

AGENDA
REGULAR MEETING OF CITY COUNCIL
FEBRUARY 16, 2023, at 6:00 P.M.

1. Mayor Smith calls the meeting to order

2. Roll Call:

Linda Allen
Linda Burke
Brenda Combs

Maryan Harrison
Bill Madison
Rolin Spicer

3. Pledge of Allegiance

4. Guests: Richard Bertagna - Lebanon Area Chamber of Commerce

5. Floor open to the public

6. New Business: Emergency Resolution 2023-09 indicating municipal services to certain real property proposed to be annexed to the City of South Lebanon from Union Township, known as the HuDawn Annexation

Emergency Resolution 2023-10 regarding incompatible land uses and zoning buffer with respect to property proposed to be annexed to the City of South Lebanon from adjacent land remaining in Union Township, known as the HuDawn Annexation

Authorization of Invoices

Authorization of Solicitor's Invoice

Approval of the January Financial Statements

Approval of Meeting Minutes:

Regular Meeting – January 19, 2023

Regular Meeting – February 2, 2023

7. Old Business: Ordinance 2023-02, Third Reading, approving zoning map amendment for 10.655 acres of property located on State Route 48 (Parcel #12-01-451-002)

8. Communications and reports from City Officials and Committees:

- | | |
|------------------------|--------------------|
| a. Mayor | e. Solicitor |
| b. Fiscal Officer | f. Sergeant |
| c. Administrator | g. Council Members |
| d. Asst. Administrator | |

9. Executive Session

10. Adjournment



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council

CC: Andrew Meier, City Solicitor
Tina Williams, Fiscal Officer

From: Jerry Haddix, City Administrator

Date: February 14, 2023

Subject: HuDawn Annexation Resolutions

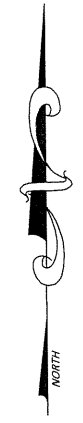
On February 3rd, an annexation petition was filed with the Warren County Commissioners by Catherine Cunningham of Kegler & Brown to annex 7.0165 acres at 1770 Mason-Morrow-Millgrove Road to the City of South Lebanon (see attached map). The property owner are 1770 MMM LLC (aka HuDawn) and River Creek Lofts LLC.

Per ORC 709.023(C), the municipality is required to adopt resolutions indicating services to be provided and a resolution re: incompatible uses and buffers within twenty (20) days from the date of the filing.

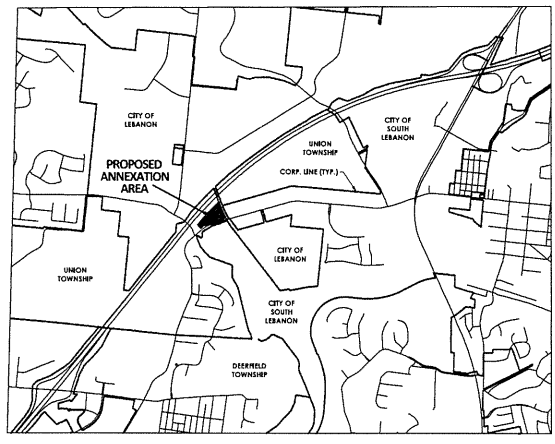
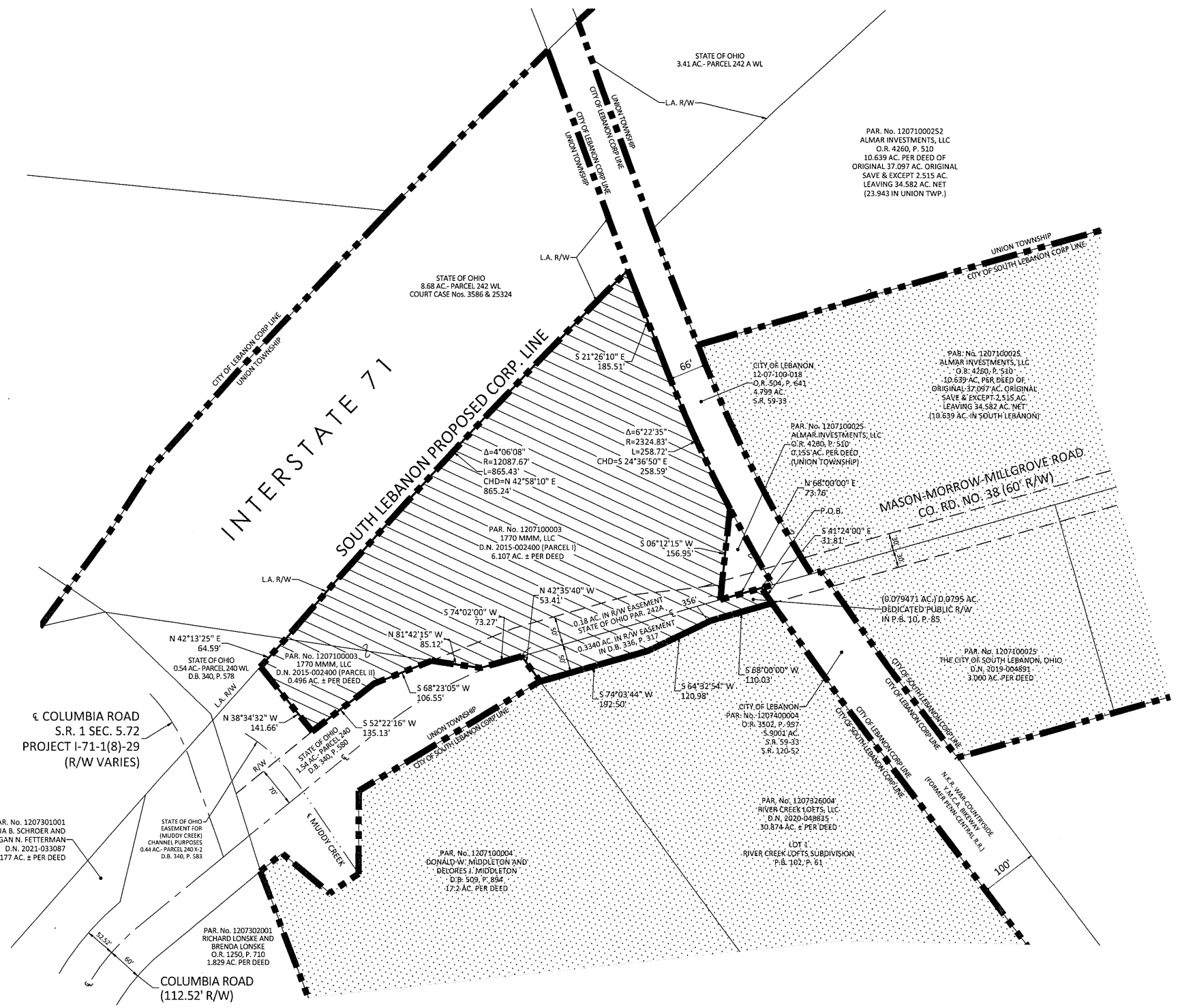
To ensure that they are filed with the twenty (20) days, these two (2) resolutions need to be adopted by emergency at the 2/16 meeting to be in effect within the twenty (20) days.

The Board of County Commissioners still has to approve the annexation and the City Council approves it if the County Commissioners approves it.

If you have any questions or need additional information, please let me know.



BEARINGS BASED ON SUBJECT PROPERTY DEEDS,
RECORDS OF THE WARREN COUNTY, OHIO RECORDER'S OFFICE.



VICINITY MAP
NOT TO SCALE

COUNTY COMMISSIONERS:
WE, THE BOARD OF COUNTY COMMISSIONERS OF WARREN
COUNTY, OHIO DO HEREBY APPROVE THIS PLAT ON THIS
DAY OF _____ 20____
COMMISSIONERS _____

CITY APPROVAL:
CITY OF SOUTH LEBANON CLERK

DATE _____

COUNTY RECORDER:
FILE NO. _____
RECEIVED THIS _____ DAY OF _____ 20____ AT _____ A.M./P.M.
RECORDED THIS _____ DAY OF _____ 20____ AT _____ A.M./P.M.
RECORDED IN PLAT BOOK NO. _____ PAGE _____
FEE: _____

BY: _____
DEPUTY _____ WARREN COUNTY RECORDER

COUNTY AUDITOR:
TRANSFERRED THIS _____ DAY OF _____ 20____
BY: _____
DEPUTY _____ WARREN COUNTY AUDITOR

- EX. CITY OF SOUTH LEBANON CORP.
- AREA TO BE ANNEXED TO THE CITY OF SOUTH LEBANON

TOTAL AREA IN PROPOSED ANNEXATION:
7.0165 ACRES ±

TOTAL AREA IN PROPOSED ANNEXATION: 7.0165 ACRES ±

ACREAGE BREAKDOWN (BASED ON RECORDS AND SHOULD BE CONSIDERED APPROXIMATE):

PARCEL	OWNER	DEED REFERENCE	ACRES
1207100003	1770 MMM, LLC	D.N. 2015-002400 (PARCEL 1)	6.1070 AC.
		(PARCEL 2)	0.4960 AC.
1207326004	RIVER CREEK LOFTS, LLC	D.N. 2020-048835	0.3340 AC.
PUBLIC R/W PARCEL		P.B. 10, P. 85 (0.079471 AC.)	0.0795 AC.
			7.0165 AC. TOTAL

LENGTHS OF EACH ROAD IN TERRITORY:
MASON-MORROW-MILLGROVE ROAD = 356 FT.

THIS PLAT WAS PREPARED FROM EXISTING DEEDS, PLATS AND SURVEYS OF RECORD NOTED HEREON, AND IS NOT THE RESULT OF A FIELD SURVEY.

RICHARD D. NICHOLS
OHIO PROFESSIONAL SURVEYOR No. 7929



PLAT OF ANNEXATION
CITY of SOUTH LEBANON
"HUDAWN ANNEXATION"
SECTION 7, TOWN 4 EAST, RANGE 3 NORTH
BETWEEN THE MIAMIS
UNION TOWNSHIP
WARREN COUNTY, OHIO

Date: 18 APR 2022
Scale: 1" = 100'
Drawn By: CMB Proj. Mgr. RDN
Survey Database: N/A
DWG: 06308243-ANX-00
X-Ref(s):
Project Number: 06308, 24
File No.: 06308.24 Sheet No.: 1/1

MSP
DESIGN
McGill Smith Punshon
Architecture 3700 Park 42 Drive
Engineering Suite 1508
Landscape Architecture Cincinnati, OH 45241
Planning Phone 513.759.0004
Surveying www.mspsdesign.com

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-09**

**A RESOLUTION INDICATING THE MUNICIPAL SERVICES TO BE PROVIDED
TO 7.0165± ACRES OF REAL PROPERTY PROPOSED TO BE ANNEXED TO THE
CITY OF SOUTH LEBANON, OHIO, FROM UNION TOWNSHIP, WARREN
COUNTY, AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to R.C. 709.023, real estate consisting of 7.0165 acres of real property was identified in a petition for annexation (“HuDawn Annexation”) filed with the Board of County Commissioners of Warren County, Ohio, on February 3, 2023, notice of such filing which, along with a copy of the petition, its attachments and documents accompanying the petition as filed, were duly served upon the City of South Lebanon as prescribed by law, and are on file with the City Fiscal Officer/Clerk; and

WHEREAS, R.C. 709.023(C) and R.C. 709.023(E)(6) provides that the municipality to which any such land is proposed to be annexed shall indicate those services it will provide to such land and an approximate date by which it will provide them to the territory proposed for annexation upon annexation; and

WHEREAS, R.C. 709.023(C) requires council to adopt a resolution indicating such services within twenty (20) days after the date the petition is filed; and

WHEREAS, immediate action is required to assure this resolution is adopted and submitted to the Board of County Commissioners within the timeframe specified in the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. In the event the above-referenced 7.0165 acres of real property known as the “HuDawn Annexation” are annexed to the City of South Lebanon from Union Township, Warren County, Ohio, the City of South Lebanon will provide the entire annexed territory with the following services: police protection, snow and ice removal, zoning, a planning and zoning department with the full range of services including review, permit, inspection and developmental services, and waste collection. These services shall be available and provided when the City of South Lebanon’s resolution or ordinance accepting the annexation becomes final as provided by law. Services will be provided by the City of South Lebanon to the

annexation territory on the same terms and conditions and subject to the rates, rules and regulations established by City ordinances including the codified ordinances of the City of South Lebanon as they are provided to properties located within the City of South Lebanon. A copy of the map or plat and legal description of the annexation territory is attached to this Resolution.

Section 2. The annexation territory includes property owned in fee by annexation petitioners underlying Mason-Morrow-Millgrove rights of way. To the extent that any street or highway will be divided or segmented by the boundary line between Union Township and the City of South Lebanon as to create a road maintenance problem, the City of South Lebanon agrees to and shall assume the maintenance of that street or highway or otherwise correct the problem.

Section 3. The Council of the City of South Lebanon supports the HuDawn Annexation.

Section 4. The Clerk is directed to provide a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio for filing within 20 days of the date the HuDawn Annexation was filed with the Warren County Board of County Commissioners.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That this Resolution is hereby declared to be an emergency measure in accordance with R.C. 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.

Section 7. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including R.C. 121.22.

Resolution No. 2023-09

Page 3

Adopted this _____ day of February, 2023.

Attest: _____
Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended: / /2023 (if applicable)	Effective Date – / /2023
Vote - ____ Yeas ____ Nays	
First Reading – / /2023	Effective Date – / /2023
Second Reading – / /2023	
Third Reading – / /2023	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:
ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____
Date: ____ / ____ /2023

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-10**

**A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING
BUFFER WITH RESPECT TO 7.0165± ACRES OF REAL PROPERTY PROPOSED TO
BE ANNEXED TO THE CITY OF SOUTH LEBANON, OHIO, FROM ADJACENT
LAND REMAINING IN UNION TOWNSHIP, WARREN COUNTY, AND
DECLARING AN EMERGENCY**

WHEREAS, pursuant to R.C. 709.023, real estate consisting of 7.0165 acres of real property was identified in a petition for annexation (“HuDawn Annexation”) filed with the Board of County Commissioners of Warren County, Ohio, on February 3, 2023, notice of such filing which, along with a copy of the petition, its attachments and documents accompanying the petition as filed were duly served upon the City of South Lebanon as prescribed by law and are on file with the City Fiscal Officer/Clerk; and

WHEREAS, R.C. 709.023(C) also requires that a municipal corporation to which land is proposed to be annexed shall, by ordinance or resolution, require buffers separating any new uses in the territory annexed that the city determines are clearly incompatible with the uses under the current township or county zoning regulations, from the adjacent land remaining within the township; and

WHEREAS, R.C. 709.023(C) requires council to adopt and file a resolution or ordinance indicating that buffers will be required for any zoning of the HuDawn Annexation territory in the City of South Lebanon it determines is incompatible with existing adjacent uses in the township within twenty (20) days after the date the petition is filed; and

WHEREAS, immediate action is required to assure this resolution is submitted to the Board of County Commissioners within the timeframe specified in the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. In the event the above-referenced 7.0165 acres of real property known as the " HuDawn Annexation" are annexed to the City of South Lebanon from Union Township, Warren County, Ohio and the territory becomes subject to the City of South Lebanon zoning and that municipal zoning permits uses in the

annexed territory that the City of South Lebanon determines are clearly incompatible with the uses permitted under Warren County or Union Township zoning in effect at the time of the filing of the petition on the land adjacent to the annexation territory and remaining in Union Township, then the City of South Lebanon will require, in the zoning ordinance permitting such incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining in Union Township.

Section 2. For purposes of this annexation, “buffer” includes, but is not limited to, open space, landscaping, fences, walls, and other structured elements; streets and rights-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. The Clerk is directed to provide a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio for filing within 20 days of the date the HuDawn Annexation Petition was filed with the Warren County Board of County Commissioners.

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. That this Resolution is hereby declared to be an emergency measure in accordance with R.C. 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.

Section 6. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including R.C. 121.22.

Resolution No. 2023-10

Page 3

Adopted this _____ day of February, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended: / /2023 (if applicable)	Effective Date – / /2023
Vote - ____ Yeas ____ Nays	
First Reading – / /2023	Effective Date – / /2023
Second Reading – / /2023	
Third Reading – / /2023	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:
ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: ____/____/2023

OLD BUSINESS



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council

From: Jerry Haddix, City Administrator

Date: January 13, 2023

Subject: Froehlich Rezoning Public Hearing

On January 10, 2023, the City Planning Commission unanimously recommended the approval of the zoning map amendment for the parcel on State Route 48 and Winding River Boulevard owned by Gayle Froehlich (see attached recommendation). The next step is to schedule a public hearing. Based on the timeframes prescribed in the Zoning code and advertising deadlines, the best date is Thursday, February 23, 2023, at 6:00 p.m.

In addition, an ordinance approving the rezoning is in the packet for the first reading. The third reading would be at the public hearing.

If you have any questions or need additional information, please contact me.



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296 fax: 513-494-1656
www.southlebanonohio.org

**RECOMMENDATION TO CITY COUNCIL
ZONING MAP AMENDMENT OF ONE (1) PARCEL TOTALING 10.655 ACRES OF
PROPERTY ON MASON-MORROW-MILLGROVE ROAD (PARCEL NOS. 12-01-451-002)**

FROM: City Planning Commission

Gayle Froehlich has submitted an application for a zoning map amendment for its properties on State Route 48 (Parcel# 12-01-451-002) consisting of 10.655 acres in accordance with Section 15.7.3(2) of the City Zoning Code. The Property Owner is requesting the rezoning for the parcel to be from R-1 (Single Family Residential District) to B-2 [General Business District].

On January 10, 2023, the City Planning Commission reviewed said zoning map amendment and unanimously voted to recommend said amendment based on the following factors:

1. Said change is consistent with the existing surrounding land uses; and
2. The requested change is consistent with the adopted City Comprehensive Plan.

Per Sec. 15.7.8 of the City Zoning Code, the next step in the Zoning Map Amendment process is for the City Council shall schedule a public hearing at the next regular meeting following receipt of the Planning Commission report.

Richard Tittermary, a realtor with Sibcy Cline Realtors, represented the Owner at the Planning Commission meeting. At this point, there is no planned use for the property although Mr. Tittermary has plans to market the property to hotel and restaurant developers.

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-02**

**AN ORDINANCE APPROVING ZONING MAP AMENDMENT TO A CERTAIN
PROPERTY IN THE CITY OF SOUTH LEBANON, CONSISTING OF 10.655 ACRES
FROM R-1 [SINGLE FAMILY RESIDENTIAL DISTRICT] TO B-2 [GENERAL
BUSINESS DISTRICT]**

WHEREAS, Gayle Froehlich has submitted an application for a zoning map amendment for certain properties on State Route 48 (Parcel# 12-01-451-002) consisting of 10.655 acres from R-1 [Single Family Residential District] to B-2 [General Business District]; and,

WHEREAS, in accordance with Section 15.7.7 of the City of South Lebanon Zoning Regulations, on January 10, 2023, the City Planning Commission, heard the aforementioned Rezoning Application and issued its recommendation to the City Council that the zoning amendment be granted, as requested; and,

WHEREAS, in accordance with Section 713.12 of the Revised Code and Section 15.7.8 of the Zoning Regulations, the City Council scheduled the Rezoning Application for a public hearing; and,

WHEREAS, the City Council held the public hearing on February 23, 2023 at 6:00 P.M., after publication and other proper notice thereof, to consider the recommendation of the Planning Commission; and,

WHEREAS, upon considering the recommendation of the Planning Commission, a copy of which is incorporated by reference herein, and the testimony given during the public hearing, the Council finds the process has been in accordance with Article 7 [Amendment Procedures], and adopts the recommendation of the Planning Commission; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

Section 1. That the Council does hereby amend the official Zoning Map of the City of South Lebanon, Ohio, as follows:

Ordinance No. 2023-02

Page 2

<u>Property Address</u>	<u>Parcel No.</u>	<u>Acreage</u>	<u>Zoning Classification</u>
State Route 48- South Lebanon, OH 45065	12-01-451-002	10.655 ac.	from R-1 [Single Family Residential] to B-2 [General Business District]

Section 2. Upon the expiration of the period of referendum provided by law (the effective date being 30 days after the date of adoption), within fifteen (15) days of the effective date, the Zoning Administrator shall amend the Official Zoning Map to reflect the zoning changes in accordance with Sec. 15.7.14 [Zoning Map Amendments] of the Zoning Regulations.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Approved this ____ day of _____, 2023.

Attest: _____
Petrina D. Williams, Fiscal Officer/Clerk James D. Smith, Mayor

First Reading – / /2023	Effective Date – / /2023
Second Reading – / /2023	
Third Reading– / /2023	
Vote - ____ Yeas	
____ Nays	

Ordinance No. 2023-02

Page 3

Prepared by and approved as to form:
ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____