



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

*406 Justice Drive, Lebanon, Ohio 45036*

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**TOM GROSSMANN**

**SHANNON JONES**

**DAVID G. YOUNG**

**GENERAL SESSION AGENDA**

*December 12, 2023*

- |    |             |   |
|----|-------------|---|
| #1 |             | <i>Clerk — General</i>  |
| #2 | <i>9:00</i> | <i>Public Hearing— Rezoning Application of Francis W. Logan to Rezone<br/>3.63 Acres in Harlan Township from “RU” Residential to “B2”<br/>Community Commercial Business</i> |
| #3 | <i>9:30</i> | <i>Work Session—2024 Budget</i>   |

**The Board of Commissioners’ public meetings can now be streamed live at [Warren County Board of Commissioners - YouTube](#)**

APPROVE REQUISITIONS AND AUTHORIZE COUNTY ADMINISTRATOR TO SIGN DOCUMENTS RELATIVE THERETO

BE IT RESOLVED, to approve requisitions as listed in the attached document and authorize Tiffany Zindel, County Administrator, to sign on behalf of this Board of County Commissioners.

M. moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

M  
M  
M

Resolution adopted this    day of    2023.

BOARD OF COUNTY COMMISSIONERS

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Tina Osborne, Clerk

/tao

cc:            Commissioners' file

## REQUISITIONS

Department	Vendor Name	Description	Amount	
ENG	WILLIAM E SMITH	ENG. LOWER SPRINGBORO DRILLED	\$ 131,897.00	*bid project
ENG	FORD DEVELOPMENT CORPORATION	ENG. MASON MORROW MILLGROVE (P	\$ 539,090.08	*bid project
WAT	KT HOLDEN CONSTRUCTION LLC	WAT SOCIALVILLE TRANSMISSION	\$ 2,685,311.70	*bid project
TEL	LOCUS DIAGNOSTICS LLC	TEL LOCUS DIAGNOSTICS, LLC REP	\$ 115,332.50	*state contract
TEL	SDS WEATHER LLC	TEL SDS WEATHER REPLACING EMA	\$ 47,694.00	*state contract
TEL	MOBILCOMM INC	TEL MOBILCOMM EMERGENCY REPAIR	\$ 1,500.00	*emergency repair
GRA	ANIRUDH ABHIMANYU MOHAN	2024 OPERATION OF TRANSIT	\$ 1,200,000.00	*bid project
WAT	BRENNTAG MID SOUTH	WAT 2024 WATER TREATMENT CHEMIC.	\$ 135,000.00	*bid project

## PO CHANGE ORDERS

Department	Vendor Name	Description	Amount	
ENG	LJB INC	ENG STEPHENS ROAD BRIDGE	\$ 4,661.56	*decrease

12/12/2023 APPROVED:

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Tiffany Zindel, County Administrator

**CONSENT AGENDA\***

**December 12, 2023**

*Approve the minutes of the December 12, 2023, Commissioners' Meeting.*

**PERSONNEL**

- 1. Hire Jordan Palmer as Protective Services Caseworker I and Bailey Ranaldo as a Fellowship Student within Children Services*
- 2. Amend resolution #23-1543 adopting classification specification for Director of Development to reflect the correct wage for Matthew Schnipke*
- 3. Accept resignation of Ibrahim Dabdoub, Custodial Worker I within Facilities Management and authorize posting of vacant position*
- 4. Approve promotion of Christopher Lemming to Wastewater Treatment Plant Operator I within W/S*

**GENERAL**

- 5. Approve renewal notice and option and approve addendum to agreement with Dental Care Plus effective January 1, 2024*
- 6. Acknowledge policy with Arch Insurance for the provision of Stop Loss Coverage relative to the self-insured Workers' Compensation program*
- 7. Cancel regularly scheduled Commissioners' Meeting of Thursday, December 14, 2023*
- 8. Advertise for bids for the FY23 South Lebanon- Hobart Avenue Sidewalks CDBG Project on behalf of Grants and the Roachester Cozaddale Bridge Rehabilitation Project on behalf of the Engineer*
- 9. Enter into contract with Ford Development Corporation for the Mason Morrow Millgrove Road Bridge Rehabilitation Project*
- 10. Enter into contract with W.E. Smith Construction for the Lower Springboro Road Drilled Pier Wall Project*
- 11. Enter into contract with Valley Transport, LLC for the operation of the Warren County Transit Service*
- 12. Enter into contract with KT Holden Construction for the Socialville Transmission Water Main-Contract 3 Project*
- 13. Award bid to Brenntag Mid- South Inc. for the 2024 Water Treatment Chemicals Project*
- 14. Approve emergency repair of PTP820G networking piece of the microwave system at Zoar Tower*
- 15. Enter into lease agreements with the Warren County Soil and Water Conservation District and the Warren County Career Center*
- 16. Enter into agreement with the City of Mason, Ohio relative to reimbursement for public defender expenditures for 2024*
- 17. Enter into a memorandum of understanding with Public Children Services Association of Ohio on behalf of Warren County Children Services relative to Workforce Grant*
- 18. Approve various home placement agreements with various providers on behalf of Children Services*
- 19. Authorize the Sheriff to approve addendum to contract with Kings Local School District*
- 20. Enter into various contracts with various providers relative to towing and storage services on behalf of the Sheriff*
- 21. Approve amendment to agreement with Rumpke of Ohio, Inc. relative to hauling and disposal of biosolids at the Lower Little Miami Wastewater Treatment Plant on behalf of W/S*
- 22. Approve agreement with Butler County for One Stop Operator on behalf of the Workforce Investment Board*

23. *Acknowledge receipt of November 2023 Financial Statement*
24. *Acknowledge approval of financial transactions*
25. *Acknowledge payment of bills*
26. *Approve various performance bond agreements and releases*
27. *Approve final plats*

**FINANCIAL**

28. *Accept amended certificate for various funds*
29. *Accept an amended certificate and approve a supplemental appropriation into Lodging Tax*
30. *Approve operational transfers into Water Revenue 5583, Sewer Revenue 5575, and Mary Haven 2270*
31. *Approve supplemental appropriations into Commissioners, County Court, and Airport*
32. *Approve appropriation decreases within Human Services, OhioMeansJobs, Grants, Sheriff, and Garage*
33. *Approve appropriation adjustments within Information Technology, Facilities, Sheriff, Building and Zoning, Juvenile, Telecommunications, Engineer, OhioMeansJobs, and Children Services*

*\*Please contact the Commissioners' Office at (513) 695-1250 for additional information or questions on any of the items listed on the Consent Agenda*

**December 12, 2023**

**FOR CONSIDERATION NOT ON CONSENT AGENDA**

1. Approve and enter into a settlement agreement and release with W.O. Brisben for the final reimbursement related to the construction of the Village on the Green pump station and force main
2. Terminate employee within the Warren County Department of Job and Family Services, Human Services Division
3. Approve the support of the Lebanon Municipal Judge being designated as a full-time Judge

APPROVE AND ENTER INTO A SETTLEMENT AGREEMENT & RELEASE WITH W.O. BRISBEN FOR THE FINAL REIMBERSEMENT RELATED TO THE CONSTRUCTION OF THE VILLAGE ON THE GREEN PUMP STATION AND FORCE MAIN

**WHEREAS**, a 158.572 acre tract was developed as Village on the Green Subdivision by Village on the Green, Ltd., an Ohio limited liability company, in which W.O. Brisben was the managing member; and,

**WHEREAS**, W.O. Brisben constructed a pump station and force main (“Improvements”) in order to serve the Village on the Green Subdivision (“Participating Properties”); and,

**WHEREAS**, at the request of BOCC, W.O. Brisben, at this cost, oversized the improvements in order that the pump station and force main could serve other lands not owned by W.O. Brisben or companies (“Non-Participating Properties”), subject to a reimbursement agreement with a definite term as authorized by R.C. 307.73; and,

**WHEREAS**, BOCC adopted Resolution # 00-51 to reimburse W.O. Brisben Corporation, Inc. a certain Reimbursement Charge for Non-Participating Properties connecting to the Improvements during the period of Jan. 11, 2000 to Jan. 10, 2010 (“Initial Reimbursement Period”); and,

**WHEREAS**, Resolution # 00-51 was amended as follows<sup>1</sup>:

- by Resolution # 01-1832 that modified the Reimbursement Charge and amended the period of reimbursement from Oct. 30, 2001 to Oct. 29, 2011 (“First Extended Reimbursement Period”);
- by Resolution # 06-1407 that correctly named W.O. Brisben, individually, as the party to be reimbursed, and amended the Reimbursement Charge, the Non-Participating Properties, and the period of reimbursement from Aug. 17, 2006 to Aug. 16, 2013 (“Second Extended Reimbursement Period”);
- by Resolution 13-1198 that extended the Second Extended Reimbursement Period an additional sixty (60) days (the “Third Extended Reimbursement Period”);
- by Resolution 15-2184 thereby extending the Third Extended Reimbursement Period for an additional ten years from October 13, 2023 until October 12, 2033 (the “Fourth Extended Reimbursement Period”); and,

**WHEREAS**, prior to the expiration of the Fourth Extended Reimbursement Period, W.O. Brisben, through legal counsel, requested another extension due to the COVID-19 impact on the building industry; and,

**WHEREAS**, the County Sanitary Engineer/Director of the County Water and Sewer Department conducted an audit and determined the balance owed to W.O. Brisben for his outstanding costs to oversize

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\*original  
coming from  
Bruce

the Improvements (excluding the costs relating to the Participating Properties) as of October 12, 2023 is \$13,205.69, and recommended that bringing finality to this matter is in the best interest of both parties; and,

**WHEREAS**, W.O. Brisben, through legal counsel, stipulated on the record during a public work session during BOCC's regularly scheduled meeting on November 7, 2023, that BOCC paying the sum of \$13,205.69 to W. O. Brisben would be a fair, equitable and acceptable resolution of this matter and that he would recommend the same to his client; and,

**WHEREAS**, both parties now desire to fully and completely settle any and all claims or matters with finality relating to the foregoing.

**NOW, THEREFORE**, this board authorizes, approves, and causes the attached copy of the Settlement and Release to be executed by its President or Vice-President,

\_\_\_\_\_ moved for adoption of the foregoing resolution, being seconded by  
\_\_\_\_\_. Upon call of the roll, the following vote resulted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Resolution adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Krystal Powell, Clerk

RAR  
l:brisben

cc: Water/Sewer (file) \_\_\_\_  
Auditor \_\_\_\_  
Project File  
Petitioner



## SETTLEMENT AGREEMENT & RELEASE

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That **W.O. Brisben** and the **Board of Commissioners of Warren County, Ohio**, an Ohio county and political subdivision (“BOCC”), for mutual consideration, the receipt and sufficiency of which are hereby stipulated, execute this Settlement Agreement and Release (“Settlement and Release”), the facts, terms and obligations of which are recited hereinafter.

### RECITALS

**WHEREAS**, a 158.572 acre tract was developed as Village on the Green Subdivision by Village on the Green, Ltd., an Ohio limited liability company, in which W.O. Brisben was the managing member; and,

**WHEREAS**, W.O. Brisben constructed a pump station and force main (“Improvements”) in order to serve the Village on the Green Subdivision (“Participating Properties”); and,

**WHEREAS**, at the request of BOCC, W.O. Brisben, at his cost, oversized the improvements in order that the pump station and force main could serve other lands not owned by W.O. Brisben or related companies (“Non-Participating Properties”), subject to a reimbursement agreement with a definite term as authorized by R.C. 307.73; and,

**WHEREAS**, BOCC adopted Resolution # 00-51 to reimburse W.O. Brisben Corporation, Inc. a certain Reimbursement Charge for Non-Participating Properties connecting to the Improvements during the period of Jan. 11, 2000 to Jan. 10, 2010 (“Initial Reimbursement Period”); and,

**WHEREAS**, Resolution # 00-51 was amended as follows<sup>1</sup>:

- by Resolution # 01-1832 that modified the Reimbursement Charge and amended the period of reimbursement from Oct. 30, 2001 to Oct. 29, 2011 (“First Extended Reimbursement Period”);
- by Resolution # 06-1407 that correctly named W.O. Brisben, individually, as the party to be reimbursed, and amended the Reimbursement Charge, the Non-Participating Properties, and the period of reimbursement from Aug. 17, 2006 to Aug. 16, 2013 (“Second Extended Reimbursement Period”);
- by Resolution 13-1198 that extended the Second Extended Reimbursement Period an additional sixty (60) days (the “Third Extended Reimbursement Period”);
- by Resolution 15-2184 thereby extending the Third Extended Reimbursement Period for an additional ten years from October 13, 2023 until October 12, 2033 (the “Fourth Extended Reimbursement Period”); and,

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<sup>1</sup> A more detailed recitation of the legislative history is stated in the whereas clauses of BOCC Res. 15-2184 which are incorporated by reference herein.

**WHEREAS**, prior to the expiration of the Fourth Extended Reimbursement Period, W.O. Brisben, through legal counsel, requested another extension due to the COVID-19 impact on the building industry; and,

**WHEREAS**, the County Sanitary Engineer/Director of the County Water and Sewer Department conducted an audit and determined the balance owed to W.O. Brisben for his outstanding costs to oversize the Improvements (excluding the costs relating to the Participating Properties) as of October 12, 2023 is \$13,205.69, and recommended that bringing finality to this matter is in the best interest of both parties; and,

**WHEREAS**, W.O. Brisben, through legal counsel, stipulated on the record during a public work session during BOCC's regularly scheduled meeting on November 7, 2023, that BOCC paying the sum of \$13,205.69 to W. O. Brisben would be a fair, equitable and acceptable resolution of this matter and that he would recommend the same to his client; and,

**WHEREAS**, both parties now desire to fully and completely settle any and all claims or matters with finality relating to the foregoing.

**NOW, THEREFORE**, the parties, in consideration of the mutual acceptances, covenants and releases, as set forth herein, hereby agree as follows:

A. W.O. Brisben, on his own behalf and on behalf of any other corporation, company, partnership, agent, person, insurer or entity claiming by, through, or under him, does hereby irrevocably agree, covenant and warrant:

- (i) that he is mentally competent and has the requisite capacity to execute this Settlement and Release on his own behalf, and shall execute and deliver fully and properly executed duplicates to BOCC; and,
- (ii) the sum of \$13,205.69 is a true and accurate balance owed by BOCC to him in this matter, and to accept said sum under the terms and conditions herein; and,
- (iii) that the above recital contained in the above whereas clauses are factually accurate and he does hereby stipulate to the same for purposes of: i) establishing the terms of this Settlement and Release have been jointly drafted by legal counsel for each party hereto; ii) establishing the terms of this Settlement and Release are NOT ambiguous and parol evidence shall NOT be admissible for interpretation of the same; iii) inducing BOCC to execute this Settlement and Release; and, iv) waiving any claim he has NOT received full and complete reimbursement for Reimbursement Charges due him based on any Non-Participating Properties connecting to the Improvements from January 11, 2000 through the date of this Settlement and Release.
- (iv) to forever release, discharge and hold harmless the BOCC (including Warren County) and their officials, employees, contractors, subcontractors, agents and insurers, individually and in their official capacity, from any and all obligations,

liability, actions, claims, demands, debts, damages and causes of action or suits of whatever kind, whether known, unknown or unanticipated, arising out of, relating to, or in any way connected with any and all matters arising out of any aforementioned matters from January 11, 2000 to the date of execution of this Settlement and Release; and,

(v) that he will not institute, prosecute, or in any way aid as a principal in the institution or prosecution of any claim or action at law or in equity against the BOCC (including Warren County) or their officials, employees, contractors, subcontractors, agents and insurers, individually or in their official capacity, for monies owed or expected, compensatory and/or punitive damages, costs or fees, personal or business losses, or loss of revenue of any kind whatsoever, past or present, that he or any third party heretofore had or now has whether known or unknown, arising out of, relating to, or in any way connected with any and all matters arising out of any aforementioned matters from January 11, 2000 to the date of execution of this Settlement and Release; and,

(vi) that he has not assigned or caused to be assigned or transferred, contractually or otherwise, in any way to any other person, insurer or entity any of the claims, in connection with the matters set forth herein, that he might have had or now has against BOCC (including Warren County) or its officials, employees, contractors, subcontractors, agents and insurers, individually or in their official capacity.

B. BOCC, on its behalf and on behalf of any other person, insurer or entity claiming by, through, or under it, and does hereby agree, covenant and warrant:

(i) to promptly disburse and deliver the sum of \$13,205.69 for Non-Participant Charges collected to date and not disbursed, payable to W.O. Brisben, individually, upon execution of this Settlement Agreement; and,

(ii) that it has authorized by Board Resolution the undersigned representative to execute this Settlement and Release on its behalf, and it shall deliver fully and properly executed copy to W.O. Brisben; and,

(iii) that the above recital contained in the above whereas clauses are factually accurate and it does hereby stipulate to the same for purposes of: i) establishing the terms of this Settlement and Release have been jointly drafted by legal counsel for each party hereto; ii) establishing the terms of this Settlement and Release are NOT ambiguous and parol evidence shall NOT be admissible for interpretation of the same; iii) inducing W.O. Brisben to execute this Settlement and Release; and,

(iv) to forever release, discharge and hold harmless the W.O. Brisben and his corporations, companies, partnerships, agents, persons, insurers or affiliated entities, and their officials, employees, contractors, subcontractors, agents, and insurers, individually and in their official capacity, from any and all obligations, liability, actions, claims, demands, debts, damages and causes of action or suits of whatever kind, whether known, unknown or unanticipated, arising out of, relating to, or in any way connected with any and all matters

arising out of any aforementioned matters from January 11, 2000 to the date of execution of this Settlement and Release; and,

- (v) that it will not institute, prosecute, or in any way aid as a principal in the institution or prosecution of any claim or action at law or in equity against the W.O. Brisben and his corporations, companies, partnerships, agents, persons, insurers or affiliated entities, and their officials, employees, contractors, subcontractors, agents, and insurers, individually and in their official capacity. for monies owed or expected, compensatory and/or punitive damages, costs or fees, personal or business losses, or loss of revenue of any kind whatsoever, past or present, that it or any third party heretofore had or now has whether known or unknown, arising out of, relating to, or in any way connected with any and all matters arising out of any aforementioned matters from January 11, 2000 to the date of execution of this Settlement and Release; and,
  - (vi) that it has not assigned or caused to be assigned or transferred, contractually or otherwise, in any way to any other person, insurer or entity any of the claims that it might have had or now has against W.O. Brisben or and his corporations, companies, partnerships, agents, persons, insurers or affiliated entities, and their officials, employees, contractors, subcontractors, agents and insurers, individually and in their official capacity.
- C. Each party acknowledges that it shall be solely responsible for its own attorney fees and any respective tax consequences, if any, relating to this Settlement and Release.
- D. This Settlement and Release shall be binding upon and inure to the benefit of all parties hereto, and their respective successors, agents, directors, employees or staff, members, officers, partners, shareholders, heirs, executors, fiduciaries and assigns.
- E. No promise, prior oral or written communication, demand, claim, inducement, document, or agreement that is not expressly represented herein or that is not restated or expressly incorporated herein shall have any force or effect and this Settlement and Release contains the entire agreement between the parties hereto, and the terms of this Settlement and Release are contractual and not a mere recital.
- F. This Settlement and Release shall be governed by the laws of the State of Ohio, regardless of choice of law rules, and further the parties irrevocably stipulate that this Settlement and Release is being executed in Warren County, Ohio and the Warren County Ohio Court of Common Pleas shall have exclusive venue over any litigation involving any breach, disputes, enforcement, and interpretations of this Agreement. The parties do further expressly and irrevocably waive any right, should such right exist, to remove or initiate litigation involving any breach, disputes, enforcement, and interpretations of this agreement in any other state or federal Court.

G. This Settlement and Release may be used by any party against the other, or its successor and assigns, or any other person, in court or elsewhere, to show that no person is entitled to assert any claim for any consideration other than as provided for herein should any person ever attempt to make such a claim.

**THE UNDERSIGNED HAVE READ THE FOREGOING SETTLEMENT AND RELEASE, AND HAVING BEEN REPRESENTED BY LEGAL COUNSEL, ARE FULLY AWARE OF ITS CONTENT AND MEANING, AND VOLUNTARILY ACCEPT ITS TERMS FOR THE PURPOSE OF MAKING A FULL AND FINAL SETTLEMENT AND RELEASE.**

IN EXECUTION WHEREOF, W.O. Brisben, individually has set his name to this Settlement and Release on the date stated below.

SIGNATURE: \_\_\_\_\_

PRINTED NAME: W. O. Brisben

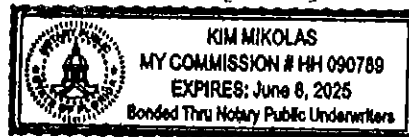
DATE: 11/22/22

STATE OF Florida, COUNTY OF Palm Beach, ss.

BE IT REMEMBERED, on this 27<sup>th</sup> day of November, 2023, before me, the subscriber, a Notary Public in and for said state, personally came the individual known or proven to me to be **W.O. Brisben**, **individually**, and acknowledged the signing thereof to be his voluntary act and deed.

Notary Public: Kim My

[SEAL]



[signatures continued on next page]

**IN EXECUTION WHEREOF**, the **Board of County Commissioners of Warren County, Ohio**, has caused this Settlement and Release to be executed by its President or Vice-President, on the date stated below, pursuant to Resolution Number \_\_\_\_\_, dated \_\_\_\_\_.

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

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**STATE OF OHIO, WARREN COUNTY, ss.**

**BE IT REMEMBERED**, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the subscriber, a Notary Public in and for said state, personally came the individual known or proven to me to be \_\_\_\_\_, whose official capacity is President/Vice-President of the **Board of County Commissioners of Warren County, Ohio**, and acknowledged the signing thereof to be his or her voluntary act and deed and pursuant to the authority granted to him or her by the aforementioned resolution.

Notary Public: \_\_\_\_\_

[SEAL]

Approved as to form by:

\_\_\_\_\_  
Bruce A. McGary, Asst. Prosecutor

Date: \_\_\_\_\_

# MARTIN E. HUBBELL

Judge

KRISTY WHALEY  
Director of Court Administration  
and Probation

LORI WASSON  
Clerk of Courts

August 30, 2023

Via Hand Delivery  
City Manager Scott Brunka

Mr. Brunka,

I am requesting that you add a council agenda item to the next work session. I am requesting and recommending that council vote to move my judicial position to full-time, effective January 1, 2024.

My position will go full-time when our jurisdiction's (the City of Lebanon and Turtlecreek Township) population reaches 50,000.<sup>1</sup> As of 2021, the population was 38,126.<sup>2</sup> Essentially, I am asking the City to advance that process so that I do not have to add judicial staff to address areas of concern.

By my count, there are 11 part-time Municipal Courts remaining in Ohio. Of those, our court is on the upper end of cases per judge and population. There are many Municipal Courts that are full-time in Ohio that have a smaller population and a smaller case load than our court; others employ a full-time Magistrate, multiple part-time Magistrates, or a combination of both.

There are two reasons I am making this request: (1) potential liability; and (2) we are understaffed judicially compared to other courts.

### ***Potential Liability***

The case of *Caddell v. Campbell* was recently brought to my attention. Essentially, the City of Fairfield and Butler County are involved in a federal lawsuit. The gist of that lawsuit has been confirmed by my research and shared with Mr. Yurick: we need to have probable cause hearings for new/fresh arrests within 48 hours. The law does not care about weekends or holidays.

For example, if an individual is arrested on a new case on Friday at 6:00 p.m., the court must have a probable cause hearing within 48 hours. On average, we have 5-12 individuals arrested between the end of our court session on Thursday until our court session begins on Monday.

<sup>1</sup> R.C. 1901.11(B).

<sup>2</sup> [www.warrencountyport.org](http://www.warrencountyport.org)

LEBANON MUNICIPAL COURT

50 South Broadway • Lebanon, OH 45036 • P: 513-933-7210 • F: 513-228-3903 • [court.lebanonohio.gov](http://court.lebanonohio.gov)

Going forward, I will have these hearings just about every Saturday and/or Sunday, depending on the arrest time. It is likely that on a holiday weekend, these hearings will take place on Saturdays and Mondays. It is likely that I will add these hearings on Wednesdays and Fridays as well.

The exact schedule has not been worked out and we are in the process of implementing it now. With our new technology, I think I can personally handle this with the Warren County Jail staff or the arresting officer, without additional court staff involvement.

We just completed paperwork for our 2024 insurance. There was a line item asking whether we have a process in place to address the 48 hour requirement. I believe this is the insurance industry's response to the *Caddell v. Campbell* case, although it is still in litigation.

### **Judicial Staffing**

In general, our court staff is about half the size of similar courts in Warren County. We are proud of that. We continue to reevaluate to see where we need to add or subtract, while constantly looking for ways to improve our efficiency.

On the judicial side, our court is understaffed compared to similarly situated courts. This is a brief survey<sup>3</sup> of similar courts in Warren County:

Court	Average number of total cases '21-'22	Judicial Resources	Total of all Criminal and OVI filings in 2022
Franklin Municipal	9,397.5	1 Part-time Judge 1 Full-time Magistrate	1,967
Lebanon Municipal	5,504	1 Part-time Judge 1 Part-time Magistrate	1,885
Mason Municipal	7,976	1 Full-time Judge 1 Full-time Magistrate 1 Part-time Magistrate	1,888
Warren County Court	5,400	2 Part-time Judges 1 Part-time Magistrate	1,549

The total case numbers include cases that are processed through the Traffic Violations Bureau. These are pay-out traffic tickets that are processed by the clerk of courts without a court appearance.

<sup>3</sup><https://www.supremecourt.ohio.gov/courts/services-to-courts/court-services/dashboards/>



For example, in 2022, these were the number of cases reported in Traffic Violations Bureaus:

Franklin Municipal:	4,007
Lebanon Municipal:	1,522
Mason Municipal:	3,640
Warren County Ct.:	Not reported

Why the difference? I think it is because other jurisdictions have larger stretches of interstate highway where the Ohio State Highway Patrol primarily issues tickets.

In summary, I bring this to your attention to show that our court handles a similar number of criminal and O.V.I. cases compared to the other courts in Warren County, with half the judicial resources or less.

### ***Process and Cost***

The process to have the Lebanon Municipal Court go full-time is to obtain approval from the City, County, Warren County Bar Association, and the Ohio Supreme Court. I anticipate full support from the Bar and the Ohio Supreme Court. I have not approached the County yet.

The local cost would be an increase of \$26,250 per year. This would be divided \$15,750 to the City and \$10,500 to the County. The Ohio Supreme Court would pay the balance. This cost would remain constant through 2028 by statute.

### ***2024 Modifications***

In our 2024 budget, I have eliminated Mark Bogen as a part-time Magistrate (\$20,000). Essentially, this position was created to ensure that I would have coverage for the docket when our daughter was born. The Ohio Supreme Court's system to obtain a visiting judge was not going to provide adequate assistance. Chief Justice Kennedy has revamped that system, such that if I am unable to be present for the docket we should be able to have a retired judge appointed quickly. This future cost should be minimal going forward.

The second modification will take place with our public defender. With the help of Mr. Yurick, we should be able to recoup about 90% of her salary back from the State, as well as 90% of the cost of other attorneys<sup>4</sup> we have to represent indigent defendants.

### ***Additional Future Plans***

If judicial resources are added, my plan is to spread the docket out throughout the week. This will not add any additional staff costs.

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<sup>4</sup> This occurs when our public defender has a conflict or there are co-defendants.

Currently, we have our criminal/traffic docket on Monday and Thursday afternoons. I would like to add a docket on Wednesday and Thursday mornings to alleviate our crowds and reduce our parking impact.

We are already trying to have virtual hearings to reduce inmate transports to the City Building. This takes additional time and spreading out our docket will greatly assist with this process.

Finally, my plan is to add a community control (probation) docket with judicial supervision and a license intervention program. On the former, I believe there are some people we monitor who can benefit from more judicial involvement. On the latter, licensing issues are a constant problem for law enforcement and courts. Anything we can do to point individuals in the right direction to obtain a valid operator's license should save officer and court time.

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Thank you for your consideration. Please contact me with any questions.

Very truly yours,

  
Judge Martin E. Hubbell

**Lebanon Municipal Court  
Part-time to Full-time**

Local share (county and city) increases from 35,500 to 61,750 (26,250).

City pays 60%: 15,750

County pays 40%: 10,500

This remains constant through 2028 by statute.

The State pays the balance, and the increases through 2028.

## JUDICIAL COMPENSATION

### JUDICIAL OFFICEHOLDERS COMPENSATION Information Provided by the County Commissioners Association of Ohio

Senate Bill 286 (effective 12.27.18) provides judges with 1.75 percent COLA beginning in calendar year 2020 and continuing through calendar year 2028. These increases are calculated based on the total salary payable to the judge, exclusive of any amounts payable pursuant to ORC 1901.11(B)(2), 1907.16(C), or 1907.17, but added only to the state's portion of the judges' compensation.

#### Common Pleas Judges (ORC 141.04 and 141.05)

The compensation of common pleas judges is paid by both the state and the county. The county pays an amount equal to 18 cents per capita. This dollar amount may not be less than \$3,500 nor more than \$14,000 based on the official latest federal census. See Tables 43-45.

#### Full-time Municipal Court Judges and Part-time Municipal Court Judges Who Serve a Territory Exceeding 50,000 Population (ORC 141.04 and 1901.11)

The compensation for full-time municipal court judges and those part-time municipal court judges who serve in a territory with a population exceeding 50,000, is financed by the state and local funding authorities. The local share is a fixed amount equal to \$61,750. See Table 46.

#### Part-time Municipal Court Judges Except Those Part-time Judges Who Serve a Territory Exceeding 50,000 Population (ORC 141.04 and 1901.11)

The compensation for part-time municipal court judges, other than those who serve in a territory with a population exceeding 50,000 is financed by the state and local funding authorities. The amount of the local share is fixed at \$35,500. See Table 47.

#### County Court Judges (ORC 141.04 and 1907.16)

Again, the compensation of county court judges is covered by the state and the county. The county's fixed share is \$35,500. See Table 48.

#### County Optional Compensation for County Court Judges (ORC 1907.17)

In addition to the compensation of county court judges specified in the tables below, the ORC authorizes the Board of County Commissioners to permissively supplement the salaries of county court judges by an amount not to exceed \$2,500 in any year. It should be noted that this provision must be uniformly applied in counties with more than one county court judge. Also, this additional compensation, once provided, cannot be reduced during the term of office of any county court judge, but can be changed at the beginning of a new term of office. (OAG 70-142)

Table 43: Common Pleas Judges in Counties with Populations of 77,778 or Greater

Source of Funding	Calendar Year 2018	CY 2019	CY 2020	CY 2021	CY 2022
County	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000
State	126,550	133,600	136,183	138,811	141,485
Total	140,550	147,600	150,183	152,811	165,485
CY 2023	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028
\$14,000	\$14,000	\$14,000	\$14,000	14,000	14,000
144,206	146,976	149,792	152,658	155,575	158,543
158,206	160,976	163,792	166,658	169,575	172,543

Table 44: Common Pleas Judges in Counties with Populations from 77,777 - 19,445

Source of Funding	Calendar Year 2018	CY 2019	CY 2020	CY 2021	CY 2022
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JUDICIAL

TOOLS & BENCH AIDS

CALENDAR

LEGISLATIVE ENACTMENTS

PUBLICATIONS

DIRECTORY

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County	18 cents per capita \$	18 cents per capita \$	18 cents per capita \$	18 cents per capita \$	18 cents per capita \$
State	Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid
Total	140,550	147,600	150,183	152,811	155,485
CY 2023	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028
18 cents per capita \$	18 cents per capita \$	18 cents per capita \$	18 cents per capita \$	18 cents per capita \$	18 cents per capita \$
Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid	Total Salary minus County Paid
158,206	160,975	163,792	166,658	169,575	172,543

Table 45: Common Pleas Judges in Counties with Populations of 19,444 or Fewer

Source of Funding	Calendar Year 2018	CY 2019	CY 2020	CY 2021	CY 2022
Local	\$3,500	\$3,500	\$3,500	\$3,500	\$3,600
State	137,050	144,100	146,683	149,311	161,985
Total	140,550	147,600	150,183	152,811	155,485
CY 2023	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028
\$3,500	\$3,600	\$3,600	\$3,600	\$3,500	\$3,600
154,706	157,475	160,292	163,158	166,075	169,043
158,206	160,975	163,792	166,658	169,575	172,543

Table 46: Full-time Municipal Judges and Part-time Municipal Judges Who Serve in a Territory Exceeding 50,000 Population

Source of Funding	Calendar Year 2018	CY 2019	CY 2020	CY 2021	CY 2022
Local	\$61,750	\$61,750	\$61,750	\$61,750	\$61,750
State	70,400	77,050	79,479	81,951	84,466
Total	132,150	138,800	141,229	143,701	146,216
CY 2023	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028
\$61,750	\$61,750	\$61,750	\$61,750	\$61,750	\$61,750
87,025	89,629	92,278	94,973	97,716	100,607
148,775	151,379	154,028	156,723	159,466	162,257

Note: Municipalities generally pay 60%, counties 40%, except in county operated municipal courts where county pays 100%.

Table 47: Part-time Municipal Judges Except Those Part-time Municipal Court Judges Who Serve in a Territory Exceeding 50,000 Population

Source of Funding	Calendar Year 2018	CY 2019	CY 2020	CY 2021	CY 2022
Local	\$35,500	\$35,500	\$35,500	\$35,500	\$35,500
State	40,550	44,400	45,798	47,221	48,669
Total	76,050	79,900	81,298	82,721	84,169
CY 2023	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028
\$35,500	\$35,500	\$35,500	\$35,500	\$35,500	\$35,500
50,142	51,641	53,166	54,718	56,297	57,903
85,642	87,141	88,666	90,218	91,797	93,403

Note: Municipalities generally pay 60%, counties 40%, except in county operated municipal courts where county pays 100%.

Table 48: County Court Judges

Source of Funding	Calendar Year 2018	CY 2019	CY 2020	CY 2021	CY 2022
Local	\$35,500	\$35,500	\$35,500	\$35,500	\$35,500
State	40,550	44,400	45,798	47,221	48,669
Total	76,050	79,900	81,298	82,721	84,169
CY 2023	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028
\$35,500	\$35,500	\$35,500	\$35,500	\$35,500	\$35,500
50,142	51,641	53,166	54,718	56,297	57,903
85,642	87,141	88,666	90,218	91,797	93,403

Note: Excludes county permissive payments pursuant to ORC 1907.17.

Table 49: Additional Compensation for Presiding & Administrative Judges in Municipal Courts

Number of Judges	Designation	ORC Reference	Additional Annual Compensation	ORC Reference	Source of Payment
One Judge	Specified in Statute	1901.09 (A)			
Two or More Judges	Elected or Designated as provided in the Rules of Superintendence for the Courts of Ohio	1901.09 (B)	\$1,500	1901.11 (B) (2)	Local Funding Attorneys

Note: These amounts are generally paid 40% by the county; 60% by the municipality. If the court is a county operated municipal court, the county pays 100% of the additional compensation.

Table 50: Additional Compensation for Presiding & Administrative Judges in County Courts

Number of Judges	Designation	ORC Reference	Additional Annual Compensation	ORC Reference	Source of Payment
One Judge	Specified in Statute	1907.131 (A)	\$1,500		County

# Downloadable Integrated AJ and IJ Report Data, 2022

Click icon to the right for details on the AJ and IJ report data integration

County (Optional)	Year	Case Type
Warren	2022	(All)

Court Name	County	Pending Jan. 1	New Filings	Transfers and Reactivations	Total Incoming	Judge Count	Incoming per Judge
Franklin MC	Warren	628	7,463	1,845	9,438	1	9,438
Lebanon MC	Warren	511	4,623	866	5,509	1	5,509
Mason MC	Warren	711	7,609	620	8,429	1	8,429
Warren CC	Warren	738	4,411	1,059	5,454	2	2,732
Grand Total		2,588	24,106	4,704	28,810	5	5,762

# Downloadable Integrated AJ and IJ Report Data 2021

Click icon to the right for details on the AJ and IJ report data integration

County (Optional):  Year:  Case Type:

Court Name	County	Pending Jan. 1	New Filings	Transfers and Reactivations	Total Incoming	Judge Count	Incoming per Judge
Franklin MC	Warren	632	7,067	2,290	9,987	4	2,497
Lebanon MC	Warren	494	3,599	900	5,193	4	1,298
Mason MC	Warren	673	3,599	984	7,523	4	1,881
Warren CC	Warren	720	4,136	1,193	5,387	3	1,796
Grand Total		2,419	22,373	5,373	27,746	15	1,849





**BOARD OF COUNTY COMMISSIONERS**  
**WARREN COUNTY, OHIO**  
406 Justice Drive, Lebanon, Ohio 45036  
www.co.warren.oh.us  
commissioners@co.warren.oh.us

Telephone (513) 695-1250  
Facsimile (513) 695-2054

**TOM GROSSMANN**  
**SHANNON JONES**  
**DAVID G. YOUNG**

BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO

MINUTES: Regular Session – December 5, 2023

*This is a summary of actions and discussions of the meeting. You may view this meeting through our YouTube Channel at <https://www.youtube.com/channel/UC1ELh0jGpXd4VV2DTgsuqPA> or by contacting our office.*

The Board met in regular session pursuant to adjournment of the November 28, 2023, meeting.

Shannon Jones – present

Tom Grossmann – absent

David G. Young – present

Tina Osborne, Clerk – present

Minutes of the November 28, 2023, meeting were read and approved.

- 23-1610      A resolution was adopted to accept resignation of Ashleigh Blair, Protective Services Caseworker III, within the Warren County Department of Job and Family Services, Children Services Division, effective November 14, 2023.  
Vote: Unanimous
- 23-1611      A resolution was adopted to approve renewal of consulting agreement with Horan Associates for period January 1, 2024 through December 31, 2024.  
Vote: Unanimous.
- 23-1612      A resolution was adopted to authorize the President of the Board to sign applications from HCC Life Insurance Company for the Provision Stop Loss Insurance for the Warren County Healthcare Plan effective January 1, 2024.  
Vote: Unanimous.
- 23-1613      A resolution was adopted to amend agreement with Bethesda Healthcare for EAP Services effective July 1, 2023. Vote: Unanimous.
- 23-1614      A resolution was adopted to set public hearing to consider Text Amendments to the Warren County Rural Zoning Code initiated by the Warren County Rural Zoning Commission. Vote: Unanimous.

- 23-1615 A resolution was adopted to authorize the Water and Sewer Department to enter into negotiations with Jones & Henry Engineers, LTD for professional engineering services relative to the study and preliminary design of improvements to the Lower Little Miami and Waynesville Regional Wastewater Treatment Plants. Vote: Unanimous.
- 23-1616 A resolution was adopted to advertise for bids for the Middletown Junction Production Well Drilling and Construction Project. Vote: Unanimous.
- 23-1617 A resolution was adopted to enter into Classroom Training Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous.
- 23-1618 A resolution was adopted to authorize the Warren County Sheriff to approve addendum to contract with St. Margaret of York for Police Protection. Vote: Unanimous.
- 23-1619 A resolution was adopted to enter into a Professional Service Agreement with Environmental Educators Inc. relative to the Warren County Solid Waste Management District's Educational Program. Vote: Unanimous.
- 23-1620 A resolution was adopted to authorize the President of the Board to sign the Ohio Environmental Protection Agency Scrap Tire Removal Certifications and Consent Form. Vote: Unanimous.
- 23-1621 A resolution was adopted to authorize acceptance of quote with Business Communication Specialist on behalf of Warren County Telecommunications. Vote: Unanimous.
- 23-1622 A resolution was adopted to authorize the President of the Board to sign the 2024 Urban Transit Program and the Elderly and Disabled Fare Assistance Program Grant Contract with the Ohio Department of Transportation. Vote: Unanimous.
- 23-1623 A resolution was adopted to declare various items from the Board of Developmental Disabilities, Juvenile, Engineer's Office, Facilities Management, Park Board, and Telecom as surplus and authorize the disposal of said items through internet auction. Vote: Unanimous.
- 23-1624 A resolution was adopted to acknowledge approval of financial transactions. Vote: Unanimous.
- 23-1625 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous.
- 23-1626 A resolution was adopted to approve a street and appurtenances (including sidewalks) bond release for Grand Communities, LLC, for completion of improvements in Shaker Run, Section Four, Phase D Situated in Turtlecreek Township. Vote: Unanimous.

- 23-1627 A resolution was adopted to approve Swift Court in Shaker Run, Section Four, Phase D for public maintenance by Turtlecreek Township. Vote: Unanimous.
- 23-1628 A resolution was adopted to approve a street and appurtenances (including sidewalks) bond release for Grand Communities, LTD, for completion of improvements in Shaker Run, Section Five, Phase C situated in Turtlecreek Township. Vote: Unanimous.
- 23-1629 A resolution was adopted to approve Canterbury Court in Shaker Run, Section Five, Phase C for public maintenance by Turtlecreek Township. Vote: Unanimous.
- 23-1630 A resolution was adopted to approve a street and appurtenances (including Sidewalks) bond release for Grand Communities, LTD, for completion of improvements in Shaker Run, Section Five, Phase B situated in Turtlecreek Township. Vote: Unanimous.
- 23-1631 A resolution was adopted to approve Golf Club Drive, Kaare Court and Canterbury Court in Shaker Run, Section Five, Phase B for public maintenance by Turtlecreek Township. Vote: Unanimous.
- 23-1632 A resolution was adopted to approve a street and appurtenances (including sidewalks) bond release Grand Communities, Ltd, for completion of improvements in Shaker Run, Section Four, Phase C situated in Turtlecreek Township. Vote: Unanimous.
- 23-1633 A resolution was adopted to approve Golf Club Drive, Bittern Lane and Swift Court in Shaker Run, Section Four, Phase C for public maintenance by the Turtlecreek Township. Vote: Unanimous.
- 23-1634 A resolution was adopted to approve various record plats. Vote: Unanimous.
- 23-1635 A resolution was adopted to approve supplemental appropriation Commissioners Fund #11011111. Vote: Unanimous.
- 23-1636 A resolution was adopted to approve appropriation adjustment from Common Pleas Court Fund 11011223 into 11011220. Vote: Unanimous.
- 23-1637 A resolution was adopted to approve appropriation adjustment within County Court Fund #11011280. Vote: Unanimous.
- 23-1638 A resolution was adopted to approve appropriation adjustment within the Information Technology Fund #11011400. Vote: Unanimous.
- 23-1639 A resolution was adopted to approve appropriation adjustment within Information Technology Fund #11011400. Vote: Unanimous.

- 23-1640 A resolution was adopted to approve appropriation adjustment within the Building and Zoning Department Fund #11012300. Vote: Unanimous.
- 23-1641 A resolution was adopted to approve appropriation adjustment within Grants Administration Fund #2265. Vote: Unanimous.
- 23-1642 A resolution was adopted to approve appropriation adjustment within Mary Haven Fund #2270. Vote: Unanimous.
- 23-1643 A resolution was adopted to approve appropriation adjustment within Mary Haven Fund #2270. Vote: Unanimous.
- 23-1644 A resolution was adopted to approve appropriation adjustment within Mary Haven Fund #2270. Vote: Unanimous.
- 23-1645 A resolution was adopted to approve appropriation adjustment within the Sewer Revenue Fund #5580. Vote: Unanimous.
- 23-1646 A resolution was adopted to approve appropriation adjustment within Sewer Revenue Fund #5580. Vote: Unanimous.
- 23-1647 A resolution was adopted to approve requisitions and authorize Deputy County Administrator to sign documents relative thereto. Vote: Unanimous.
- 23-1648 A resolution was adopted to authorize Tiffany Zindel, County Administrator to sign a Memorandum and understanding between the Warren County Sheriff and the Warren County Sheriff's Office Benevolent Association. Vote: Unanimous.
- 23-1649 A resolution was adopted to authorize the Board to Proceed with, and not opt-out of Settlement Agreements with 3M and Dupont as a partial Settlement of Warren County Claims in PFAS Litigation. Vote: Unanimous.
- 23-1650 A resolution was adopted to approve appropriation adjustments within Clerk of Courts Fund #11011282. Vote: Unanimous.
- 23-1651 A resolution was adopted to approve annexation of 0.8459 acre to the City of South Lebanon, Richard Paolo, Agent, Pursuant to Ohio Revised Code Section 709.023 [A.K.A. Expedited Type 2 Annexation] Vote: Unanimous.

#### DISCUSSIONS

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

Bill Kennedy, Chief Archeologist with Ohio Historical Connection, was present for the Board to recognize and honor Ohio Earthworks as a World Heritage Site.

Mr. Kennedy presented the attached PowerPoint and the Board presented a proclamation to honor and recognize Fort Ancient Earthworks and the Ohio History Connection for becoming Ohio's first UNESCO World Heritage site.

---

Michael Coyan, Warren County Historical Society, was present to provide an update on activities and upcoming exhibits they are planning.

---

Richard Paolo, Agent to annex 0.8456 acres to the City of South Lebanon pursuant to Ohio Revised Code Section 709.023 (Expedited Type 2) was present to request the Board's approval.

Mr. Paolo stated that the petition and map are accurate, and all matters required by law have been complied with.

It was stated that the Hamilton Township Trustees did not file an objection to the petition.

Upon further discussion, the Board resolved (Resolution #23-1651) to approve the annexation petition.

---

The Board convened into the Commissioners' Conference Room for a work session to discuss the 2023 budget.

---

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:45 a.m. to discuss personnel matters relative to compensation for specific personnel pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:45 a.m.

---

Upon motion the meeting was adjourned.

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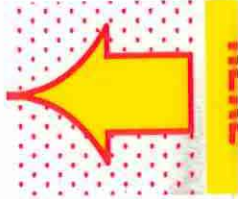
Shannon Jones, President

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David G. Young

---

Tom Grossmann



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 5, 2023, in compliance with Section 121.22 O.R.C.

---

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



# HOPEWELL CEREMONIAL EARTHWORKS

*Ohio's Hopewell Earthworks and UNESCO World Heritage*

WORLD  
HERITAGE  
OHIO

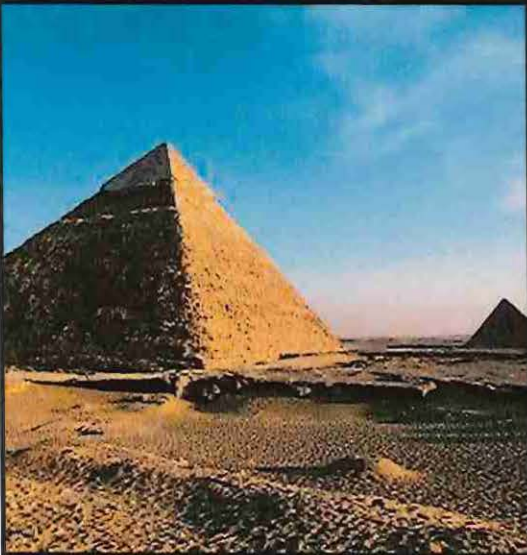
## *UNESCO: United Nations Educational, Scientific, and Cultural Organization*

- The *UNESCO World Heritage* Program
- Founded 1970s with US Leadership
- Inspired by USA and our Park System
- All nations participate
- 10 criteria: natural and/or cultural sites
- *Outstanding Universal Value to all of Humanity*

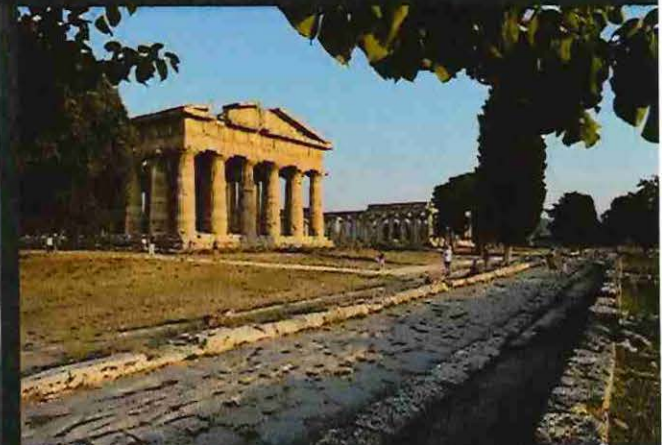


# A WORLD HERITAGE STORY

*“Certain places on Earth are of outstanding universal value and should therefore form part of the common heritage of humankind.”*



Giza, Egypt



Paestum, Italy

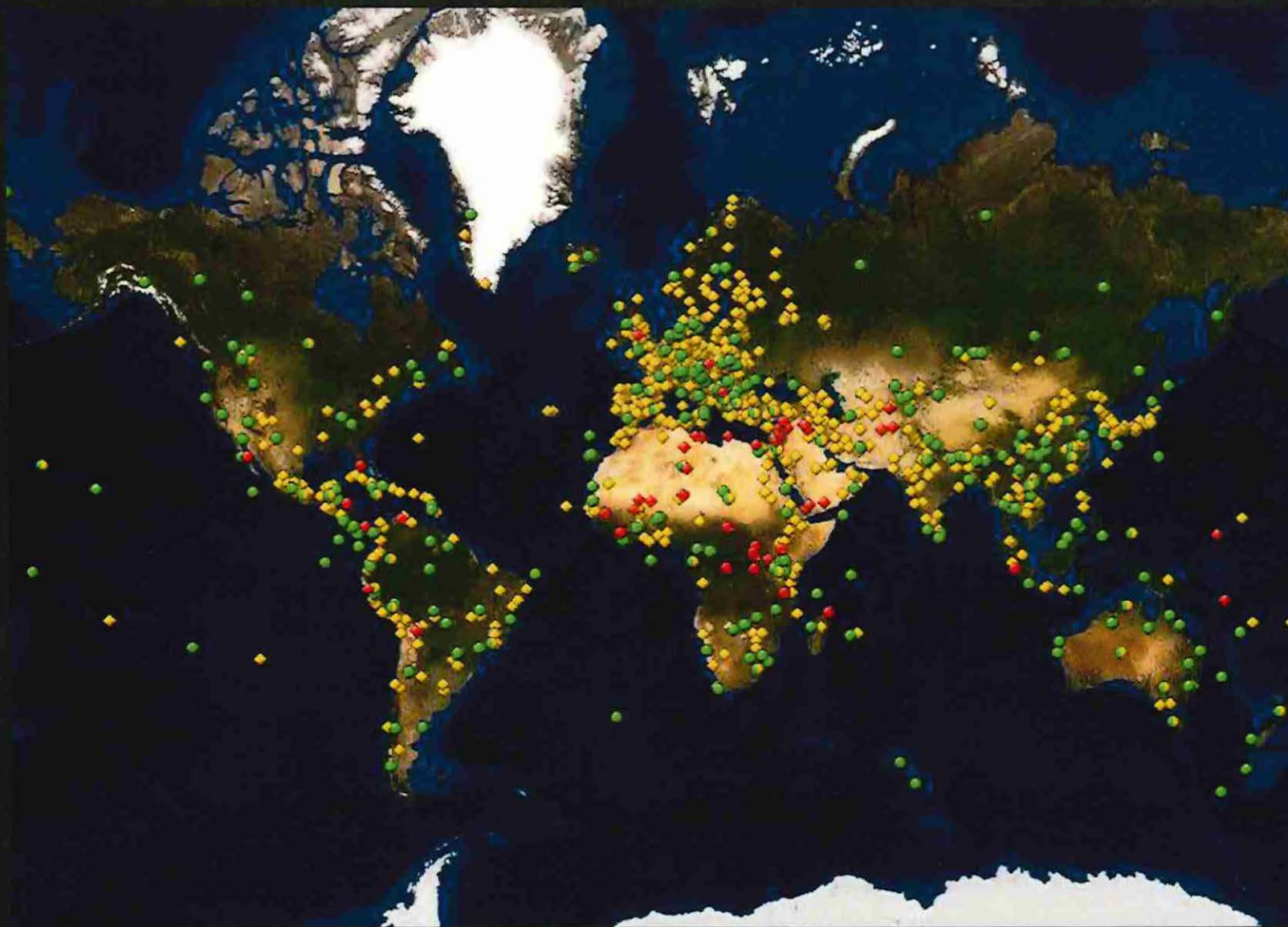
... and over 1,000 more.

Machu Picchu, Peru

*Ohio's Hopewell Earthworks and UNESCO World Heritage*

WORLD  
HERITAGE  
OHIO

# 1000+ WORLD HERITAGE SITES WORLDWIDE

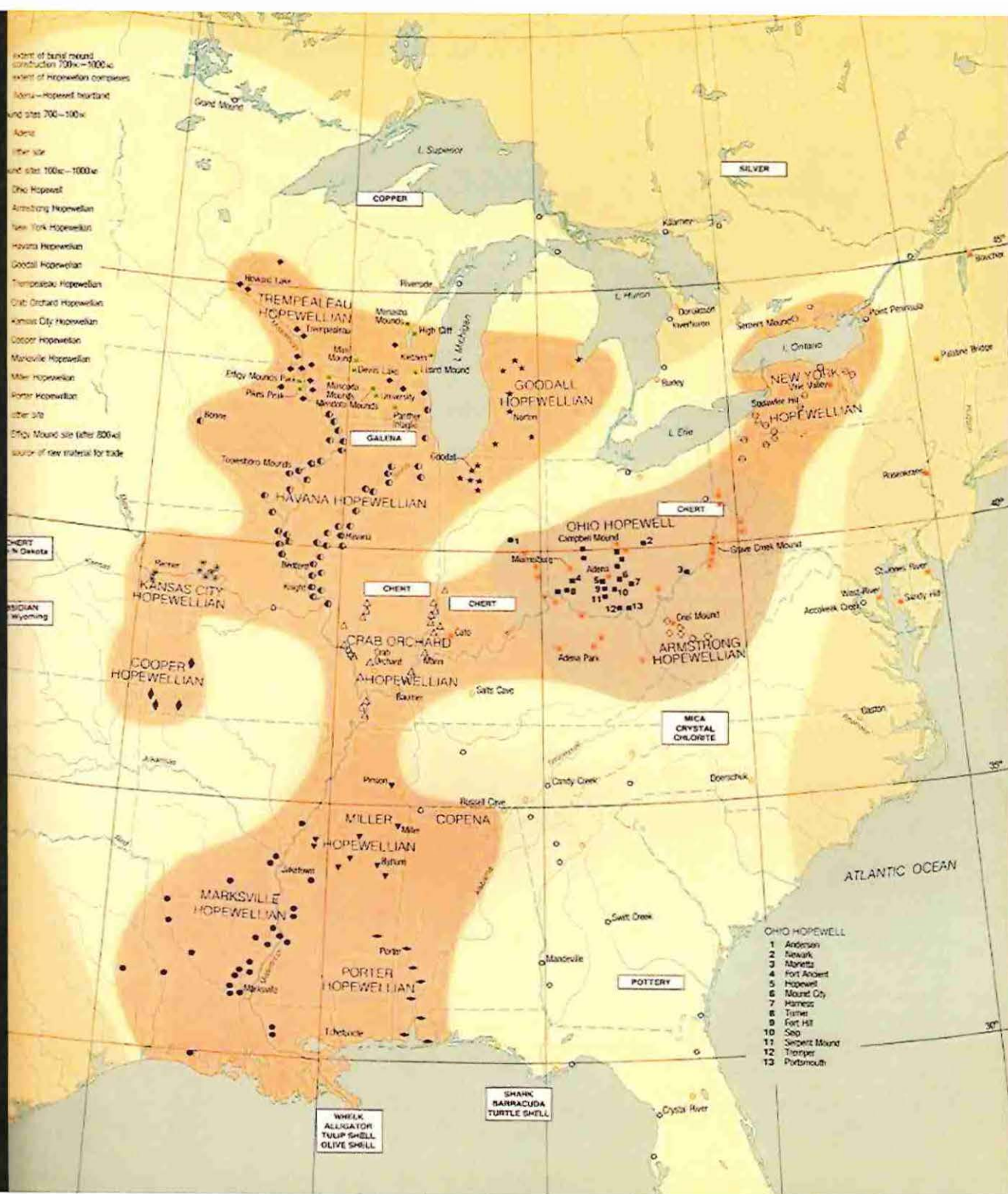


*As of September 2023, 25 in the U.S....*

*Ohio's Hopewell Earthworks and UNESCO World Heritage*

WORLD  
HERITAGE  
OHIO

extent of burial mound construction 700c-1000c  
 extent of Hopewellian complexes  
 Adena-Hopewell heartland  
 mound sites 700-1000c  
 Adena  
 other site  
 mound sites 1000c-1000c  
 Ohio Hopewell  
 Armstrong Hopewellian  
 New York Hopewellian  
 Havana Hopewellian  
 Goodall Hopewellian  
 Trempealeau Hopewellian  
 Crab Orchard Hopewellian  
 Kansas City Hopewellian  
 Cooper Hopewellian  
 Marksville Hopewellian  
 Miller Hopewellian  
 Porter Hopewellian  
 other site  
 Ohio Mound site (after 800c)  
 source of raw material for trade



CHERT  
 N. Dakota  
 MICHIGAN  
 Wyoming

COPPER

SILVER

GALENA

CHERT

CHERT

CHERT

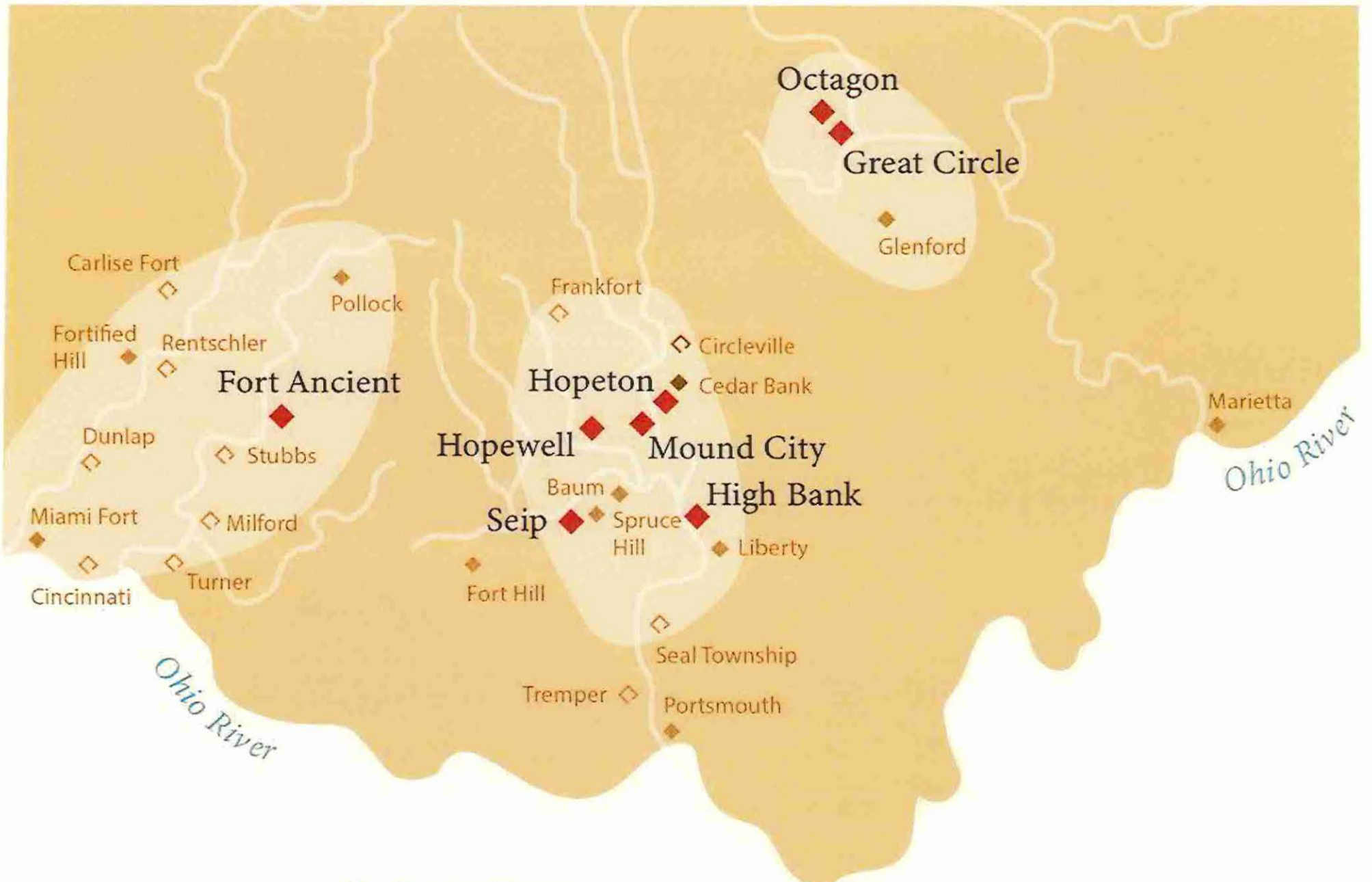
MICA  
CRYSTAL  
CHALCITE

POTTERY

WHEAT  
ALLIGATOR  
TULIP SHELL  
OLIVE SHELL

SHARK  
BARRACUDA  
TURTLE SHELL

- OHIO HOPEWELL
- 1 Anderson
  - 2 Newark
  - 3 Miametz
  - 4 Fort Ancient
  - 5 Hopewell
  - 6 Mound City
  - 7 Harness
  - 8 Trues
  - 9 Fort Hill
  - 10 Sep
  - 11 Serpent Mound
  - 12 Thompson
  - 13 Portsmouth



- ◆ Series Components
- ◆ Comparative Sites
- ◇ Scant or No Remains

## Hopewell Architecture:

Geometric Earthworks up to 2/3 mile across, concentrated in southern Ohio



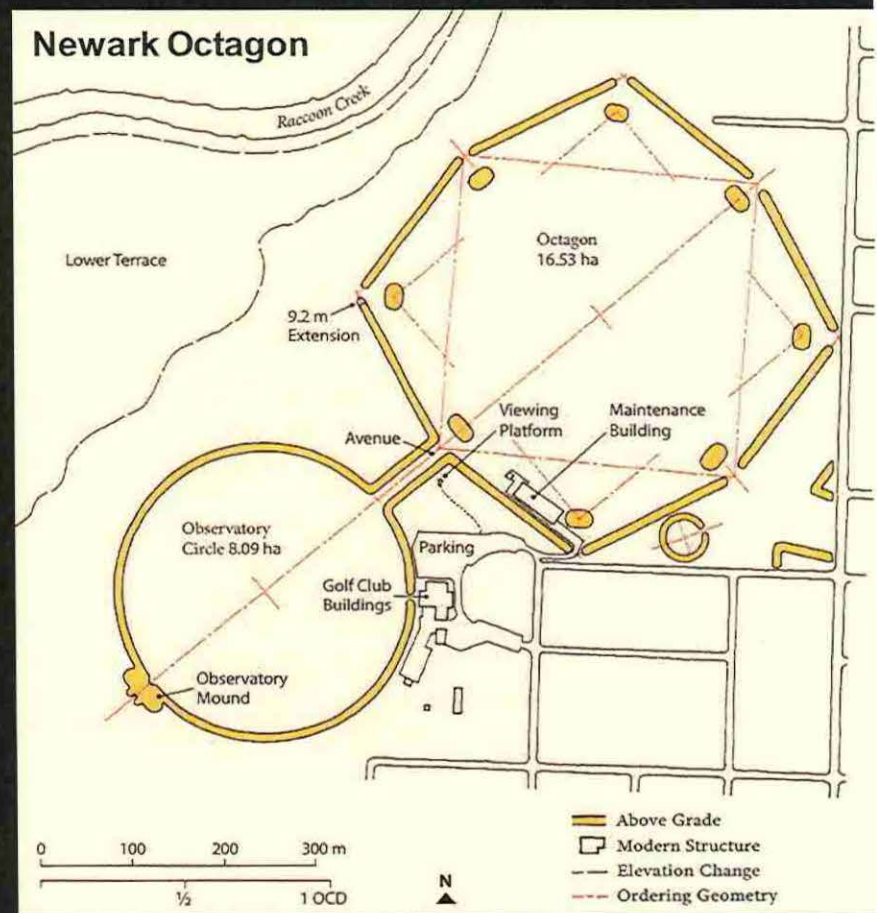
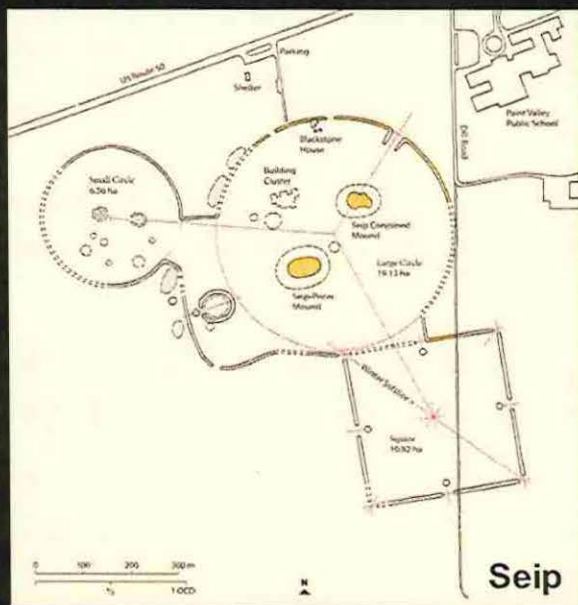
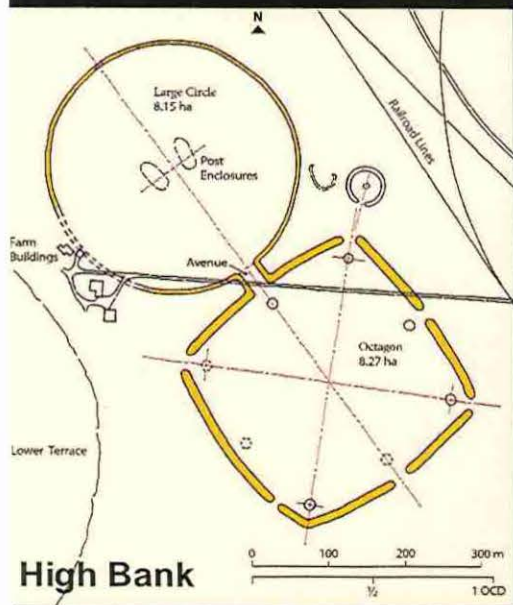
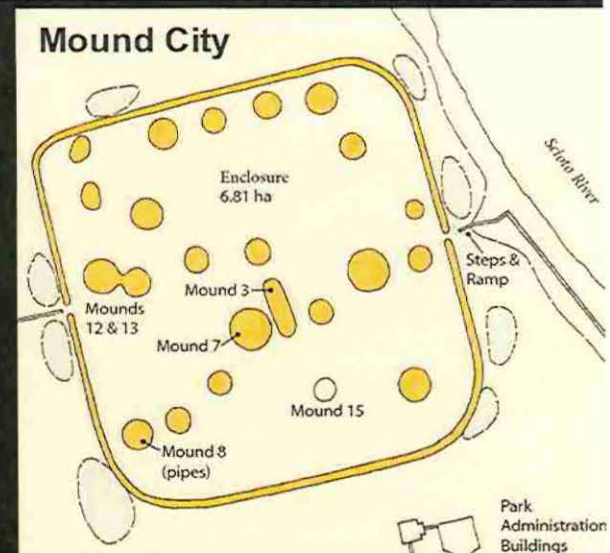
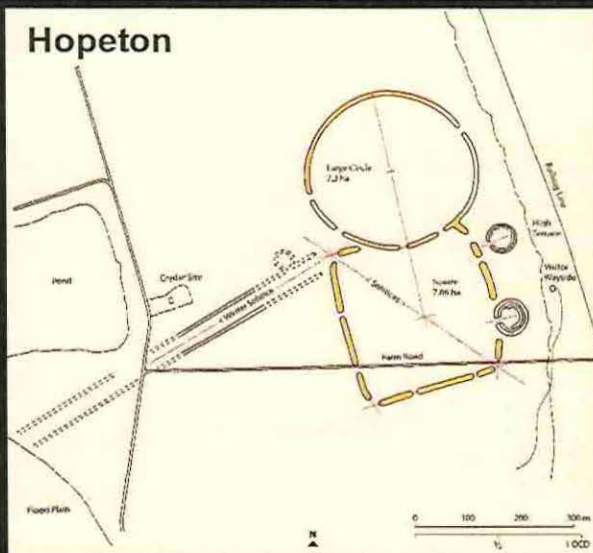
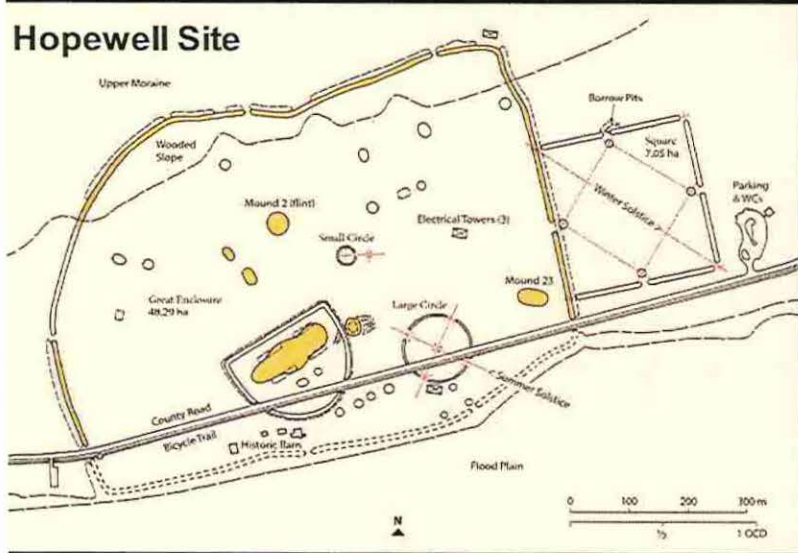
High Bank Works, Ross County



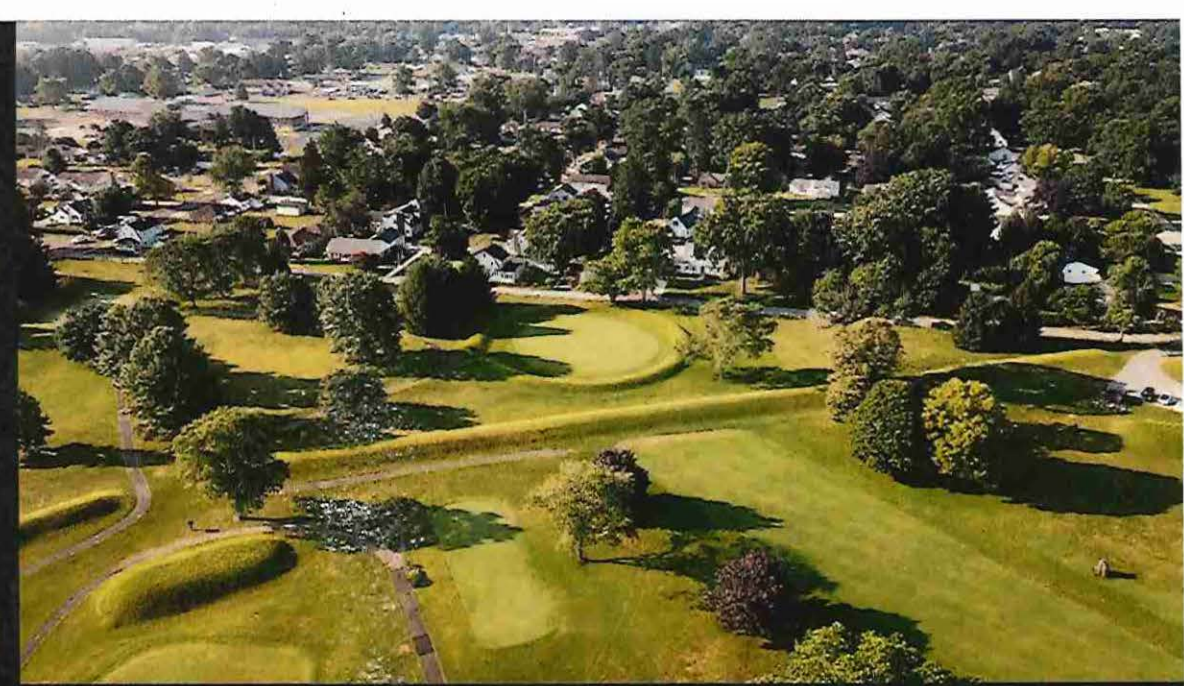
Newark Octagon, Licking County

*Ohio's Hopewell Earthworks and UNESCO World Heritage*

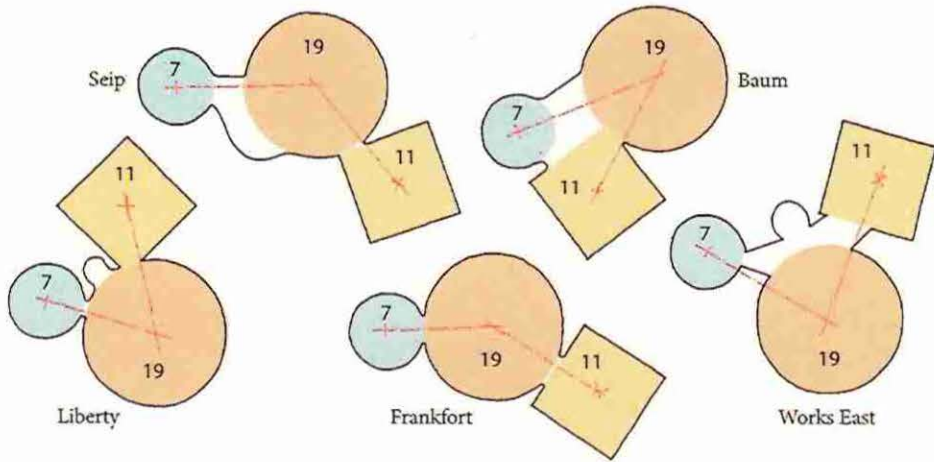
WORLD  
HERITAGE  
OHIO



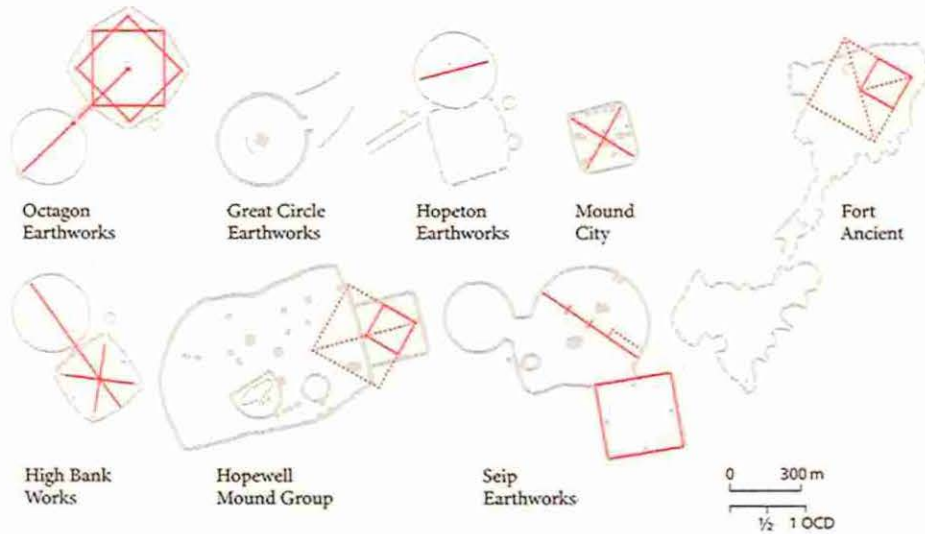
# GEOMETRIC ENCLOSURES



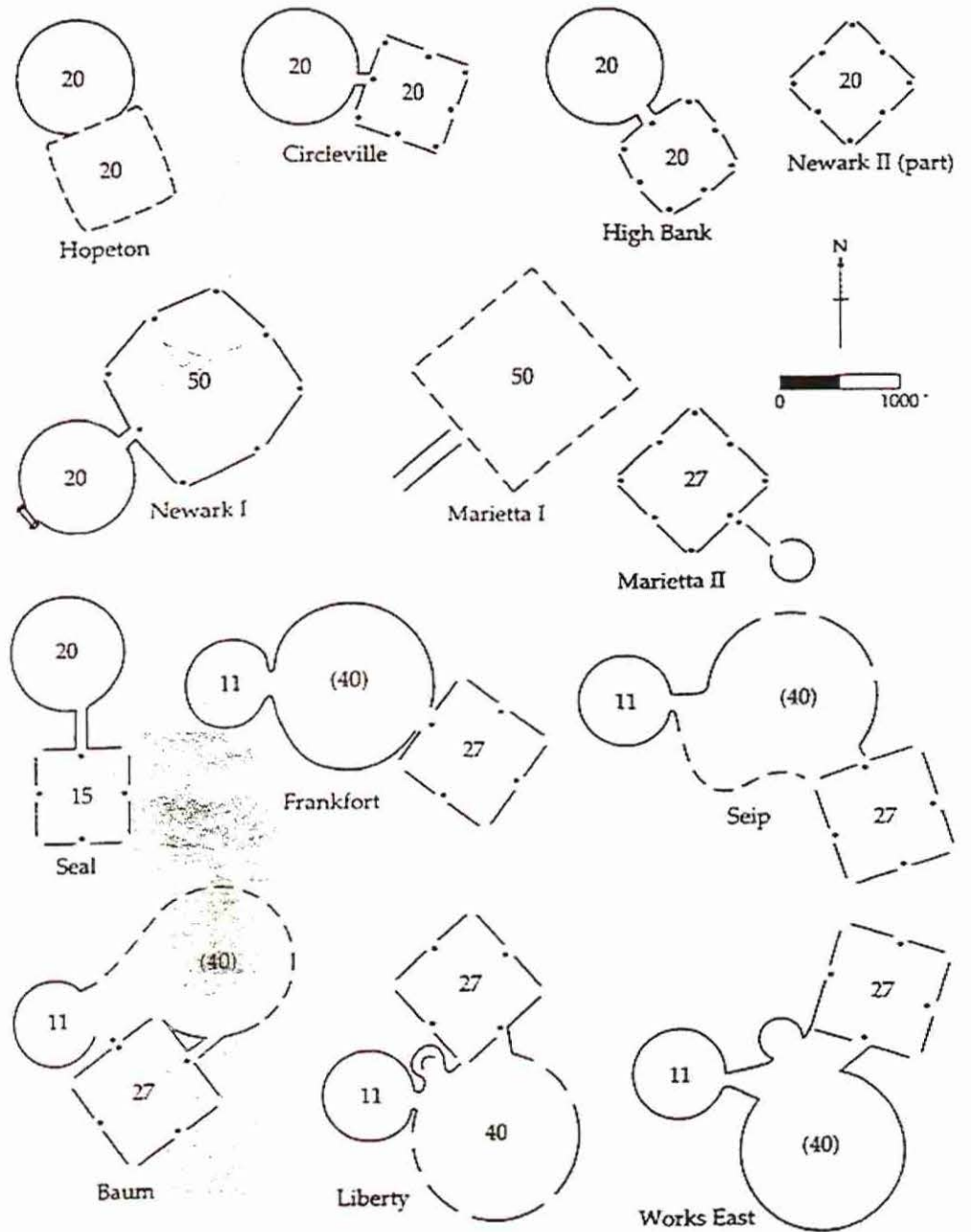
# GEOMETRY



Consistent distances from centerpoints

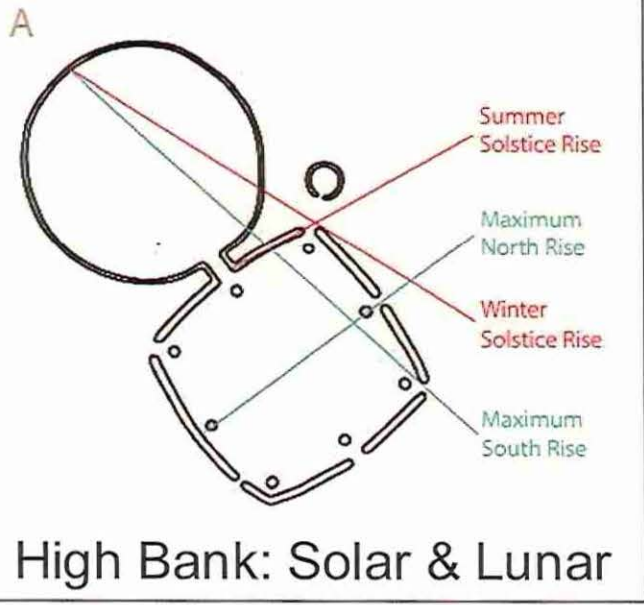


Consistent derivations of the same unit (OCD)

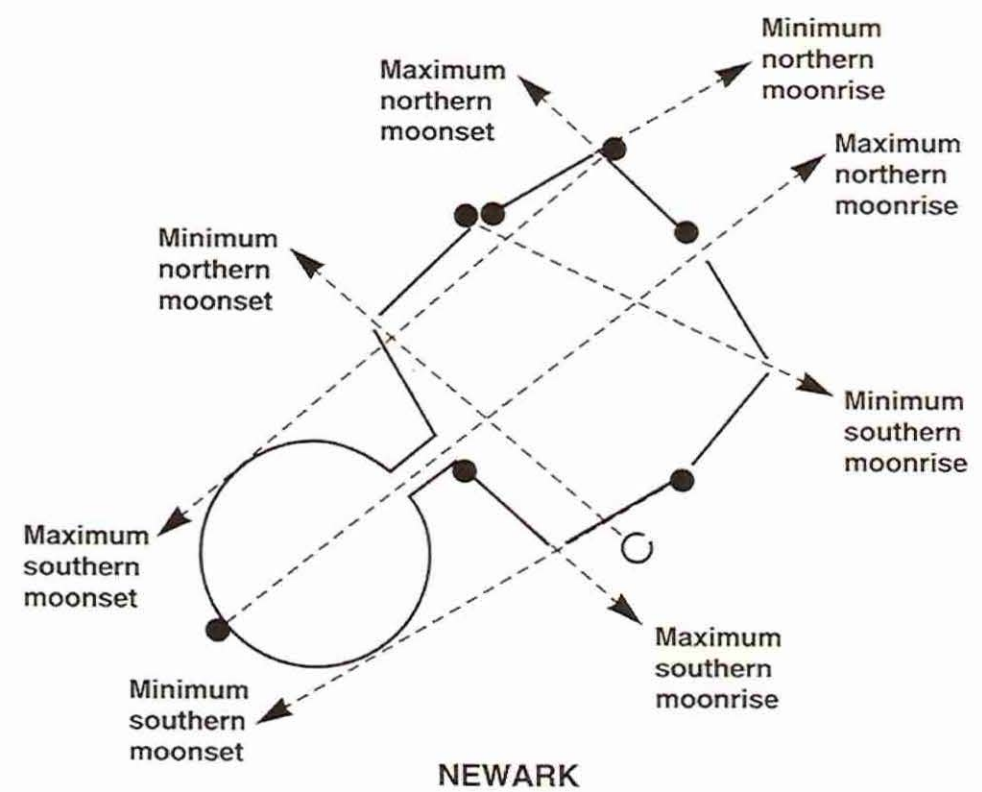
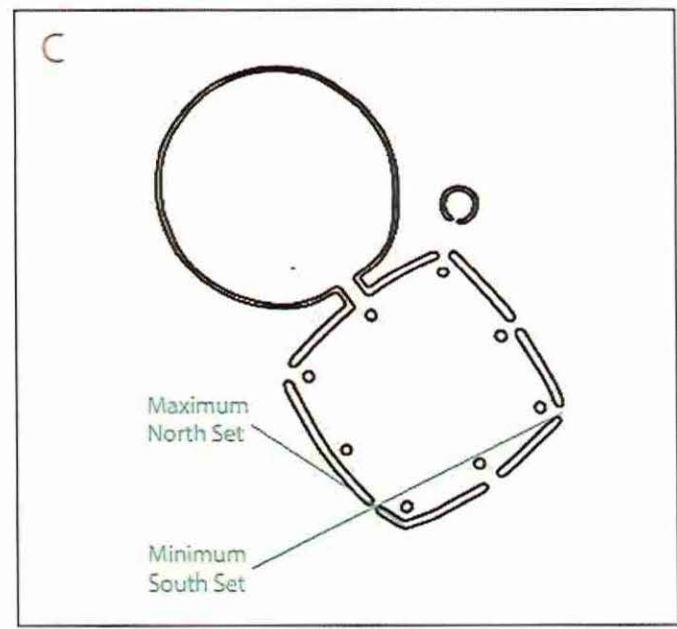
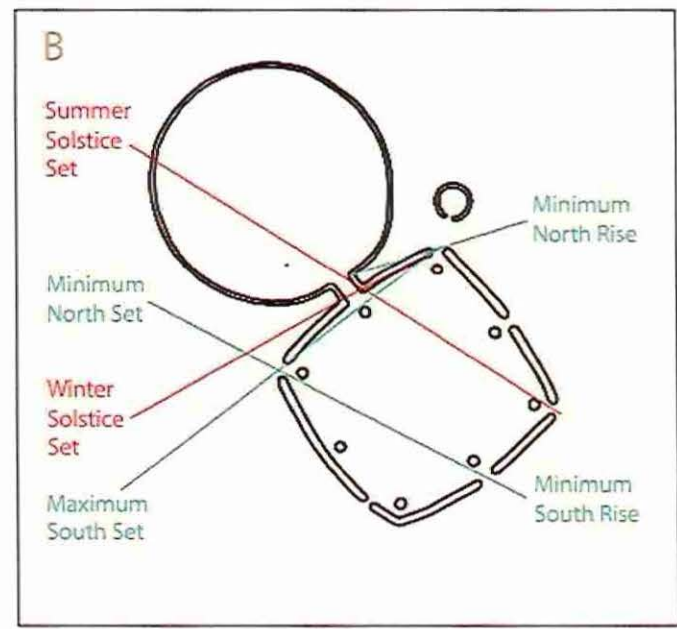


Consistent areas of enclosed acreage

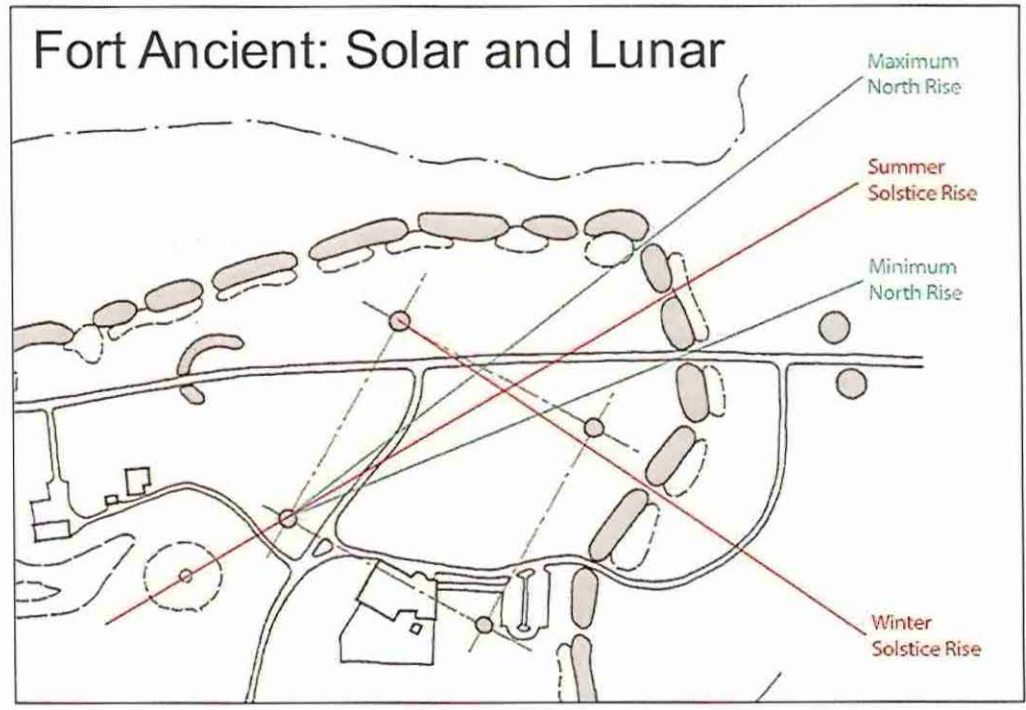




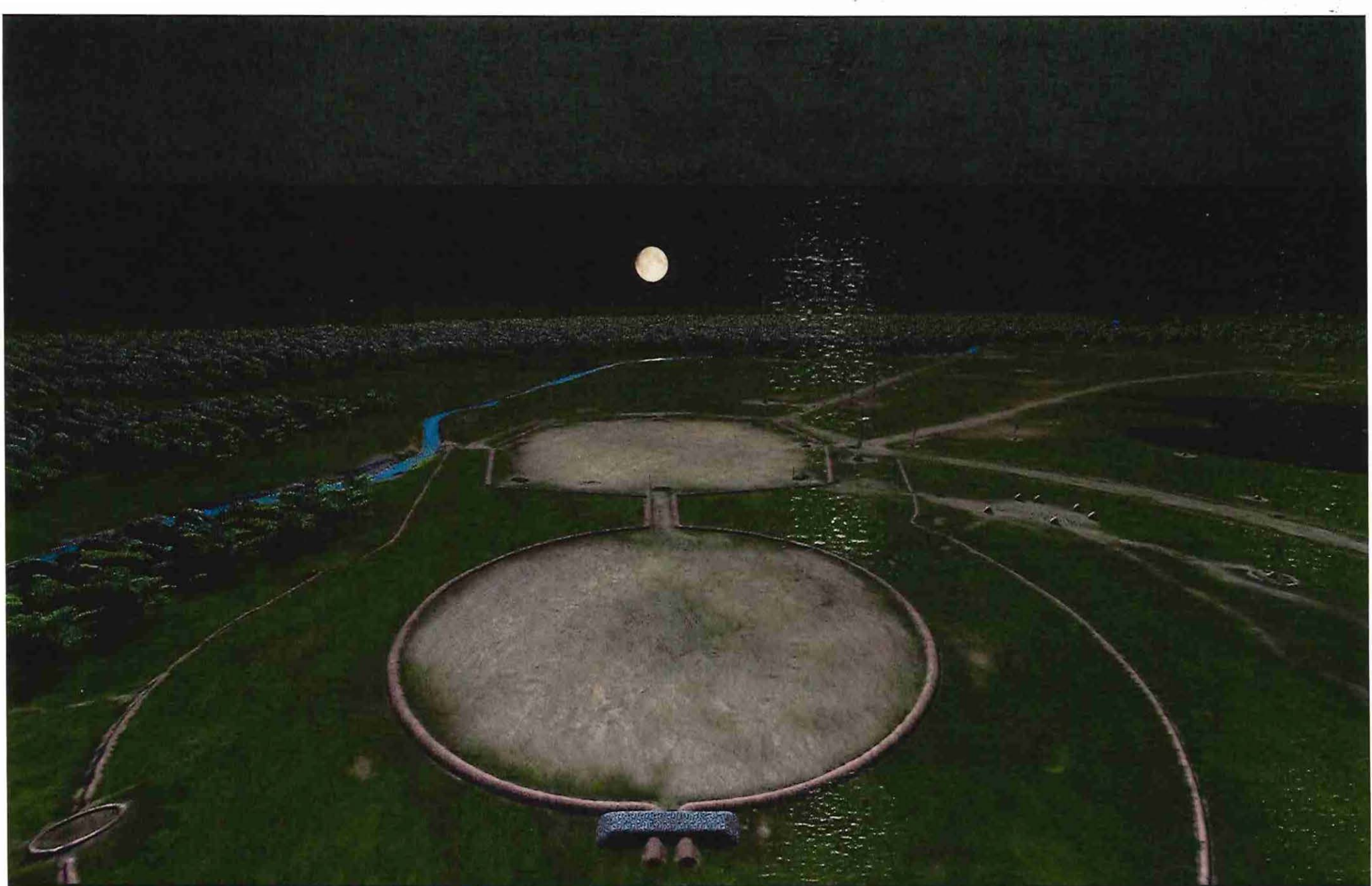
High Bank: Solar & Lunar



Newark: Lunar



# ASTRONOMICAL ALIGNMENTS



Maximum Northern Moonrise at Newark Octagon

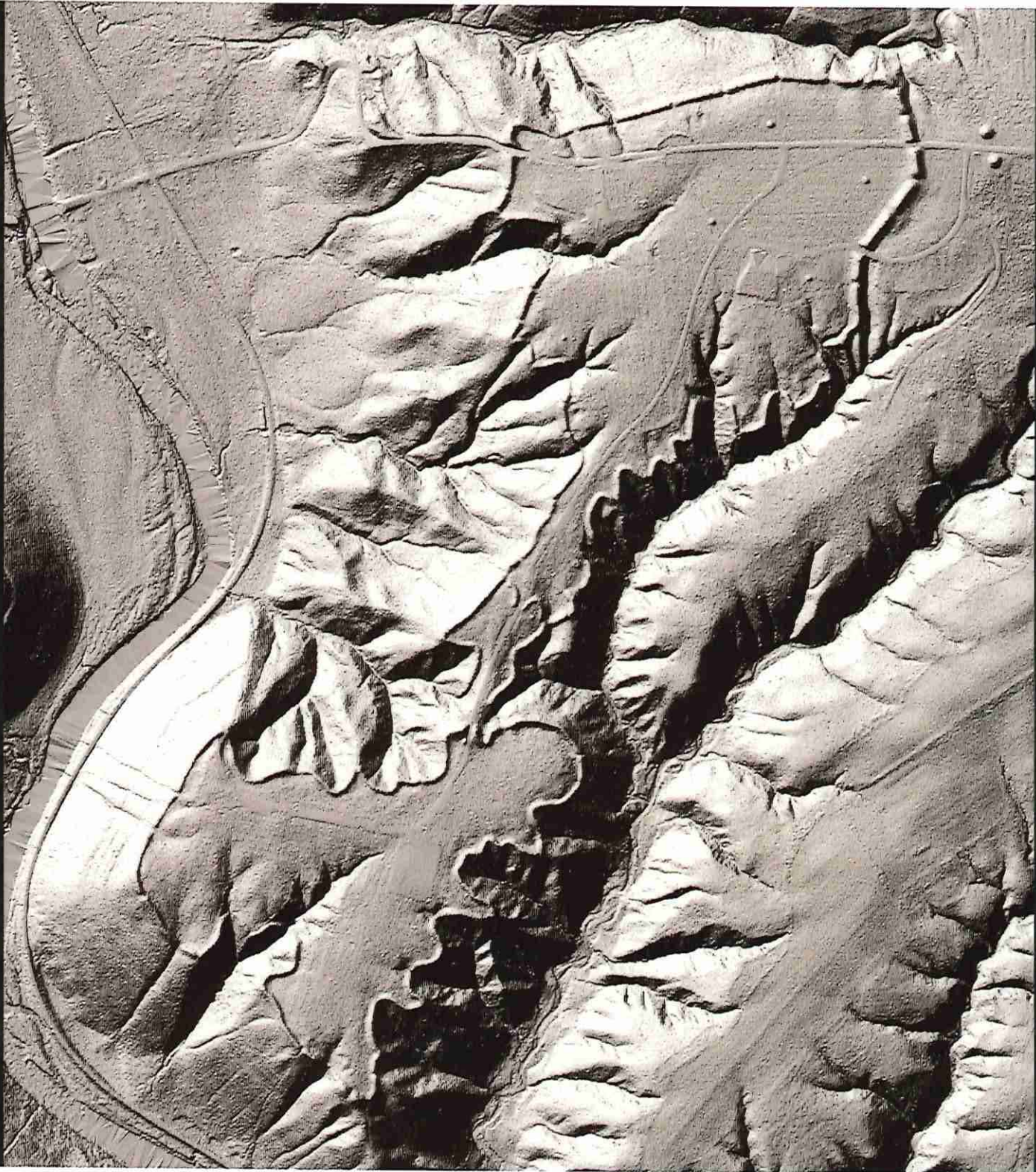
... and Hilltop Enclosures, up to 125 acres.



Fort Ancient, Warren County

*Ohio's Hopewell Earthworks and UNESCO World Heritage*

WORLD  
HERITAGE  
OHIO



Fort Ancient



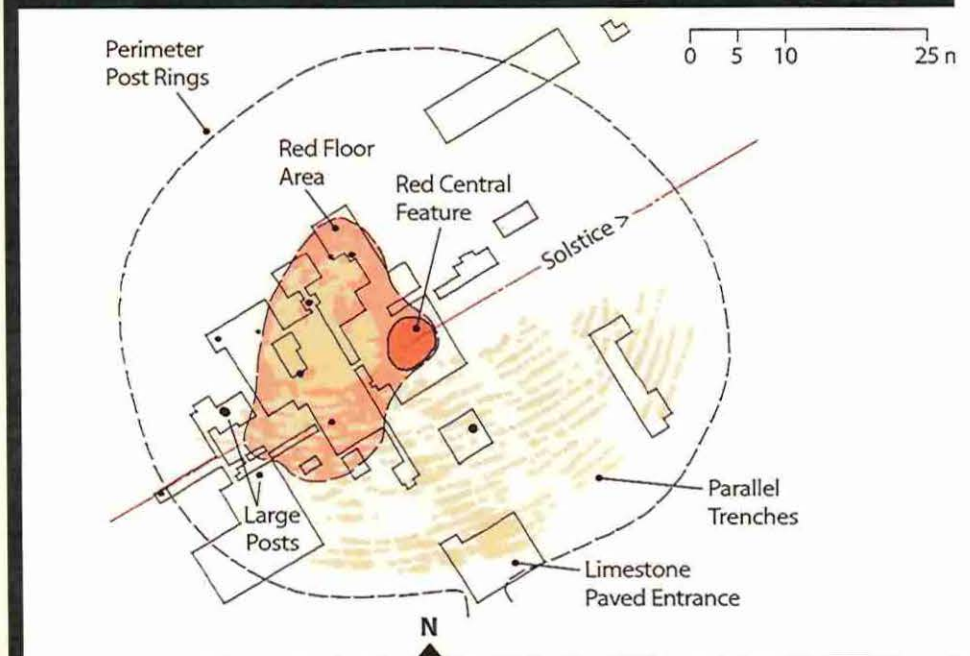
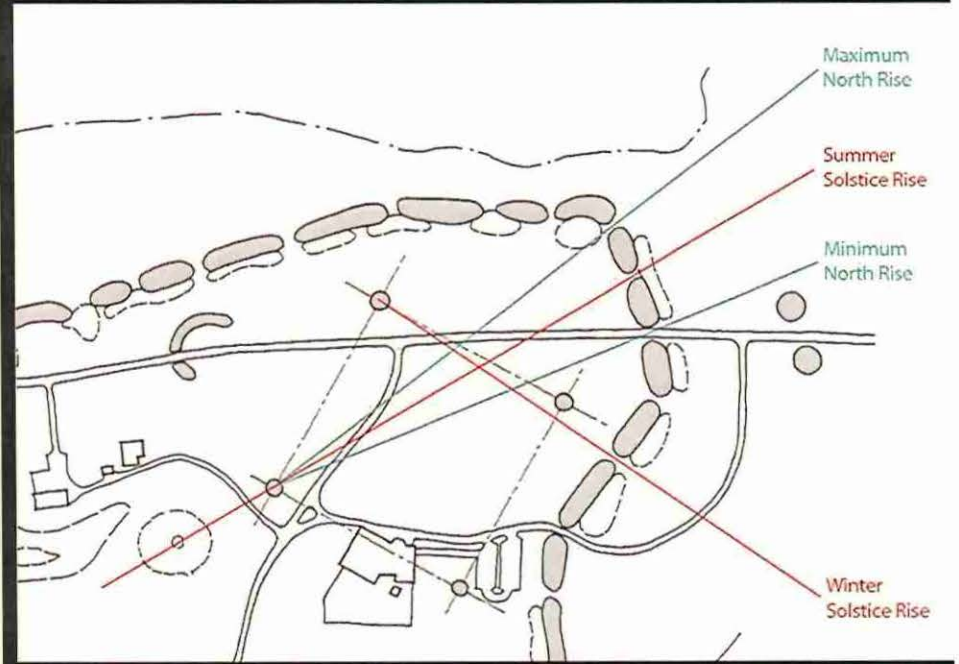
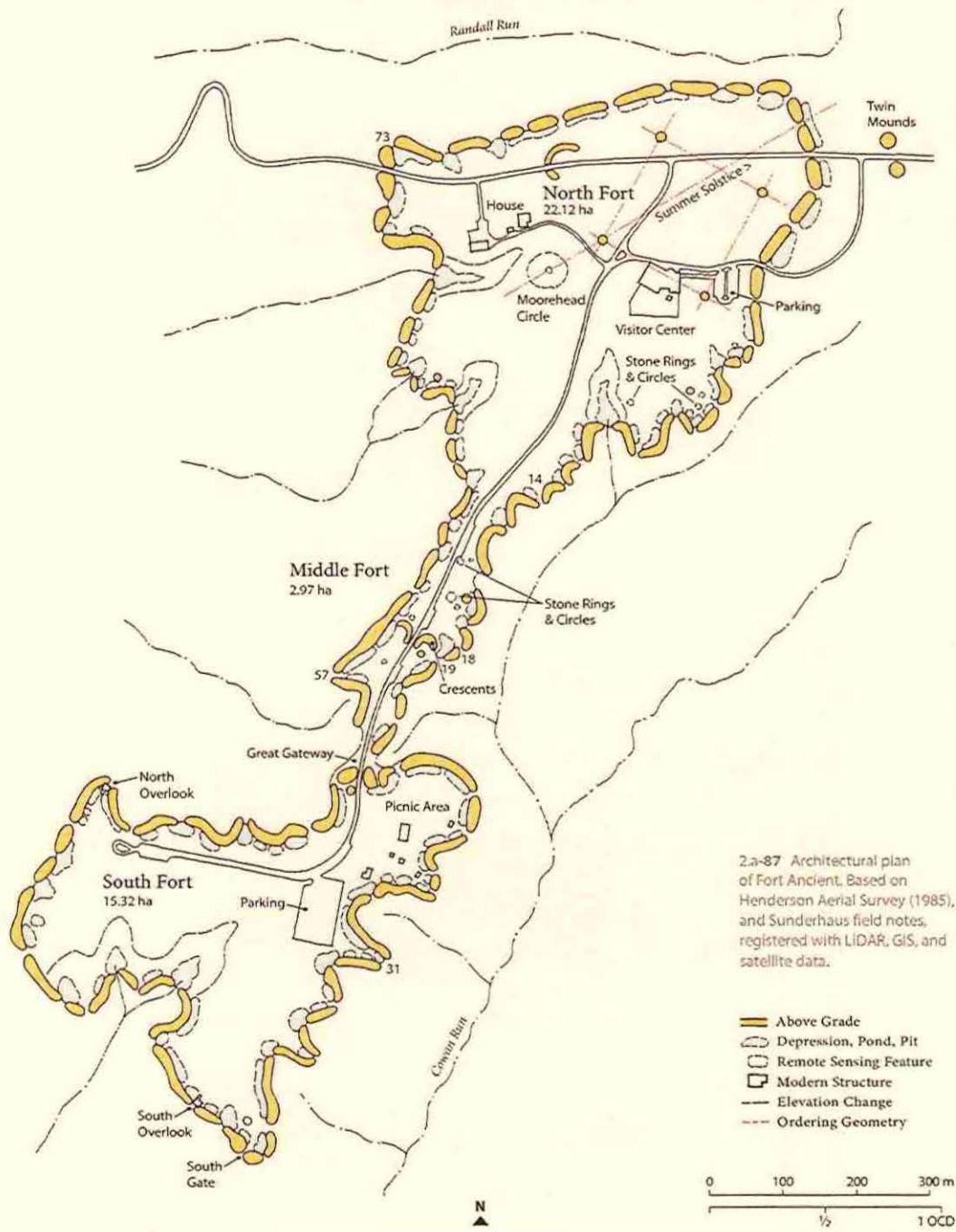
Fort Ancient



Fort Ancient



Fort Ancient



Moorehead Circle and astronomical alignments at Fort Ancient







# WARREN COUNTY AUDITOR

406 JUSTICE DRIVE, LEBANON, OHIO 45036



## Signature Authorization Form For Accounting Functions

Department: Regional Planning Commission  
Three-Character Department Code: PLN  
Date: 12-5-2023  
Approved by: \_\_\_\_\_  
Signature of Elected Official or Board of Directors Resolution Attached



The following employees are authorized for the corresponding accounting responsibility listed below:

1. Authorized to sign adjustment of receipts, adjustment of expenses, intercounty transfers, project adjustments:

Maramba Dean

2. Authorized to request Munis user permissions:

Maramba Dean

# WARREN COUNTY AUDITOR

406 JUSTICE DRIVE, LEBANON, OHIO 45036



## Signature Authorization Form For Payroll Functions

Department:

Regional Planning Commission

Three-Character Department Code:

PLN

Date:

12-5-2023

Approved by:

Signature of Elected Official or Board of Directors Resolution Attached



The following employees are authorized for the corresponding payroll responsibility listed below:

1. Authorized to sign payroll vouchers and vacation/sick leave pay out form:

Maranda Dean

2. Authorized to sign payroll maintenance forms:

Maranda Dean

3. Authorized to request Munis user permissions:

Maranda Dean

<b>PP EXHIBIT #1</b> CASE #	2023-07	
APPLICANT/OWNER/AGENT	Francis W. Logan / BL Companies, LLC Dollar General	
TOWNSHIP	Harlan	
EXISTING PROPERTY LOCATION (87.0001 ACRES)	ADDRESS	Route 132
	PIN	18-33-451-009-0
PROPOSED PROPERTY SIZE & FRONTAGE FOR SITE PLAN REVIEW:	3.630 Acres (not divided yet); 481 Feet	
CURRENT ZONING DISTRICT	"RU" Rural Residential	
FUTURE LAND USE MAP (FLUM) DESIGNATION	Agricultural-Rural Residential	
EXISTING LAND USE	Agriculture	
ZONING REQUESTED	"B2" Community Commercial Business	
ISSUE FOR CONSIDERATION	To rezone the property from RU to B2.	

**Regional Planning  
Commission**  
September 28, 2023



**Warren County Rural  
Zoning Commission**  
October 11, 2023



**Board of County Commissioners**

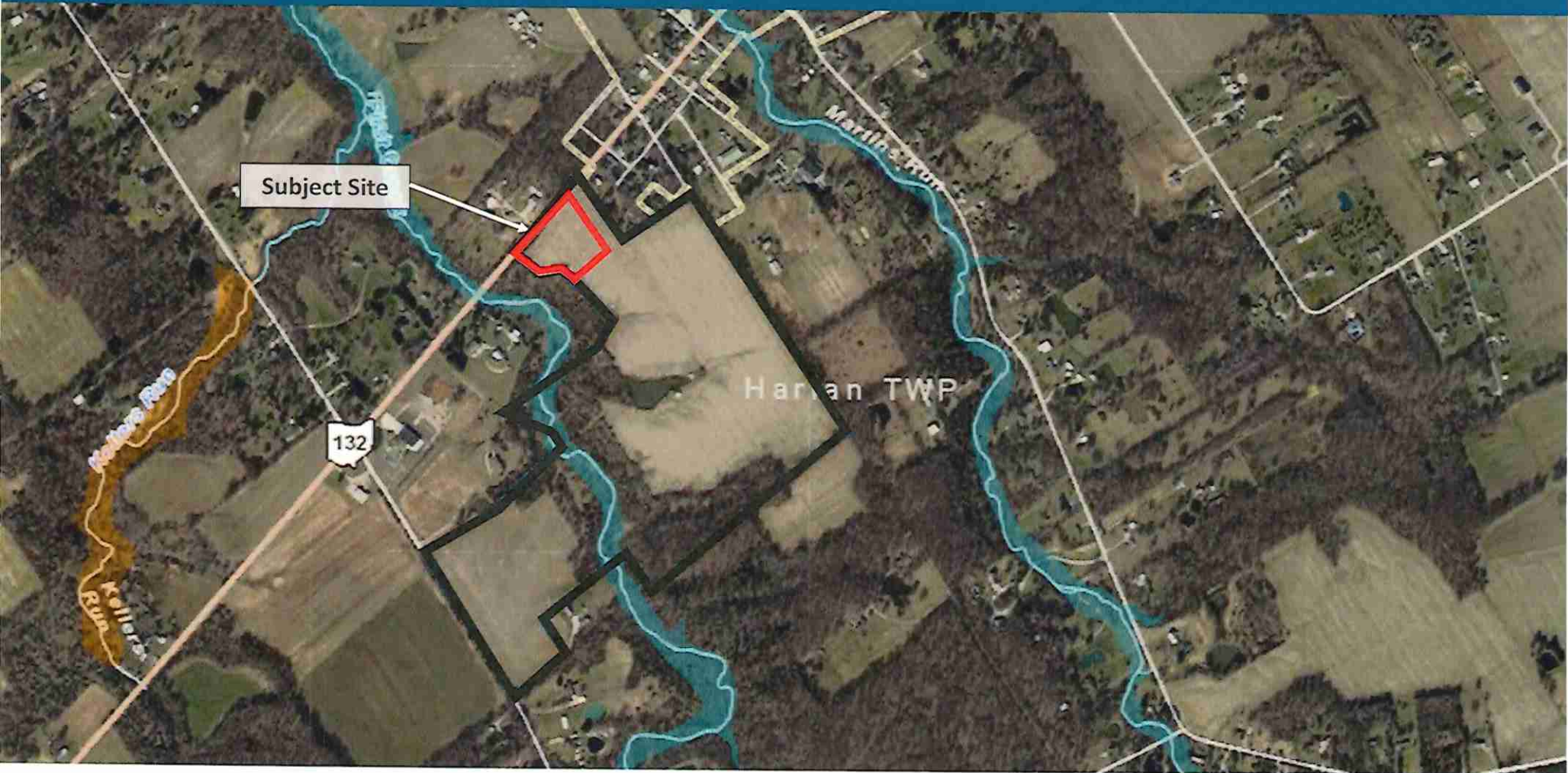
# Aerial Map

2023-07



# Aerial Map

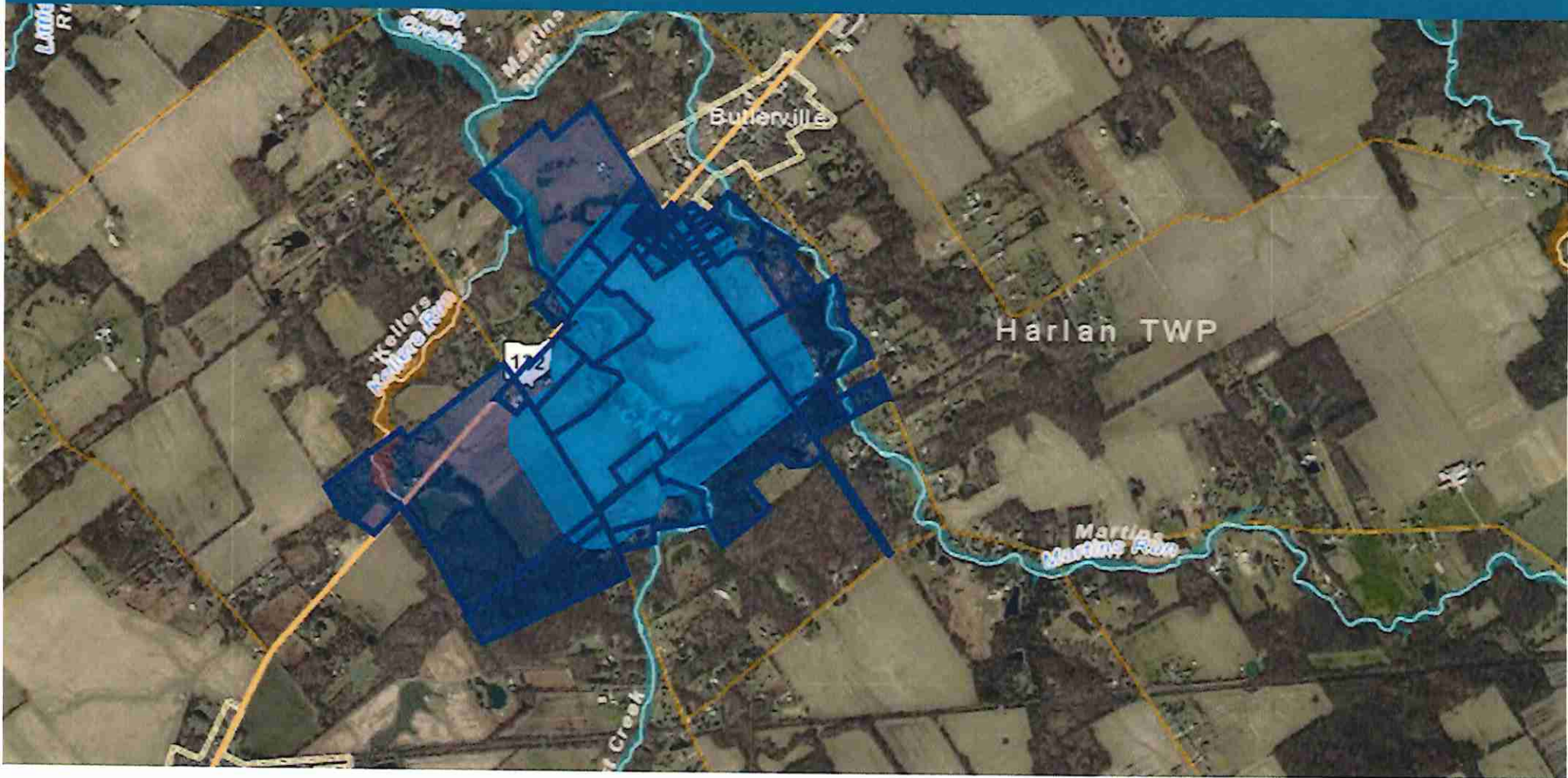
2023-07





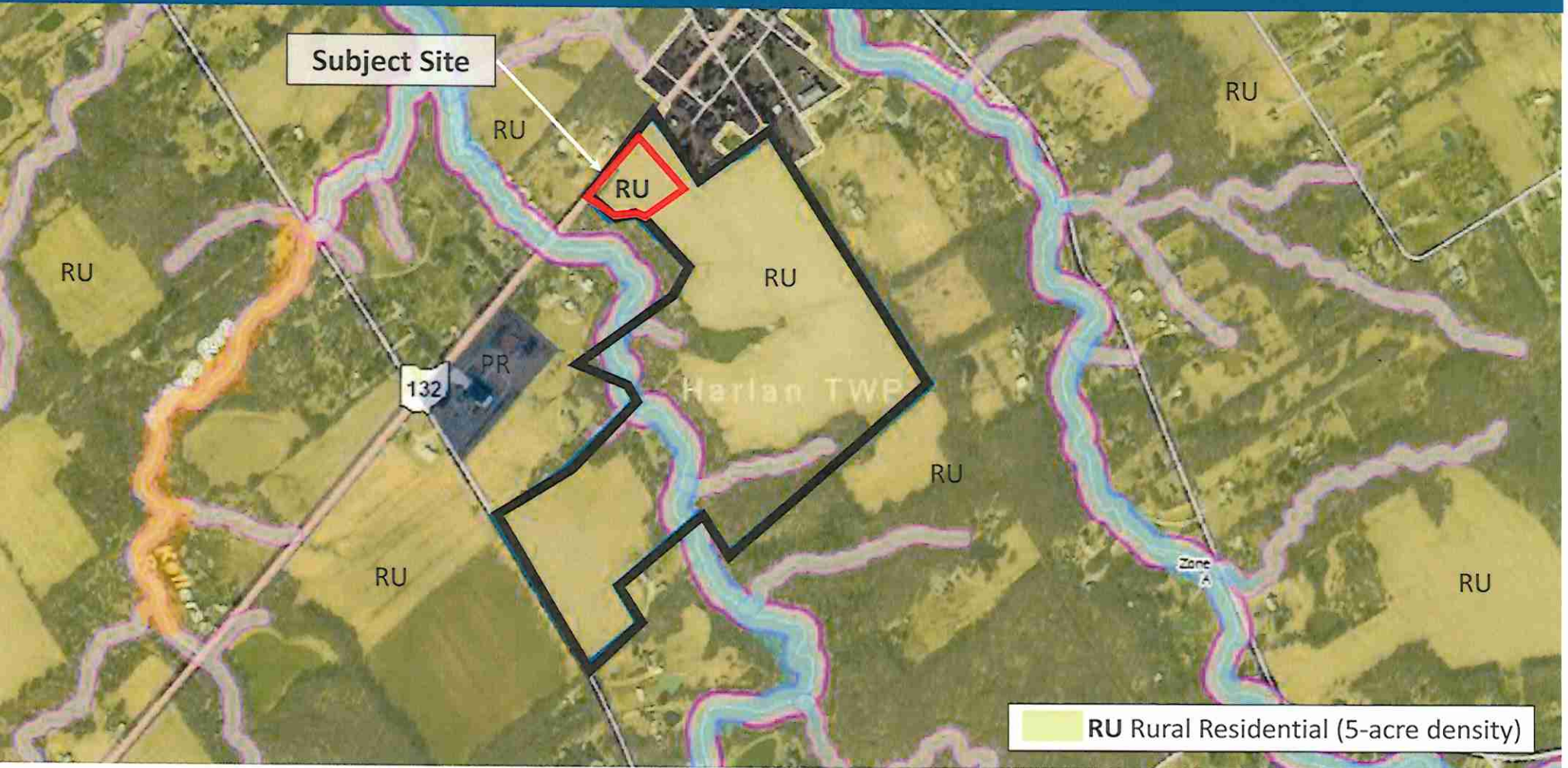
# Notification Map

2023-07





# Zoning and Flood Map

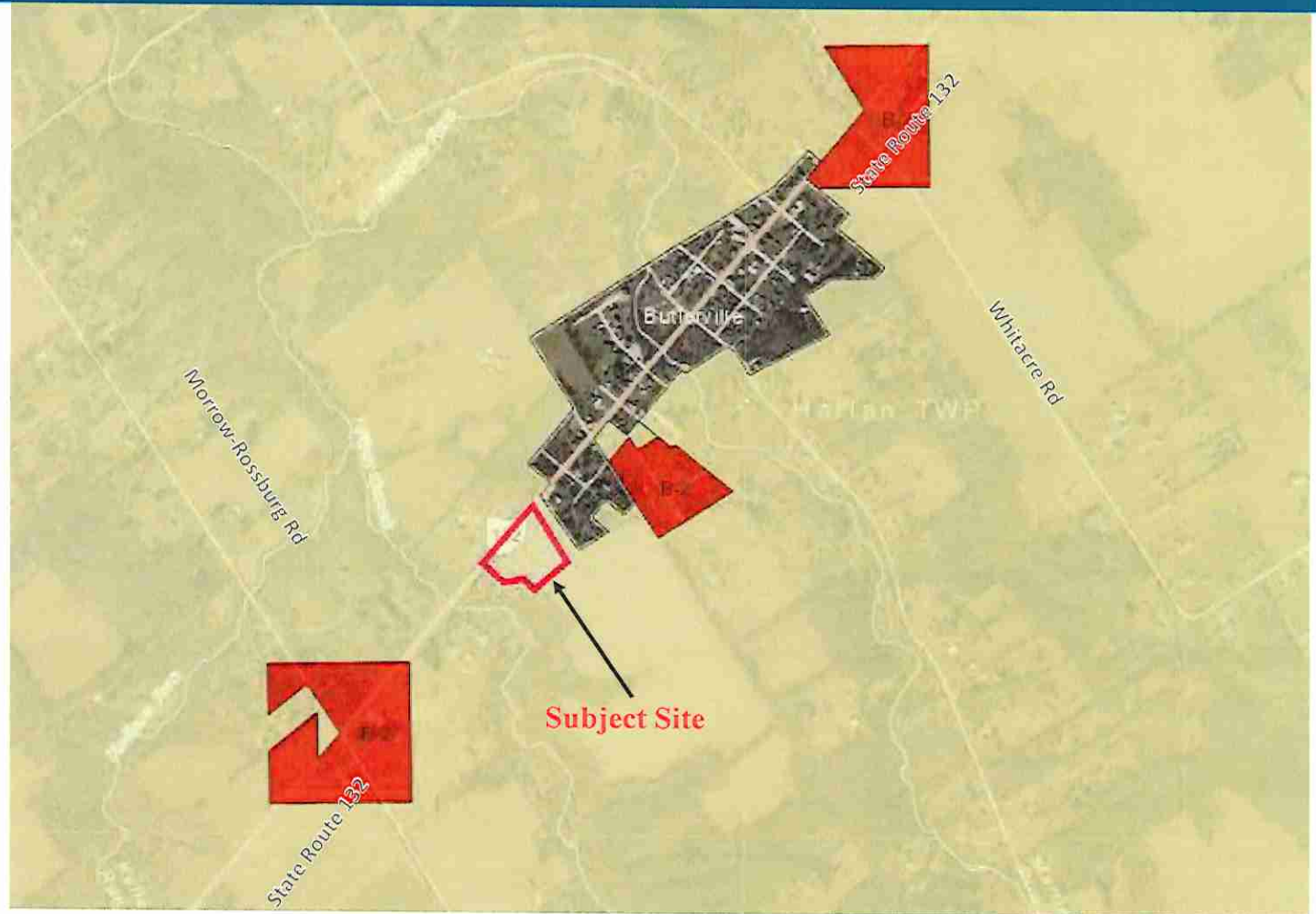
2023-07



# Pre-2012 Zoning

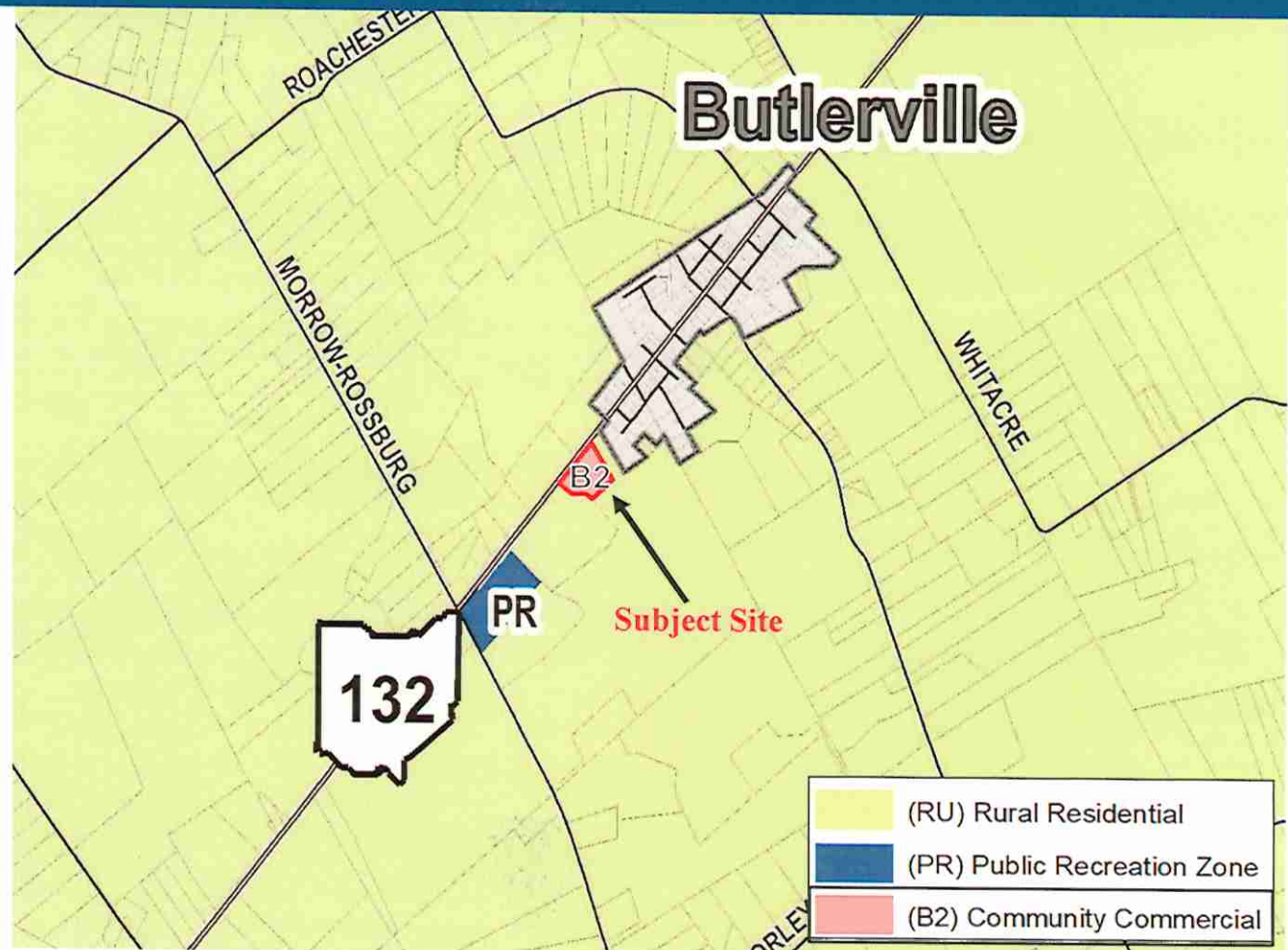
Before 2012, Warren County Zoning had designated a larger number of properties zoned as B-2 for commercial purposes in this area.

-  B-2
-  R-1



## 2.303 (B). Community Business Zone

The B2 Zone and regulations are for purposes of permitting and encouraging business establishments in centralized locations to allow a wide range of uses to meet the needs of the community. Design standards are intended to limit the impacts on the roadway network through the layout of sites and internal vehicular access between sites. – Warren County Zoning Code

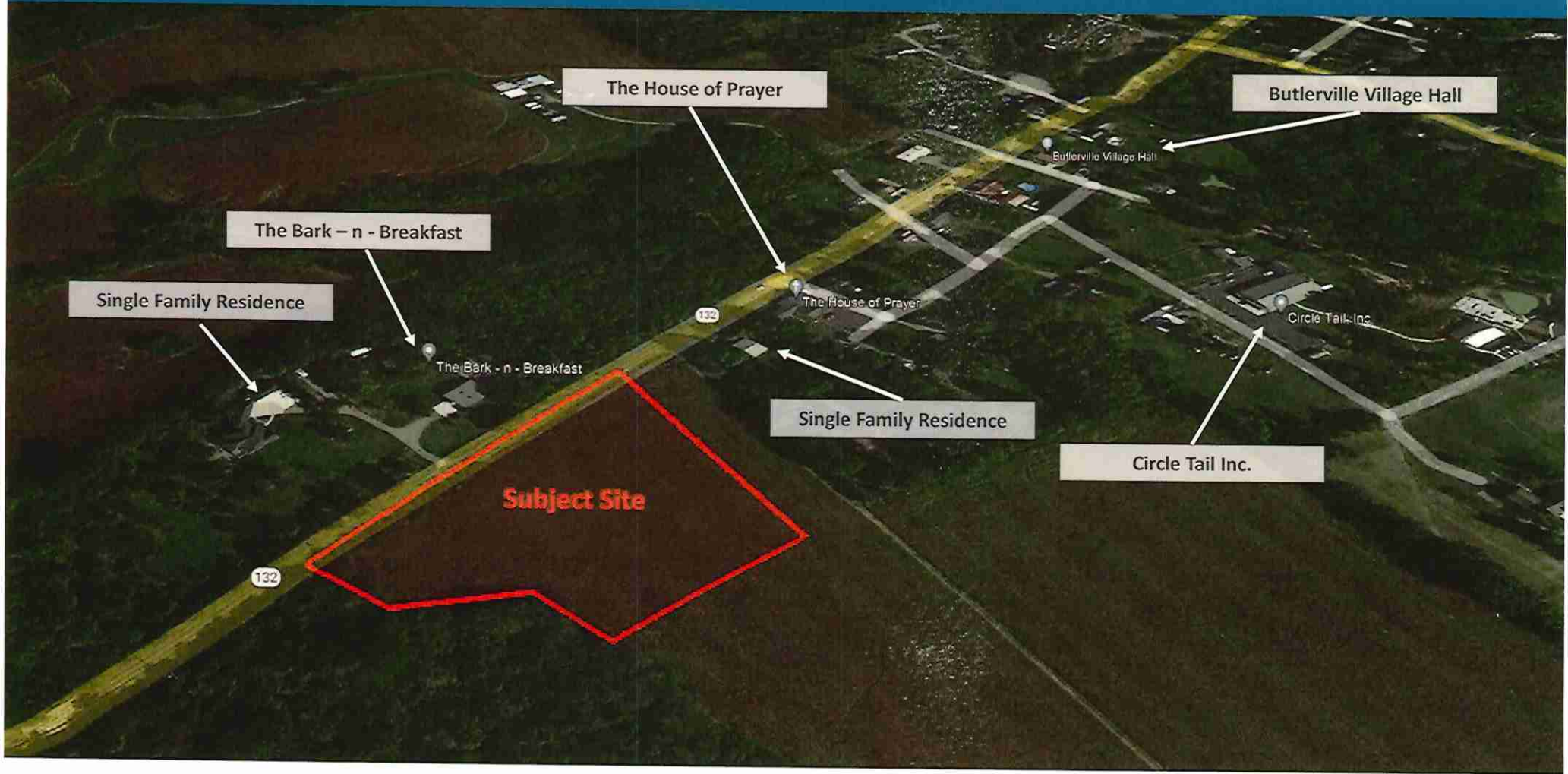


# Zoning Standards

## Comparison of Current, B1 & Proposed Zoning Standards

Zoning	RU (Current)	B1	B2 (Proposed)
Front Yard Setback	50 ft.	50 ft.	50 ft.
Side Yard Setback	Total 50ft. min. 20 ft.	20 ft.	20 ft.
Rear Yard Setback	50 ft.	40 ft.	40 ft.
Lot Frontage	<b>200 ft.</b>	None	<b>None</b>
Maximum Impervious Surface Ratio	N/A	0.53	0.55

# Surrounding Uses



# Comparison of RU, B1, and B2 Uses

## Comparison of Current & Proposed Zoning Uses

RU (Current)	B1	B2 (Proposed)
Single Family Residential	Retail Stores – General (Dollar General)	Retail Stores – General (Dollar General)
Adult family Homes	Multi-Family Dwelling Units	Multi-Family Dwelling Units
Family Day-Care	Family Day-Care	Family Day-Care
Foster Homes	Bar, Brewpub, Night Club	Bar, Brewpub, Night Club
Construction or Sales Office Trailer	Commercial Amusement	Commercial Amusement
Commercial Vehicle Parking in Residential Districts	Construction or Sales Office Trailer	Cinema
Campground	On-Demand Storage Containers	On-Demand Storage Containers
Church/Place for Worship	Bed and Breakfast	Shooting Range
Libraries, Museums, Fine Arts Centers	Day Care Center	Landscaping service

# Environmental Features

- Wooded Land
- Slight Slopes





Included in this submittal are preliminary plans for the proposed Dollar General development, as well as preliminary legal descriptions and lot split plat. Narrative statements establishing and substantiating how the rezoning request relates to the Warren County Comprehensive Plan are as follows:

- a. *Objective: Establish areas of commercial activity, ensuring a convenient, safe and pleasant environment in meeting the retail and business needs of residents, workers and travelers.*
  - i. *Encourage the establishment of sufficient commercial activities to provide a sustainable local economy to the extent possible (current nationwide data indicates that commercial land uses typically comprise approximately 10 percent of overall land use).*
  - ii. *Commercial growth should equate to what the market will bear. Overcommercialization should be avoided.*

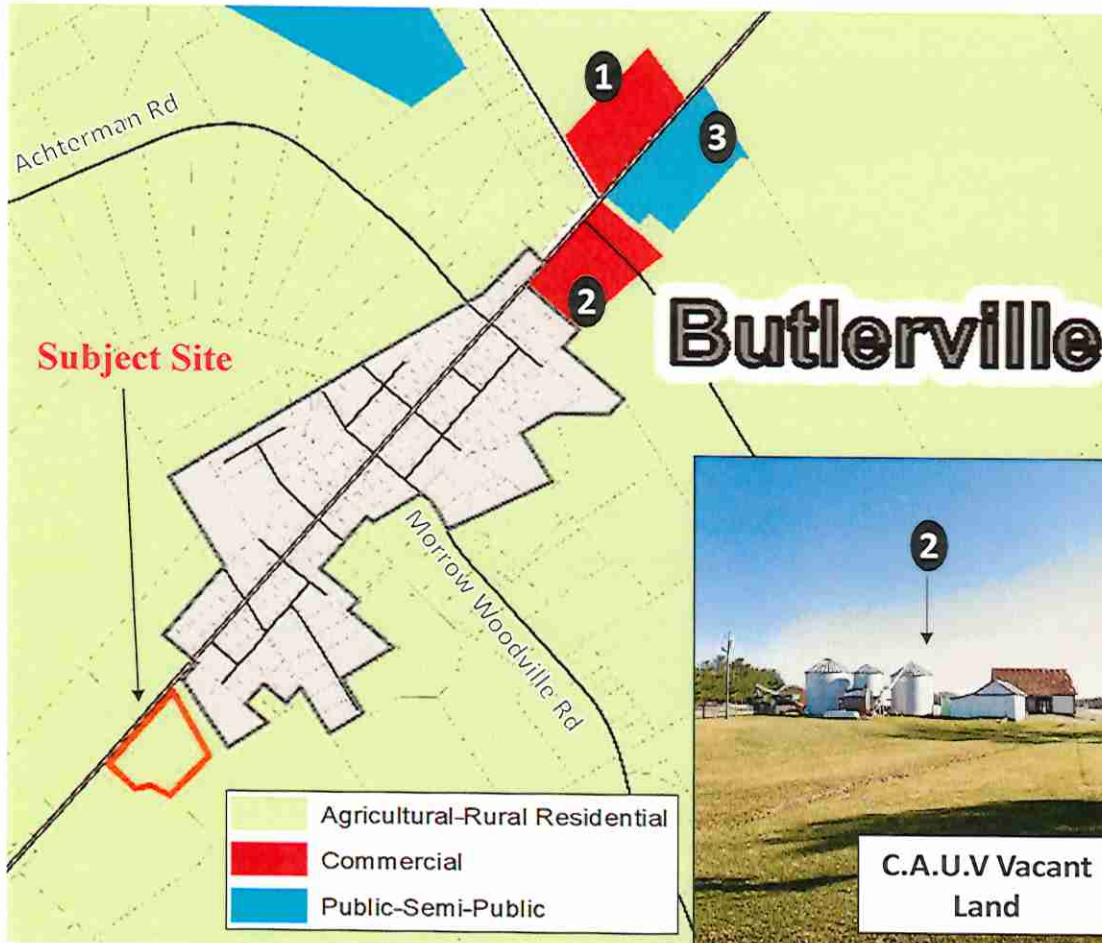
**The proposed development is located in a "Food Desert" for the local consumer.** A food desert as defined by Wikipedia is " an area that has limited access to affordable and nutritious food". The nearest Kroger is over 7 miles away. The market this store would serve has approximately 1,500 households and nearly 3,000 people. Dollar General with over 19,000 stores has determined this site is suitable for their concept, and with 19,000 data points (stores) to draw from, we consider them a reliable source.

*iii. Avoid strip commercial development and "spot zoning" for such uses.*

Per the WCRPC 2030 Land Use Plan (produced in 2018), there are properties just outside of the Village of Butlerville to the northeast in Harlan Township that are planned for future commercial land use. These properties have similar surroundings and characteristics to the proposed development location and are both located along the same State Route 132 service corridor.

Additionally, there is a commercial business directly across the street called the Bark N Breakfast Boarding Kennel at 8843 SR-132 Pleasant Plain, OH 45162. Although not zoned commercial, the business has handicapped/assigned parking spaces for public view and advertises to the public.

# Future Land Use



**Warren County  
Regional Planning  
Commission  
Recommendation**

September 28, 2023

Ms. Michelle Tegtmeier  
Warren County Rural Zoning  
406 Justice Drive  
Lebanon, OH 45036

Dear Ms. Tegtmeier:

This letter is in regard to the request from the Warren County Rural Zoning Commission for the Dollar General Rezoning from "RU" Rural Residence to "B2" Community Commercial Business in Harlan Township.

At its meeting on September 28, 2023, the Warren County Regional Planning Commission Executive Committee voted to recommend denial of the Rezoning to the Warren County Rural Zoning Commission with a vote of 7 aye, 7 nay, 1 abstain.

A copy of the staff report is attached.

If you have any questions regarding this action, please contact this office.

Sincerely,



Stanley C. Williams, AICP  
Executive Director

Attachment



HARLAN TWP  
COMMENTS

Michelle,

The Harlan Township Board of Trustees met in public session on September 20th, 2023 and discussed the rezoning of a parcel in Harlan Township for the construction of a Dollar General store. (Case #2023-07)

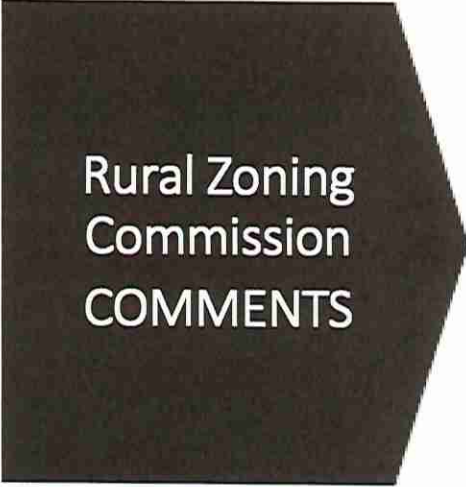
The Harlan Township Board of Trustees is unanimous in their opinion of NOT allowing this parcel to be rezoned from residential to business.

Furthermore, the Board held public discussions with our residents and the adjoining property owners of the parcel in question at several of our monthly meetings. The response has been overwhelming against the rezoning request as well.

If you have any questions please let me know. Please share this with the members of the Warren County Board of Zoning Appeals.

Thank you,

Marcus Shelton  
Harlan Township Trustee



Rural Zoning  
Commission  
COMMENTS

Ms. Haddix made a motion to recommend denial to the BOCC, Warren County Commissioners, stating after reviewing section 1.304.5 it was determined they applicant could not meet the following:

- (A) The proposed amendment consistent with the purposes and intent of this Zoning Code.
- (B) It does not propose an amendment deviating from the suggestions of the Warren County Comprehensive Plan.
- (D) The proposed zoning compatible with the present zoning, nearby uses, and the character of the surrounding area

Mr. Gibbs seconded the motion and upon call of the roll, the motion passed unanimously.

Mike Shaffer, Ginger Haddix, Dan Jenkins, and Jim Gibbs.

# Rezoning Review Criteria Section 1.304.5

**Decision-Making Determination Considerations:** The approving authority shall review the proposed Zoning Amendment in the interest of public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable, by considering the following factors:

- (A) Is the proposed amendment consistent with the purposes and intent of this Zoning Code?
- (B) **Does the proposed amendment deviate from the suggestions of the Warren County Comprehensive Plan?**
- (C) Is the proposed amendment justified because of changed or changing conditions of the surrounding area since the time the current zoning designation for the property was established, and has assumptions on, capital investments, road locations, population trends, land committed to development, density, use, or other elements changed to justify the amendment?
- (D) **Is the proposed zoning compatible with the present zoning, nearby uses, and the character of the surrounding area?**

# Rezoning Review Criteria Section 1.304.5

**Decision-Making Determination Considerations:** The approving authority shall review the proposed Zoning Amendment in the interest of public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable, by considering the following factors:

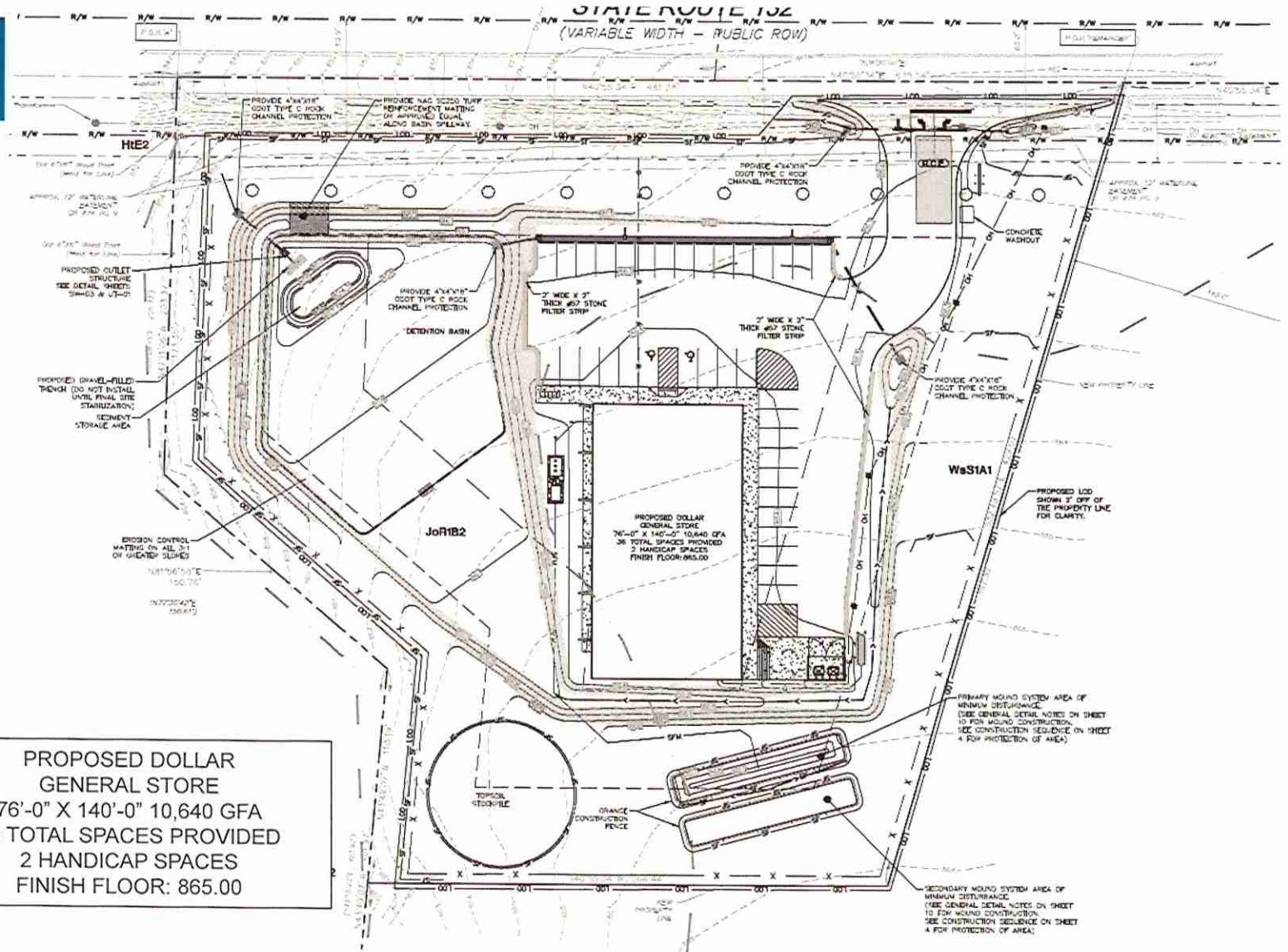
- (E) Is the site suitable for the uses to which it has been restricted, or does the current zoning deprive the site of all economically viable uses?
- (F) **How long has the property remained vacant as zoned and is it zoned different from an adjacent properties?**
- (G) **Are there available sites elsewhere in the County that are already zoned for the proposed use?**
- (H) Are public central sanitary sewer, stormwater facilities, roads and other public facilities available and do they have adequate capacity to serve allowable uses?
- (I) Will approval of this amendment result in existing land uses, parcels, or structures becoming non-conforming or somehow result in conflict with any provision, restriction, or requirement of this code?









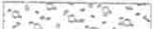
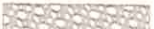

# **Additional Slides**

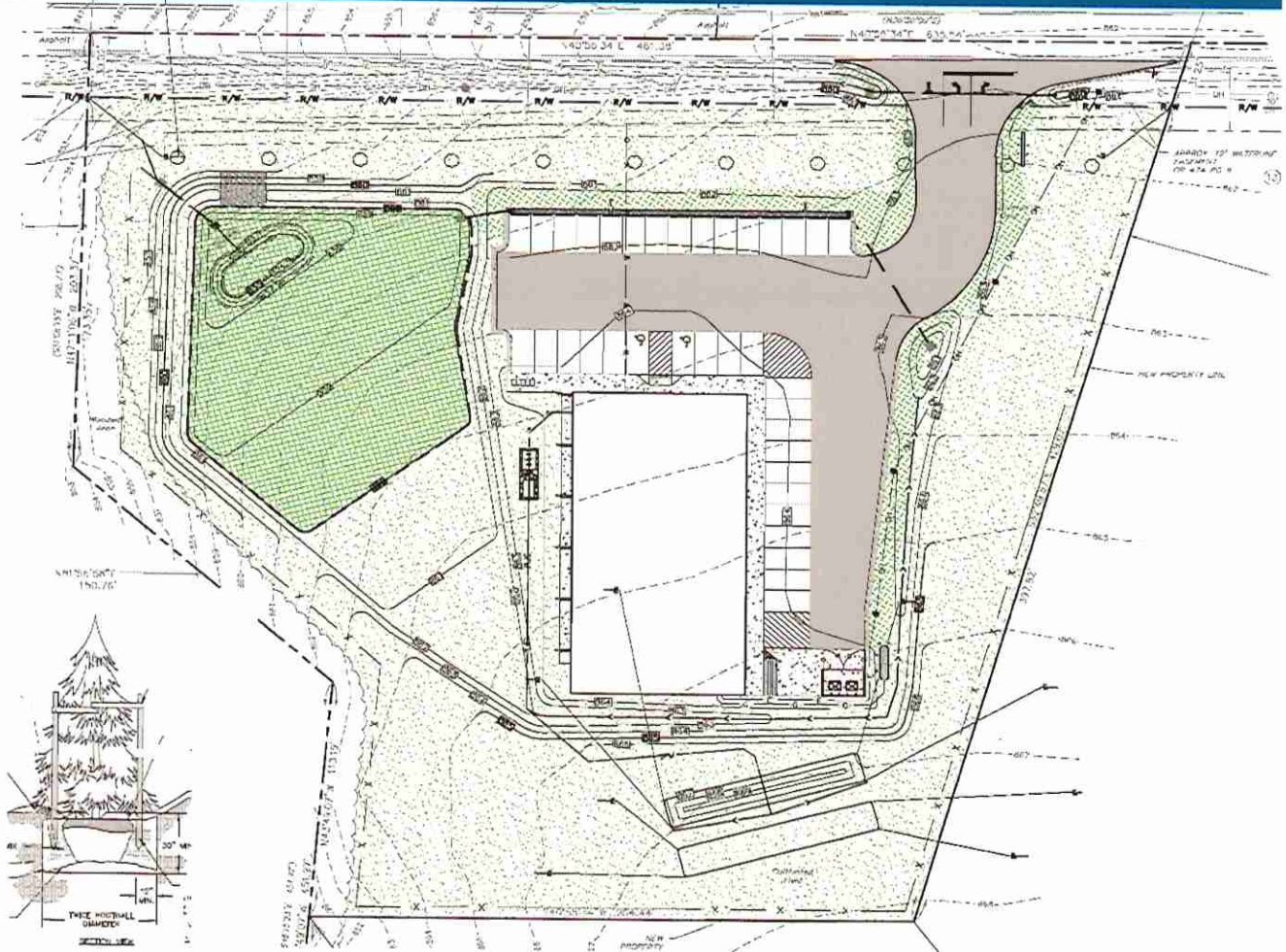
# Site Plan



# Proposed Landscaping Plan

2023-07

LANDSCAPE LEGEND	
	DECIDUOUS TREE
	EVERGREEN TREE
	SEEDED LAWN
	SODDED LAWN
	RIVER ROCK
	STONE
	DETENTION MIX



# Landscaping Requirements

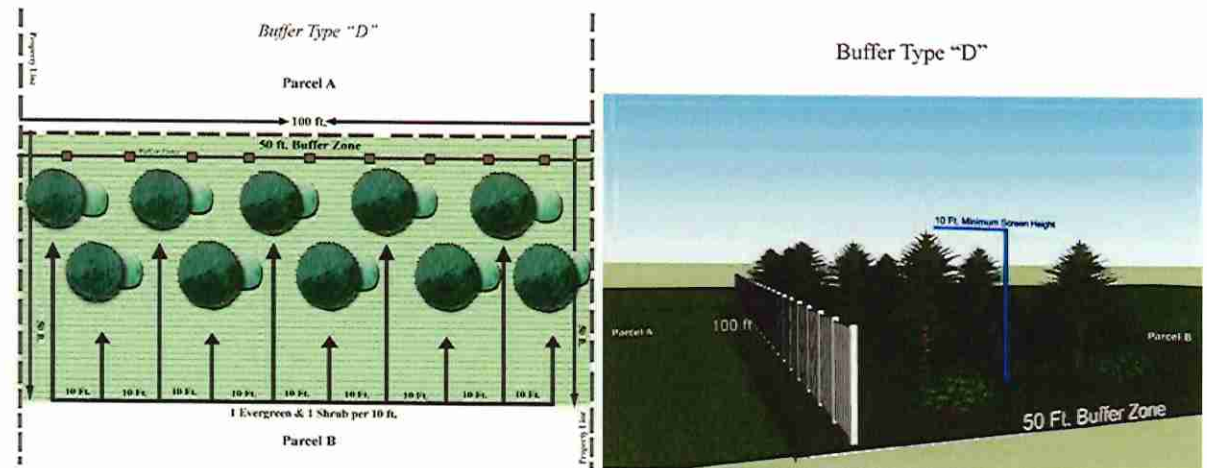
Table 3.405

PROPOSED USE	Single-Family or Two-Family Residential District, Recorded Subdivision or lot used for single family residential purposes	
Single-Family or Two-Family	None	
Multi-Family	Buffer "C"	
Commercial/Business	Buffer "D"	
Office	Buffer "D"	
Industrial	Buffer "D"	

## SEC 3.405 BUFFERING AND SCREENING REQUIREMENTS:

### (A) Streetscape Buffer:

- (1) The front yard of each site shall be landscaped with street trees. Street trees may be credited toward the minimum requirements specified in Section 3.407(A) (Landscaping and Screening for Parking and Loading Areas).
- (2) Trees are required at a rate of one (1) tree per forty (40) feet of frontage with a minimum of one (1) tree per parcel.



"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]
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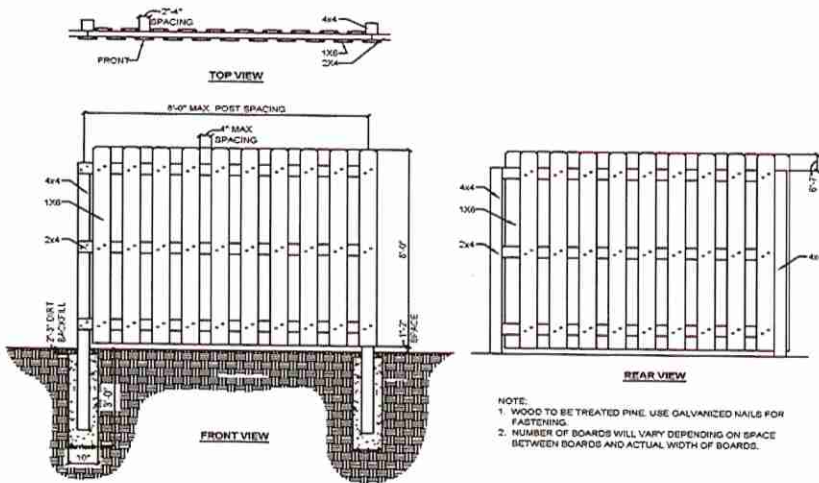


# Proposed Service Structure

2023-07

(C) Mechanical Equipment, Service Structure and Dumpster Screening:

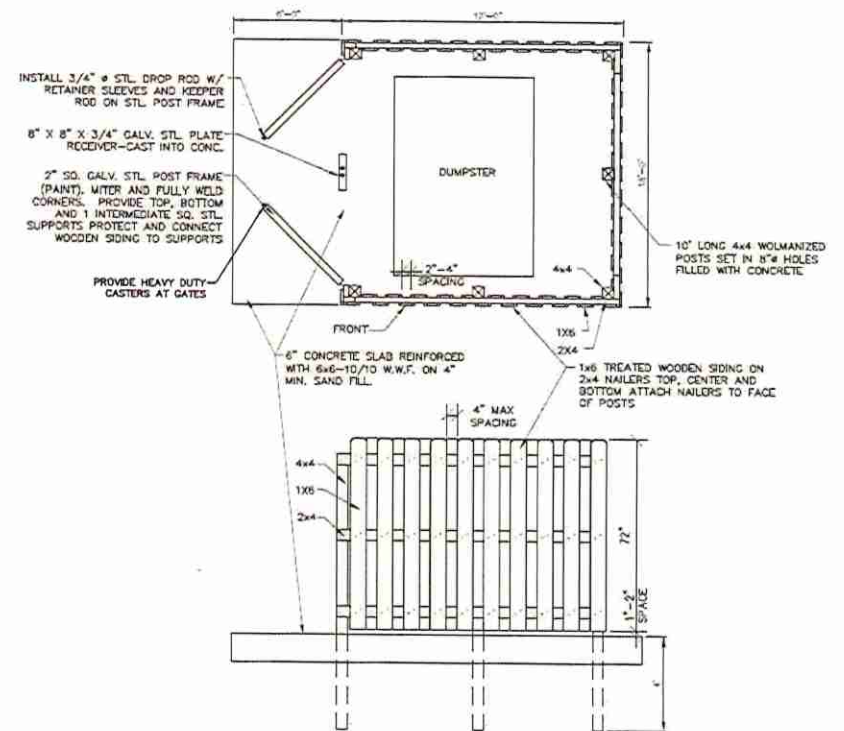
- (1) All mechanical equipment, including both ground-mounted and roof-mounted equipment and Dumpster or similar container, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes, through the use of landscaping or enclosures, as approved by the Zoning Inspector.
- (2) All electrical boxes, conduits, and similar items attached to a façade shall be painted the same color as the building.



LANDSCAPING FENCE DETAIL

N.T.S

NOTE:  
 1. WOOD TO BE TREATED PINE. USE GALVANIZED NAILS FOR FASTENING.  
 2. NUMBER OF BOARDS WILL VARY DEPENDING ON SPACE BETWEEN BOARDS AND ACTUAL WIDTH OF BOARDS.



DUMPSTER ENCLOSURE

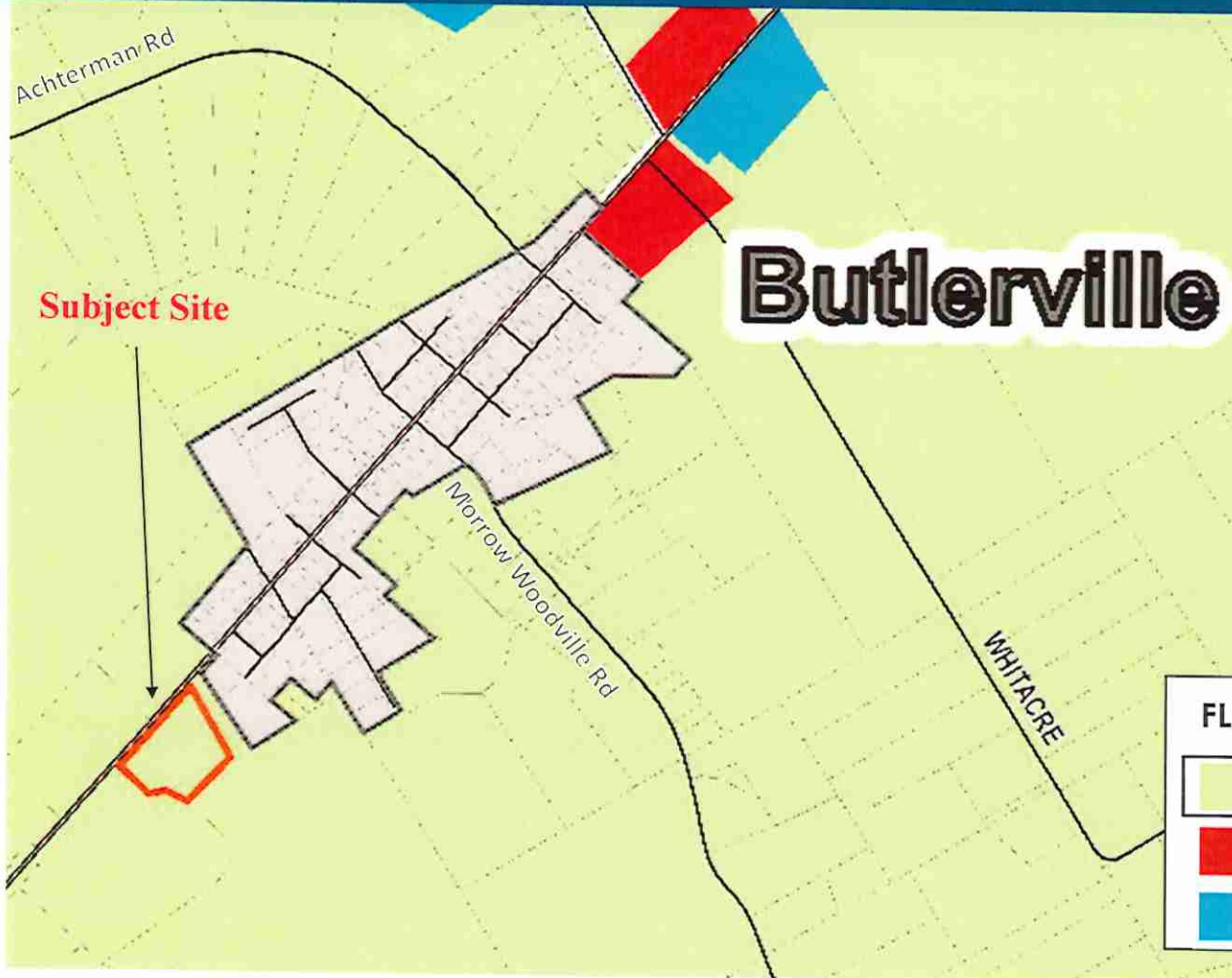
N.T.S

ANY  
QUESTIONS?



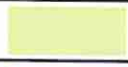




# Future Land Use



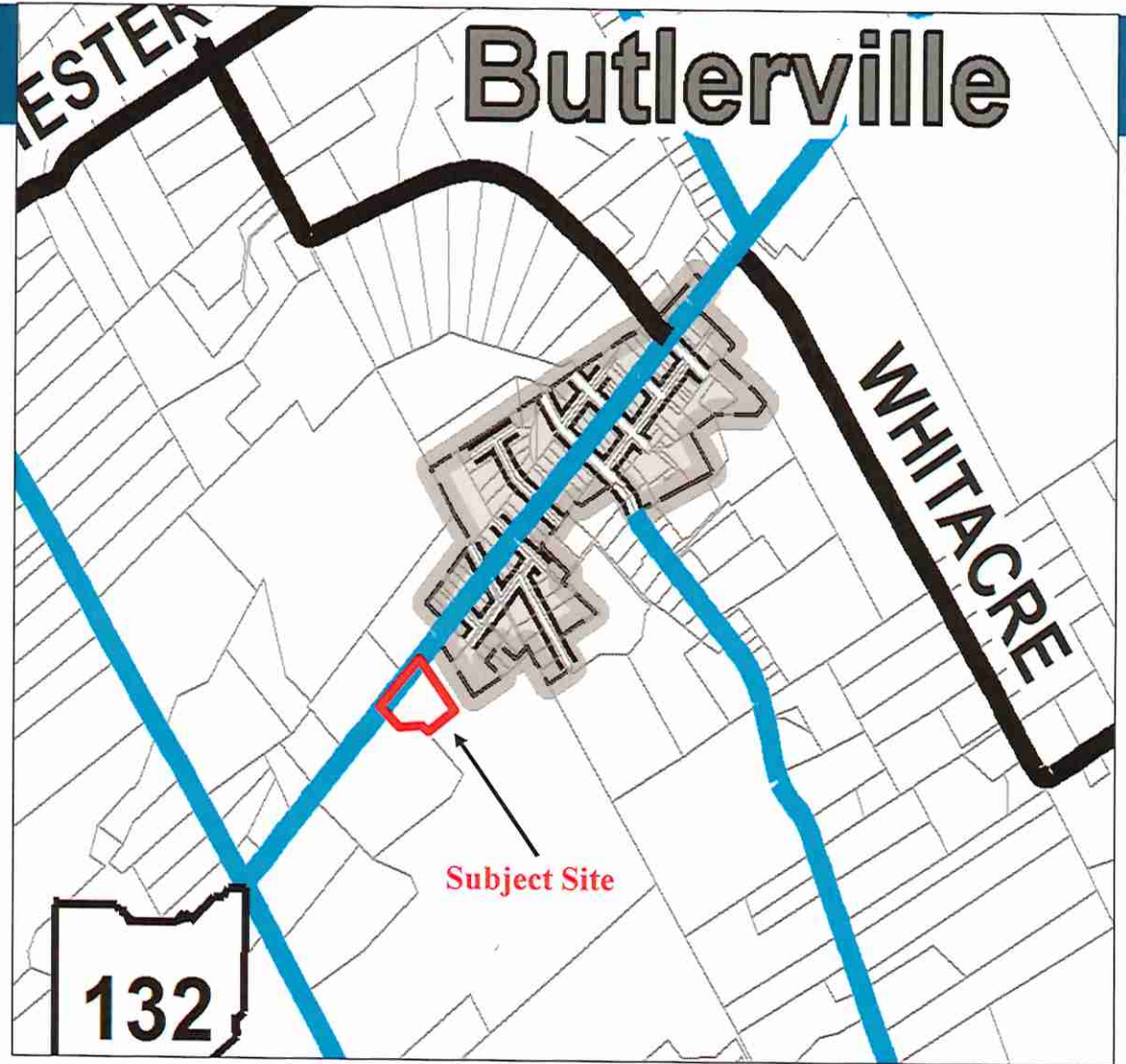
Land uses in this area include business (along S.R. 132) and residential.

FLUM Designation: Agriculture

	Agricultural-Rural Residential
	Commercial
	Public-Semi-Public

## Warren County Thoroughfare Plan

- ~500 feet, with one entrance on State Route 132 (**Collector Road**).
- AADT along S.R 132: **1,700 Drivers (TIMS)**



# Resolution

Number 23-1554

Adopted Date November 21, 2023

SET PUBLIC HEARING FOR REZONING APPLICATION OF FRANCIS W. LOGAN, (CASE 2023-07) TO REZONE APPROXIMATELY 3.63 ACRES FROM "RU" RURAL RESIDENTIAL TO "B2" COMMUNITY COMMERCIAL BUSINESS IN HARLAN TOWNSHIP

BE IT RESOLVED, to set a public hearing for the rezoning application of Francis W. Logan, Owners of record (Case # 2023-07) to rezone approximately 3.63 acres (Parcel ID 18-33-451-009-0) located along State Route 132 in Harlan Township from 'RU' Rural Residential to "B2" Community Commercial Business; said public hearing to be held December 12, 2023, at 9:00 a.m. in the County Commissioners Meeting Room; and

BE IT FURTHER RESOLVED, to advertise notice thereof in a newspaper of general circulation, at least ten (10) days prior to hearing.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea  
Mr. Young – yea  
Mr. Grossmann – yea

Resolution adopted this 21<sup>st</sup> day of November 2023.

BOARD OF COUNTY COMMISSIONERS

  
Tina Osborne, Clerk

kp/

cc: RPC  
RZC  
Rezoning file  
Property Owner  
Agent  
Township Trustees



**TEMPORARY LICENSE/RIGHT OF ENTRY FOR POSTING SIGN**

(to be completed and signed by all Owner(s) of record)

In accordance with Section 1.304.3 (A), a sign stating the public process for this specific property shall be posted on the property subject to Zoning Map Amendment, accordingly, all Owner(s) do hereby grant to Warren County and its employees or agents a temporary license/right of entry onto the subject property to place and maintain a sign as required in Section 1.304.3 (A) of the Warren County Rural Zoning Code. The duration of this temporary license/right of entry is from the date of execution of the Application for Zoning Map Amendment until the sign is removed by Warren County or its employees or agents on or immediately after the date the final public hearing is closed by the Approving Authority.

**SIGNED BY:**

Francis W. Logan  
Owner Signature

8-12-2023  
Date

FRANCIS W. LOGAN  
Owner (please print)

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner (please print)

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner (please print)

**WITNESSED BY:**

Emily G. Jones  
Name (please print)

Emily G. Jones  
Signature

8/12/23  
Date

RECEIVED

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

SEP 01 2023

ZONING INSPECTION

August 9, 2023

**RE: DESIGNATION OF AUTHORIZED AGENTS - LETTER OF AUTHORIZATION**

To Whom It May Concern:

This letter shall constitute a letter of authorization for (i) Pleasant Plain DG, LLC, (ii) CGP Acquisition & Development, LLC, and/or (iii) BL Companies. to act as authorized agents on behalf of Francis W. Logan, Successor Trustee of the Frances W. Logan Living Trust Dated May 2, 2006 ("Owner"), regarding the property identified in **Exhibit A** (the "Property"), for the purpose of making applications and representing Owner at meetings for rezoning, variances, subdivision, and permits for the Property.

Sincerely,

Francis W. Logan  
Francis W. Logan, Successor Trustee

State of Ohio )  
County of Warren ) ss

The foregoing instrument was acknowledged before me on August 12, 2023, by Emily G. Jones.

Emily G. Jones  
Signature of Notary Public

Emily G. Jones  
Printed Name of Notary

My commission expires:  
September 1, 2024



**EMILY G. JONES**  
Notary Public, State of Ohio  
My Commission Expires  
September 1, 2024

**RECEIVED**  
**SEP 01 2023**  
**ZONING INSPECTION**