

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
DECEMBER 20, 2018  
6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.

2. ATTENDANCE

Linda Allen – Present

Jim Boerio – Present

Linda Burke – Present

Bryan Corcoran - Present

Bill Madison – Present

Rolin Spicer - Present

3. Mayor Smith opened the floor to the public.

Robert Glover, 6236 Old Forest Drive, Heritage/Miami Bluffs – Mr. Glover stated since the last meeting he has had a chance to read the recommendations from the public hearing. Mr. Glover feels the proposed density is aggressive. The lot size was reduced from 60 feet to 55 feet, open space reduced, and side yard setback from 16 feet to 12 feet. He asked what good does it do to have a zoning criteria and not uphold it. Mr. Glover said he feels the better use of the property is light industrial and remains concerned about the impact to Little Miami Schools. The property taxes on a house of this size does not support the impact on the school district.

Mark Merkel, 234 Vista Ridge Drive – Mr. Merkel stated after the gate conversation at the last meeting he presented this problem to a civil engineer and Google engineers. Their opinion is that the gate has no impact on travel time or inconvenience getting to I-71 or State Route 48 and only a one minute impact getting to Kroger and Bob Sumerel; otherwise, it is the same.

Rich Bertagna, 370 Vista Ridge Drive – Mr. Bertagna said the gate is on private property and it does not in any way restrict EMS or police so it is not a public safety issue.

Anita Strauss, 1201 Creek Cove, Heritage/Miami Bluffs – Ms. Strauss stated she is hoping to hear tonight about the traffic study. Ms. Strauss agrees with Mr. Glover about how you reduced what has been recommended. A planning commission is for one thing which is do the best for everyone. The Planning Commission zoned it light industrial for a reason which is not to overload our sewer system or damage our water supply. Ms. Strauss said it is in the best interest of your neighbors and South Lebanon to put this issue on hold for further study.

Brent Centers, Administrator for Hamilton Township – Mr. Centers said on behalf of the Hamilton Township Trustees, Police, Fire, and Public Works we

strongly oppose the rezoning. This was brought to the Trustees in Hamilton Township, our citizens had a safety concern with noise and cut-through traffic especially in Willow Pond, and possibly Miami Bluffs/Heritage and Grandin Ridge so our board turned it down. South Lebanon annexed our land and this is proposed again. We declined this and urge you to make the same moral and ethical decision. Mayor Smith said this has been a two-year project with agreements that have transpired and it is roughly a \$60 million project. Is the Township prepared to reimburse us for damages that exceed our bonds if this project goes south. Mr. Centers said no.

Matt Eaton, 115 Chateau Valley Lane – Mr. Eaton stated that last month his house caught fire and the first responders were there in less than a minute. Mr. Eaton wanted to take this opportunity to thank them for taking care of us that night.

Bill Dowden, 1341 Meadow Vista Dr., Heritage/Miami Bluffs – Mr. Dowden appreciates the planning and zoning that goes into these developments but we look at the total area and the impact one neighborhood has on another. When we change the zoning or the development idea then we need to consider what impact it has on the surrounding community. Mr. Dowden said he has always felt he has an obligation to consider his neighbors when doing something to his property if it will have a positive or negative impact. If the zoning goes through and 177 homes go into that area, it is going to exacerbate a traffic problem. This property going from light industrial zoning to residential zoning is going to impact the neighbors in a negative way. Mr. Dowden urged Council that this plan not be developed at this time until you address the traffic problem, water, and sewer in the entire area.

Joe Geraci, 602 Enterprise Drive – Mr. Geraci stated as a property owner, business owner, and developer on Grandin Road it takes a mix of business, retail, and roof tops to make a community work. There are a lot of roof tops and retail but not industrial. If anything, keep what was recommended on the square footage, design, and setbacks and if you did that in the back and commercial in the front you could make everyone happy.

Kenny Hickey, Public Work Director, Hamilton Township – Mr. Hickey expressed his concerns on the maintenance side with the volume of traffic this will put more stress on our roadways. We had to pass a road levy to take care of the roads that we have.

Scott Hughes, Chief of Police, Hamilton Township - Chief Hughes said the roadway in front of this proposed development is in Hamilton Township; therefore, we would be responsible for all crashes and incidents in front of that property and echoes the thoughts of Mr. Hickey.

Krista Gubanich, 172 Vista Ridge Drive – Ms. Gubanich said regarding the gate, when they purchased their home about 4 ½ years ago the construction gate was in

place but not operational and they were told it would be a gated community. It is now a gated community, as it was meant to be and we want it to remain that way.

Kate Reich, 239 Vista Ridge Drive - Ms. Reich wanted to clarify from the last meeting, which she did not attend, the comments from two or three Homestead residents who said they were railroaded into the agreement with the gate. She said that is not true. They were informed and were aware of the contract between the two neighborhoods.

Mayor Smith closed the floor to the public.

4. RESOLUTION 2018-75 A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND FISCAL OFFICER TO RENEW THE VILLAGE'S LIABILITY INSURANCE WITH OHIO PLAN RISK MANGEMENT, INC. FOR CALENDAR YEAR 2019, AND FURTHER AUTHORIZING PAYMENT OF THE ANNUAL PREMIUM, AND DECLARING AN EMERGENCY

A motion to waive the three reading rule made by Boerio, seconded by Madison, all yeas. By title only, Resolution 2018-75, a motion to adopt made by Boerio, seconded by Madison, all yeas

5. AUTHORIZATION FOR FISCAL OFFICER TO SEND AN AMENDED CERTIFICATE TO THE WARREN COUNTY AUDITOR

A motion made by Madison, seconded by Boerio, all yeas.

6. ORDINANCE 2018-22 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SOUTH LEBANON, STATE OF OHIO, FOR THE PERIOD OF JANUARY 1, 2019 THROUGH DECEMBER 31, 2019, AND DECLARING AN EMERGENCY

Boerio mentioned on the last page of the ordinance is says Total Appropriated Fund for 2018 instead of 2019. Mayor Smith stated Ordinance 2018-22 as amended from 2018 to 2019. A motion to waive the three reading rule made by Boerio, seconded by Madison, all yeas. By title only, Ordinance 2018-22, a motion to adopt made by Madison, seconded by Corcoran, all yeas

7. RESOLUTION 2018-76 A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE A PLAT FOR RIVERSIDE SUBDIVISION PHASE THREE, AND DECLARING AN EMERGENCY

A motion to waive the three reading rule made by Madison. Boerio asked Haddix for clarification on the second whereas clause, it says whereas the developer has submitted a record plat for said subdivision. The record plat is the mylar that gets

recorded in the recorder's office. The motion seconded by Spicer, all yeas. By title only, Resolution 2018-76, a motion to adopt made by Madison, seconded by Spicer, all yeas

8. RESOLUTION 2018-77 A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND FISCAL OFFICER TO EXECUTE CHANGE ORDER #28 TO CONTRACT WITH KRAMER & FELDMAN, INC FOR THE VILLAGE OF SOUTH LEBANON MUNICIPAL BUILDING RENOVATION PROJECT IN THE VILLAGE OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

Haddix stated change order #28 is to relocate the podium.

A motion to waive the three reading rule made by Spicer, seconded by Madison, 5 – yeas (Allen, Burke, Corcoran, Madison, Spicer) 1 – nay (Boerio). By title only, Resolution 2018-77, a motion to adopt made by Burke, seconded by Spicer, 5 – yeas (Allen, Burke, Corcoran, Madison, Spicer) 1 – nay (Boerio).

9. RESOLUTION 2018-78 A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND FISCAL OFFICER TO EXECUTE CHANGE ORDER #2 TO CONTRACT WITH KRAMER & FELDMAN, INC. FOR THE VILLAGE OF SOUTH LEBANON MUNICIPAL BUILDING PLAZA ENTRANCE PROJECT IN THE VILLAGE OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

A motion to suspend the three reading rule made by Boerio, seconded by Allen, all yeas. By title only, Resolution 2018-78, a motion to adopt made by Boerio, seconded by Madison, all yeas.

10. AUTHORIZATION OF INVOICES

A motion made by Allen, seconded by Boerio, all yeas.

11. AUTHORIZATION OF THE SOLICITOR'S INVOICE

A motion made by Burke, seconded by Corcoran, all yeas.

12. APPROVAL OF NOVEMBER FINANCIAL STATEMENTS

A motion made by Madison, seconded by Corcoran, all yeas.

13. APPROVAL OF MEETING MINUTES PENDING NO CORRECTIONS OR ADDITIONS:

Regular Meeting – October 4, 2018. Allen said she had a question on #17 when she asked about cleaning the new administration building she thought it was going

to be put out to bid but it says no in the minutes. Fiscal Officer Armstrong said the no is refers to no, there hasn't been a cleaning company hired for the new administration building. A motion made by Allen, seconded by Burke, all yeas.

Workshop Meeting – October 4, 2018. A motion made by Corcoran, seconded by Burke, all yeas.

Regular Meeting – October 18, 2018. A motion made by Boerio, seconded by Allen, all yeas.

14. ORDINANCE 2018-20 THIRD READING: AN ORDINANCE APPROVING ZONING MAP AMENDMENT UPON COMPLETION OF ANNEXATION AND APPROVING THE PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY DEVELOPMENT PLAN AT 727 GRANDIN ROAD CONTAINED IN THE RIVER CORRIDOR ANNEXATION IN ACCORDANCE WITH SECTION 15.7.13 AND SECTION 15.14.15 OF THE VILLAGE ZONING REGULATIONS

Haddix said at the last meeting in November the Planning Commission's recommendations were transmitted to you after their meeting. There is a list of eleven different conditions in addition to what the developer has submitted. Our standard zoning has a minimum of 6,000 square foot lots and the Planned Unit Development (PUD) has 7,400 square foot lots, the front yard setbacks for standard zoning is 25 feet and the PUD has 30 feet, rear setback is 30 feet either way, standard zoning side setback a total of 16 feet and they requested 6 feet each side or a total of 12 feet, minimum standard living area is 700 square feet and the PUD has a minimum of 1,200 square feet. They are proposing 177 lots, which is a 2.74 dwelling per acre density and 11.6 acres of open space or 17.9% instead of 20%. There is some give and take and that is what the PUD is about. Another issue to look at when rezoning is what a reasonable and compatible use is. If you look at reasonable use and the goal is industrial, there's been minimal development on Grandin Road in the last three years. The Irwin Family tried to market the property as industrial and had no success. The other issue is it compatible to the neighboring area and on three sides it is residential and a vacant factory on the east side.

Rich Arnold, McGill Smith Punshon – Mr. Arnold commented on the Willow Pond Subdivision that aside from the cul-de-sac and corner lots the lots are all less than 56 feet wide and presented copies of the record plat to councilmembers. Mr. Arnold stated that the developments on the west and east side of the Irwin property have a minimum depth of lot of 118 feet and 122 feet. In the proposed development, the shallowest lot depth is 140 feet. The Warren County Regional Planning Commission looks at this on a regional basis and when they looked at this area they recommended a stub street from Willow Pond to the Irwin property which would tie in to Grandin Road at some point in time. Mr. Arnold said we received additional information regarding the traffic study. The conclusion of the

traffic study is that a left hand lane is warranted for the development. Across the street there is already a left turn lane so we can modify the pavement markings to make it symmetrical with the other side. The left turn lane was the main portion of the traffic study but there is a modest right turn deceleration lane; however, the main concern was how you deal with the left turn traffic coming in to the development. It was mentioned tonight about utility problems. We went to the Warren County Board of Commissioners twice petitioning them to serve sanitary sewer to this development. After the first meeting, they tasked their sewer department to do research of the system downstream from the development. The Warren County Commissioners stated that capacity is not only available from a treatment standpoint but the conduits had the capacity to pass sewage from our development downstream and they voted to allow us to tie into their system if there wasn't adequate capacity. Mr. Arnold requested that Council consider favorably this zoning change.

Steve Bosse, Robert C. Rhein Interests - Mr. Bosse stated that the Irwins have had this property for a long time. They were in the nursery business and tried for numerous years to sell the property with the current industrial zoning. Mr. Irwin approached us about the possibility of doing a residential development when this was in Hamilton Township. The main issue with Hamilton Township is they wanted to keep the zoning industrial. At that point, the Irwin's went through the annexation process to annex the property to South Lebanon. The Irwin's approached us again to see if we would still be interested in the property. We said yes. Mr. Bosse said we have been through Planning Commission and complied with what they wanted from us. That is what a Planned Unit Development (PUD) is for and it is a give and take. If it was just straight zoning there could be a lot more lots. Mr. Bosse wanted to address the concerns about the schools. Yes, there are 176 lots but this is a 8 or 9 year project. This is a \$60 million project and the price per house will range from \$250,000 to \$350,000. D.R. Horton is America's largest homebuilder. Mr. Bosse said that he has been in this business for a long time and when there is a stub street into a piece of property there is a reason for that because they know what the future is for that property. Mr. Bosse said we have a reputation as a premier developer in Cincinnati and would not be here tonight if we didn't believe in this project. Mr. Bosse ask Councilmembers to consider this project favorably. Madison asked the cost per lot. Mr. Bosse said about \$65,000. Madison asked if that will support a 1,200 square foot home. Mr. Bosse said he doesn't believe you will see any 1,200 square foot homes.

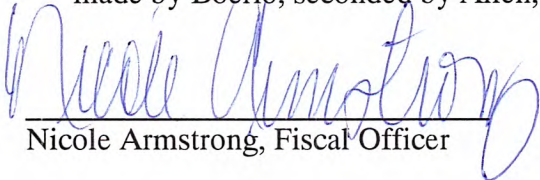
Madison asked that Solicitor Revelson outline our agreement with this developer. Solicitor Revelson stated when the property was annexed on September 21, 2017, Resoluition 2017-49 a pre-annexation agreement was approved by the previous Council which said upon annexation that the Irwin property, currently M-1 zoning, that South Lebanon requests the property rezoned to R-3, residential single/multi-family. If the agreement is not followed through, there could be ramifications. Resolution 2018-20 is a combination of two things 1) approve zoning from M-1light industrial to R-3 PUD and 2) approve the PUD

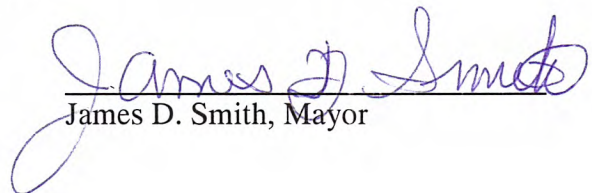
development. The Planning Commission approved a change from M-1 to R-3 PUD and if Council chooses not to follow their recommendation it would require a three fourths vote. Regarding the PUD approval, if there is something that you do not agree with from the Planning Commission's recommendation it would require a majority vote. Mayor Smith said that this was approved by South Lebanon Planning Commission by an unanimous vote. It is a 60 million dollar project. Mayor Smith said there is a litigation risk if we do not follow through with our agreements. The land hasn't been successful as commercial. Haddix stated the same thing happened to the Milacron/Siemens property when it closed down and was vacant and deteriorating. An opportunity arose with a developer and it is now one of the fastest selling housing developments for Ryan Homes. Allen stated two significant changes in one resolution is not fair. Allen said personally she does not like the PUD and feels our Planning Commission made a mistake. Madison said with the PUD we come away with a much larger lot than what we have in our current zoning. Madison asked Mr. Bosse financially what do you have invested in this project already. Mr. Bosse stated a lot and when you sign a contract with a buyer you put down a large binder amount and in this case a large amount of the binder is nonrefundable. Burke stated there are negatives to this and we have our community as a whole to consider and hears displeasure from the community. Mayor Smith's recommendation is for Council to support this project and we have exposure. Corcoran asked if this legislation is being presented for Council to make a decision on. If it has already been decided on by a previous Council then why am I voting on anything tonight. Corcoran asked if he is legally bound by the decisions of the previous Council. Solicitor Revelson said no; however, it doesn't mean that something couldn't arise to create potential liability. There isn't a definite answer. Corcoran said if we are going to vote on something this important then he wants a legal opinion.

Corcoran made a motion to go forward with a legal analysis so we understand what our legal liability is here before he votes on this important issue, seconded by Boerio. Solicitor Revelson said if Council wants to do this he suggests that Ordinance 2018-20 be tabled so that he can give Council an opinion on the potential liability to Council if legislation is approved or denied. A motion to table Ordinance 2018-20 made by Allen, seconded by Burke, all yeas.

15. RESOLUTION 2018-73 SECOND READING: A RESOLUTION APPROVING OEDER & SONS GARAGE, INC. BID FOR THE EXCHANGE OF REAL PROPERTY
16. Haddix reported that Council received in their packet information about an utility issue. The property owner had a significant leak for two months. Allen asked if this issue can be tabled to the next meeting. Haddix said we can discuss this at the next meeting.
17. Madison thanked the residents of Hamilton Township and South Lebanon for sharing your opinions. We value them.

18. Burke thanked Brenda Combs, South Lebanon Historical Society, for Christmas in the Village and Tony and Isabella Ledford for the Horse Parade. Burke encouraged everyone to be there next year. It is a great event.
19. Burke explained that it is important that Council speak to each other civilly and respect each other's vote.
20. Allen asked that we allow one of our new councilmembers to be Vice Mayor. Mayor Smith said the decision is made at the beginning of the year. Allen said that she will bring this back then.
21. Boerio said the minutes need to be uploaded to our website. Armstrong said that she would talk to Koutny to do this.
22. Boerio requested from Haddix a water usage report for 2018 to compare to our contract.
23. Boerio thanked everyone who came to the meeting tonight and echoed Burke's comments. He wished all residents of South Lebanon and Hamilton Township a Merry Christmas and Happy New Year!
24. Spicer said it's been a wonderful first year on Council and wished everyone a Merry Christmas!
25. Mayor Smith asked for a motion to adjourn the meeting at 8:03 p.m. A motion made by Boerio, seconded by Allen, all yeas.

  
Nicole Armstrong, Fiscal Officer

  
James D. Smith, Mayor