



**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 – June 16, 2020

The Board met in regular session pursuant to adjournment of the June 9, 2020 meeting.

David G. Young – present

Shannon Jones – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the May 26, 2020, June 2, 2020 and June 9, 2020, meeting were read and approved.

- 20-0820 A resolution was adopted to approve promotion of Ashleigh Blair from the Case Aide position to Protective Services Caseworker I position within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 20-0821 A resolution was adopted to approve lateral transfer of Brenda Gail Everett from the position of Alternative Response Caseworker II to Screener II, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 20-0822 A resolution was adopted to accept resignation, due to retirement, of Phyllis Davidson, Custodial Foreman, within the Warren County Facilities Management Department, effective June 30, 2020. Vote: Unanimous
- 20-0823 A resolution was adopted to authorize the internal posting for “Custodial Foreman” position within the Facilities Management Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a). Vote: Unanimous
- 20-0824 A resolution was adopted to authorize the posting for “Custodial Worker I” position, within the Facilities Management Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous

- 20-0825 A resolution was adopted to authorize the posting of the “Alternative Response Caseworker I or II” position, 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
- 20-0826 A resolution was adopted to authorize the posting of the “Eligibility Referral Specialist I” 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
- 20-0827 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Autumn Cook within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 20-0828 A resolution was adopted to hire William Brennan as Water Treatment Plant Technician, within the Warren County Water and Sewer Department. Vote: Unanimous
- 20-0829 A resolution was adopted to hire Jackson McDonald as Water Treatment Plant Technician, within the Warren County Water and Sewer Department. Vote: Unanimous
- 20-0830 A resolution was adopted to hire Randy Marcum as Water Treatment Plant Technician, within the Warren County Water and Sewer Department. Vote: Unanimous
- 20-0831 A resolution was adopted to approve the destruction of various Warren County Sheriff’s Office Equipment. Vote: Unanimous
- 20-0832 A resolution was adopted to authorize public advertisement of a Request for Proposals for the Body Scanner Inspection System for the Warren County Jail. Vote: Unanimous
- 20-0833 A resolution was adopted to appoint Chief Deputy Barry Riley, Major Brett Richardson, and Trevor Hearn, Director of Facilities Management to a review committee to evaluate the proposals for the Body Scanner Inspection System for the Warren County Jail. Vote: Unanimous
- 20-0834 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to accept and sign the Warren County Transit Service Safety Plan. Vote: Unanimous
- 20-0835 A resolution was adopted to enter into contract with Building Crafts, Inc. for the Lower Little Miami Wastewater Treatment Plant Improvements Project. Vote: Unanimous

- 20-0836 A resolution was adopted to approve Change Order #1 with DDK Construction, Inc. for the Lily Drive Bridge Replacement Project. Vote: Unanimous
- 20-0837 A resolution was adopted to approve agreement and addendum with Nika's Group Home LLC as a child placement and related service provider for the Warren County Board of County Commissioners on behalf of Warren County Children Services. Vote: Unanimous
- 20-0838 A resolution was adopted to approve and enter into a TANF PRC Contract with the Warren County Educational Service Center on behalf of the Warren County Department of Human Services. Vote: Unanimous
- 20-0839 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to execute a contract with Solutions CCRC on behalf of the Warren County Juvenile Court and Mary Haven Youth Center. Vote: Unanimous
- 20-0840 A resolution was adopted to approve and enter into agreement with Cincinnati Nature Center on behalf of the Warren County Juvenile Court Mary Haven Youth Center. Vote: Unanimous
- 20-0841 A resolution was adopted to approve and authorize the President of the Board to enter into Classroom Training Agreements on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 20-0842 A resolution was adopted to approve and authorize County Administrator to enter into agreement with to enter into a Youth Worksite Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 20-0843 A resolution was adopted to authorize the execution of an agreement with BIS Digital, Inc. for digital recording system support and maintenance for the Warren County Prosecutor's Office. Vote: Unanimous
- 20-0844 A resolution was adopted to acknowledge receipt of May 2020 Financial Statement. Vote: Unanimous
- 20-0845 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 20-0846 A resolution was adopted to approve a subdivision public improvement performance and maintenance security release for Towne Development Group, Ltd. for Beacon Hill, Phase One situated in Deerfield Township. Vote: Unanimous
- 20-0847 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 Kerrisdale Subdivision, Section 3, situated in Deerfield Township. Vote: Unanimous

- 20-0848 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 Kerrisdale Subdivision, Section 3, situated in Deerfield Township. Vote: Unanimous
- 20-0849 A resolution was adopted to approve various record plats. Vote: Unanimous
- 20-0850 A resolution was adopted to approve supplemental appropriation into Sheriff's Office Fund #2285. Vote: Unanimous
- 20-0851 A resolution was adopted to approve supplemental appropriation into Common Pleas Court Community Based Corrections #2289. Vote: Unanimous
- 20-0852 A resolution was adopted to approve appropriation adjustment within Prosecutor Fund 11011150. Vote: Unanimous
- 20-0853 A resolution was adopted to approve appropriation adjustment within Common Pleas Court General Fund #11011220. Vote: Unanimous
- 20-0854 A resolution was adopted to approve appropriation adjustment from Common Pleas Court General Fund #11011220 into Court Services #11011223. Vote: Unanimous
- 20-0855 A resolution was adopted to approve appropriation adjustment within Juvenile Court Fund #10111240. Vote: Unanimous
- 20-0856 A resolution was adopted to approve appropriation adjustment within Sheriff's Office Fund 11012210. Vote: Unanimous
- 20-0857 A resolution was adopted to approve appropriation adjustment within the Juvenile Detention Fund #11012600. Vote: Unanimous
- 20-0858 A resolution was adopted to approve appropriation adjustments from Veterans Fund #11015220 into 11015210. Vote: Unanimous
- 20-0859 A resolution was adopted to approve appropriation adjustment within Engineer's Office Fund #2202. Vote: Unanimous
- 20-0860 A resolution was adopted to approve appropriation adjustments within Probation Supervision ORC 2951.021 (Warren County Common Pleas Court) #2227. Vote: Unanimous
- 20-0861 A resolution was adopted to approve appropriation adjustments within the Mary Haven Fund #2270. Vote: Unanimous

- 20-0862 A resolution was adopted to approve appropriation adjustment within Children Services Fund #2273. Vote: Unanimous
- 20-0863 A resolution was adopted to approve appropriation adjustment within Children Services Fund #273. Vote: Unanimous
- 20-0864 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Cognitive Intervention Program Substance Abuse Monitoring 2284. Vote: Unanimous
- 20-0865 A resolution was adopted to continue public hearing for the rezoning application of Creek Song LLC to Rezone 70.39 Acres from Planned Unit Development "PUD" to Planned Unit Development "PUD". Vote: Unanimous
- 20-0866 A resolution was adopted to continue administrative hearing to consider the PUD Preliminary Site Plan (Stage 2) application for Creek Song LLC in Turtlecreek Township. Vote: Unanimous
- 20-0867 A resolution was adopted to approve requisitions and authorize County Administrator to sign documents relative thereto. Vote: Unanimous
- 20-0868 A resolution was adopted to approve and authorize the County Administrator to sign a Grant Agreement by and between the Federal Aviation Administration and the Warren County Board of Commissioners relative to the Warren County/John Lane Field Airport. Vote: Unanimous
- 20-0869 A resolution was adopted to approve and authorize the receipt and expending of federal funds under Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and in accordance with Ohio House Bill 481. Vote: Unanimous

DISCUSSIONS

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

PUBLIC HEARING

REZONING APPLICATION OF CREEK SONG LLC TO REZONE 70.39 ACRES IN
TURTLECREEK TOWNSHIP FROM PLANNED UNIT DEVELOPMENT "PUD" TO
PLANNED UNIT DEVELOPMENT "PUD" FOR THE PURPOSE OF REVISING
DEVELOPMENT STANDARDS AND MAP

The public hearing to consider the rezoning application of Creek Song LLC to rezone 70.39 acres located at 2260 N. Route 48 in Turtlecreek Township (Parcel # 0932300010) from Planned Unit Development "PUD" to Planned Unit Development "PUD" for the purpose of revising the development standards and map was convened this 16th day of June, 2020, in the Commissioners' Meeting Room and via video conference.

Michelle Tegtmeier, Chief Zoning Inspector, presented the attached PowerPoint presentation and reviewed the requested changes which include two options:

1. If utilizing onsite wastewater system they are requesting to add one additional lot, along with curb and gutter from Deger Drive to the back of the neighborhood and include 17.69 acres of open space and an adjustment to the Daisy Court cul-de-sac
2. If connection to sanitary sewer system occurs they would like to add an additional 18 lots with 19.31 acres of open space, amend the street configuration on the eastern portion of the site and a street stub connection to the east parcel

Mrs. Tegtmeier then stated the Regional Planning Commission recommendation to approve the rezoning application with modifications and the Rural Zoning Commission decision to approve the rezoning application with a modification that the maximum number of lots permitted is 63 regardless of the way wastewater is treated for the project.

Mike Williams, Creek Song, LLC, stated that the aim in the rezoning is not to jump to 80 lots but rather the desire to optimize space in order to offset the cost of the sanitary sewers should they come.

Commissioner Young stated he does not want to substantially increase density in order to offset development cost.

There was discussion regarding the proximity to the City of Lebanon as it relates to annexation as well as the density permitted with straight R1 zoning with sanitary sewers or without.

Commissioner Grossmann questioned why we would prevent the developer from an increased density that would allow the development of 80 lots when that would be the number he could develop under straight residential zoning with sanitary sewers. He then stated he is in favor of developments with sanitary sewer as it will increase the home values.

Mr. Williams stated that the average home value proposed within this subdivision is \$400,000.

Commissioner Young stated he fundamentally does not agree with adding sewers for an increase in density.

Commissioner Jones stated her desire for the developer to work with the City of Lebanon and once a definitive plan is in place, make the rezoning request.

Bruce McGary, Assistant Prosecutor, stated that if the Board delays this matter, the developer would have to ability to know the actual cost of construction as well as the number of lots that are needed relative to finances. He then stated the pending litigation relative to this project that should be decided by Christmas.

Commissioner Jones stated that zoning matters are a balancing act, taking into consideration property owner rights as well as the needs of the community. She then stated her agreement with Commissioner Grossmann relative to the preference for sanitary sewers versus onsite septic systems.

There was discussion relative to the number of lots the Board would be comfortable with in this area.

Commissioner Young stated he does not think ¼ acre lots are good for the community.

Tammy Boggs, Turtlecreek Township Administrator, stated the Township's concern with changing the PUD on assumptions that are not verified. She stated that there is no defined plan in place and the Trustees have concerns with an 80 home density. She then stated the Township is satisfied with the \$400,000 minimum home value but does not like the uncertainty of no set plan.

Upon further discussion, the Board resolved (Resolution #20-0865) to continue this public hearing to July 7, 2020, at 9:40 a.m.

ADMINISTRATIVE HEARING

PUD PRELIMINARY SITE PLAN (STAGE 2) APPLICATION FOR CREEK SONG LLC IN
TURTLECREEK TOWNSHIP

The administrative hearing to consider the PUD preliminary site plan (Stage 2) Application of Creek Song LLC in Turtlecreek Township was convened this 16th day of June, 2020, in the Commissioners' Meeting Room and via video conference.

Due to the rezoning hearing being continued, it is necessary to continue this administrative hearing.

Upon further discussion, the Board resolved (Resolution #20-0866) to continue the administrative hearing to July 14, 2020, at 10:00 a.m.

Neil Tunison, County Engineer, was present along with Kurt Weber, Chief Deputy Engineer, to discuss the Re-bid 2020 Chip Seal Program award.

Mr. Tunison explained that the first bid resulted in no bids being received. He stated that upon re-bid, there were two bids received, the lowest from Henry W. Bergman, Inc. for \$272,962.76 and the other from Miller-Mason Paving Co. for \$394,649.24. He stated that three days after the bids were opened; the lowest bidder sent a letter requesting to withdraw the bid due to clerical error. He reviewed the specifications stating that the bidder's request for withdrawal was after the time period permitted. He then stated that if they allow the bidder to withdraw, the other bidder exceeded the permitted 10% of the engineer's estimate threshold which means the project will not happen in 2020.

Bruce McGary, Assistant Prosecutor, stated his opinion that bidder did not meet the requirements needed to withdraw their bid.

There was discussion relative to the ability to remedy their mistake.

Mr. Tunison stated that the bidder hasn't disclosed the price associated with the clerical error. He then stated his recommendation to proceed with the award of the bid.

Upon further discussion, the Board concurred with Mr. Tunison and directed staff to proceed with the project.

Stephanie Roeder, Lytle Five Points Road/Bunnell Hill Road resident, was present to discuss the options received relative to the acquisition of road right of way for the Lytle Five Points /Bunnell Hill Road Realignment Project.

Mrs. Roeder explained the offer to "land swap" and the desire of her and her mother (adjacent property owner) to accept the offer. She then stated that before she could accept, the offer with withdrawn.

There was discussion relative to a misunderstanding of the offer between the Engineer's Office, Consultant, and property owners.


Upon discussion, the Board requested the Engineer's Office meet with Mrs. Roeder to work out the issues.

Tiffany Zindel, County Administrator, discussed the CARES Act funding proposed to be received by the County Auditor.

There was discussion relative to the need to adopt a resolution if the Board desire to utilize the funding for COVID-19 related expenses (approximately \$30,000).

Upon discussion, the Board resolved (Resolution #20-0869) to approve and authorize the receipt and expending of federal funds under Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and in accordance with Ohio House Bill 481.

Upon motion the meeting was adjourned.



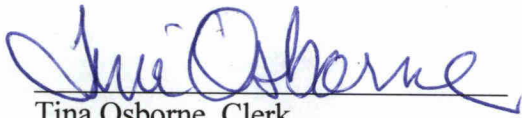
David G. Young, President



Tom Grossmann

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 16, 2020, in compliance with Section 121.22 O.R.C.



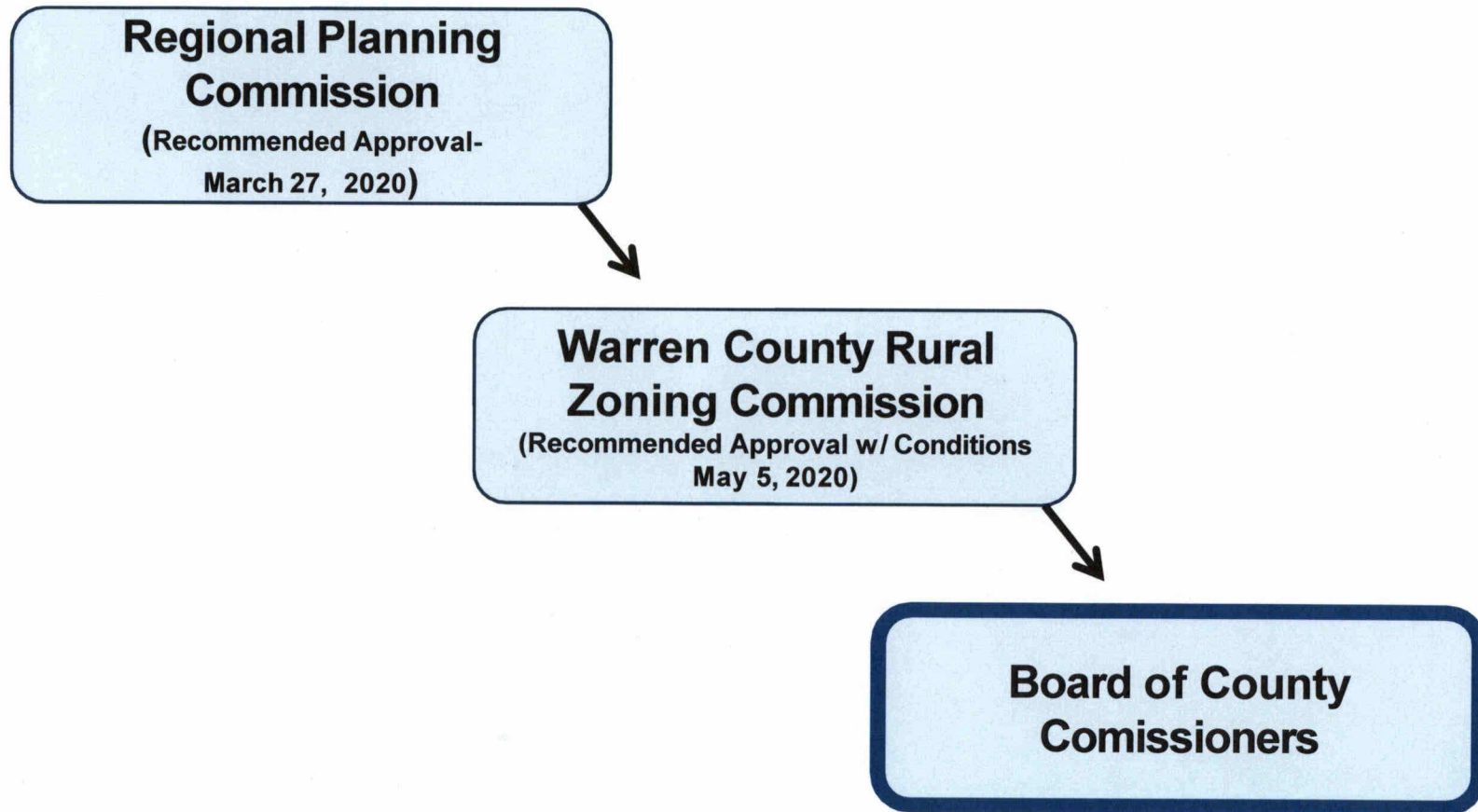
Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio



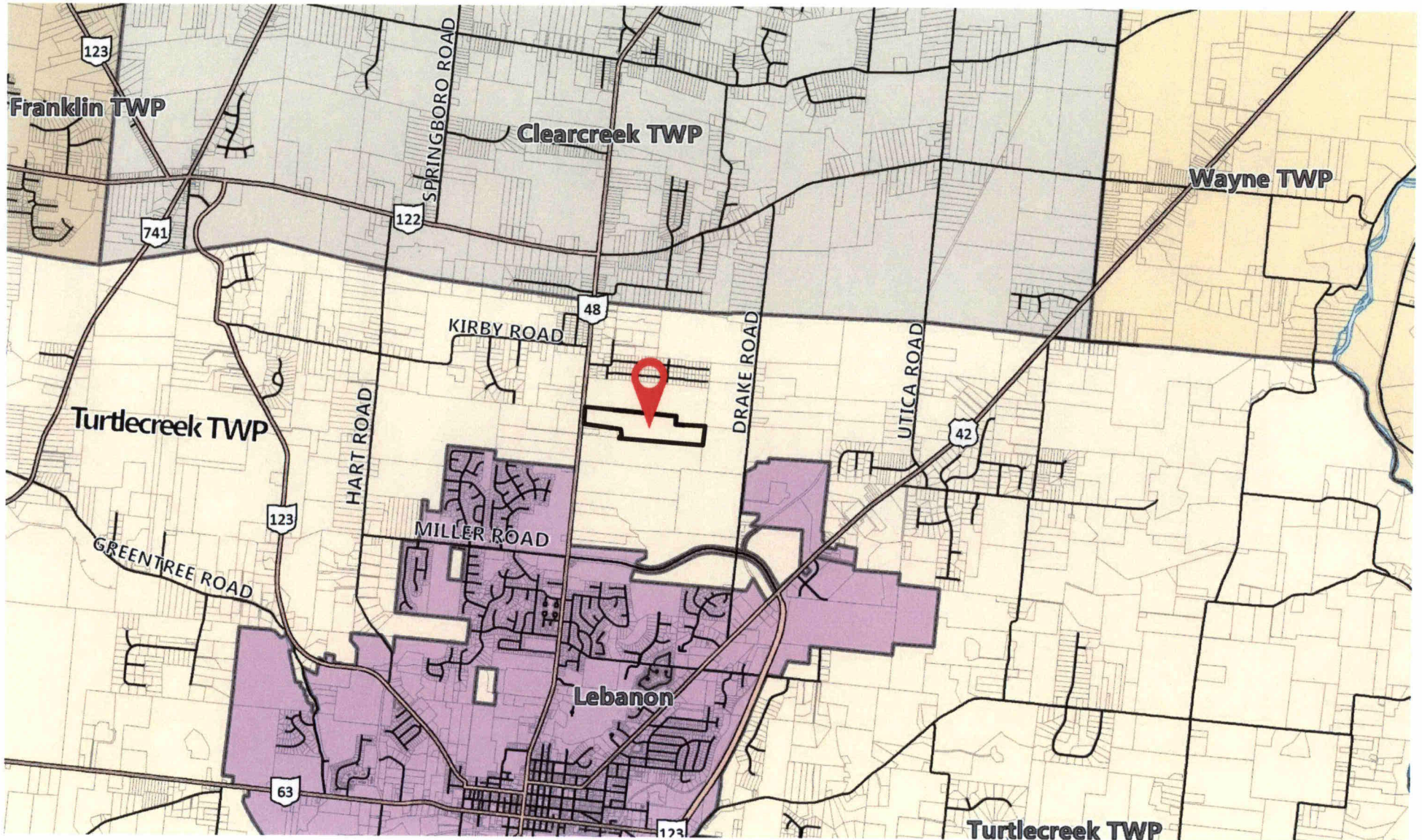
State Route 48
Creek Song Rezoning
Turtlecreek Township

CASE #	2020-02	
APPLICANT/OWNER/AGEND	CREEK SONG, LLC MIKE WILLIAMS	
TOWNSHIP	TURTLECREEK	
PROPERTY LOCATION	ADDRESS	2260 N. ROUTE 48
	PID	09-32-300-010-0
PROPERTY SIZE	70.39 ACRES	
	554 FEET OF ROAD FRONTAGE	
CURRENT ZONING DISTRICT	"PUD" (PLANNED UNIT DEVELOPMENT)	
FUTURE LAND USE MAP (FLUM) DESIGNATION	SINGLE FAMILY RESIDENTIAL	
EXISTING LAND USE	AGRICULTURAL / RESIDENTIAL	
ZONING REQUESTED	"PUD" (PLANNED UNIT DEVELOPMENT)	
ISSUE FOR CINSIDERATION	REVISED STAGE 1 PUD STANDARDS AND MAP FOR CREEK SONG	

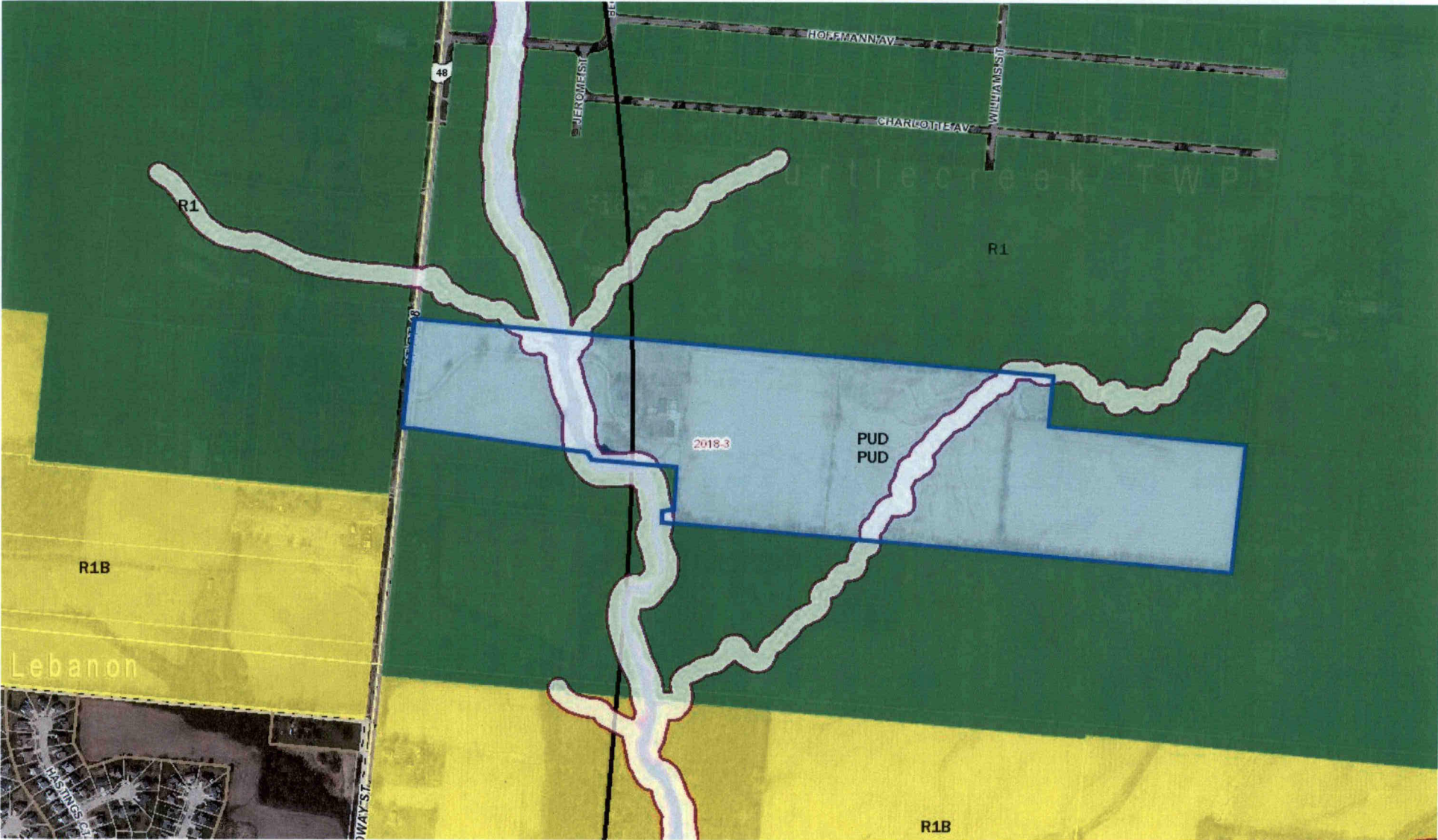
Rezoning Process



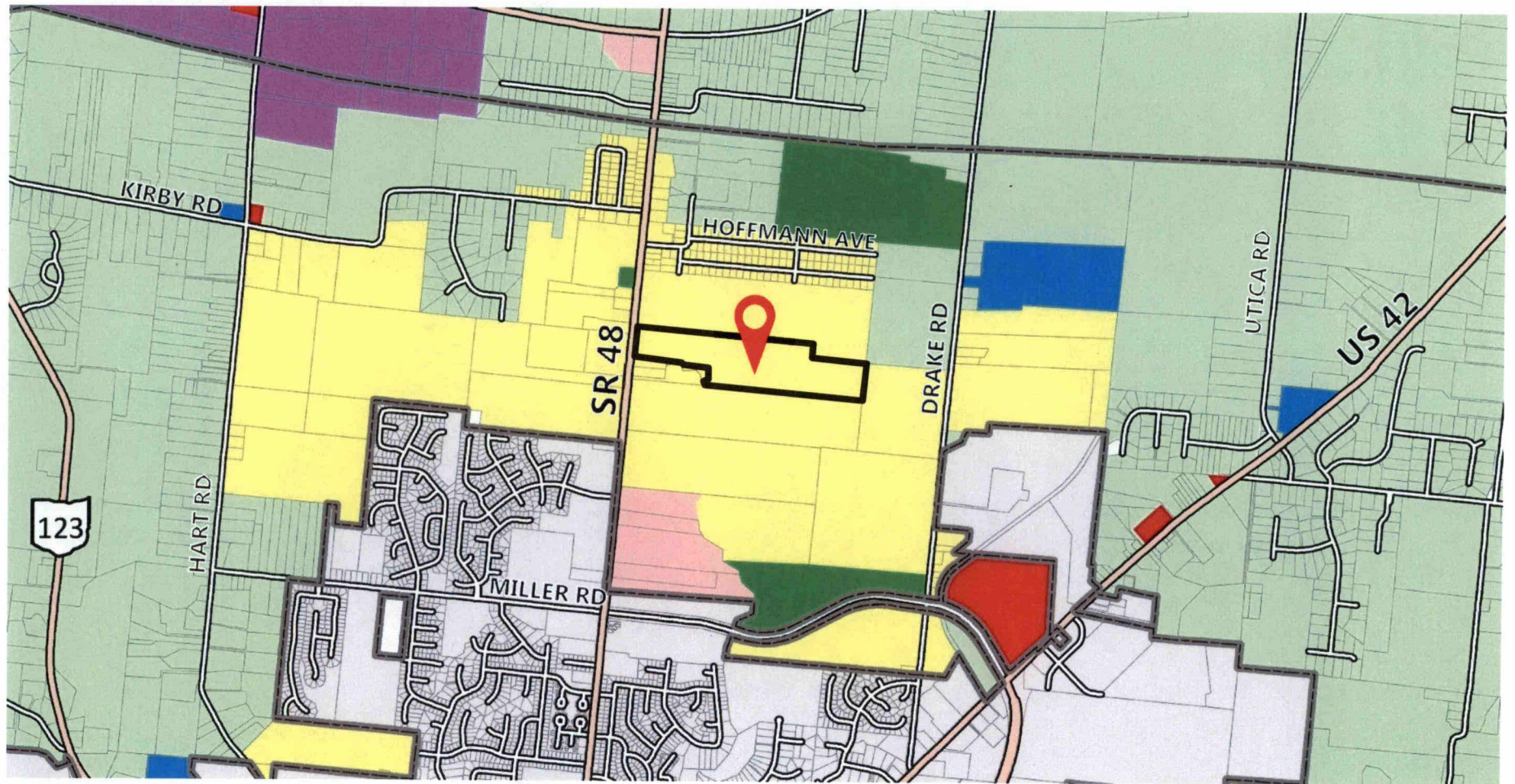
Vicinity Map







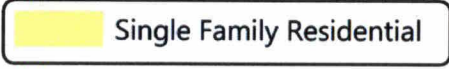





Zoning and Flood



Warren County Future Land Use Map



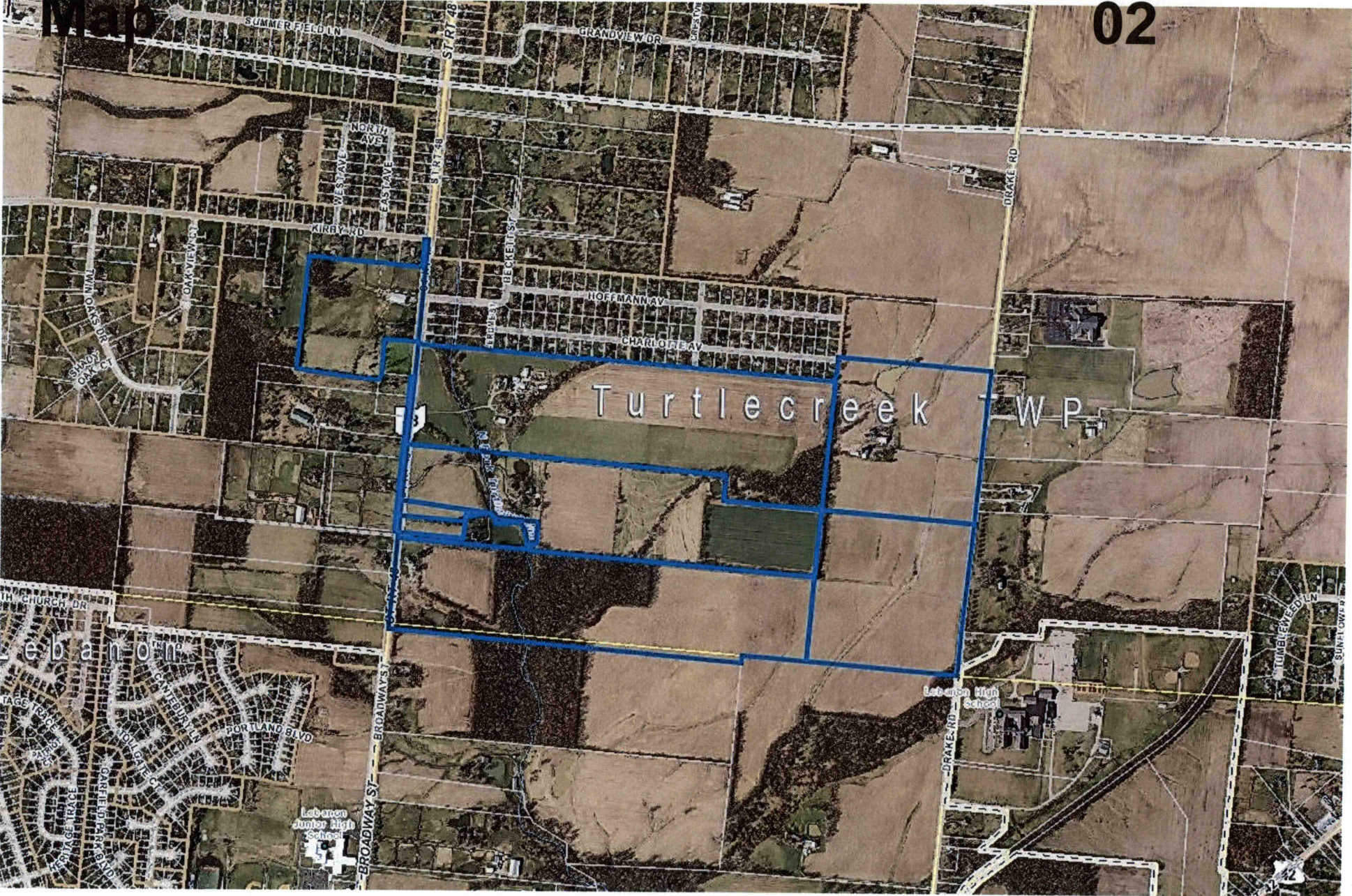
Legend

- | | | | |
|---|--|--|--|
|  Parks and Recreational-Open Space |  Industrial |  Office |  Agricultural-Rural Residential |
|  Single Family Residential |  Mixed-Use Neighborhood |  Protection Area |  Commercial |
| |  Multi-Family Residential |  Public-Semi-Public | |

Notification

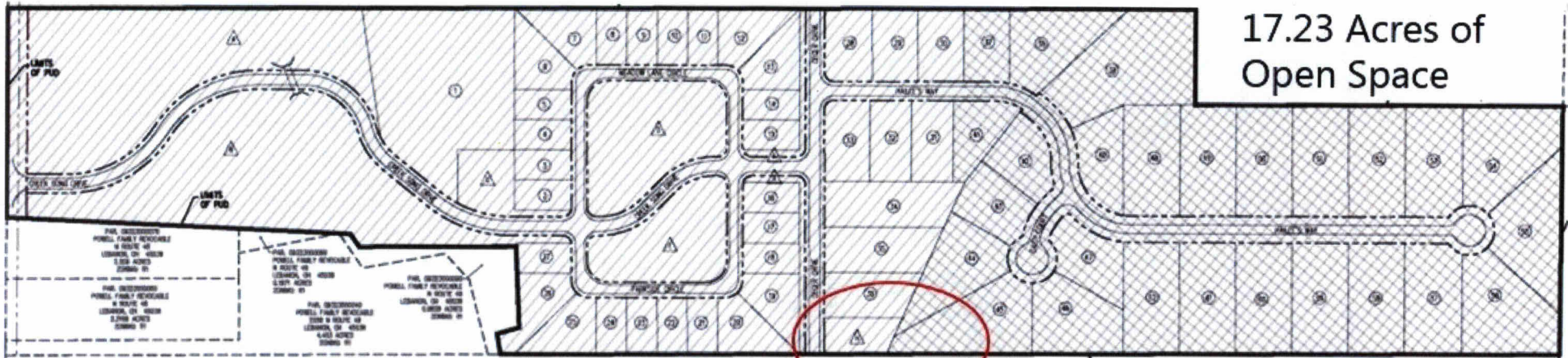
2020-02

Map

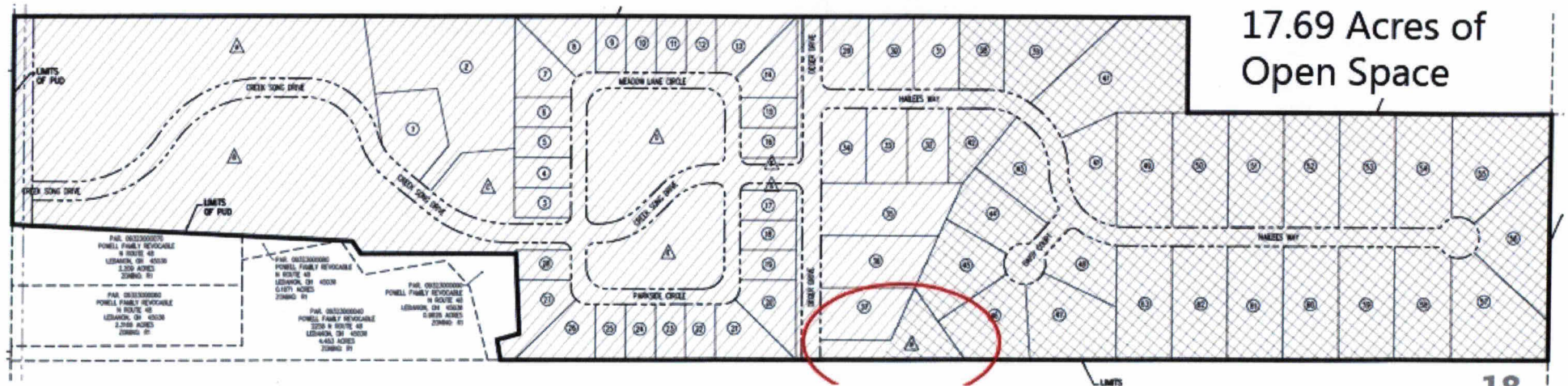


Proposed Key Development Change Option #1

Approved Plan

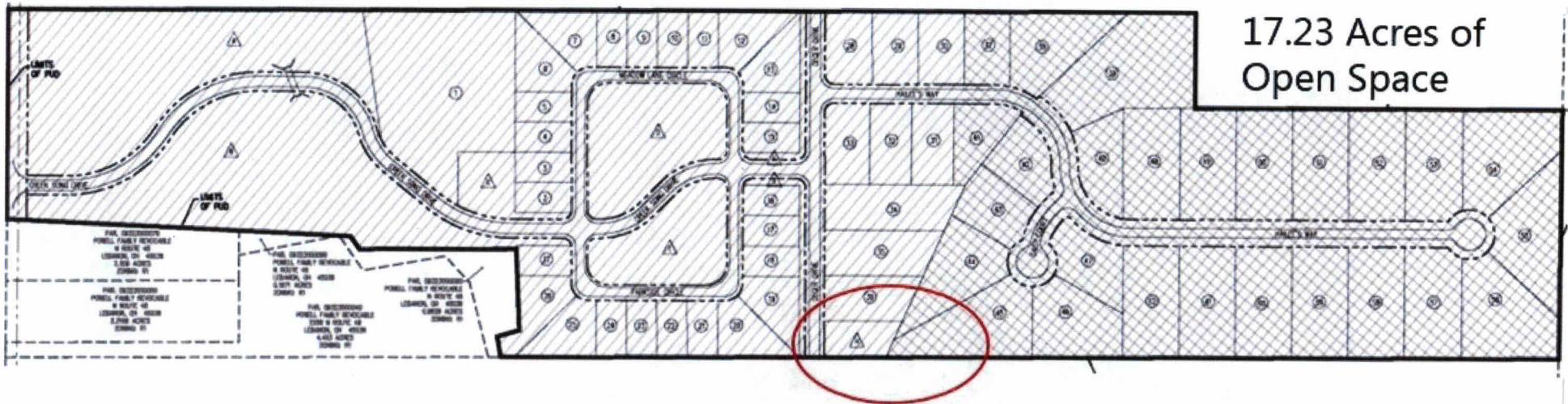


Proposed w/ on-site wastewater

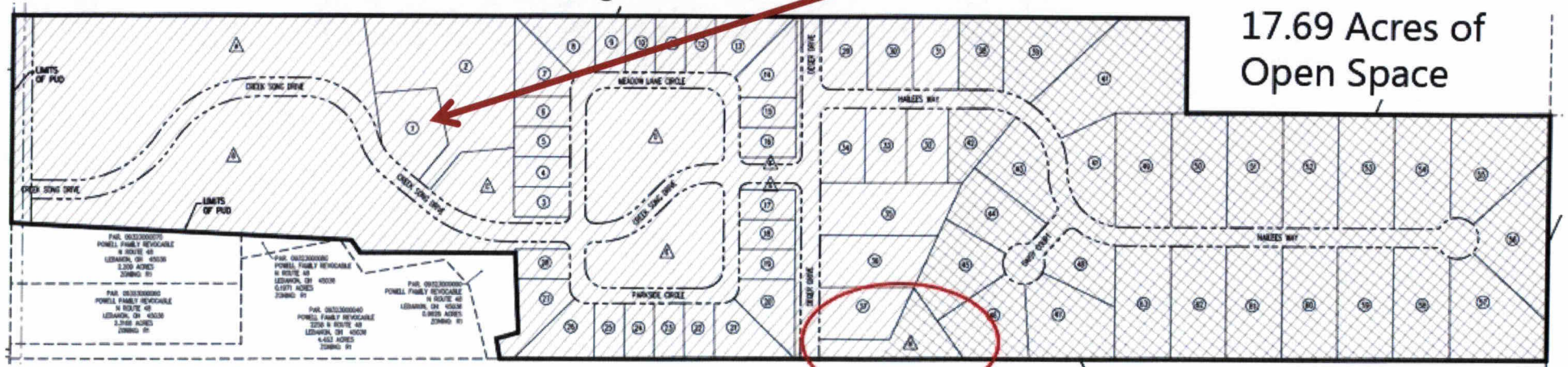


Proposed Key Development Change Option #1

Approved Plan w/ ditch



Proposed w/ on-site wastewater w additional Lot #1 and curb and gutter from Deger Drive to the back of the neighborhood.



Proposed Key Development Change Option #1

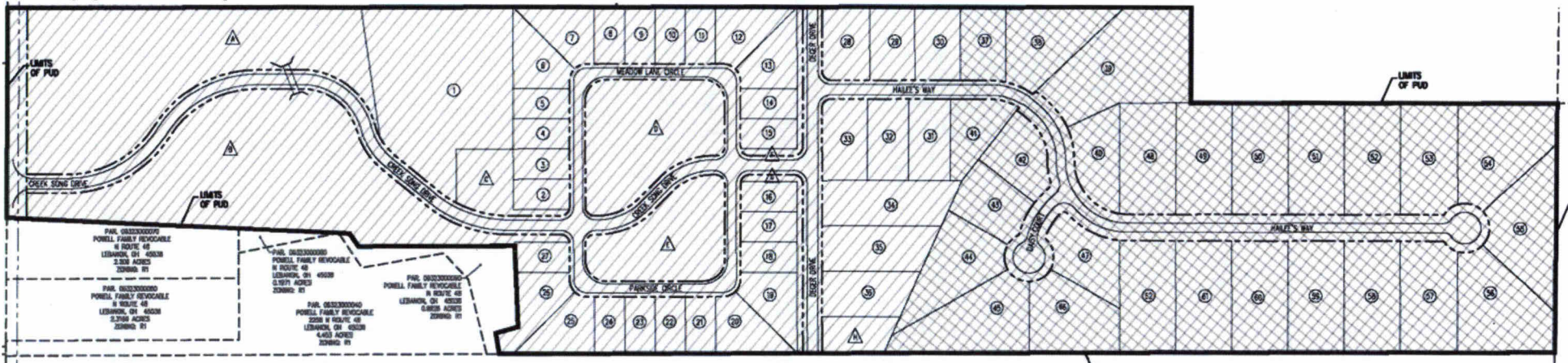
Summary of differences between current approved plan and proposed on-site wastewater option:

Current Approved Plan	Proposed on-site Plan
62 lots	63 lots
17.23 acres of open space	17.69 acres of open space

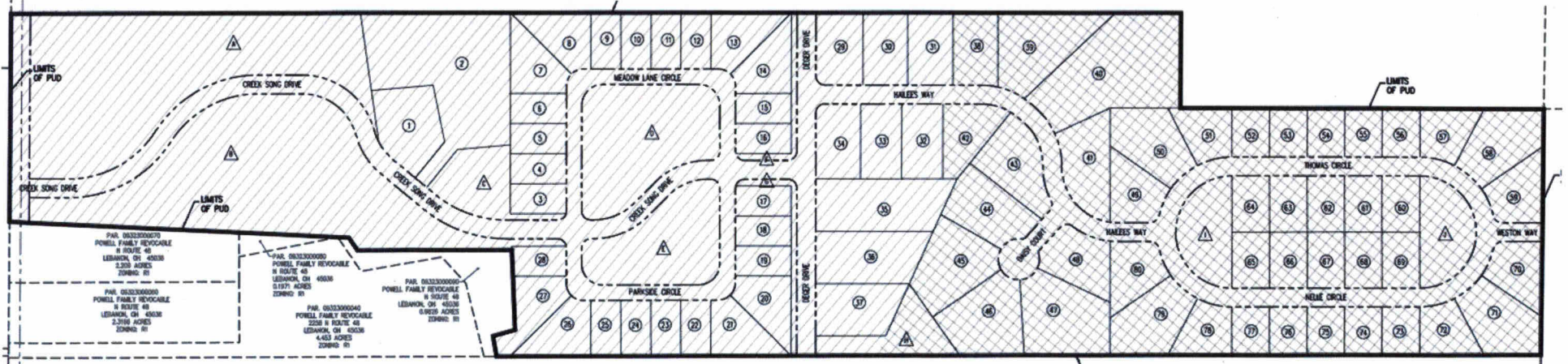
- Adding curb and gutter to Degar Dr., Hailee's Way, and Daisy Ct.
- Adjustment of Daisy Ct. cul-de-sac

Proposed Key Development Change Option #2

Approved plan



Proposed Plan w/ Sewer



Proposed Key Development Change Option #2

Summary of differences between current approved plan and proposed sewer option:

Current Approved Plan	Proposed Sewer Plan
62 lots	80 lots
17.60 acres of open space	19.31 acres of open space

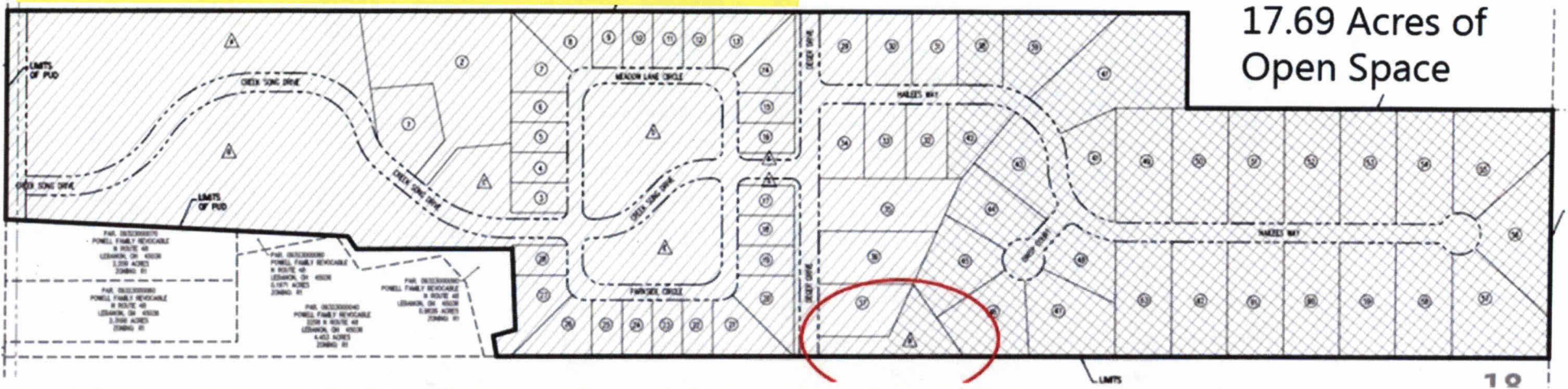
- Street configuration on the eastern portion of the site
- Street stub connection to the east parcel

SUMMARY

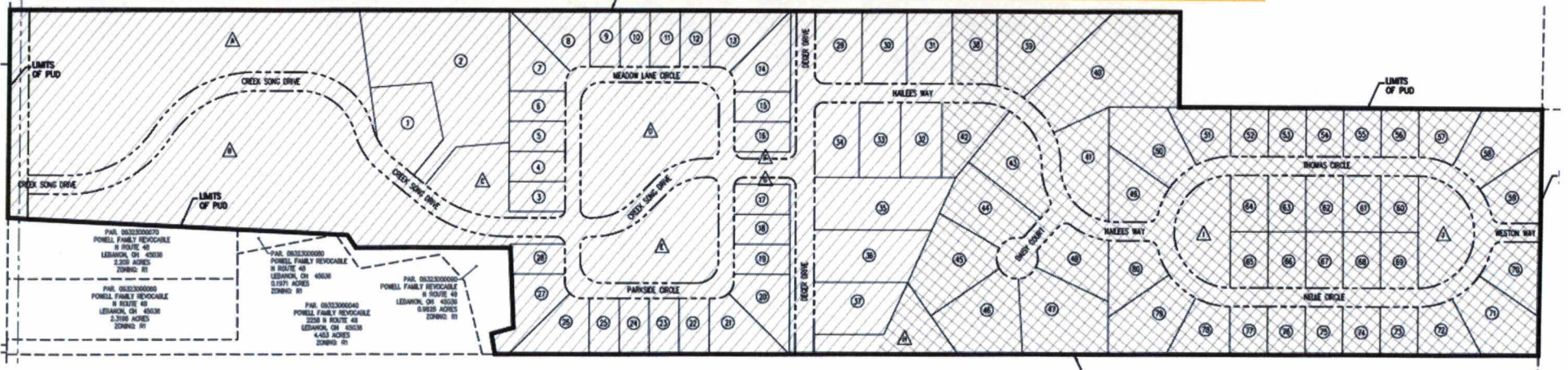
	Approved Plan Community Septic System	Option 1 Community Septic System	Option 2 City of Lebanon Central Sewer
Lots	62	63	80
Density (Units Per Acre)	.88	0.89	1.13
Open Space (Acres)	17.60	17.69	19.31

REQUEST- Approval for Both Option 1 & 2

Option 1- Community Septic System- 63 lots



Option 2- Central Sewer from The City of Lebanon - 80 lots



Regional Planning Commission Recommendation

Recommend **approval** of the Creek Song PUD Stage 1 Rezoning to the Warren County Rural Zoning Commission subject to all previously approved PUD Stage 1 Standards in Resolution #19-0214, except where otherwise approved by the BOCC. (new standards for Lebanon sewer option)

Rural Zoning Commission Recommendation



Recommend **approval** of the Creek Song PUD Stage 1 Rezoning of the original plan with modifications and only 63 lots with either sewer system installed.

RPC Staff Recommendation- PUD Stage 2



Approval of the Creek Song PUD Stage 2 to the Warren County Board of County Commissioners subject to the conditions listed in the staff report.