



**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
SHANNON JONES
DAVID G. YOUNG**

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

MINUTES: Regular Session – June 20, 2017

The Board met in regular session pursuant to adjournment of the June 13, 2017, meeting.

Tom Grossmann – present

Shannon Jones – present

David G. Young – present

Laura Lander, Deputy Clerk – present

Minutes of the June 13, 2017 meeting were read and approved.

- 17-0959 A resolution was adopted to accept resignation of Seth Whitlock, Emergency Communications Operator, within the Warren County Emergency Services Department, effect June 11, 2017. Vote: Unanimous
- 17-0960 A resolution was adopted to amend Resolution #17-0878 approving a pay increase for Jonathan Bright, Emergency Communications Supervisor, within the Warren County Emergency Services Department. Vote: Unanimous
- 17-0961 A resolution was adopted to designate Family and Medical Leave of Absence to Michael Wiggins, Emergency Communication Operator within the Emergency Services Department. Vote: Unanimous
- 17-0962 A resolution was adopted to designate Family and Medical Leave of Absence to Jesse Madden, Emergency Communication Operator within the Emergency Services Department. Vote: Unanimous
- 17-0963 A resolution was adopted to rescind Resolution #17-0875 which authorized the hiring of Jomo Leing, as Protective Services Supervisor, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 17-0964 A resolution was adopted to advertise for bids for the Tylersville Road Improvement Project. Vote: Unanimous

- 17-0965 A resolution was adopted to authorize President of the Board to sign the Task Completion Report with Tritech Software Systems on behalf of Warren County Telecommunications. Vote: Unanimous
- 17-0966 A resolution was adopted to enter into a Geotechnical Engineering Services Contract with Terracon Consultants, Inc. on behalf of the Warren County Engineer. Vote: Unanimous
- 17-0967 A resolution was adopted to enter into a consulting services contract with O.R Colan Associates, LLC. on behalf of the Warren County Engineer. Vote: Unanimous
- 17-0968 A resolution was adopted to approve and enter into a Service Agreement with Solid Blend Technologies Inc. on behalf of Facilities Management. Vote: Unanimous
- 17-0969 A resolution was adopted to enter into contract with John R. Jurgensen Co. for the 2017 Resurfacing Project. Vote: Unanimous
- 17-0970 A resolution was adopted to enter into a consulting services contract with Transystems Real Estate Consulting on behalf of the Warren County Engineer. Vote: Unanimous
- 17-0971 A resolution was adopted to approve and authorize the President of this Board to execute a Subgrant Agreement with the State of Ohio Department of Job and Family Services on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 17-0972 A resolution was adopted to amend the Warren County Hotel Lodging Excise Tax Code of Regulations. Vote: Unanimous
- 17-0973 A resolution was adopted to approve and authorize the submission of the Fiscal Year 2017 Warren County Annual Action Plan. Vote: Unanimous
- 17-0974 A resolution was adopted to approve an authorize the President of this Board to sign a Memorandum of Understanding with the Statewide Consortium of County Law Library Resource Boards on behalf of the Warren County Law Library Resources Board. Vote: Unanimous
- 17-0975 A resolution was adopted to approve Change Order No. 1 to the contract with Freeze Underground LLC for the construction of the State Route 73 Water Main Extension Project, Purchase Order No. 20966. Vote: Unanimous
- 17-0976 A resolution was adopted to acknowledge receipt of May 2017 Financial Statement. Vote: Unanimous

- 17-0977 A resolution was adopted to approve various refunds. Vote: Unanimous
- 17-0978 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 17-0979 A resolution was adopted to approve appropriation decreases within various funds. Vote: Unanimous
- 17-0980 A resolution was adopted to approve a cash advance from the County Motor Vehicle Fund #202 into the Estates of Keever Creek Road Project Fund #450. Vote: Unanimous
- 17-0981 A resolution was adopted to approve an appropriation adjustment within Estates of Keever Creek Road Project #450. Vote: Unanimous
- 17-0982 A resolution was adopted to approve supplemental appropriation adjustment into Probate/Juvenile Special Projects Fund #223 to purchase video equipment for the main courtroom. Vote: Unanimous
- 17-0983 A resolution was adopted to approve supplemental appropriations into Common Pleas Court Community Based Corrections SMART Ohio Pilot Program Fund #289. Vote: Unanimous
- 17-0984 A resolution was adopted to approve appropriation adjustment within Telecommunications Fund #101-2810. Vote: Unanimous
- 17-0985 A resolution was adopted to approve appropriation adjustment within Veterans Fund #101-5220. Vote: Unanimous
- 17-0986 A resolution was adopted to approve appropriation adjustment within Common Pleas Community Based Corrections Fund #289. Vote: Unanimous
- 17-0987 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 17-0988 A resolution was adopted to approve rezoning application of Evan Ford (Case #2017-03), to rezone approximately 19.971 acres from Single Family Residential "R1" to Neighborhood Commercial Business "B-1" as a planned unit development in Union Township subject to conditions. Vote: Unanimous

DISCUSSIONS

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

Stephen Singer, Hamilton Township resident, was present to provide praise to his caseworker and also discuss issues relative to certain services he receives from Council on Aging of Southwest Ohio (COA) through the Warren County Elderly Services Levy funds.

Mr. Singer commended his caseworker, Darlene Buckley, stating that she always does a wonderful job. He then related that he has had instances with the transportation service being late and/or not showing up. He further stated that his Homecare Assistance worker has not shown up on two occasions. He stated that he has contacted COA on each occurrence.

Ken Wilson, Vice President of Program Operations with COA, was present and explained that COA has contracts with numerous providers for the various services offered. He stated that when issues occur, they are immediately addressed and if the provider does not correct the issue, COA has the ability to put a hold on the contract until they do so or have the option to terminate the contract.

There was further discussion relative to workforce availability in the field of home health aides as well as what measures are in place to prevent the workers that do not show up as scheduled from getting paid for work that they did not complete.

Upon discussion, the Board stated their opinion that the COA has a procedure in place to address the issues with contractors that seems to be working.

PUBLIC HEARING

REZONING APPLICATION OF EVAN FORD (CASE #2017-03) TO REZONE APPROXIMATELY 19.971 ACRES FROM SINGLE FAMILY RESIDENTIAL "R1" TO NEIGHBORHOOD COMMERCIAL BUSINESS "B-1" AS A PLANNED UNIT DEVELOPMENT IN UNION TOWNSHIP

The Board met this 20th day of June 2017, in the Commissioners' Meeting Room to consider the rezoning application of Evan Ford, owner of record (Case #2017-03), to rezone approximately 19.971 acres (Parcel Number 12153000090) located at 2752 State Route 42 in Union Township from Single Family Residential "R1" to Neighborhood Commercial Business "B-1" as a Planned Unit Development.

Michael Yetter, Zoning Supervisor, reviewed the applications stating owner/agent, location, size current zoning, surrounding zoning, existing land use being a church and the requested change to Neighborhood Commercial Business "B-1) with a planned unit development overlay.

There was discussion relative to the change in use of the property and in 2015, the use changed from a church to a theater use.

Mr. Yetter stated that churches are permitted in a residential area but the theater use requires a zoning change. He stated that there were no comments provided by the Union Township Trustees and reviewed the Regional Planning Commission recommendation to approve the request subject to conditions as well as the Rural Zoning Commission's decision to approve the rezoning application with conditions. He then reviewed the proposed conditions of approval.

Ramesh Malhotra, developer of the property, stated he worked out a deal with the church to house the Mason Theater Group on the site. He stated that he received a notice of zoning violation which prompted the current rezoning application. He then stated his desire to turn the facility into a performing arts complex.

Commissioner Grossmann requested clarification on the ownership of the property.

Mr. Malholtra clarified that he assumed the property on a land contract.

There was discussion relative to the availability of sanitary sewers to the property.

Mr. Yetter stated that if approved, the theater may not be able to reach full occupancy due to the septic system capacity.

Upon further discussion, the Board resolved (Resolution #17-0988) to approve to approve the rezoning application of Evan Ford, owner of record (Case #2017-03), to rezone approximately 19.971 acres (Parcel Number 12153000090) located at 2752 State Route 42 in Union Township from Single Family Residential "R1" to Neighborhood Commercial Business "B-1" as a Planned Unit Development subject to the following conditions:

Section 1 - General

The Theater 42 PUD is a 19.9 acre Neighborhood Business - Planned Unit Development in Union Township, Ohio. The standards of the Warren County Rural Zoning Code and the B1 Zoning District standards shall apply unless modified by one of the following sections.

Section 2 - Allowable Uses

Only the following uses are allowed in the Theater 42 PUD subject to review processes for B-1 uses in the Warren County Rural Zoning Code:

- Auditoriums, Performing Arts, Theaters, Dinner Theaters, and Children's Theaters (excluding cinemas and motion pictures)
- Churches/Places of Worship
- Art Galleries & associated sales
- Artist Studios
- Concession Stands
- Storage for Theatrical Property
- Banquet Facilities
- Special Events

- Metal Craft Shop/Blacksmith
- Artists' Supply Stores
- Coffee Shop
- Musical Instruments, Repair
- Photographic Studios and Supply Stores
- Picture Framing Stores

Section 3 - PUD Boundary Setbacks and Buffers

A. Property boundary setback along SR42: 100 ft with existing berms and vegetation to remain. Street trees shall be planted at a rate of one (1) tree per 40 lineal feet. Existing trees along the road frontage of SR 42 count towards this requirement.

B. Other property boundary setbacks: 50 ft with landscaping and existing vegetation maintained to a minimum level of Buffer Type D. No fencing is required.

C. Invasive plant species, noxious weeds, and dead/diseased vegetation may be removed.

Section 4 - Common Open Space

Common Open Space shall be set aside at a minimum of 30% of the total site. Open space uses may include gazebos, boat docks, trails, amphitheatres, and picnic shelters.

Section 5 – Sidewalks, Pedestrian Connections, & Facilities

A. Sidewalks are not required along SR 42.

B. Pedestrian Connections to SR42 from proposed and existing buildings are not required.

C. Bicycle parking is not required on the site, but it is encouraged.

Section 6 - Parking and Loading Requirements

The Parking area shall comply with Article 3, Chapter 3 of the Warren County Rural Zoning Code that each use comply with the parking standard and may be increased or decreased by five percent (5%).

Section 7 - Circulation and Access

A Traffic Impact Study (TIS) is required and the applicant shall satisfy all requirements of the Ohio Department of Transportation (ODOT) deemed necessary to address traffic impacts identified by the TIS.

Section 8 – Design Standards

The buildings will be stick built or metal building with metal panel, brick and/or stucco facades.

Section 9 - Miscellaneous

A. A modification to the PUD Stage 2 Site Plan is not required for a change of occupancy provided that no modifications of the site are proposed.

- B. There must be a shared maintenance agreement for common areas, storm water management, parking, and buffer areas should the site be subdivided.
- C. A stormwater management plan shall be submitted for review and approval by the WCEO, prior to PUD Stage 3.
- D. Compliance with all requirements of the Warren County Soil and Water Conservation District (SWCD), including extra sediment and erosion control measures if deemed necessary by the SWCD.
- E. Compliance with Warren County Water & Sewer Department requirements.
- F. Compliance with Warren County Health Department and OEPA requirements.

Chris Brausch, Sanitary Engineer, was present along with staff for a work session to discuss the following matters:

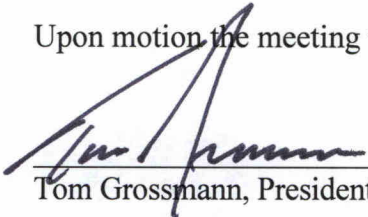
1. 20 Mile Elevated Water Tower— Mr. Brausch stated that the tank is being painted and the work should be complete this week. He then stated that the tank now has the Deerfield Township logo.
2. Landen Tower Cleaning— Mr. Brausch stated that the project is underway and should be completed soon.
3. Harveysburg Water Tower— Mr. Brausch stated that the painting will begin this month.
4. New Water and Sewer Utility Bills—Mr. Brausch stated that the new, full size bills will go out to customers beginning in July. There was discussion as to ways to utilize some of the additional space on the bill as a way to provide information to the customers on a more widespread basis previously possible.
5. Purchase of 35 acre property from the City of Franklin—Mr. Brausch updated the Board on the purchase of approximately 35 acres adjacent to the Shelly Booster Pump Station. The City of Franklin has agreed to the sale of the property and the Prosecutor's Office is working with the Franklin City Solicitor to finalize the sale.
6. Grinder Pump Stations in the Morrow/Roachester Sewer Improvement Area—Mr. Brausch explained that during construction of the project, private grinder pumps were installed in approximately 30 homes due to the inability to gravity flow into the sewer line. He stated that the County does not typically maintain grinder pumps that service individual properties and the Water and Sewer Department recently sent a letter to the homeowners with the private grinder pumps stating that the County would no longer be providing maintenance. Upon receipt of the letter, several of the homeowners produced

documentation from the time that the pumps were installed stating that the County is responsible for maintenance, repair and replacement of the grinder pumps.

Bruce McGary, Assistant Prosecutor, stated that when the County was notified of the existence of the documentation, upon research, it was discovered the existence of easements for the majority of the affected properties. He further stated that several of the easements had specific language stating that the County would maintain the pumps.

Upon discussion, it was determined that, due to the newly discovered documentation, the County is responsible for the maintenance of the grinder pumps. The Board then directed Mr. Brausch to send out letters to the affected property owners correcting their previous letter and confirming the County's commitment to maintaining the pumps as originally agreed upon. The Board further directed Mr. Brausch to obtain any easements necessary from the remaining affected property owners.

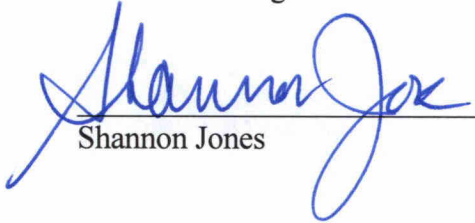
Upon motion the meeting was adjourned.



Tom Grossmann, President




David G. Young



Shannon Jones

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 June 20, 2017, in compliance with Section 121.22 O.R.C.



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