



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

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***TOM GROSSMANN***

***PAT ARNOLD SOUTH***

***DAVID G. YOUNG***

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

**MINUTES: Regular Session -- May 19, 2015**

The Board met in regular session pursuant to adjournment of the May 14, 2015, meeting.

David G. Young – present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

- 15-0731      A resolution was adopted to advertise for bids for the FY2015 Deerfield Township – Davis Road Resurfacing CDBG Project. Vote: Unanimous
- 15-0732      A resolution was adopted to enter into agreement with Ohio CSEA Director's Association (O.C.D.A.) on behalf of Warren County CSEA. Vote: Unanimous
- 15-0733      A resolution was adopted to approve and authorize the President of this Board to enter into a contract with P.E.W. Demolition relative to the demolition request from Wayne Township. Vote: Unanimous
- 15-0734      A resolution was adopted to accept the Schedule of Benefits relative to Excess Loss Insurance and amended financial terms relative to administration of the Warren County Medical Plan administered by United Healthcare.  
Vote: Unanimous
- 15-0735      A resolution was adopted to approve and enter into agreement with Xceligent, Inc. on behalf of Warren County Office of Economic Development.  
Vote: Unanimous

- 15-0736 A resolution was adopted to declare various items within Clerk of Courts, Coroner's Office, Data Processing, Domestic Relations, Engineer's Office, Garage, Prosecutor's Office, Water and Sewer Department, Sheriff's Office, and Telecom, as surplus and authorize the disposal of said items. Vote: Unanimous
- 15-0737 A resolution was adopted to approve agreement with Safehouse Ministries, Inc. as a child placement and related service provider for the Warren County Board of Commissioners on behalf of Warren County Children Services. Vote: Unanimous
- 15-0738 A resolution was adopted to approve and enter into contract with Community Mental Health Centers of Warren County, Inc., DBA Solutions Community Counseling and Recovery Centers, on behalf of the Warren County Jail regarding crisis services. Vote: Unanimous
- 15-0739 A resolution was adopted to rescind Resolution #15-0588, adopted April 21, 2015 and enter into a new agreement with The U.S Army Corps of Engineers for law enforcement services for Caesar Creek Lake on behalf of the Warren County Sheriff. Vote: Unanimous
- 15-0740 A resolution was adopted to approve various refunds. Vote: Unanimous
- 15-0741 A resolution was adopted to approve the following record plats. Vote: Unanimous
- 15-0742 A resolution was adopted to approve an Operational Transfer from Juvenile Probation fund #101-2500 into Juvenile Grant fund #243 and a Supplemental Appropriation into Juvenile Grant #243. Vote: Unanimous
- 15-0743 A resolution was adopted to approve appropriation adjustment within Telecommunications Department fund #101-2810. Vote: Unanimous
- 15-0744 A resolution was adopted to approve appropriation adjustment within Telecommunications Department fund #492. Vote: Unanimous
- 15-0745 A resolution was adopted to approve supplemental appropriation into Warren County TASC Substance Abuse Program fund #284. Vote: Unanimous
- 15-0746 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 15-0747 A resolution was adopted to amend Resolution #15-0669 accepting the resignation of Tiffany Sheibley, Protective Services Caseworker I, within Warren County Job and Family Services Department. Vote: Unanimous
- 15-0748 A resolution was adopted to approve a lateral transfer of Demetria Brown to the position of Protective Services Caseworker I within the Department of Job and Family Services, Children Services Division. Vote: Unanimous

- 15-0749 A resolution was adopted to hire Lucas Dalton as a Summer Worker on behalf of the Board of Commissioners. Vote: Unanimous
- 15-0750 A resolution was adopted to approve hiring temporary employee for the Water and Sewer Department. Vote: Unanimous
- 15-0751 A resolution was adopted to adopt Classifications Specifications and Point Factor Assignments of Deputy Director for Warren County OhioMeansJobs Department. Vote: Unanimous
- 15-0752 A resolution was adopted to approve promotion of Matt Fetty to the position of Deputy Director within the Warren County OhioMeansJobs Department. Vote: Unanimous
- 15-0753 A resolution was adopted to approve pay increase for Linda Dunn, Supervisor within the Warren County OhioMeansJobs Department. Vote: Unanimous
- 15-0754 A resolution was adopted to accept resignation of James Bishop, Emergency Communications Operator, within the Warren County Emergency Services Department, effective May 26, 2015. Vote: Unanimous
- 15-0755 A resolution was adopted to promote Kelly Fiebig to the position of Emergency Communications Operator within the Warren County Emergency Services Department. Vote: Unanimous
- 15-0756 A resolution was adopted to hire Glen R. Beach as LEPC/Grants Coordinator, within the Warren County Emergency Services Department. Vote: Unanimous
- 15-0757 A resolution was adopted to hire Glenn Sizemore as Emergency Communications Call Taker, within the Warren County Emergency Services Department. Vote: Unanimous
- 15-0758 A resolution was adopted to hire Anderson DeWine as Emergency Communications Call Taker, within the Warren County Emergency Services Department. Vote: Unanimous
- 15-0759 A resolution was adopted to hire Dawn Levandusky as Emergency Communications Supervisor, within the Warren County Emergency Services Department. Vote: Unanimous
- 15-0760 A resolution was adopted to approve promotion of Ronald Kronenberger III to the position of Emergency Communications Supervisor within the Emergency Services Department. Vote: Unanimous

- 15-0761 A resolution was adopted to accept resignation of Vincent Scott Barrett, Wastewater Treatment Plant Operator II, within the Warren County Water and Sewer Department, effective June 5, 2015. Vote: Unanimous
- 15-0762 A resolution was adopted to approve promotion of Donald Brewer to the position of Control Systems Assistant Manager within the Water and Sewer Department. Vote: Unanimous
- 15-0763 A resolution was adopted to approve pay increase for Jason Sorrell, Sewer Maintenance Foreman, within the Warren County Water and Sewer Department. Vote: Unanimous
- 15-0764 A resolution was adopted to approve appropriation adjustment from Commissioners General Fund #101-1110 into Common Pleas Probation Department fund #101-1223. Vote: Unanimous

#### DISCUSSIONS

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

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On motion, upon unanimous call of the roll, the Board entered into executive session at 9:08 a.m. to discuss personnel matters relative to hiring within Children Services, Emergency Services and various summer temporary employees pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 9:30 a.m.

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ADMINISTRATIVE HEARING

SITE PLAN REVIEW APPLICATION OF SISTER, LTD. AND PILOT TRAVEL CENTER  
TO CONSIDER AMENDING CONDITION OF 8 OF THE APPROVE SITE PLAN

The Board met this 19<sup>th</sup> day of May 2015, in the Commissioners' Meeting Room, to consider the site plan review application of Sister, Ltd. and Pilot Travel Center to amend condition 8 of the approved site plan.

Mike Yetter, Zoning Supervisor, presented the attached PowerPoint presentation reviewing the property information, the issue for consideration, and the reviewing departments and elected officials. He then presented a map showing the property and surrounding zoning and the site plan map.

Commissioner Young requested Bruce McGary, Assistant Prosecutor, to review the history related to the site plan review process of this property.

Mr. McGary stated that the Board approved the prior site plan review application with several conditions and said decision was appealed by the residents and Pilot and decisions were made by the Court of Appeals.

Mr. McGary explained that it was contemplated that sanitary sewers were to be extended by the City of Lebanon with a substantial financial contribution from Pilot. He explained that when the City of Lebanon bid the project, the cost came in at two times the proposed estimate.

Mr. McGary stated that a permit to install has been issued for an "on site" system for the project but because of condition 8 of the site plan approval, they cannot begin construction until that condition is amended. He then stated that, because the modification of condition 8 is considered a major modification, this Board must reconsider the site plan.

Commissioner Young administered the oath to those desiring to give testimony in today's hearing.

Jillora Summers, Sisters, Ltd., stated that the cost of the sanitary sewer is too much money for Pilot and therefore, they are back on the agenda requesting this change. She then stated they are still trying to work out a solution for sanitary sewer services.

Brad Alsup, Pilot Travel Center representative, stated that due to the proposed expiration of the permit to install, they must begin construction of the "on site" system by June 14, 2015. He explained that only Pilot and Country Kitchen restaurant will be connected to this system and it will be operated by a licensed contractor. He iterated that this is not a back yard septic system.

Commission Young questioned the sanitary sewer project process.

Martin Russell, Warren County Economic Development/Warren County Port Authority, stated that the sanitary sewer discussions began prior to any involvement with the Port Authority. He stated that the Port was requested to be the issuer of the bonds and to own the sanitary sewer lines and contract for treatment of the flow with the City of Lebanon.

Mr. Russell stated that the initial estimate from the engineer for Pilot and the City of Lebanon was \$2.5 million. He explained that a Tax Increment Financing district was created and a rate was offered by a bank prior to any legal proceedings/appeals being filed with the court. He then explained that the project was put on hold at that point.

Mr. Russell explained that upon completion of the litigation, the City of Lebanon paid the Port Authority money to hire a design firm to begin the sewer project. He stated that the sewers were designed and the project was bid, with the cost coming in at \$4 + million. He stated that if Pilot is the only user of the sanitary sewer, there will be a shortfall in funding and no bank will buy the debt.

Mr. Russell then stated that Pilot is willing to raise the contribution to \$1 million and the property owners within the Joint Economic Development District (JEDD) are discussing their willingness to be assessed for the sanitary sewers.

Commissioner Young stated his concern with the Port Authority borrowing money for a single user system.

Mr. Russell explained that the Port Authority would not borrow any money without adequate security for repayment.

Commissioner Grossmann questioned why this change from sanitary sewer to an "on site" system is considered a major modification.

It was discussed and determined that his change qualifies as a major modification to the site plan approval.

Commissioner South questioned if this Board has any say over "on site" sewer systems.

Mr. McGary stated that the Ohio EPA has the authority to do this whether the County agrees or not.

Tony Collins, 2376 Manistique Lakes Drive, Lebanon, presented the attached PowerPoint presentation to in order to demonstrate Pilot not to be a good community partner. He then stated his concern relative to Pilot not being required to perform a degradation study on the system that will increase use by 800% along with concerns relative to a decrease in property values.

There was discussion relative to the current system being utilized by Country Kitchen.

Mr. Alsop stated that the new "on site" system will take the existing flows from that system and dismantle the old one.

Mr. Collins stated his concern relative to the 800% increase of flow that will be discharged into the stream that flows through their residential subdivision without being required to complete an anti-degradation study. He stated his concern that the stream could be at capacity from one user and present any other development in the area.

Mr. Collins presented a packet of OEPA violations from Pilot for the Board to consider when rendering a decision on their request for an amendment. He stated that the Board needs more facts prior to any approval, along with an anti-degradation study. He then stated he is not trying to stop the truck stop but wants assurances that the stream that flows through their neighborhood will not be negatively affected.

Laura Alesi, 2492 Manistique Lakes Drive, Lebanon, stated her opinion that this conditions was upheld in the courts and feels they should have to comply.

Mike Mantei, 2637 Manistique Lakes Drive, Lebanon, stated his concern with Pilot finding "loop holes" in the OEPA requirement for a study. He stated his concern with an increase of an additional 20,000 gpd into the small stream.

Mr. McGary stated that this Board does not have the authority to require a state agency to complete a degradation study. He then stated that the residents and Pilot raised challenges with the court but conditions #8 relative to sanitary sewers vs. an "on site" system was not one of them.

Kent Kimmle, 1182 Orchard Run, stated concerns relative to a failure of the system and taxpayers being "on the hook" to correct. He then stated the concern relative to no control over what is input into the system as that will be controlled by an outside company. He stated his opposition due to the ability of groundwater running through his property and the negative effect it will have on his property values.

Rachel Lott, 3095 Golden Fox Trail, Lebanon, stated that if approved, it will affect her due to the fact that she has a tributary running near her property.

Carol Prinz, 1150 Orchard Run, Lebanon, stated her concern relative to the proposed discharge of the sewerage into the stream. She stated she grew up next to Fernald and is saddened that the community she grew up in has been sickened with cancer.

Jeanette Kushill, 3558 Golden Fox Trail, Lebanon, stated she has a creek running through her yard and stated her concern relative to contamination as well as a property value decrease.

Paul Burger, 1047 Orchard Avenue, Lebanon, stated that he has spent his career in sewage and feels the numbers proposed by Pilot are extremely low.

Elaine May, 2290 Manistique Lakes Drive, Lebanon, stated that the proposed the final site plan is a total change from what was agreed upon. She then stated she has two creeks that run through her property and stated her concern relative to contamination of the stream.

Commissioner South provided background information relative to the JEDD and stated that the original site plan review did not include sanitary sewer but rather the “on sight” system they are requesting.

Mr. Alsop stated that the Ohio EPA has sole jurisdictions and all processes required for a permit to install have been followed. He then reiterated that this is not a septic system but a package treatment plant.

Commissioner South stated her desire to take time to consider all of the evidence and testimony presented today. She stated the need for a better understanding of what the county has authority to require through the site plan process.

Commissioner Young stated his initial thought is that Pilot provides a legitimate business that supports the truck traffic which is vital to our society. He stated his initial objection to the original site plan was due to what his vision was for the interchange and that vision did not include a truck stop. He then stated that the vision that Pilot presented at the initial site plan hearing is not the same as is presented today.

Commissioner South stated that the property owners within the JEDD want the sanitary sewers and are working to possibly use as assessment to help with shortfall on financing.

Commissioner Grossmann questioned the criteria that the Board must use when deciding this request.

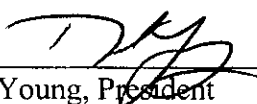
Mr. McGary stated that the review criterion is established in Section 1.303.6 of the Warren County Zoning Code. He then stated his opinion that the Board should take this matter under advisement. He then stated the need to close the hearing. He stated that it is up to the Board on their desire to deliberate on their own time or together and announce when their decision would be made.

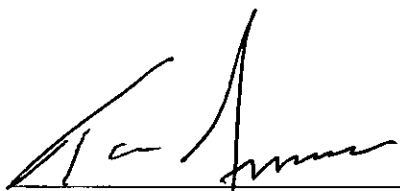
On motion, upon unanimous call of the roll, the Board closed the public hearing and established June 2, 2015, at 9:45 a.m. as the date and time to render a decision.

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Upon motion the meeting was adjourned.

  
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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 May 19, 2015, in compliance with Section 121.22 O.R.C.

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

1.

<b>Case No.</b>	103-2015 SP
<b><u>Applicant/Owner Agent</u></b>	(Owner) The Sisters Ltd. c/o Jillora Summers (Applicant) Pilot Travel Centers LLC.
<b>Township</b>	Turtlecreek
<b>Property Location</b>	Address 3150 Route 350 Lebanon, Ohio 45036
	PIN 13-16-100-018-0
<b>Property Size</b>	10.52 acres 1857' feet of road frontage
<b>Future Land Use Map (FLUM) Designation</b>	Commercial Regional
<b>Current Zoning District</b>	"I-1" Light Industrial Manufacturing Zone
<b>Existing Land Use</b>	Vacant Land and Truck Stop
<b>Site Plan Requested</b>	Amend Condition #8 of the approved Resolution 13-0340.
<b>Issue for consideration</b>	See Next Slide

## ISSUE FOR CONSIDERATION:

The site must connect to a central sanitary sewer system or alternative sewage disposal system as approved by the Warren County Combined Health District or the Ohio EPA, as required.

## REVIEWING DEPARTMENTS :

Site Plans were circulated to:

Warren County Regional Planning  
Commission, Turtlecreek Township  
Trustees, Warren County Combined  
Health District, Ohio EPA, and City  
of Lebanon.

# SURROUNDING PROPERTY OWNERS MAP

103-2015

Site Plan Review

Turtlecreek Township

THE SISTERS LTD c/o JILLORA SUMMERS/PILOT TRAVEL CENTER



BUILDING INFORMATION		SITE INFORMATION	
CLASSIFICATION	200	PROJECT NO.	1001
DATE	05/25/2012	CLIENT	FLYING J TRAVEL PLAZA
DESIGNER	CH2M HILL	ARCHITECT	CH2M HILL
PROJECT LOCATION	3150 ROUTE 350, LEBANON, OHIO 45036	OWNER	FLYING J TRAVEL PLAZA
PROJECT DESCRIPTION	RECONSTRUCTION OF EXISTING BUILDING AND ADDITION OF NEW WING AND PARKING	DATE OF STUDY	05/25/2012
PROJECT NO.	1001	DATE OF ISSUE	05/25/2012
PROJECT NAME	FLYING J TRAVEL PLAZA	DATE OF REVISION	05/25/2012
PROJECT ADDRESS	3150 ROUTE 350, LEBANON, OHIO 45036	DATE OF APPROVAL	05/25/2012
PROJECT CONTACT	CH2M HILL, 1000 EAST WASHINGTON STREET, COLUMBUS, OHIO 43260	DATE OF CLOSURE	05/25/2012
PROJECT PHONE	614.763.1234	DATE OF COMPLETION	05/25/2012
PROJECT FAX	614.763.1234	DATE OF OCCUPANCY	05/25/2012
PROJECT EMAIL	ch2mhill.com	DATE OF DEMOLITION	05/25/2012



- GENERAL NOTES**
1. CONSULT WITH THE ARCHITECT FOR ALL CONSTRUCTION DETAILS.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.
  3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
  4. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE EXISTING FINISH FLOOR.
  5. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND PROTECTED.
  6. ALL EXISTING UTILITIES SHALL BE DEEPER THAN THE EXISTING FINISH FLOOR.
  7. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND PROTECTED.
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  9. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND PROTECTED.
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  13. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND PROTECTED.
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  18. ALL EXISTING UTILITIES SHALL BE DEEPER THAN THE EXISTING FINISH FLOOR.
  19. ALL EXISTING UTILITIES SHALL BE IDENTIFIED AND PROTECTED.
  20. ALL EXISTING UTILITIES SHALL BE DEEPER THAN THE EXISTING FINISH FLOOR.

NO.	DATE	DESCRIPTION
1	05/25/2012	ISSUED FOR PERMIT
2	05/25/2012	ISSUED FOR PERMIT
3	05/25/2012	ISSUED FOR PERMIT
4	05/25/2012	ISSUED FOR PERMIT
5	05/25/2012	ISSUED FOR PERMIT
6	05/25/2012	ISSUED FOR PERMIT
7	05/25/2012	ISSUED FOR PERMIT
8	05/25/2012	ISSUED FOR PERMIT
9	05/25/2012	ISSUED FOR PERMIT
10	05/25/2012	ISSUED FOR PERMIT

**FLYING J TRAVEL PLAZA**  
 3150 ROUTE 350, LEBANON, OHIO 45036  
 CH2M HILL ARCHITECTURE  
 1000 EAST WASHINGTON STREET, COLUMBUS, OHIO 43260  
 614.763.1234

**FLYING J**  
 FLYING J TRAVEL PLAZA  
 3150 ROUTE 350 (ST RT 123 AND 350)  
 LEBANON, OHIO 45036

NO.	DATE	DESCRIPTION
1	05/25/2012	ISSUED FOR PERMIT
2	05/25/2012	ISSUED FOR PERMIT
3	05/25/2012	ISSUED FOR PERMIT
4	05/25/2012	ISSUED FOR PERMIT
5	05/25/2012	ISSUED FOR PERMIT
6	05/25/2012	ISSUED FOR PERMIT
7	05/25/2012	ISSUED FOR PERMIT
8	05/25/2012	ISSUED FOR PERMIT
9	05/25/2012	ISSUED FOR PERMIT
10	05/25/2012	ISSUED FOR PERMIT

**CH2M HILL**  
 1000 EAST WASHINGTON STREET, COLUMBUS, OHIO 43260  
 614.763.1234

## **Staff suggested language for amended condition #8**

**Current Condition Number 8:** The site must connect to a central sanitary sewer system (as defined in the zoning code sec. 4.103[Central Sanitary Sewage System]) with the approval of the statutorily created JEDD Board.

**Amended Condition Number 8:** The site shall connect to central sanitary sewage disposal system (as defined in the zoning code sec. 4.103[Central Sanitary Sewage System]) when available; or alternative sewage disposal system as approved by the Warren County Combined Health District or the Ohio EPA, as required.

# **Flying J Truck Stop:**

**Consider Amendment to the Site Plan Review Application  
to Amend Condition 8 Relative to  
Sanitary Sewers**



**FLYING J HAS SHOWN NO INTEREST IN  
BEING A GOOD COMMUNITY PARTNER.  
THEREFORE, THE COMMUNITY AND THE  
BOCC MUST BE EXTRA VIGILANT BY  
INCLUDING ADDITIONAL SAFEGUARDS IF  
THE SANITARY SEWER CONDITIONS ARE  
AMENDED.**



**Slide 1**

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- 1** Tony I would look over the title, seems like you have something awkward going on here.  
Rhonda Brown, 5/18/2015

# Flying J has demonstrated no interest in being a Community Partner

1. While crime goes up around Truck Stops . . .
  - Flying J fought against BOCC private security condition shifting the burden of security to the tax payers.
2. While Idling Trucks Create More Pollution . . .
  - Flying J fought against BOCC electrification requirement (that they previously had agreed to)
3. While an enhanced Truck Stop Design would better reflect the community . . . .
  - Flying J “Bait and Switched” and fought the BOCC’s condition to use the design.
4. While Flying J continues to “take” (relaxing the sign requirement, changing the permeable surface area)
  - They have yet to give back.

## Proposed Sewage System: What we found.

1. By utilizing the existing County Kitchen package plant—Flying J avoided the need to perform an anti-degradation study -- Ohio Administrative Code: 3745-1-05

- This purpose of these studies is ensure that new activities do not degrade existing waterways.
- Flying J is taking over a package plant that has historically discharged 2,500 gallons per day. They will increase that discharge by up to 800%.
- The tributary to the Turtle Creek that they discharge to has a very low flow and low capacity to receive treated water.

## Proposed Sewage System: What we found.

2. Without an anti-degradation study the pollutant loading capacity and impact on the tributary to Turtle Creek is unknown.
3. Flying J does NOT have an approved permit for an oil water separator for the package plant.
4. Low flow of the Turtle Creek tributary;
  1. Could max out the tributary's capacity to handle sewage discharges. Without sewer this would end development in the JEDD.

## Proposed Sewage System: What we found.

5. A plant bypass could create an environmental incident that sends raw RV sewage through Lebanon and on the Little Miami River (State Scenic River)
6. Flying J has a pattern of EPA Violations across Ohio: Non-reporting, Non-compliance and other EPA violations.
  - How do we keep this from continuing?

## Options for the BOCC:

1. Gather all the facts: Will approval of this amendment jeopardize/stunt/end JEDD development east of I-71?
2. Require a EPA- anti-degradation study before considering the amendments.
3. Provide adjacent stream owners with the ability to comment on having an 800% increased in treated waste water running through their property
4. Notify adjacent stream owners of the increased risk of a environmental incident.
5. Create additional penalties when violations occur.