



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 – January 13, 2015

The Board met in regular session pursuant to adjournment of the January 12, 2014, meeting.

David G. Young – present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

- 15-0035 A resolution was adopted to temporary Reclassify Amy Hensley to the position of Administrative Assistant within Warren County Water and Sewer Department. Vote: Unanimous
- 15-0036 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Tiffany Sheibley, Protective Services Caseworker, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 15-0037 A resolution was adopted to approve a Pay Increase for Ashlee Gibson within the Warren County Department of Emergency Services. Vote: Unanimous
- 15-0038 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into the Programmatic Agreement for Coordination with the Ohio Historic Preservation Office relative to the Administration of Programs using HUD Allocated Funds. Vote: Unanimous
- 15-0039 A resolution was adopted to declare various items within Auditor's Office, Board of Elections, County Court, CSEA, Drug Task Force, Emergency Services, Garage, Health Department, Mary Haven, Planning Commission, Prosecutor's Office, Sheriff's Office and Telecom as surplus and authorize the disposal of said items. Vote: Unanimous

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- 15-0040 A resolution was adopted to establish Warren County Telecommunications Telephony Fixed Charges on behalf of Warren County Telecommunications Department. Vote: Unanimous
- 15-0041 A resolution was adopted to enter into Contract with Insituform Technologies, LLC., for the FY2014 City of Franklin - Boys, Warren, Bryant Avenue and Oxford Road Sanitary Sewer Lining CDBG Project. Vote: Unanimous
- 15-0042 A resolution was adopted to approve Notice of Intent to Award Bid to GM Pipeline Inc. for the US 22&3 at Hopkins Road Water Main Relocation Project. Vote: Unanimous
- 15-0043 A resolution was adopted to acknowledge approval of a Voucher Add On by the Deputy County Administrator pursuant to Resolution #10-0948. Vote: Unanimous
- 15-0044 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 15-0045 A resolution was adopted to approve various Funds. Vote: Unanimous
- 15-0046 A resolution was adopted to acknowledge Receipt of December 2014 Financial Statement. Vote: Unanimous
- 15-0047 A resolution was adopted to affirm "Then and Now" request pursuant to Ohio Revised Code 5705.41 (D) (1). Vote: Unanimous
- 15-0048 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with VWC Holdings, Ltd., for installation of certain improvements in the Villages of Winding Creek, the Boulevards at Winding Creek Section Four Block A & Block B situated in Clearcreek Township. Vote: Unanimous
- 15-0049 A resolution was adopted to enter into Street and Appurtenances (including sidewalks) Security Agreement with VWC Holdings, Ltd. for installation of certain improvements in the Villages of Winding Creek, the Boulevards at Winding Creek, Section Four, Block A, situated in Clearcreek Township. Vote: Unanimous
- 15-0050 A resolution was adopted to enter into Street and Appurtenances (including sidewalks) Security Agreement with VWC Holdings, Ltd. for installation of certain improvements in the Villages of Winding Creek, the Boulevards at Winding Creek, Section Four, Block B, situated in Clearcreek Township. Vote: Unanimous
- 15-0051 A resolution was adopted to approve following Record Plats. Vote: Unanimous

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- 15-0052 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 15-0053 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into Fields Ertel and Columbia Road Project Fund #463. Vote: Unanimous
- 15-0054 A resolution was adopted to approve Cash Advance from General Fund #101 into Recorder Technology Fund #216. Vote: Unanimous
- 15-0055 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous
- 15-0056 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 15-0057 A resolution was adopted to approve Supplemental Appropriation into Airport Construction Project Fund #479. Vote: Unanimous
- 15-0058 A resolution was adopted to approve Supplemental Appropriation Adjustment within Juvenile Detention & Renovation Fund #496. Vote: Unanimous
- 15-0059 A resolution was adopted to approve Supplemental Appropriation into VOCA Grant Fund #245-2475-2450, Grant Year 2014. Vote: Unanimous
- 15-0060 A resolution was adopted to approve Appropriation Adjustment from Commissioners' General Fund #101-1110 into Court of Common Pleas Pretrial Services Fund #101-1222. Vote: Unanimous
- 15-0061 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into Court of Common Pleas Fund #101-1220. Vote: Unanimous
- 15-0062 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Communications Center - Dispatch Fund #101-2850. Vote: Unanimous
- 15-0063 A resolution was adopted to approve Appropriation Adjustments within Warren County Coroner Fund #101-2100. Vote: Unanimous
- 15-0064 A resolution was adopted to approve Appropriation Adjustment within the Clerk of Courts Certificate of Title Administrative Fund #250. Vote: Unanimous
- 15-0065 A resolution was adopted to approve Appropriation Adjustments within Pretrial Services Fund #101-1222 and TASC Fund #284. Vote: Unanimous

- 15-0066 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 15-0067 A resolution was adopted to continue the Public Hearing concerning Proposed Amendments to the Warren County Subdivision Regulations. Vote: Unanimous
- 15-0068 A resolution was adopted to approve with conditions the Site Plan Application of Board of Harlan Township Trustees (Case #102-2014). Vote: Unanimous
- 15-0069 A resolution was adopted to Transfer Vehicle no longer being utilized by the Warren County Water and Sewer Department to the Warren County Park District. Vote: Unanimous
- 15-0070 A resolution was adopted to approve Easement Acquisition Compensation of Manchester Road Water Main Replacement. Vote: Unanimous
- 15-0071 A resolution was adopted to Waive Half the Water Charges over customer's average Water Usage for 957 Cobbler Court, Lebanon, Ohio. Vote: Unanimous
- 15-0072 A resolution was adopted to enter into a Resignation Agreement with Rick L. Murray, within the Warren County Emergency Services Department. Vote: Unanimous

DISCUSSIONS

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

Commissioner Young congratulated The Ohio State University Football team on the great job they did representing the State of Ohio in winning the National Championship.

Judge Rupert Ruppert, Franklin Municipal Court, was present along with representatives from the City of Franklin and the Ohio Supreme Court for a work session to discuss the request from

Judge Ruppert for a recommendation to the Ohio Supreme Court to designate Franklin Municipal Court as a full time court in order to operate a drug court.

Judge Ruppert explained that he is here to request support from the County due to the Commissioners providing 40% of the funding within the Franklin Municipal Court. He explained that the Ohio Supreme Court wants a recommendation/agreement from all parties which includes the County, City of Franklin and the Warren County Bar Association in order to show unanimous support for the full time court.

Judge Ruppert reviewed the serious drug problem within the area and stated that the majority of heroin deaths in Warren County have been in the Franklin area. He stated that the drug is in a pipeline coming down from Dayton.

Commissioner Young requested clarification in a full time court vs. a drug court.

Judge Ruppert stated if approved, Franklin would be a full time court and in addition, will have a drug docket for those on probation for drug related charges in order to closely monitor their progress on a weekly basis. He then explained why having a magistrate would not work for this drug docket due to not having the ability to send a violator straight to jail as well as the magistrate being forced to give up their private practice.

Commissioner Grossmann questioned why Lebanon or Mason Municipal Court doesn't have a drug court if it is such a great idea.

Judge Ruppert explained that Mason and Lebanon area do not have the number of drug issues and deaths as they do in the Franklin area.

There was discussion relative to the study completed a few years ago recommending the elimination of the municipal courts and creating a county wide municipal court. It was discussed that the local governments were not in favor of the elimination of the local courts.

There was then discussion relative to the number of years required to phase out local municipal courts due to not being able to eliminate an elected official position.

Commissioner Young summarized Judge Ruppert's concern relative to the heroin epidemic in the Franklin area and the immediate solution being to create a full time court to treat the drug offenders.

Judge Ruppert informed the Board that both the Lebanon City Council and Franklin City Council opposed the elimination of the local court and the local court needs to address the drug epidemic now.

Judge Nuzum, Ohio Supreme Court Director of Judicial Services, was present along with Brian Farrington, Statistics Analyst, to speak in favor of Franklin Municipal Court becoming a full time court. He reviewed his experience in presiding over a drug court when he was a Municipal Court Judge and stated the positive results from his experiences.

Commissioner Young stated he typically is opposed to a “nanny state” of government but heroin is an entirely different scenario due to the highly addictive substance and the change within the brain that is caused by the drug.

Commissioner South questioned how much time was needed to get certification as a drug court.

Judge Nuzum stated that it would take approximately 6 – 8 weeks to get documentation to get an initial certification. He then stated that they would send a representative from the Ohio Supreme Court to review the court and operations. He then clarified that the certification is on the Judge of the court, not the court itself.

There was discussion relative to a full time municipal court vs. local municipal Court.

Judge Ruppert stated his understanding of the idea to consolidate the courts but the process takes years to complete and Franklin and Franklin Township are in a state of emergency now and need to reorganize in order to address the problem.

Carl Bray, Franklin City Council, stated that five years ago he tried to reorganize the courts, then again when the study was completed a few years ago. He stated that the idea was voted down by Council. He then stated that he is in favor of the full time court with the idea of having the possibility of getting people off drugs. He stated that the drug problem needs addressed and that that Franklin has spent \$200,000 in overtime within the police budget.

Mr. Bray stated that the proposed cost to the City for the first year would be \$47,000 and the five year estimated cost would be \$60,000 per year. He then stated that all 7 council members are in favor of a drug court but that 3 are opposed to the full time judgeship. He stated their feeling that a magistrate can handle the excess need.

Jason Faulkner, Franklin City Council, stated that the question that Franklin Council voted on was the need for a full time court, not a drug court.

Mr. Faulkner stated he is not in favor of a full time court based upon the future shortfall in the budget due to expenses associated with that decision. He stated his feeling that the process was rushed and he feels that this venture is not something they will be able to afford in the future without the help of Warren County.

Dave Gully, County Administrator, stated that the Ohio Supreme Court will not proceed with legislation to create a full time court without recommendations on the local level.

Sonny Lewis, Franklin City Manager, reviewed some of the things that make the City of Franklin a great place to live and stated that there are drug problems all over the state. He requested that Franklin not be labeled for the drug epidemic and to remember that it is a wonderful place that has a problem that needs attention.

Commissioner Young reviewed the two questions before the Board:

1. Does this Board of Commissioner support Franklin Municipal Court becoming a full time court?
2. Does this Board of Commissioner support a drug court within Franklin Municipal Court?

Commissioner Grossmann stated his reluctance to make a decision that would require an entity to spend money but on the other hand, he does not want to be a road block either.

Commissioner South stated her opinion that the \$12,000 - \$13,000 increase cost to Warren County is not her concern. She stated that once the Supreme Court makes a full time determination, it is permanent regardless of what judge sits on the bench.

Commissioner South stated her desire for additional time to consider this matter.

Upon discussion, Commissioner Young stated the Board will take this matter under advisement and make a written decision at a later date.

PUBLIC HEARING

CONSIDER AMENDMENT TO THE WARREN COUNTY SUBDIVISION REGULATIONS

The Board met his 13th day of January 2015, to consider amendments to the Warren County Subdivision Regulations.

Upon discussion, due to time restraints, the Board resolved (Resolution #15-0067) to continue this public hearing to January 20, 2015, at 10:30 a.m.

PUBLIC HEARING

SITE PLAN REVIEW APPLICATION OF HARLAN TOWNSHIP TRUSTEES

The Board met this 13th day of January 2015, to consider the site plan review application of the Harlan Township Trustees requesting approval to construction of 50' x 74' additional to the Fire Station located 9120 Morrow-Rossburg Road in Harlan Township.

Commissioner Young swore in those present desiring to give testimony and confirmed with the Clerk of Commissioners that all legal requirements have been met.

Robert Curran and Rick Howry, Harlan Township Trustees, were present representing Harlan Township.

Mike Yetter, Zoning Supervisor, reviewed the attached PowerPoint presentation and stated his recommendation to approve the site plan review subject to certain conditions.

Mr. Yetter stated that one of the requirements is the need to either have the applicant comply with the buffering requirements or waive said requirements pursuant to Section 205 (B) of the Warren County Zoning Code.

Mr. Yetter stated his recommendation for the Board to waive the buffering requirements based upon the use of the building and the proximity of the closest residential dwelling.

Robert Ware, Regional Planning Commission, stated the Planning Commission concurs with the landscaping buffer requirement waiver.

Mr. Howry stated that this expansion will allow the township to increase space by 50% for fire and safety equipment.

Upon further discussion, the Board resolved (Resolution #15-0068) to approve with conditions the site plan review application of the Board of Harlan Township Trustees (Case #102-2014), waiving the landscaping buffer requirement.

Chris Brausch, Sanitary Engineer, was present for a work session and discussed the following matters:

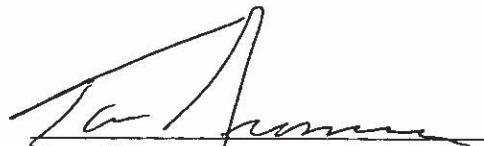
1. Potential acquisition of 1.13 acre parcel adjacent to the Corwin Avenue Pump Station— Mr. Brausch stated that the adjacent church property consists of 3.33 acres. He stated that the church would like to retain 2.2 and sell the remaining 1.13 acres to the County for future expansion of the pump station at a cost of \$23,000 which is equivalent to the amount they paid for the property. He stated that this property would be needed for future expansion of the booster station and storage tank. Upon discussion, the Board stated their approval of the purchase.
2. Mr. Brausch stated that the Warren County Park Board is requesting the Water and Sewer Department remove the 2008 F250 truck from the auction list and transfer title to the Park Board. Mr. Brausch stated that the truck has approximately 150,000 miles and is in need of a new motor. Upon discussion, the Board resolved (Resolution #15-0069) to transfer vehicle no longer being utilized by the Warren County Water and Sewer Department to the Warren County Park District.

3. Manchester Road Easement Compensation (OPWC Project)—Mr. Brausch stated that the design has been completed and they have determined the need to acquire easements. Upon discussion, the Board resolved (Resolution #15-0070) to approve easement acquisition compensation for the Manchester Road Water Main Replacement Project.
4. 957 Cobbler Court—Mr. Brausch stated that staff discovered a high water usage of 112,000 gallons and upon investigation by the homeowner; they experienced a malfunction on their emergency back up on their sump pump. Mr. Brausch stated that homeowner has switched to a battery backup system so the excess water usage cannot occur a second time. Upon discussion, the Board resolved (Resolution #15-0071) to waive one-half the water charges over the customer's average water usage for 957 Cobbler Court, Lebanon, Ohio.

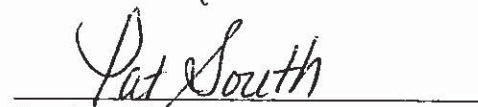
On motion, upon unanimous call of the roll, the Board entered into executive session at 11:20 a.m. to discuss imminent litigation pursuant to Ohio Revised Code Section 121.22 (G) (3) and personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) to discuss personnel matters relative to discipline within Emergency Services.

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 January 13, 2015, in compliance with Section 121.22 O.R.C.



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

Case No.	102-2014	
<u>Applicant/Owner Agent</u>	(Owner) Harlan Township (Applicant) Andy Minton	
Township	Harlan	
Property Location	Address	9120 Morrow-Rosburg Road Pleasant Plain, Oh. 45162
	PIN	18-33-451-011-0
Property Size	8.461 acres	1248.27' Road frontage
Future Land Use Map (FLUM) Designation	Agricultural-Vacant-Rural Residential	
Current Zoning District	"PR" Public Recreation Zoning District	
Existing Land Use	Fire Station/Administration Building	
Site Plan Requested	50' X 74' Addition for fire apparatus and equipment	
Issue for consideration	Addition to Existing Building expanding the current use	

Site Plan

102-2014

**Board of Harlan Twsp.
Trustees**

**9120 Morrow-
Rossburg Road**

8.461 acres

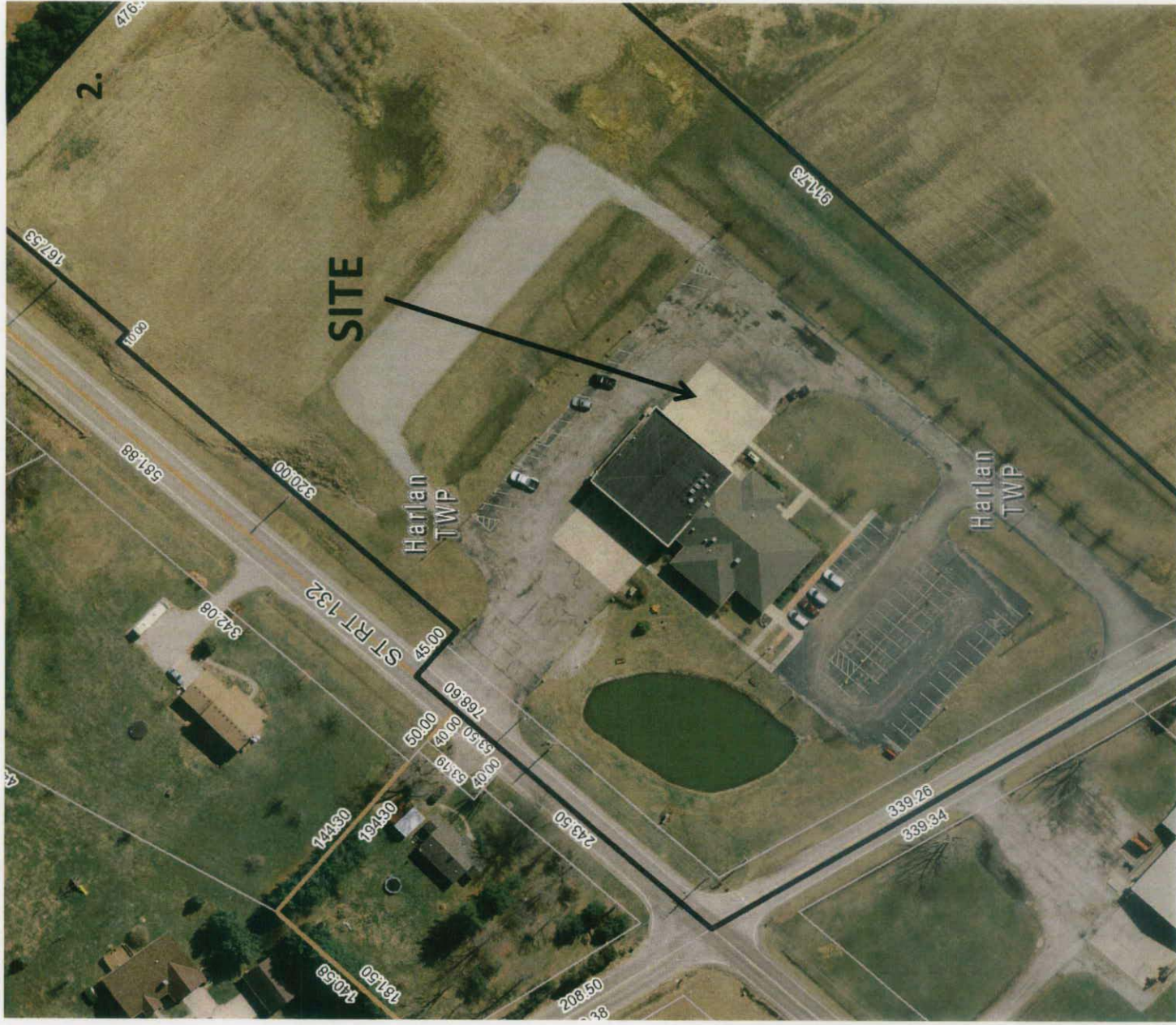
Harlan Twsp.

18-33-451-0111-0

Sec. 1.303.2 (A)(8)

Addition Exceeds 25%

Aerial Map



**Site Plan
102-2014
Board of Harlan Twsp.
Trustees**

**9120 Morrow-
Rossburg Road**

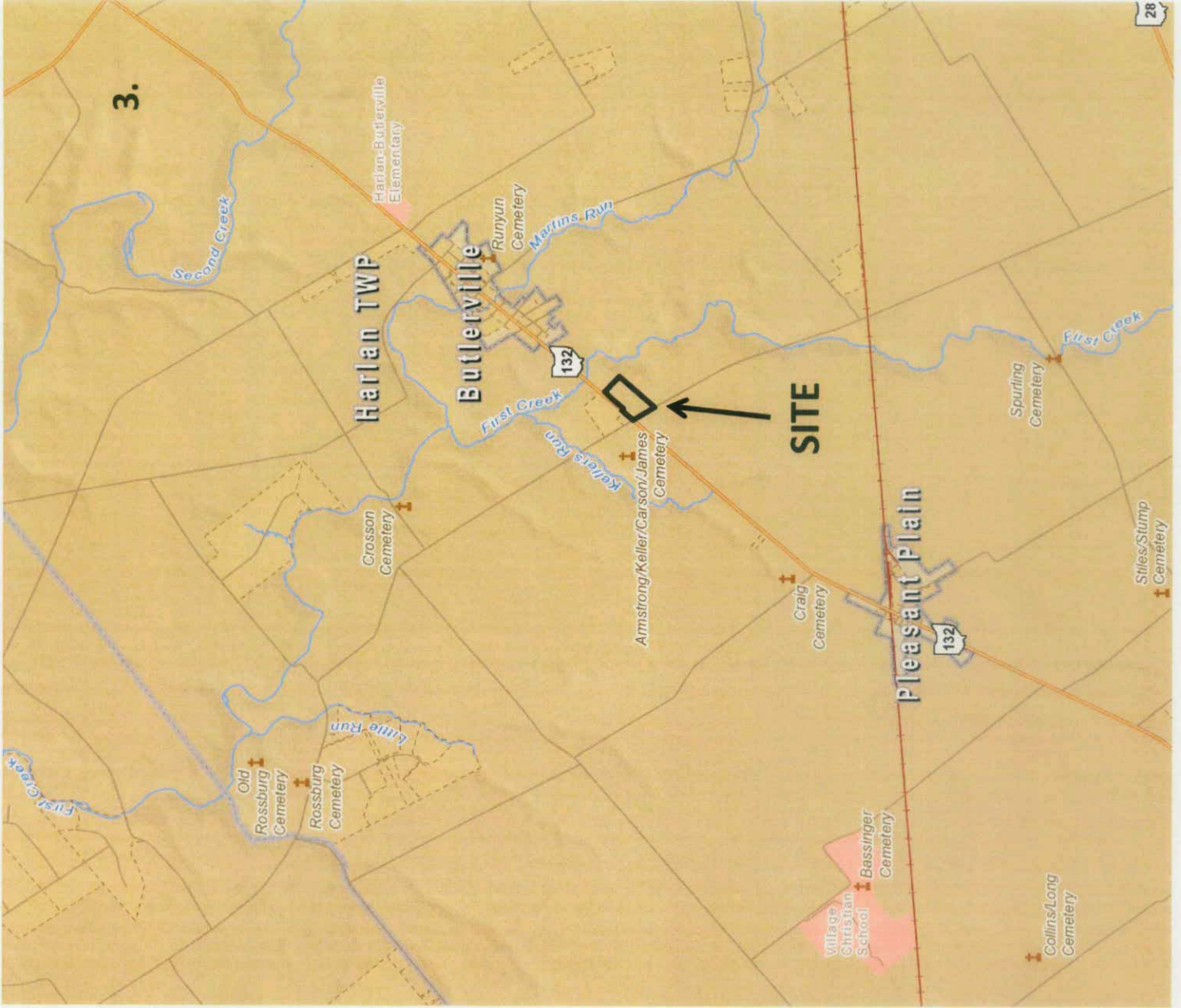
8.461 acres

Harlan Twsp.

18-33-451-011-0

**Sec. 1.303.2 (A)(8)
Addition Exceeds 25%**

Vicinity Map



**Site Plan
102-2014
Board of Harlan Twsp.
Trustees**

**9120 Morrow-
Rossburg Road
8.461 acres**

Harlan Twsp.

**18-33-451-0111-0
Sec. 1.303.2 (A)(8)
Addition Exceeds 25%**

Zoning Map



**Site Plan
102-2014**

**Board of Harlan Twsp.
Trustees**

**9120 Morrow-
Rossburg Road**

8.461 acres

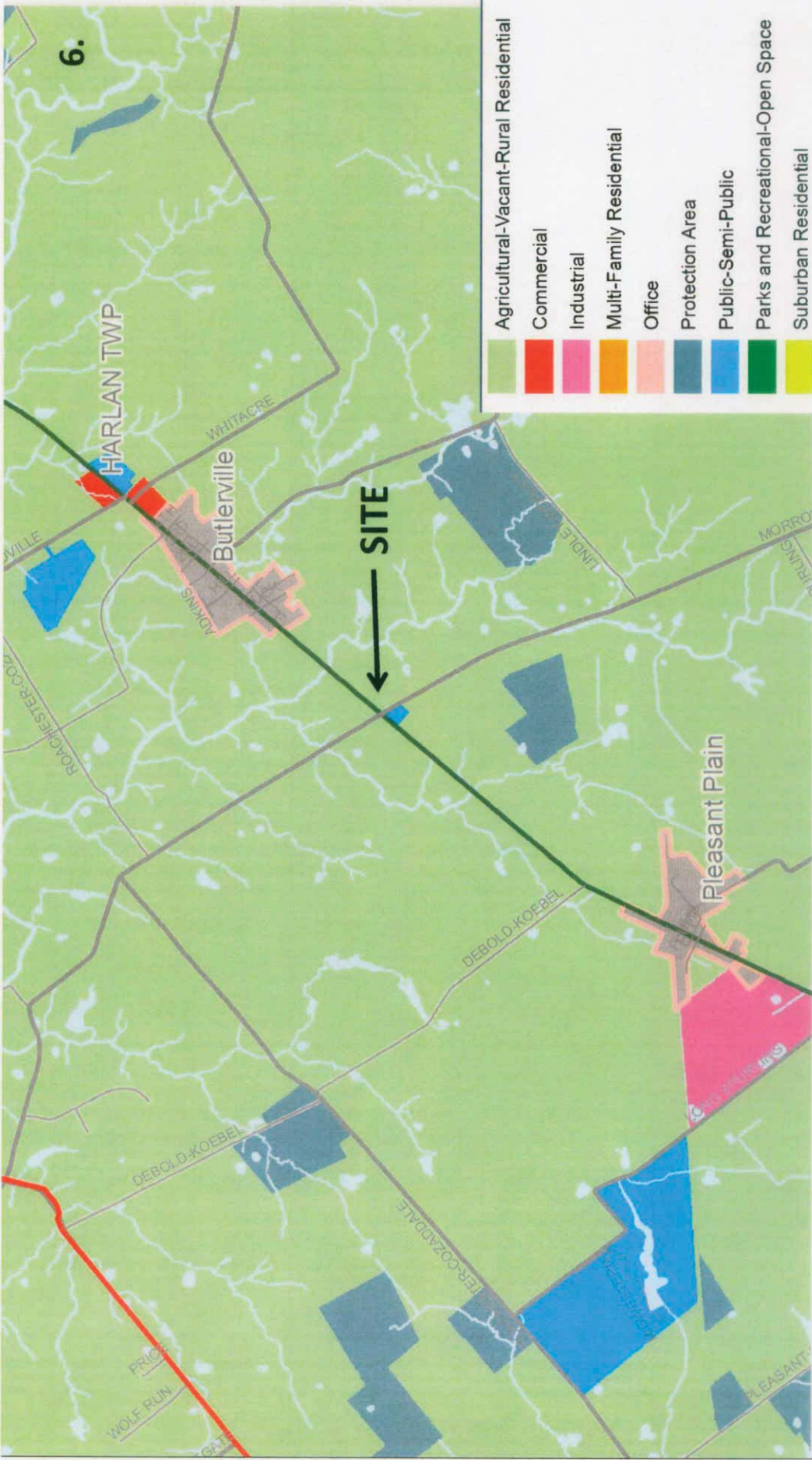
Harlan Twsp.

18-33-451-0111-0

**Sec. 1.303.2 (A)(8)
Addition Exceeds 25%**

Flood Map





Comprehensive Plan-Land Use Element

102-2014

**Site Plan
102-2014**

**Board of Harlan Twsp.
Trustees**

**9120 Morrow-
Rossburg Road**

8.461 acres

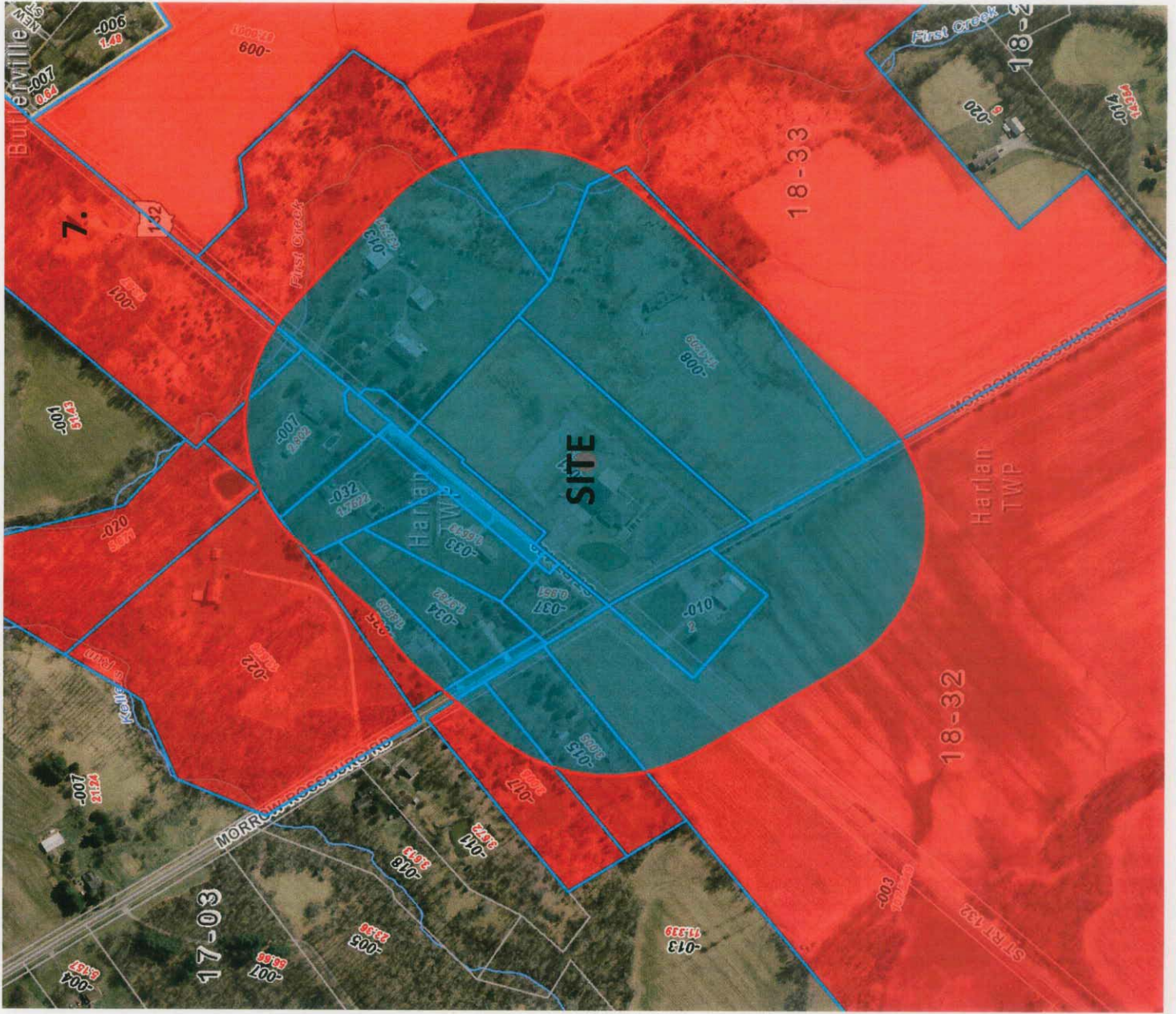
Harlan Twsp.

18-33-451-011-0

Sec. 1.303.2 (A)(8)

Addition Exceeds 25%

**Surrounding Property
Owners Map**



SUMMARY OF APPLICATION:

To construct a 50' x 74' addition (3,700 sq. ft.) to the existing fire station for storing of fire apparatus and equipment.

ANALYSIS OF ZONING:

North	“RU” Rural Residential (5-acre density)	Agricultural-Vacant-Rural- Residential
West	“RU” Rural Residential (5-acre density)	Agricultural-Vacant-Rural- Residential
South	“RU” Rural Residential (5-acre density)	Agricultural-Vacant-Rural- Residential
East	“RU” Rural Residential (5-acre density)	Agricultural-Vacant-Rural- Residential 10.

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, Harlan Township Trustees and Fire Department, Warren County Combined Health District, Warren County Building Department, Warren County Sheriff, ODOT and Western Water.

ZONING SUPERVISORS 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 Community Facility & Essential Service Use is compatible with surrounding residential uses and is providing essential everyday services to the immediate surrounding area.

Continue

3. Use and Performance Standards of Section 2.408 PUBLIC RECREATION ZONING DISTRICT (PR) have been met and are in conformance.
4. PUBLIC RECREATION ZONING DISTRICT (PR) Development Standards of Section 2.409.4 have been met.

Continue

6. Article 3, Chapters 3, 5, and 6 for Parking, Loading, and Circulation, Lighting, and Signage requirements have not changed or have been moved from there existing location and place on the new addition.
7. Article 3, Chapters 4 Landscaping and Screening has not been met or displayed on the Site Plan. The Applicant will be required to revise the Site Plan or the Approving Authority may moderate during Site Plan Review based on the nature of the Proposal.

- 8) Sec. 3.205(B) states Community and Essential Services uses 15. adjacent to residential districts or used shall be regulated as “Commercial” in application of the provisions of Article 3, Chapter 4 (Landscaping and Screening Requirements).

* 3.405-2 “D” and notes [3 and 4]

3.405-1: Lot Perimeter Buffer Type

ADJACENT TO

PROPOSED USE	ADJACENT TO				
	Single-Family or Two-Family Residential District, Recorded Subdivision or lot used for single family residential purposes	Multi-Family Residential Use or District	Office Use or District	Commercial/Business Use or District	Industrial Use or District
Single-Family or Two-Family	None	None	None	None	None
Multi-Family	Buffer “C”	None	None	None	None
Commercial/Business	Buffer “D”	Buffer “C”	Buffer “A”	Buffer “A”	Buffer “B”
Office	Buffer “D”	Buffer “B”	Buffer “A”	Buffer “A”	Buffer “C”
Industrial	Buffer “D”	Buffer “D”	Buffer “C”	Buffer “B”	Buffer “A”

Community Facility and Essential Service uses and uncategorized Non-Residential uses that proposes structures shall provide a minimum of Buffer Type C adjacent to Single-Family and Two-Family uses. This requirement may be moderated during Site Plan Review or Conditional Use Review, base on the nature of the proposal.

Table 3.405-2: Minimum Requirements For Buffer Type

Buffer Type	Minimum Buffer Width	Minimum Screen Height	Minimum Plant Materials
"A"	10 Feet	None [1]	1 deciduous or evergreen tree per every 40 lineal feet as required in Note [4]
"B"	20 Feet	6 feet	1 tree per 25 lineal feet with a minimum of 40% evergreen trees as required in Note [4]
"C"	30 Feet	8 feet	1 tree per 20 lineal feet with a minimum of 50% evergreen trees as required in Note [4]
"D" [2]	50 Feet	10 feet [3]	1 evergreen, 1 deciduous tree and 1 shrub per 10 lineal feet along the residential side of the wall or fence as required in Notes [3] and [4]

NOTES:

[1] No minimum screen height is required unless the County Commissioners or Zoning Inspector finds that screening is needed between similar uses that have varying degrees of density or land use intensity.

[2] The slope of the mound shall not exceed a 3:1 ratio.

[3] Landscaping and/or screening elements of Buffer Type "D" shall collectively consist of trees, shrubs, fencing/walls or berms, to a height of ten (10) feet and be installed to one hundred percent (100%) opacity. Fencing/walls or berms are limited to four (4) feet high in the front yard or as the Approving Authority requires.

[4] At the time of planting deciduous trees shall be a minimum of one and three fourths inch (1 3/4") diameter and evergreens shall be a minimum height of five (5) feet.

Note: The Approving Authority may approve the substitution of shrubs or other landscaping for required trees.