



BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

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PAT ARNOLD SOUTH

DAVID G. YOUNG

BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

MINUTES: Regular Session – February 10, 2015

The Board met in regular session pursuant to adjournment of the February 3, 2015, meeting.

David G. Young – present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the January 27, 2015 and February 3, 2015 meetings were read and approved.

15-0176 A resolution was adopted to accept Resignation of Allison Wagoner, Emergency Communications Call Taker, within the Warren County Emergency Services Department, effective February 19, 2015. Vote: Unanimous

15-0177 A resolution was adopted to approve and authorize the President of this Board to sign a Mini-Grant Application Form for the National Crime Victims' Rights Week Community Awareness Project on behalf of the Warren County Prosecutor's Office. Vote: Unanimous

15-0178 A resolution was adopted to enter into an Amendment to the Engineering Contract with Terracon Consultants, Inc. fka H.C. Nutting Co. on behalf of the Warren County Engineer's Office. Vote: Unanimous

15-0179 A resolution was adopted to authorize the Board to enter into an Agreement with Motorola Solutions, Inc. extending Maintenance and Support on PremierCAD and Infotrak on behalf of Warren County Telecommunications. Vote: Unanimous

15-0180 A resolution was adopted to approve Emergency Repair to the Controller of One High Service Pump at the Richard A Renneker Water Treatment Plant. Vote: Unanimous

- 15-0181 A resolution was adopted to approve and authorize the President of the Board to enter into Memorandum of Understanding with various entities relative to MARCS in Schools Emergency Radio Program. Vote: Unanimous
- 15-0182 A resolution was adopted to approve and enter into a Contract between the Warren County Commissioners and the Butler County Educational Service Center on behalf of the Warren County Department of Human Services. Vote: Unanimous
- 15-0183 A resolution was adopted to acknowledge receipt of January 2015 Financial Statement. Vote: Unanimous
- 15-0184 A resolution was adopted to approve Voucher Add On. Vote: Unanimous
- 15-0185 A resolution was adopted to affirm "Then and Now" Requests pursuant to Ohio Revised Code. Vote: Unanimous
- 15-0186 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 15-0187 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 15-0188 A resolution was adopted to approve Sidewalk Bond Reduction for Warren Development, LLC for completion of performance and construction of improvements for Wilson Farms, Section Four, Block "A" situated in Franklin Township. Vote: Unanimous
- 15-0189 A resolution was adopted to approve Bond Release for the Greens of Kings Meadow, LLC for completion of improvements in King's Meadows situated in Deerfield Township. Vote: Unanimous
- 15-0190 A resolution was adopted to approve a Sidewalk Bond Release for the Greens of Kings Meadow, LLC for completion of improvements in King's Meadow Subdivision situated in Deerfield Township. Vote: Unanimous
- 15-0191 A resolution was adopted to approve a Street and Appurtenances Bond Release for the Greens of Kings Meadow, LLC for completion of improvements in Kings Meadow Subdivision situated in Deerfield Township. Vote: Unanimous
- 15-0192 A resolution was adopted to approve Kings Court, Kings Ridge Way and Kings View Court in Kings' Meadow Subdivision for public maintenance by Deerfield Township. Vote: Unanimous
- 15-0193 A resolution was adopted to enter into Erosion Control Bond Agreement with Towne Development Group Ltd in Falls of Landen Section 2A, #A, 3B situated in Deerfield Township. Vote: Unanimous

- 15-0194 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 15-0195 A resolution was adopted to approve a Cash Advance and Operational Transfer from General Fund #101 into Fund #479 Airport Construction. Vote: Unanimous
- 15-0196 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 15-0197 A resolution was adopted to approve Operating Transfer from Commissioners Fund #202 into County Court Probation Fund #253. Vote: Unanimous
- 15-0198 A resolution was adopted to approve a Supplemental Appropriation into Motor Vehicle Fund #202. Vote: Unanimous
- 15-0199 A resolution was adopted to approve Supplemental Appropriation into Phase II Road Resurfacing Fund #455, Vote: Unanimous
- 15-0200 A resolution was adopted to approve a Supplemental Appropriation into Fund #484 (P & G TIF). Vote: Unanimous
- 15-0201 A resolution was adopted to approve Supplemental Appropriation into Community Corrections Monitoring (Home Incarceration) Fund #262. Vote: Unanimous
- 15-0202 A resolution was adopted to approve Supplemental Appropriation into Community Based Corrections (Electronic Monitoring) Fund #289-1220. Vote: Unanimous
- 15-0203 A resolution was adopted to approve Supplemental Appropriation into Warren County Garage Parts Fund #619. Vote: Unanimous
- 15-0204 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into County Court Fund #101-1280 and within County Court Fund #283. Vote: Unanimous
- 15-0205 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110 and a Supplemental Appropriation into Workers Compensation Claim Fund #636. Vote: Unanimous
- 15-0206 A resolution was adopted to approve Appropriation Adjustments within Common Pleas Court/Smart Grant Fund #289-(2500)-1226. Vote: Unanimous

- 15-0207 A resolution was adopted to approve Appropriation Adjustments within Adult Probation Fund #101-1223, Common Pleas Court Fund #101-1220 and TASC (Substance Abuse Program) Fund #284-2911. Vote: Unanimous
- 15-0208 A resolution was adopted to approve Appropriation Adjustments within Prosecutor Funds #101-1150, #255, #271 and #245. Vote: Unanimous
- 15-0209 A resolution was adopted to approve Appropriation Adjustment within the Telecommunications Fund #101-2810. Vote: Unanimous
- 15-0210 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / Communications Center Fund #101-2850. Vote: Unanimous
- 15-0211 A resolution was adopted to approve Appropriation Adjustment within the Clerk of Courts Certificate of Title Administration Fund #250. Vote: Unanimous
- 15-0212 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous
- 15-0213 A resolution was adopted to approve Appropriation Adjustments within the Sewer Revenue Fund #580 and the Water Revenue Fund #510. Vote: Unanimous
- 15-0214 A resolution was adopted to approve Appropriation Adjustment within Building and Zoning Inspection Fund #101-2300. Vote: Unanimous
- 15-0215 A resolution was adopted to authorize Payment of Bills. Vote: Unanimous
- 15-0216 A resolution was adopted to approve with conditions the Site Plan Application of William Earl Eversole Trust and Strategis LLC for Skyway Towers. Vote: Unanimous
- 15-2017 A resolution was adopted to authorize President of the Board to sign Permit Application from the Ohio Department of Commerce, Division of Liquor Control for a Fundraising Event at the Warren County Fairgrounds. Vote: Unanimous
- 15-2018 A resolution was adopted to authorize President of the Board to sign Permit Application from the Ohio Department of Commerce, Division of Liquor Control for a Fundraising Event at the Warren County Fairgrounds. Vote: Unanimous
- 15-0219 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into an Agreement by and between Southwest Ohio Regional Transit Authority (SORTA) and the Board of Warren County Commissioners relevant to Warren County Transit Service. Vote: Unanimous

15-0220 A resolution was adopted to Cancel regularly scheduled Commissioners' Meeting of Thursday, February 12, 2015. Vote: Unanimous

DISCUSSIONS

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

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:15 a.m. to discuss personnel matters relative to hiring within Human Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 9:34 a.m.

ADMINISTRATIVE HEARING

SITE PLAN REVIEW APPLICATION OF WILLIAM EARL EVERSOLE TRUST
AND STRATEGIS LLC FOR SKYWAY TOWERS IN FRANKLIN TOWNSHIP

The administrative hearing to consider the site plan review hearing relating to Case No. 101-2015, William Earl Eversole Trust and Strategis LLC for Skyway Towers, Applicant, was convened this 10th day of February 2015, in the Commissioners' Meeting Room.

Commissioner Young requested the Clerk to read into the record the following:

1. When the Site was posted with signage stating the Site would be subject to a public process and where to get additional information
2. How and when written notice of this hearing was sent to the Applicant and all owners of property within 500 feet from the parcel lines of the Site subject of this hearing
3. identify for the record any WRITTEN NOTICES received relating to this matter, and WRITTEN NOTICE sent by this BOARD to the person proposing to construct the Tower on the Site in accordance with Ohio Revised Code Section 303.211 (B)(4)(a) that the tower is subject to applicable provisions of the Warren County Rural Zoning Code

Tina Osborne, Clerk of Commissioners, stated the following:

1. A letter was received into the Commissioners' Office on October 17, 2014, providing notification of a proposed telecommunications tower to be constructed at 4725 Pennyroyal Road in Franklin Township.
2. On October 17, 2014, a certified letter signed by County Administrator David Gully was mailed to the agent stating the need to comply with the zoning process.
3. A sign on the Site on January 14, 2015, stating the property is the subject of a public process and where to obtain additional information about the public process
4. On January 16, 2015, the Zoning Inspector mailed written notice, by first class mail, on January 16, 2015, being more than ten (10) days prior to the scheduled hearing, describing the Application, enclosing the Order and Rules for how the Board would conduct the hearing, giving notice of the date, time and place of the hearing, and providing an internet link to view the Site Plan to: all owners of property within five hundred (500) feet from the property lines of the Site by regular U.S. mail, as well to the Applicant and the Agent by certified mail
5. A notice was published in the newspaper on January 25, 2015, providing notice of the administrative hearing time, date and location and inviting any interested parties to attend.

Commissioner Young swore all those present desiring to give testimony during the administrative hearing.

Mike Yetter, Zoning Supervisor, presented the attached PowerPoint presentation proving the following information:

1. The applicant and the agent
2. the township where the Site is located
3. the size of the Site
4. the Site's current zoning designation on the official zoning map
5. the existing land uses of the Site
6. the designation of the Site on the Future Land Use Map
7. each document the Applicant filed in support of the Application
8. whether the Applicant had complied with the application requirements in Article 1, Section 1.303.3 and the review process requirements in Article 1, Section 1.303.5 of the Zoning Code
9. any comments, deficiencies, problems, concerns or recommendations the Zoning Inspector had based on his review and communications he had with any other authorities or departments from which the Zoning Inspector solicited comments

Mr. Yetter then stated his recommendation to approve the site plan review application subject to six (6) conditions.

Ryan Johnson, Skyway Towers, stated the need for the tower is due to a gap in coverage in the area. He then stated he is more than happy to comply with the proposed conditions.

There was discussion relative to why the telecommunications tower could not be located within the commercially zoned property within the area.

Mr. Johnson stated that the land zoned commercial has a significant drop in elevation and it would not be possible for the tower to locate in that area.

Commissioner Young questions what happens to telecommunications towers during high winds.

Mr. Johnson stated that the requirements of the proposed tower meet or exceed design criteria within the area. He then referenced the engineering letter submitted with the application certifying that if the tower were to fail, it would fail within the contained radius of the tower, failing upon itself, in a catastrophic event, at the 57' mark.

Mr. Johnson then confirmed he had no questions for the Zoning Supervisor and requested the Board's approval of the site plan review application.

Commissioner Young confirmed there were no others present to speak in favor of the site plan review application.

Scott Vanwoert, Pennyroyal Road resident living seven parcels from property, stated his concerns as follows:

1. Decrease in his property value due to the location of a telecommunications tower in the area
2. Decrease in quality of housing to be constructed adjacent to the telecommunications tower
3. The light at the top of the telecommunications tower being a nuisance as his bedroom window will face the tower

Mr. Johnson stated that the FAA has determined that there is no need for lighting on top as it is only required of towers 200' or higher.

Commissioner Grossmann questioned Mr. Yetter as to whom received notices and if any other concerns had been raised.

Mr. Yetter stated that all property owners within the 500' radius of the property received a notice and stated he had received one call from a property owner who had no objection.

Mr. Evans, the adjacent property owner and also part owner of the William Earl Eversole Trust, stated he has no objection to the telecommunications tower.

Commissioner Grossmann then questioned Bruce McGary, Assistant Prosecutor, relative to the role of this Board for this site plan review application.

Mr. McGary explained that telecommunications towers are exempt from zoning regulations unless constructed in a residential zone. He stated that once a notice of a tower is given to a board of county commissioners, the board has the authority to require them to comply with the regulations within the zoning code. He then stated that the towers are a permitted use by statute

and the Board cannot deny the use, only regulate with conditions to comply with zoning regulations.

Commissioner Grossmann then read the conditions as proposed by the Zoning Supervisor into the record and questioned if the applicant is will to comply with those conditions.

Mr. Johnson stated his willingness to comply with the conditions and stated that the Board of Zoning Appeals had unanimously approved his applications relative to conditions #5.

On motion, the public hearing was closed.

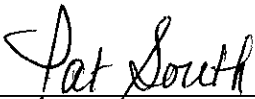
Commissioner Grossmann stated he always has concerns with an impact on property values.

Commissioner Young stated his understanding for the concern of the area resident and the desire of "not in my back yard" but also understands the need for telecommunications towers as many property owners no longer utilize a home telephone.

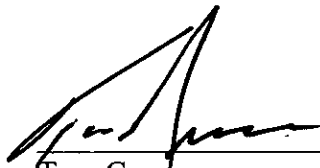
Upon further discussion, the Board resolved (Resolution #15-0216) to approve the site plan review application subject to the following conditions:

1. Warren County Combined Health District requires the property owner to ensure that the sewage treatment system is protected during construction of the tower.
2. Issuance of building, zoning and electrical permits before construction begins.
3. Warren County Soil and Water Conservation District determines that 1 acre will not be disturbed and the developer is required to follow EPA guidelines for sediment and erosion control during construction.
4. A dust free surface for the driveway access and parking area shall be asphalt, concrete or dust free gravel.
5. The engineered fall radius that was granted by the Board of Zoning Appeals for case # 2014-111 shall be constructed as approved.
6. The site shall be developed as approved and in compliance with the standards of Section 3.204.11.

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 February 10, 2015, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink, appearing to read "Tina Osborne". The signature is written in a cursive style with a large, prominent "O" in the middle.

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

Case No.	101-2015 SP	
<u>Applicant/Owner Agent</u>	(Owner) William Earl Eversole Trust (Applicant) Strategis LLC. for Skyway Towers	
Township	Franklin	
Property Location	Address	4725 Pennyroyal Road Franklin, Oh. 45005
	PIN	04-27-302-003-1 and 04-27-302-004-1
Property Size	3 acres and 2.011 acres	249.05' Road frontage
Future Land Use Map (FLUM) Designation	Suburban-Residential	
Current Zoning District	"R1B" Single-Family Residential (1 acre density)	
Existing Land Use	Vacant Land/ Residential	
Site Plan Requested	Construct a 145' Telecommunication Tower	
Issue for consideration	Placement of telecommunications towers on residential land	

**Site Plan
101-2015**

**William Earl Eversole
Trust and Strategis LLC.
for Skyway Towers**

4725 Pennyroyal Road

3 ac. and 2.011 ac.

Franklin Twsp.

**14-27-302-004-1
04-27-302-003-1**

**Sec. 3.205.11
Telecommunications
Towers**

Aerial Map



Site Plan
101-2015

William Earl Eversole Trust
and Strategis LLC. for
Skyway Towers

4725 Pennyroyal Road

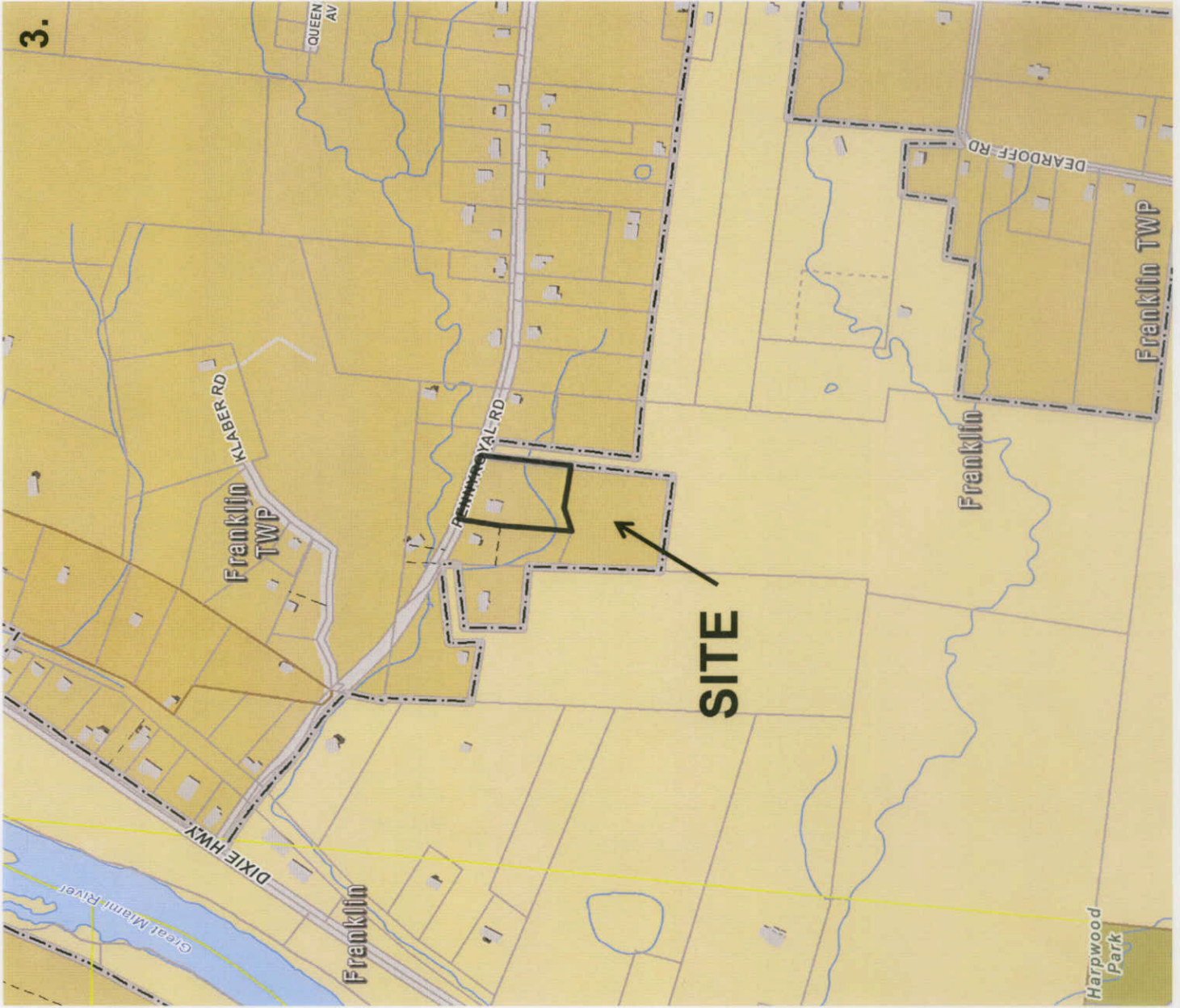
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Franklin Twsp.

14-27-302-004-1
04-27-302-003-1

Sec. 3.205.11
Telecommunications
Towers

Vicinity Map



**Site Plan
101-2015**

**William Earl Eversole Trust
and Strategis LLC. for
Skyway Towers**

4725 Pennyroyal Road

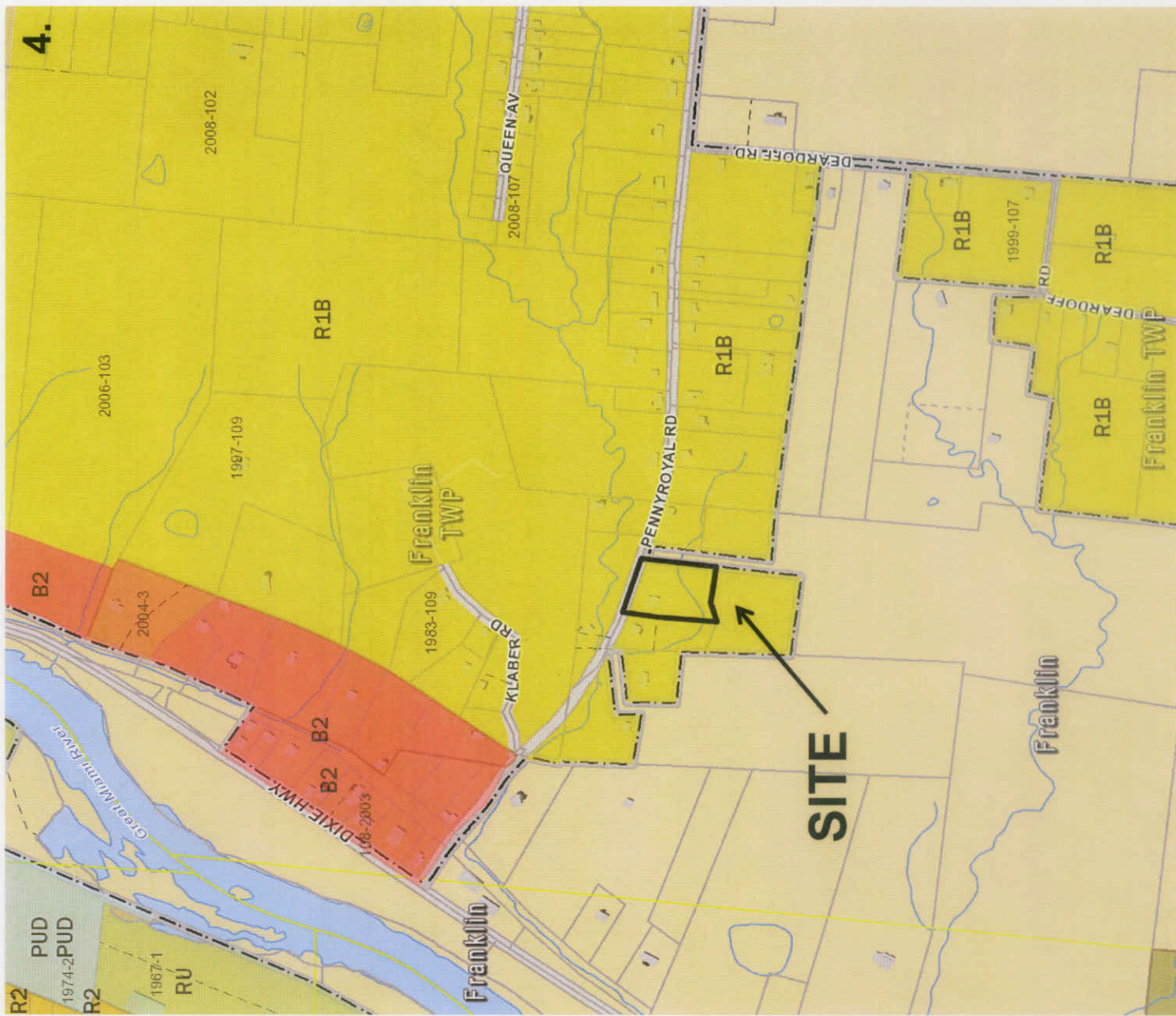
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Franklin Twsp.

**14-27-302-004-1
04-27-302-003-1**

**Sec. 3.205.11
Telecommunications
Towers**

Zoning Map



Site Plan
101-2015

William Earl Eversole
Trust and Strategis LLC.
for Skyway Towers

4725 Pennyroyal Road

3 ac. and 2.011 ac.

Franklin Twsp.

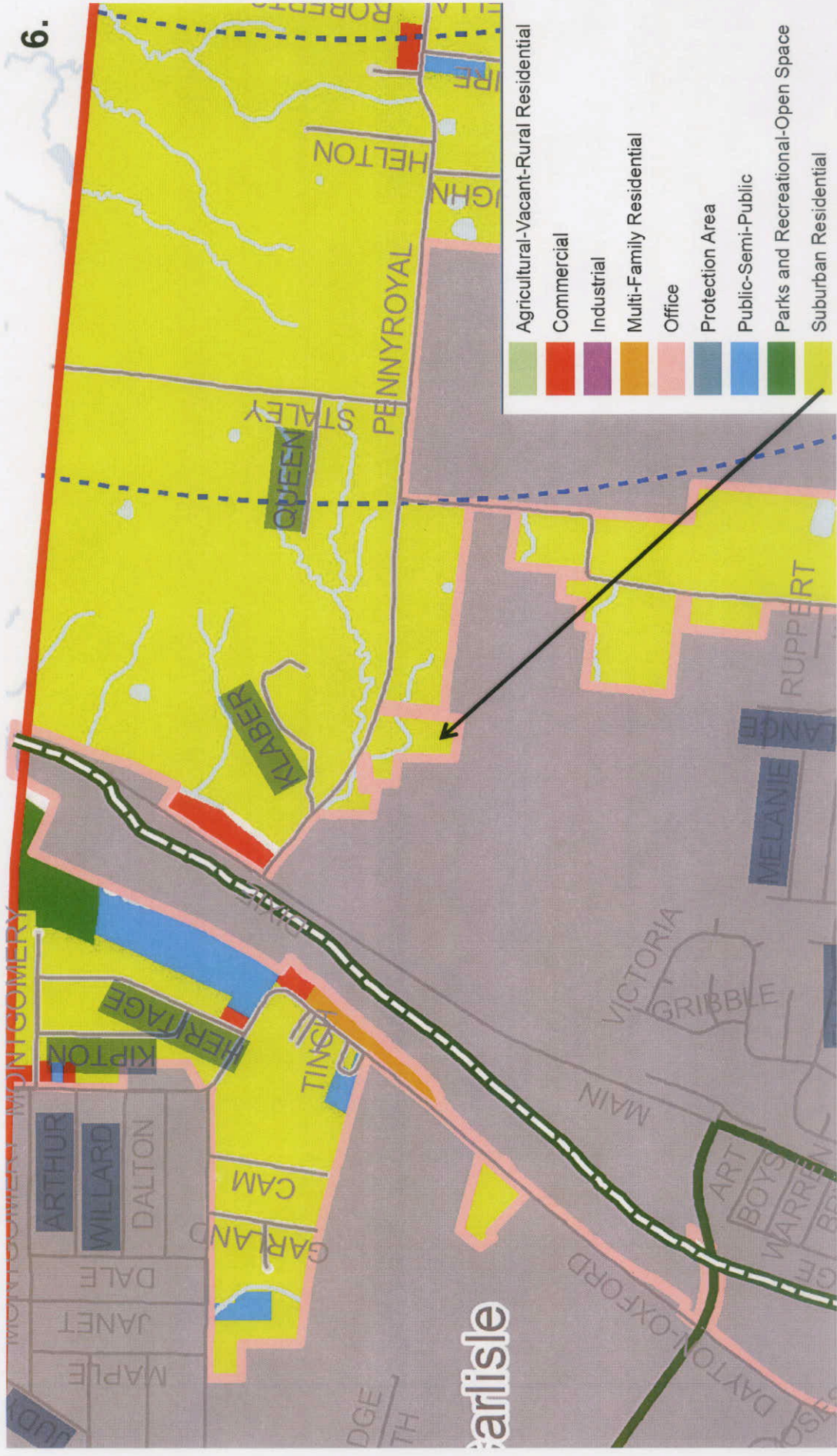
14-27-302-004-1
04-27-302-003-1

Sec. 3.205.11
Telecommunications
Towers

Flood Map

5.





Comprehensive Plan-Land Use Element

SUMMARY OF APPLICATION:

The proposed Telecommunications Towers is 145' feet in height and is proposed to fill gaps in the service area.

ANALYSIS OF ZONING:

North	“R1B” Single Family Residential	<u>Vacant/ Suburban Residential</u>
West	“R1B” Single Family Residential	<u>Vacant/ Suburban Residential</u>
South	The City Of Franklin	Vacant/ Agricultural
East	“R1B” Single Family Residential	<u>Vacant/ Suburban Residential</u> 8.

REVIEWING DEPARTMENTS :

Site Plans were circulated to the Warren County Engineer, Warren County Water & Sewer, 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 W. C. CODE STANDARDS :

1. Compliance with the Warren County Rural Zoning Code Standards for Site Plan Review Section 1.303 have been met.
2. The Telecommunications Towers use meets the standards of Section 3.205.11 and is providing essential everyday services to the immediate surrounding area.

Continue

3. Site Access and Circulation: Section 3.205.11(E) requires a dust free surface constructed of asphalt, concrete or dust free gravel.
4. Setbacks: Section 3.205.11(F) for engineered fall radius have been met by the BZA granting a variance for case # 2014-111 and shall be developed as approved.

Continue

5. Buffer Screening: Section 3.205.11(I) requirements have been met and are reflected on the Site Plan.