

**VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2019-10**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND FISCAL
OFFICER TO EXECUTE A CONSULTING AGREEMENT WITH THE WARREN
COUNTY REGIONAL PLANNING COMMISSION TO COMPLETE A
COMPREHENSIVE PLAN UPDATE FOR THE VILLAGE OF SOUTH LEBANON**

WHEREAS, per Resolution No. 2015-24, the Village of South Lebanon Council adopted a Comprehensive Plan prepared by the Warren County Regional Planning Commission (WCRPC) for establishing public policy in the terms of planning of such elements as transportation, utilities, land use, recreation, housing, etc.; and,

WHEREAS, the Village Council desires to update said Plan to take into consideration the development that has occurred since the adoption of the Plan and,

WHEREAS, the Village Council desires to contract for consulting services with the Warren County Regional Planning Commission to complete a Comprehensive Plan Update which can be submitted to this Council who will separately and independently determine whether to pass the proposed Comprehensive Plan Update in the form of legislation.

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

Section 1. Approve and authorize the Mayor and Fiscal Officer to execute the Consulting Agreement, a copy of which is attached hereto, with the Warren County Regional Planning Commission to complete a Comprehensive Plan Update for the Village of South Lebanon.

Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 3. 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 Section 121.22 of the Ohio Revised Code.

Adopted this 21st day of March, 2019.

Attest: Nicole Armstrong James D. Smith
Nicole Armstrong, Fiscal Officer/Clerk James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date –
Vote - ____ Yeas ____ Nays		
First Reading – <u>2/21</u> /2019		Effective Date – / /2019
Second Reading – <u>3/7</u> /2019		
Third Reading – <u>3/21</u> /2019		
Vote - <u>5</u> Yeas ____ Nays		

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: [Signature]
Date: 7/24/19

PROFESSIONAL SERVICES CONTRACT

This Professional Services Contract (the Agreement) is made by and between the VILLAGE OF SOUTH LEBANON, an Ohio municipal corporation, whose mailing address is 99 High Street, South Lebanon, Ohio 45065 (the "Village") and the WARREN COUNTY REGIONAL PLANNING COMMISSION, authorized to contract to provide professional or consultant services, including planning assistance for other units of local government in accordance with Ohio Rev. Code §§ 713.21 (D) and 713.23 (B)(4), whose mailing address is 406 Justice Drive, Lebanon, Ohio 45036 (the "RPC"):

1. **Services:** The RPC agrees to perform professional services as outlined in Exhibit B (Scope of Services) attached hereto and made a part hereof.
2. **Duration:** The performance of professional services by the RPC shall commence upon execution of this Agreement by both parties. All terms of the Agreement shall remain in force and effect unless and until such time that either party terminates the Agreement as provided in Section 6 below.
3. **Compensation:** The ~~Township~~^{Village} agrees to compensate RPC in accordance with the terms and conditions set forth in Exhibit A (Method of Payment).
4. **Responsibilities of the Village:** If the services performed by the RPC are dependent upon the Village furnishing data or other information to the RPC, all such data, information, reports, maps and other graphic material as are existing, available and necessary for the carrying out of the work shall be furnished to the RPC without charge by the Village, and the Village shall cooperate with the RPC in every way possible in carrying out the professional services. Unless otherwise provided herein, the Village shall be responsible to respond to all public records requests, and compliance with the Village's Records Retention Schedule.
5. **Personnel:** The RPC represents that it currently employs all personnel required in performing the services under the Agreement. Such personnel shall not be deemed employees of, or have any personal contractual or agency relationship with the Village. The RPC Executive Director shall serve as the primary point of daily contact for the public, applicants, and in dealing with the Village Administrator. In the absence of the RPC Executive Director, it is warranted that the remaining RPC staff shall be available to perform this function.
6. **Termination of Contract:** The Agreement may be terminated by either party, without cause, which shall be evidenced by receipt of a thirty (30) day written notice from the other party of its intent to terminate, and upon expiration of the thirty (30) day the Agreement shall be terminated. In the event of termination, all furnished or unfinished documents, data, studies, surveys, drawings, maps, photographs, files, and reports, or other materials prepared by RPC and delivered to the Village under this Agreement, shall become the Village's property. The Village also agrees in such event to fully compensate the RPC for all partial performance under this Agreement for which the RPC has not already invoiced the Village.
7. **Waivers or Revisions:** To be valid, any waiver or revision of any portion of this Agreement shall be in writing and shall not take effect until signed by the duly authorized representatives of the Village and the RPC.
8. **Special Provision Regarding Computerized Exhibits:** All exhibits produced for the purpose provided herein will remain a part of the RPC archives, unless the Village

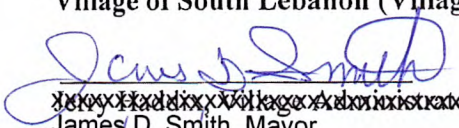
specifically requests that they be permanently removed from said archives, subject to the RPC's records retention schedule. All remaining exhibits a part of the RPC archives shall be considered public records. As such, the public shall have the right to request copies, which shall be provided for a fee to cover reproduction costs. If the Village specifically requests in writing that specified exhibits be permanently removed from said archives, they shall be delivered in digital format to the Village. If the Village requests copies of these exhibits after their removal from RPC archives, the Village must either deliver digital files to RPC, in which case the Village will only be charged the cost of reproducing the maps, or enter into a new contract with the RPC to recreate the exhibits.

9. **Authority:** The Village and the RPC have each authorized and directed their undersigned representative to make and enter into this Agreement, and any addendums thereto, by and through their respective legislative authorities in accordance with Resolution No. 2019-10 adopted by the Village of South Lebanon on _____, 2019, and Resolution No. 2019-10 adopted by the RPC Executive Committee on March 21, 2019.

10. **Governing law and Venue.** This Agreement shall be construed under the laws of the State of Ohio. The parties stipulate hereby to the venue for any and all claims, disputes, interpretations and litigation of any kind arising out of this Agreement or related thereto being exclusively in the Warren County, Ohio Court of Common Pleas (unless both parties mutually agree in writing to alternate dispute resolution), and waive any right to bring or remove such matters in or to any other state or federal court.

IN EXECUTION THEREOF, the parties have caused this Agreement to be duly executed by their duly authorized representatives, all as of the day and year written herein as the date of execution.

Village of South Lebanon (Village)


~~James D. Smith, Village Administrator~~
James D. Smith, Mayor

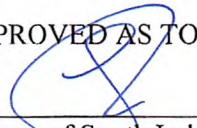
Date 3/21/19

Warren County Regional Planning Commission

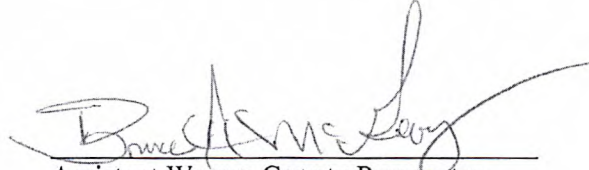
Sam Hill, Executive Committee Chairman

Date _____

APPROVED AS TO FORM:


Village of South Lebanon Law Director

Date 3/24/19


Assistant Warren County Prosecutor

Date 4/16/19

EXHIBIT A: METHOD OF PAYMENT

The RPC shall keep and provide to the Client an hourly accounting of all charges against this Contract. RPC shall serve as consultants to the Village, in providing the above professional services on an as-needed, on-going basis at the rate of \$70.00 per hour, not to exceed \$5,000 without written authorization from the Village Administrator. Any verification or adaptation requested by the Village to be performed by RPC will entitle RPC to further compensation at the \$70.00 per hour rate.

RPC shall submit written invoices to the Village Administrator for the professional services performed in carrying out the Agreement. All costs, to be eligible for reimbursement, must be incurred pursuant to actual work performed on the Agreement, and recorded in a manner consistent with generally accepted accounting principles. The Village agrees to process and pay all RPC invoices within thirty (30) days of their submission. Nothing herein shall be construed to mean the Village's obligation to compensate RPC is contingent upon the Village being reimbursed by a third party, or the timing of paying compensation to be receipt of any reimbursement.

Exhibit B
THE VILLAGE OF SOUTH LEBANON
Comprehensive Plan Update
Scope of Work

BACKGROUND

The Village of South Lebanon's current Comprehensive Plan was adopted in 2015. With significant recent growth and change, an updated plan is needed to evaluate current conditions and trends that will impact future development of the Village. Particular areas of interest to highlight include recently annexed areas; new residential subdivisions; rezonings; future land use changes and future thoroughfare plans. The Plan's latitude should reach 20 years into the future and the updated Plan should be established as a result of residents, commission and Village council feedback. The process below is recommended.

PROCESS

PHASE 1: EXISTING CONDITIONS & ISSUE IDENTIFICATION

Project Initiation

At the onset of the Comprehensive Plan Update process, the Warren County Regional Planning Commission (RPC) staff will gather information; identify issues; propose a schedule for the project, and conduct stakeholder interviews. The RPC staff will facilitate a series of interviews with key stakeholders as identified by the Village. At a minimum, the following interviews are planned:

- Mayor and Village Council members (individual interviews will take place on different days to accommodate schedules)
- The Planning and Zoning Commission members
- Key Zoning Board members as determined by the Village Administrator.

Following the Stakeholder Interviews, the RPC will facilitate a brainstorming session with selected Village staff and elected/appointed officials to validate key issues and to discuss recommendations and strategies. This session will be small and informal.

This phase of the process will include the RPC Staff gathering previously approved development plans, annexation documents, roadway improvement projects, and other data that brings relevant information to the decision making process. RPC staff will also use mapping software to illustrate information geographically. Below are a few topics made into maps as part of this process:

- Village Boundary
- Road Network
- Recent Subdivisions
- Recent and Revised Land Use
- New Community Facilities

PHASE 2: DRAFT COMPREHENSIVE PLAN UPDATES

Draft Updates

After establishing the elements that should be addressed and discussing possible recommendations, the RPC staff will work with the Village staff to review and edit the first draft of the updated Comprehensive Plan. The final product will be designed to visually engage the readers with maps, photos, and diagrams. An updated future land use map will be developed from information gathered in Phase 1. This information will be presented at the Village Open House for review, and displayed on the Village website for public viewing. This phase also includes developing other useful maps for the Comprehensive Plan update.

PHASE 3: VILLAGE OPEN HOUSE & THE APPROVAL PROCESS

Village Open House

The open house allows residents to review a draft of the updates to the Comprehensive Plan. The information is displayed at stations where a planner is present to explain the updates and answer questions. The open house is a forum for residents to indicate that the plan is aligned with their vision for the Village or, conversely, to offer critiques and recommend changes. Following the Open House, Village and RPC staff will meet to address comments from the open house. Planning staff will make revisions to the plan's content to create a revised draft.

The Approval Process

The draft Comprehensive Plan update will be presented to the Planning Commission. Discussion and any suggestions for refinements and clarifications will be included in this phase. The final Comprehensive Plan will be presented to the Village Council for adoption. The RPC staff will be available for the recommendation and adoption of the updated plan by the Village Council and will complete any requested refinements in preparation of the formal public hearing, review, and final approval.

DELIVERABLES

Staff expects to complete the required research, interviews, and plan update within 6 months from the date of a formal notice to proceed. The RPC will facilitate the update; identify the issues and elements to be updated; and draft the update. In addition, The RPC is responsible for preparing the following:

1. Graphics illustrating projects, concepts, and issues.
2. Promotional posters and flyers, as necessary.
3. The final draft of the updated plan: Final documents should be understandable by the lay person. The report will include graphics and maps that accurately depict what is proposed in the plan. The updated plan will identify practical implementation projects based on input. The plan will be delivered to the Village in both paper copy and electronically (PDF).

VILLAGES' ROLE

1. Identify stakeholders (names and contact information).
2. Facilitate communication between the Village Council, Planning Commission, and the RPC throughout the planning process.
3. Provide information on site plans, proposed developments, and zoning relevant to the Comprehensive Plan update process.
4. Establish the date and location for the Village Open House and reserve the location (sufficient tables and chairs, food and utensil requirements, parking options; designated entrance to use at the meeting facility; who will open the facility and at what time). Advertise the Open House and invite the Village residents.
5. Schedule at least two public hearings (one public hearing for the Planning Commission and one public hearing for the Village Council).