



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

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***TOM GROSSMANN  
SHANNON JONES  
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**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

**MINUTES: Regular Session – December 15, 2020**

The Board met in regular session pursuant to adjournment of the December 8, 2020 meeting.

David G. Young – present

Shannon Jones – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the November 17, 2020, and December 8, 2020, meeting were read and approved.

20-1795 A resolution was adopted to designate Extended Illness Leave for Michael Gates, within the Water and Sewer Department. Vote: Unanimous

20-1796 A resolution was adopted to enter into an exclusive and permanent highway easement agreement and a temporary construction easement with Marilyn J. Harkleroad (unmarried) for the Lytle-Five Points Road and Bunnell Hill Road Intersection Roundabout Improvement Project. Vote: Unanimous

20-1797 A resolution was adopted to enter into temporary construction easement and agreement with James W. Price (unmarried) for the Lytle Five Points Road and Bunnell Hill Road Intersection Roundabout Improvement Project. Vote: Unanimous

20-1798 A resolution was adopted to request Director of Transportation to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima-facie speed limit on Dixie Highway (CR#19) beginning at Coles Road (CR#103) and continuing to the City of Franklin Southern Corporation Line. Vote: Unanimous

20-1799 A resolution was adopted to request Direction of Transportation to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima-facie speed limit on Socialville Fosters Road (CR#32) beginning at Mason Montgomery Road (CR#21) and continuing to Snider Road (CR#58). Vote: Unanimous

- 20-1800 A resolution was adopted to request director of transportation to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima-facie speed limit on Butler Warren Road (CR#2) beginning at Brewer Road (CR#66) and continuing to the City of Monroe Southern Corporation Line. Vote: Unanimous
- 20-1801 A resolution was adopted to declare various items within Building & Zoning, Common Pleas Court- General Division, Engineer's Office, Facilities Management, Juvenile Detention Center, Park Board, and Sheriff's Office as surplus and authorize the disposal of said items. Vote: Unanimous
- 20-1802 A resolution was adopted to approve and authorize Amendment #1 for Fiscal Year 2021 Reclaim Ohio Program on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 20-1803 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to sign the Ohio Environmental Protection Agency Scrap Tire Removal Certifications and Consent form. Vote: Unanimous
- 20-1804 A resolution was adopted to authorize the Board to enter into an agreement with Mobilcomm, Inc. on behalf of Warren County Telecommunications. Vote: Unanimous
- 20-1805 A resolution was adopted to authorize the President of the Board to enter into a Software Subscription and Services Agreement with Central Square Technologies on behalf of Warren County Telecommunications. Vote: Unanimous
- 20-1806 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 20-1807 A resolution was adopted to enter into Street and Appurtenances Security Agreement with J A Development, LLC for the installation of the westbound right turn lane on Franklin-Trenton Road for the proposed Waterbury Village Subdivision, Section Two connection to Franklin-Trenton Road situated in Franklin Township. Vote: Unanimous
- 20-1808 A resolution was adopted to approve an operational transfer from Commissioners Fund #11011112 into Human Services Fund #2203. Vote: Unanimous
- 20-1809 A resolution was adopted to accept Amended Certificate for Funds 2273, 2274, 2278, 2279, 2280, 2281, 2284, 2286, 2296, and 2298. Vote: Unanimous
- 20-1810 A resolution was adopted to accept Amended Certificate for Funds 2245, 2251, 2264, 2265, 2275, 2288, 2299, 3327, 5590, 6630, 6631, and 6632. Vote: Unanimous
- 20-1811 A resolution was adopted to accept and Amended Certificate and approve a supplemental appropriation for the King Avenue Bridge Project 4437. Vote: Unanimous

- 20-1812 A resolution was adopted to approve repayment of cash advance from Fairgrounds Fund 4498 into General Fund #1101. Vote: Unanimous
- 20-1813 A resolution was adopted to approve appropriation decrease within Human Services Fund #2203. Vote: Unanimous
- 20-1814 A resolution was adopted to approve appropriation decreases for Workforce Investment Fund #2238. Vote: Unanimous
- 20-1815 A resolution was adopted to approve an appropriation decrease within Prosecutor's Crime Victim Grant Fund 2245. Vote: Unanimous
- 20-1816 A resolution was adopted to approve appropriation decreases in OhioMeansJobs Funds #2258 and #2254. Vote: Unanimous
- 20-1817 A resolution was adopted to approve appropriation decrease in Pass Through Grants Fund #2261. Vote: Unanimous
- 20-1818 A resolution was adopted to approve appropriation decrease in Grants Fund #2265. Vote: Unanimous
- 20-1819 A resolution was adopted to approve appropriation decrease within Sheriff's Office Fund #2294. Vote: Unanimous
- 20-1820 A resolution was adopted to approve appropriation decreases for the RID Bond Greens of Bunnell Hill Fund #4493. Vote: Unanimous
- 20-1821 A resolution was adopted to approve appropriation decreases within Water Project Fund 5583 and Sewer Project Fund 5575. Vote: Unanimous
- 20-1822 A resolution was adopted to approve appropriation decrease within Warren County Garage Fund #6619. Vote: Unanimous
- 20-1823 A resolution was adopted to approve appropriation decrease within Gasoline Rotary Fund #6650. Vote: Unanimous
- 20-1824 A resolution was adopted to approve supplemental appropriation into Common Pleas Court Special Projects #2224. Vote: Unanimous
- 20-1825 A resolution was adopted to approve supplemental appropriation into OhioMeansJobs Fund #2258. Vote: Unanimous
- 20-1826 A resolution was adopted to approve supplemental appropriation into Jail Sales Tax Fund #4495. Vote: Unanimous
- 20-1827 A resolution was adopted to approve supplemental appropriation into Health Insurance Fund #6632. Vote: Unanimous

- 20-1828 A resolution was adopted to approve appropriation adjustment from Commissioners General Fund #11011110 into Juvenile Detention Fund #11012600. Vote: Unanimous
- 20-1829 A resolution was adopted to approve appropriation adjustment within Common Pleas Court General Fund #11011220. Vote: Unanimous
- 20-1830 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Capital Case Fund #11011221. Vote: Unanimous
- 20-1831 A resolution was adopted to approve appropriation adjustment within Juvenile Court Fund #10111240. Vote: Unanimous
- 20-1832 A resolution was adopted to approve appropriation adjustment within Board of Elections CTCL Grant Fund #11011302. Vote: Unanimous
- 20-1833 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1834 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1835 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1836 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1837 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1838 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1839 A resolution was adopted to approve appropriation adjustment within the Information Technology Department Fund #11011400. Vote: Unanimous
- 20-1840 A resolution was adopted to approve appropriation adjustment from Telecommunications Department Fund #11012810 into 11012812. Vote: Unanimous
- 20-1841 A resolution was adopted to approve appropriation adjustment within the OhioMeansJobs Warren County Fund #2254. Vote: Unanimous
- 20-1842 A resolution was adopted to approve appropriation adjustment within Children Services Fund #2273. Vote: Unanimous
- 20-1843 A resolution was adopted to approve appropriation adjustment within the Water Revenue Fund No. 5510. Vote: Unanimous

- 20-1844 A resolution was adopted to approve appropriation adjustment within the Water Project Fund 5583. Vote: Unanimous
- 20-1845 A resolution was adopted to approve appropriation adjustments within Sheriff's Office Fund #6630. Vote: Unanimous
- 20-1846 A resolution was adopted to approve appropriation adjustment into Workers Comp Fund #6636. Vote: Unanimous
- 20-1847 A resolution was adopted to approve appropriation adjustment into Workers Comp Fund #6636. Vote: Unanimous
- 20-1848 A resolution was adopted to approve appropriation adjustment within Commissioners' Fund #11011110. Vote: Unanimous
- 20-1849 A resolution was adopted to rescind Resolution #20-1660 which authorized the hiring of William Neyer as Water Treatment Systems Chief Operator, North within the Warren County Water and Sewer Department. Vote: Unanimous
- 20-1850 A resolution was adopted to approve requisitions and authorize County Administrator to sign documents relative thereto. Vote: Unanimous
- 20-1851 A resolution was adopted to continue administrative hearing to consider variance and appeal of conditions required for an access permit of Speedway SuperAmerica LLC in Franklin Township. Vote: Unanimous
- 20-1852 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
- 20-1853 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
- 20-1854 A resolution was adopted to approve text and map amendments to the Warren County Rural Zoning Code to amend Section 2.407 (mixed-use district), Section 2.407.3 (allowable uses), and Section 2.407.4 (prohibited uses), the map amendment to cover Parcel 12364000035 and a portion of Parcel 12364000037. Vote: Unanimous

#### DISCUSSIONS

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

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:05 a.m. to discuss pending litigation (Randy Powell, et al vs. Commissioners) with legal counsel pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 9:30 a.m.

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ADMINISTRATIVE HEARING  
CONTINUATION TO CONSIDER VARIANCE AND APPEAL OF CONDITIONS  
REQUIRED FOR AN ACCESS PERMIT OF SPEEDWAY SUPERAMERICA LLC IN  
FRANKLIN TOWNSHIP

The Board met this 15<sup>th</sup> day of December 2020, both virtually and in the Commissioners' Meeting Room, for the continuation of the administrative hearing to consider the Request for Variance and Appeal of Conditions required for an Access Permit filed by Brad Gross on behalf of Speedway SuperAmerica LLC, owner of record for access to 6562 Manchester Road (Parcel #0751770010, and a portion of Parcel #07051010041) in Franklin Township.

Upon the applicant's request, the Board resolved (Resolution #20-1851) to continue the hearing to January 19, 2021, at 9:15 a.m.

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PUBLIC HEARING CONTINUATION

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 reconvened this 15<sup>th</sup> day of December, 2020, in the Commissioners' Meeting Room and via video conference.

Mike Williams, property owner and applicant, stated his desire to amend the PUD to utilize sanitary sewer services from the City of Lebanon, allowing the development of 63 lots.

There was discussion relative to the court decision associated with this property.

Bruce McGary, Assistant Prosecutor, discussed the open space issue within the court's decision and stated that sanitary sewer service does not remedy the court's determination. He then discussed the need to amend the Warren County Rural Zoning Code in order to comply with the court decision.

There was discussion relative to the timeline associated with a text amendment as well as the options available to Mr. Williams relative to this pending rezoning application.

Commissioner Young cautioned the applicant that the action of the Board relative to amendments to the Rural Zoning Code are subject to the public hearing process and may not end up being advantageous to Mr. Williams' proposed development plan.

There was discussion relative to the possible action available to the Board for this current rezoning application.

Upon further discussion, the Board resolved (Resolution #20-1852) to continue this rezoning application to January 5, 2021, at 9:15 a.m. to provide the applicant additional time to consult with legal counsel relative to the recent court decision in Randy Powell, et al vs. Commissioners.

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#### ADMINISTRATIVE HEARING CONTINUATION

#### 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 reconvened this 15<sup>th</sup> day of December, 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 #20-1853) to continue the administrative hearing to January 5, 2021 at 9:30 a.m.

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PUBLIC HEARING

CONSIDER TEXT AND MAP AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE TO AMEND SECTION 207 (MIXED-USE DISTRICT), SECTION 2.407.3 (ALLOWABLE USES), AND SECTION 2.407.4 (PROHIBITED USES), THE MAP AMENDMENT TO COVER PARCEL 12364000035 AND A PORTION OF PARCEL 12364000037

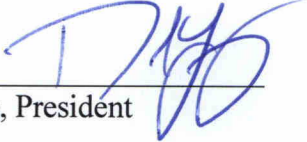
The Board met this 15<sup>th</sup> day of December 2020, both virtually and in the Commissioners' Meeting Room to consider text and map amendments to the Warren County Rural Zoning Code.

Michelle Tegtmeier, Chief Zoning Official, reviewed the events of the previous hearing stating the Board's desire to hear from the Turtlecreek Township Trustees prior to a decision.

Jonathan Sams, Turtlecreek Township Trustee, discussed the Township's economic development plan that includes the property within this map amendment. He stated that the Township plan allows industrial uses towards the highway and moves to lighter uses as it nears SR 741. He then stated Turtlecreek Township is in favor of this text and map amendment.

There being no others to speak in favor of or in opposition to the proposed text and map amendment, on motion, the Board closed the public hearing. The Board then resolved (Resolution #20-1854) to approve the text and map amendment as presented.


Upon motion the meeting was adjourned.

  
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David G. Young, President

  
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Tom Grossmann

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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 December 8, 2020, in compliance with Section 121.29 O.R.C.

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