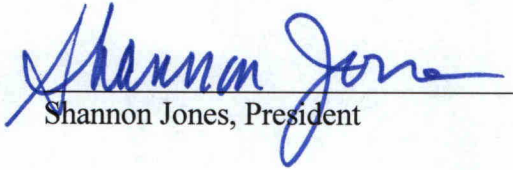
Mr. Yetter stated his opinion that those proposed "markers to denote the property boundary" will cause a hindrance to the properties.

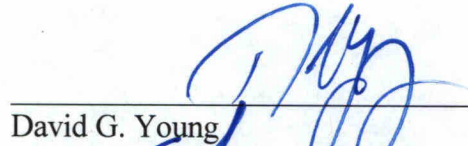
Nicholas Kosina, Gates Investments, LLC, stated he has no concerns with the recommended conditions.

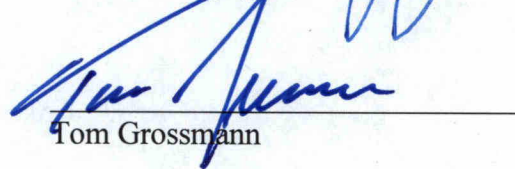
Commissioners Jones opened the hearing to anyone to speak in favor of or in opposition to said site plan review application and confirmed that no other interested party was present.

Upon further discussion, on motion, the administrative hearing was closed and the Board resolved (Resolution 19-0680) to approve the site plan review application subject to seven (7) conditions with condition #5 being amended to delete the requirement for markers as suggested by the RPC.

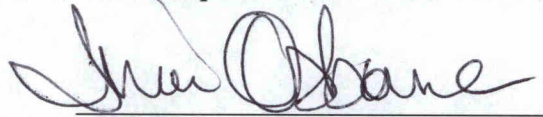
Upon motion the meeting was adjourned.


Shannon Jones, President


David G. Young

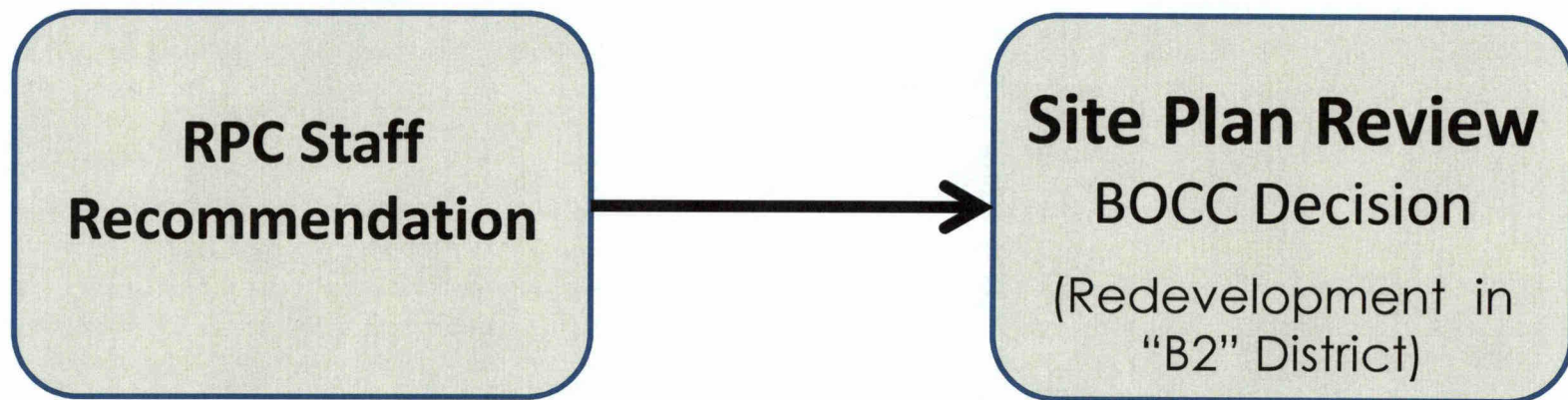

Tom Grossmann

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 May 28, 2019, in compliance with Section 121.22 O.R.C.


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

CASE #	102-2019 SP	
APPLICANT/OWNER AGENT	GATES INVESTMENTS, LLC/ NICHOLAS KOSINA	
TOWNSHIP	FRANKLIN	
PROPERTY LOCATION	ADDRESS	9762 N Dixie Highway
	PIN	04-27-152-002-0
		04-27-152-003-0
PROPERTY SIZE	0.49 ACRES	
	0.388 ACRES	
FUTURE LAND USE MAP DESIGNITION (FLUM)	COMMERCIAL	
CURRENT ZONING DISTRICT	B2 COMMUNITY COMMERCIAL BUSINESSES ZONE	
EXISTING LAND USE	VACANT USED CAR LOT	
SITE PLAN REQUESTED	DEVELOPMENT OF USED CAR LOT	
ISSUE FOR CONSIDERATION	COMPLIANCE WITH SEC. 1.303 SPR FOR A USED CAR LOT	

Site Plan Review Process For A Used Car Lot On A "B2" Parcel



Aerial Map

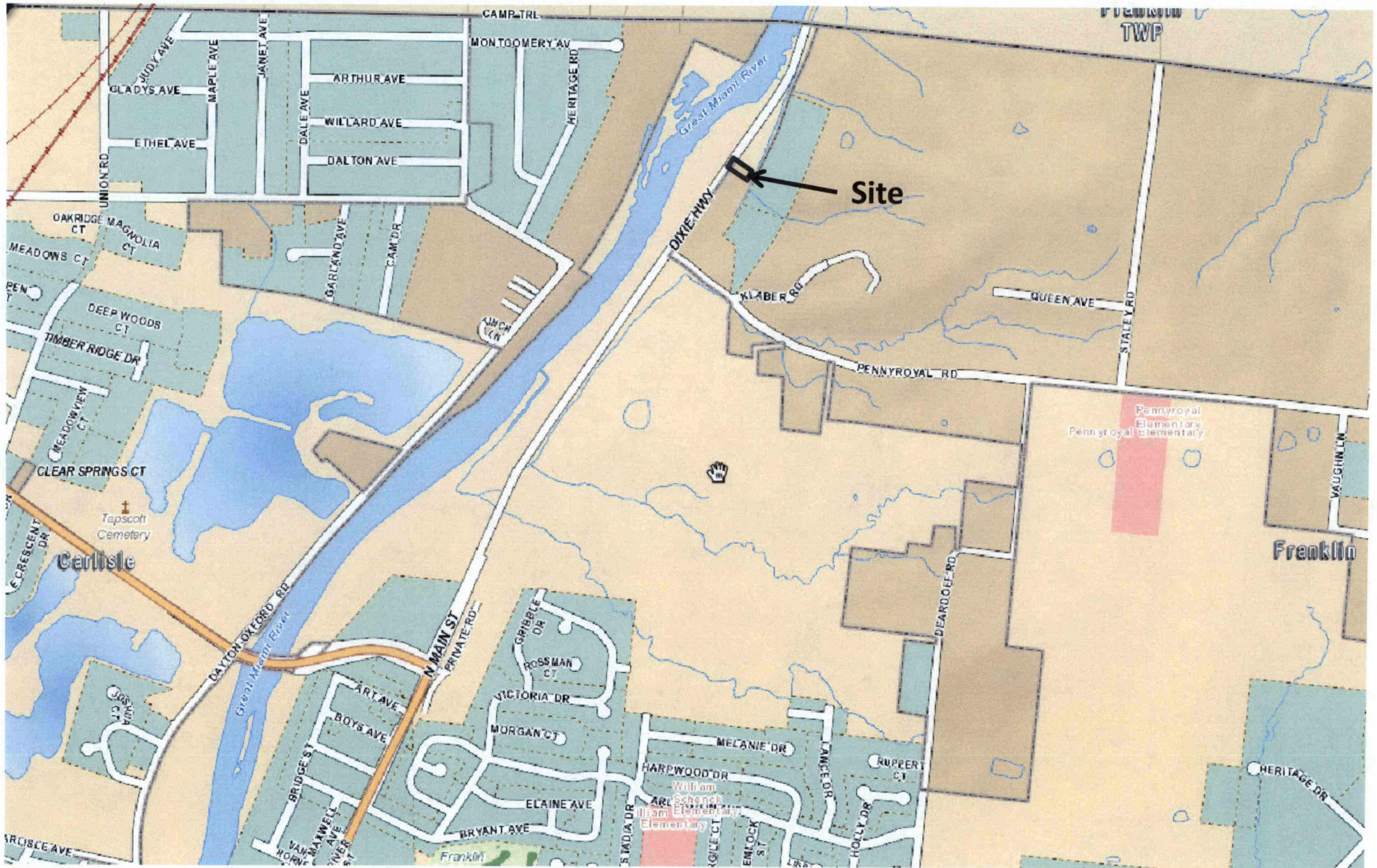
102-2019

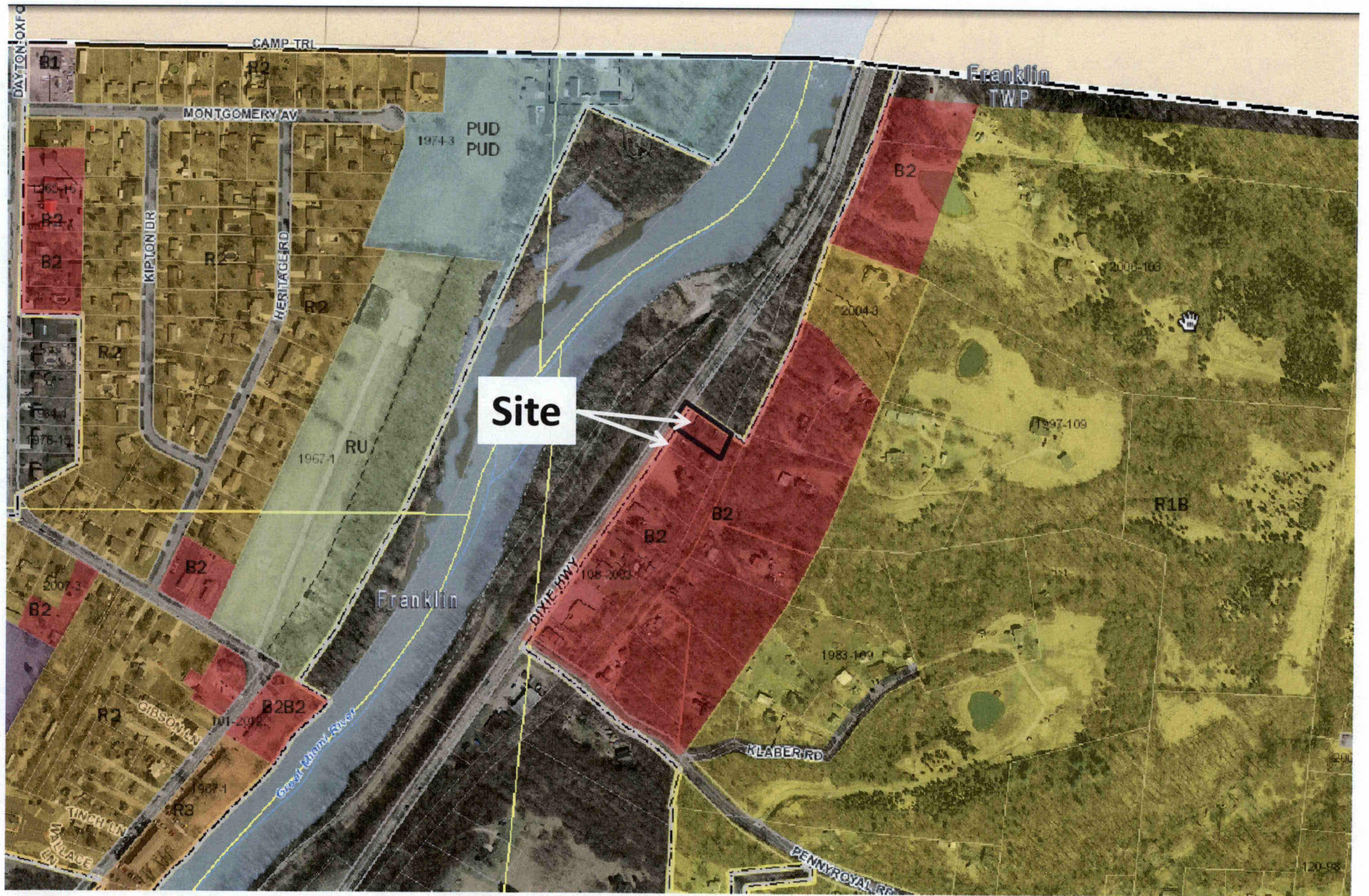
The site will be using both parcels

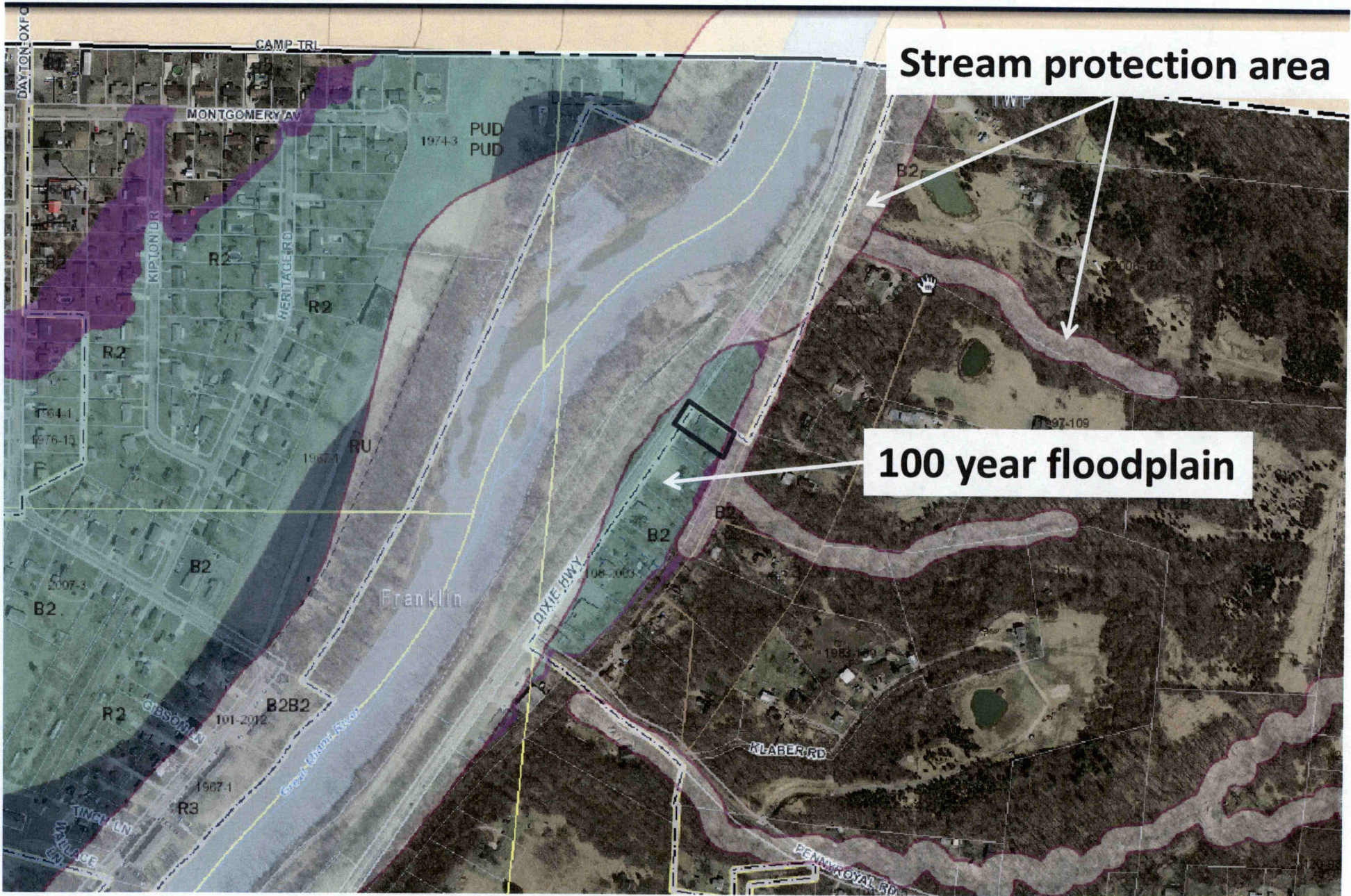


Vicinity Map

102-2019

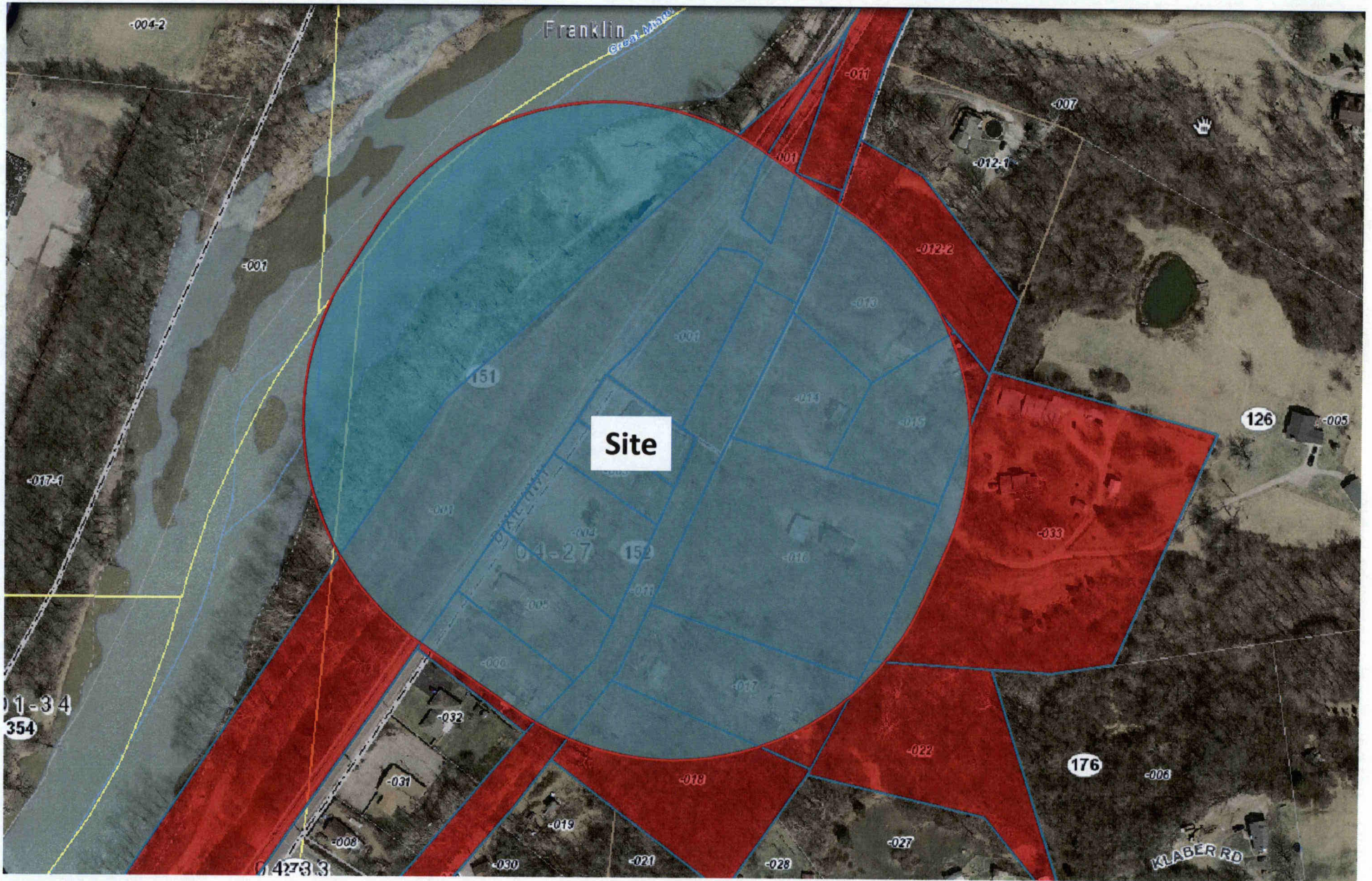






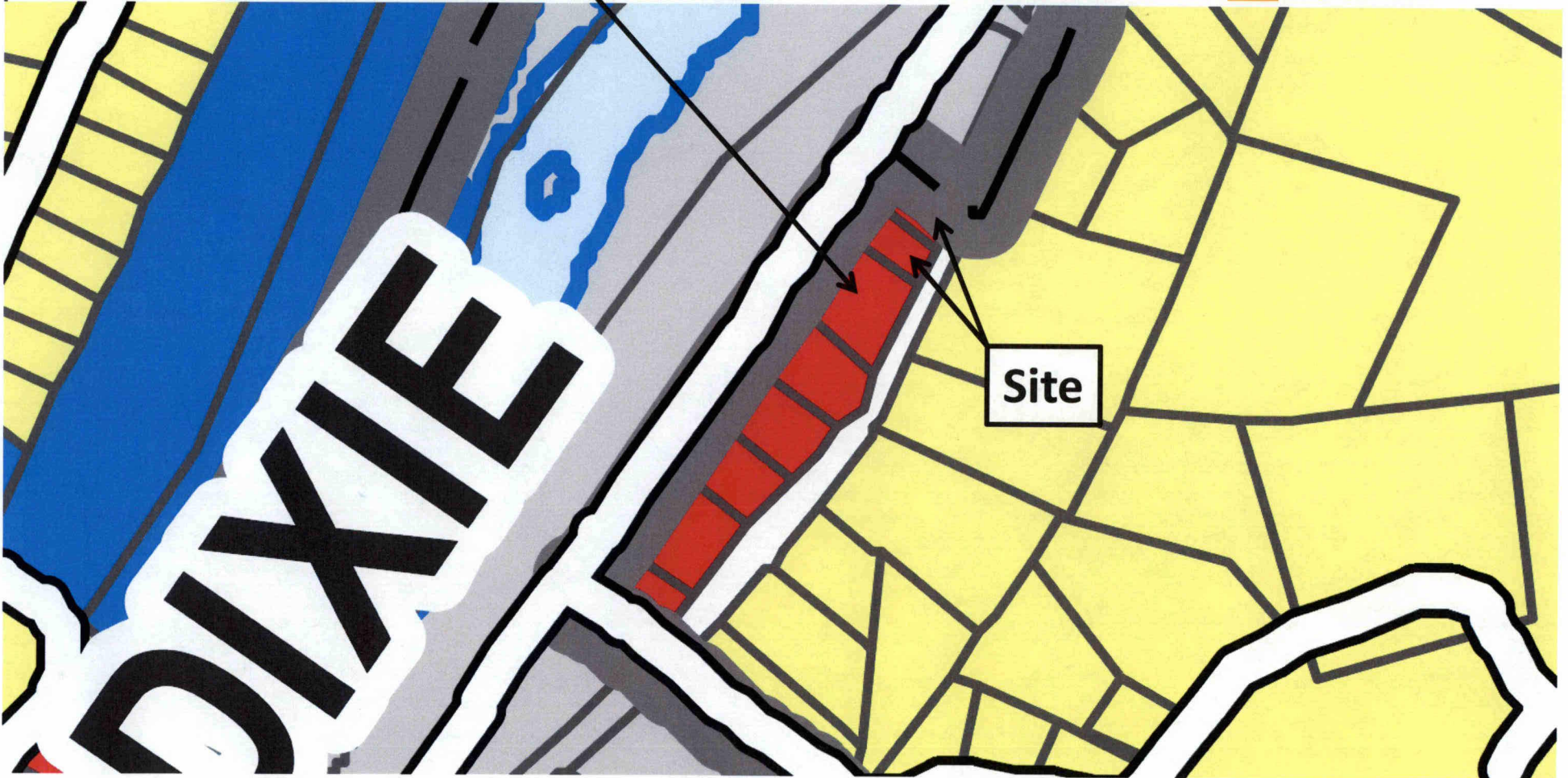
Stream protection area

100 year floodplain

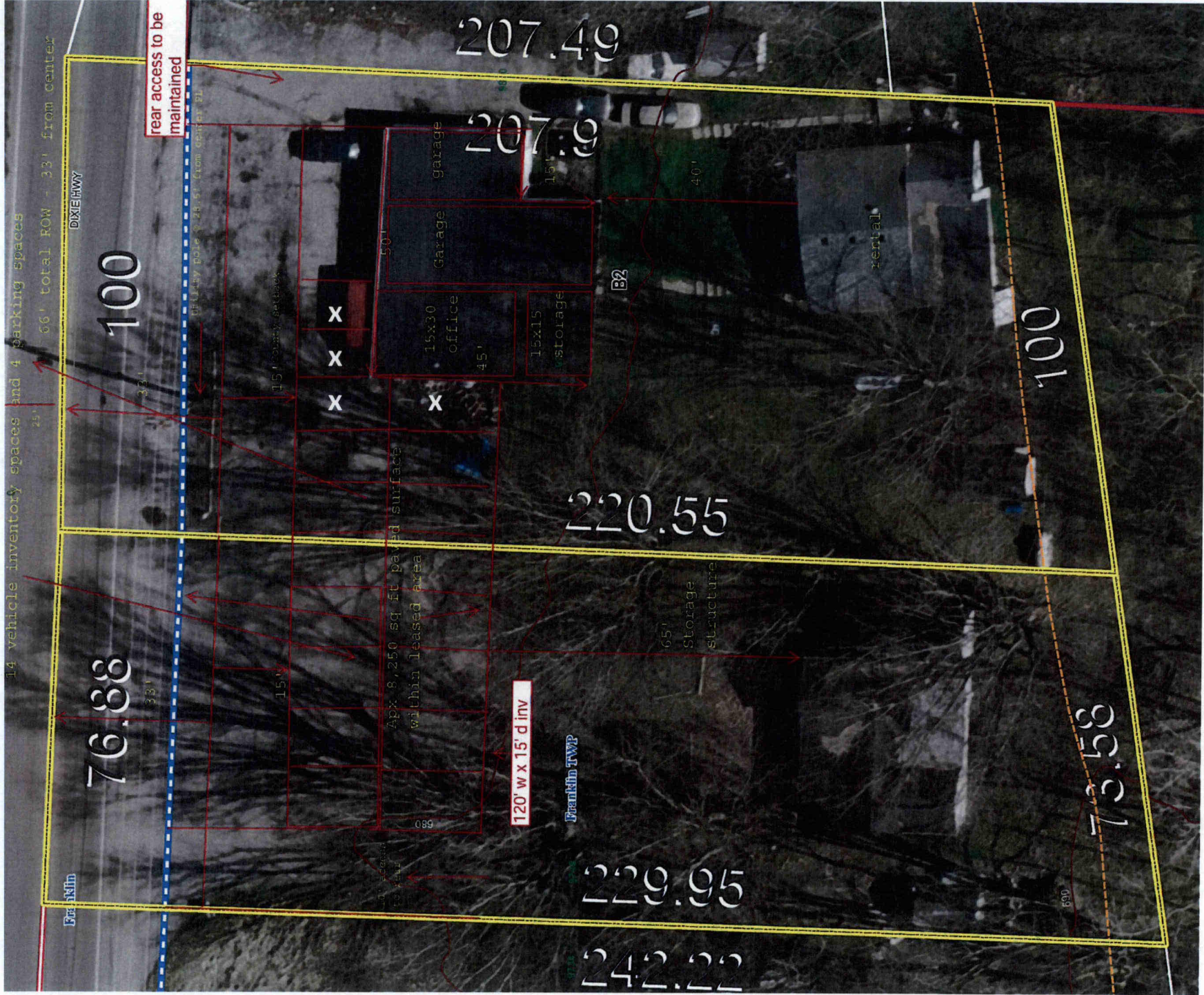


Legend

-  County Boundaries
 -  Political Subdivisions
 -  Parcels
 -  Lakes and Rivers
 -  Municipalities
- | | | |
|---|--|---|
| Future Land Uses
<ul style="list-style-type: none">  Agricultural-Rural Residential  Commercial  Industrial  Mixed-Use Neighborhood  Multi-Family Residential  Office  Protection Area | <ul style="list-style-type: none">  Public-Semi-Public  Parks and Recreational-Open Space  Single Family Residential Deerfield Township Character Areas
<ul style="list-style-type: none">  Low Density Rural Neighborhoods  Medium Density Rural Neighborhoods  Neighborhood Mixed Use  Neighborhoods | <ul style="list-style-type: none">  Office Park  Regional Highway Commercial  Town Center Mixed Use Clearcreek Township Additional Uses
<ul style="list-style-type: none">  Township Residential Hamilton Township Additional Uses
<ul style="list-style-type: none">  Rural Residential  Single Family Residential |
|---|--|---|
- Salem Township Additional Uses**
 -  Mixed Use Light Industrial/Office
 -  Mixed Use
 - Union Township Additional Uses**
 -  Low Density Residential
 - Wayne Township Additional Uses**
 -  Mixed Use Commercial/Industrial
 -  Mixed Use Residential



Comprehensive Plan-Land Use Element



14 vehicle inventory spaces and 4 parking spaces

66' total ROW - 33' from center

DIXIE HWY

Franklin Twp

76.88

100

33'

33'

33'

rear access to be maintained

Utility pole @ 24.5' from center RL

15' County setback

15'

15'

15'

APX 8,250 sq ft paved surface within leased area

089

X

X

X

X

15x30 office

45'

Garage

50'

Garage

garage

120' w x 15' d inv

Franklin Twp

Storage structure

220.55

229.95

242.22

207.49

207.9

690

73.58

100

rental

52

65'

Storage structure

40'

690

SUMMARY OF APPLICATION:

Gates Investments LLC. is proposing to reopen a used car lot. The site will consist of 14 vehicle inventory spaces and 4 customer spaces. An office and storage area with the garage for service are shown on the plans.

ANALYSIS OF ZONING:

North		City of Franklin (Miami Conservancy District)
East	“B2”	Community Commercial Businesses Zone (Residential)
South	“B2”	Community Commercial Businesses Zone (Residential)
West		City of Franklin (Miami Conservancy District)

REVIEWING DEPARTMENTS :

Site Plans were circulated to the Warren County Engineer, City of Franklin, Warren County Water & Sewer Department, Warren County Soil & Water Conservation, Warren County Regional Planning Commission, Franklin Township Trustees and Fire Department, Warren County Combined Health District, Warren County Building Department, and Warren County Sheriff

ZONING INSPECTORS REVIEW OF THE W. C. CODE STANDARDS :

1. Compliance with the Warren County Rural Zoning Code Standards for Site Plan Review Section 1.303 and Commercial Business and Service Uses Section 3.206.2
2. We are here to discuss a Site Plan Review for a “used car lot” for the re-use of an existing “B2” zoned property.

Site Plan Review 1.303

1.303.6 Review Criteria: The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. Factors to be considered include those in Section 1.303.1, and the following additional criteria:

- (A) **Adequacy of Information and Compliance with Zoning Code:**
- (B) **Design Layout Sufficiency and Sensitivity:**
- (C) **Design Character, Operational Compatibility, and Coordination:**
- (D) **Preservation of Significant Features:**
- (E) **Pedestrian Access and Circulation:**
- (F) **Vehicular Access and Circulation Streets:**
- (G) **Parking and Loading:**
- (H) **Landscaping and Screening:**
- (I) **Exterior Lighting:**
- (J) **Signage:**
- (K) **Public Service Impact:**
- (L) **Stormwater Drainage Stormwater Management Plan:**
- (M) **Soil Erosion and Sediment Control:**
- (N) **Emergency Access and Service Facilities and Public Safety:**
- (O) **Building Design:**
- (P) **Compliance with Public Health and Safety:**

Department Comment Concerns:

Inspector comments, It is my opinion that the re-use of an existing site should not require parking lot curbing, parking space wheel stops, street and connecting sidewalks, and bicycle rack. Zoning staff requires these standards at the time of new development on vacant lands.

The BOCC may determine the site is acceptable without these improvements at the time of site plan approval. (Section 3.302)

STAFF RECOMMENDATIONS

Approve the site plan for the proposed development subject to the following conditions:

- (1) Signage shall comply with Warren County Zoning Code Article 3, Chapter 6;
- (2) All exterior lighting shall meet the requirements of Zoning Code Article 3, Chapter 5;
- (3) A Flood Development Permit is required if any additions to the existing structure or site improvements such as gravel, blacktop, and light poles are needed.

CONTINUED

- (4) The right-of-way is the jurisdiction of the City of Franklin and they are stating that sixty-six (66) feet of right of way is adequate and the vehicle placement shall follow the proposed site plan.
- .
- (5) Rear access to be maintained for the dwelling to the rear of the property for the north side and markers to denote the property boundary per RPC recommendation.

CONTINUED

(6) No inventory shall be parked in the right-of-way.

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(7) The vehicle inventory is limited to the existing paved area.