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Minutes for the Lebanon City Council Meeting
August 9, 2022
7:00 p.m. 50 S. Broadway, Lebanon, Ohio

Council of the City of Lebanon met in regular session in the Council Chambers at the City Building. The meeting was called to order at 7:00 p.m. on August 9, 2022, with the following members present Mayor Messer, Vice Mayor Mathews, Mr. Cope, Mr. Lamoreaux, Mr. Norris, and Mr. Sellers. Vice Mayor Mathews made a motion to excuse Mrs. Eggers, seconded by Mr. Norris, and approved by a show of hands. Present from the City Staff was City Manager Scott Brunka, Attorney Mark Yurick, and Auditor / Clerk Dan Burke.

Mr. Norris gave the invocation. The Pledge of Allegiance recited.

Consideration of Council Meeting Minutes: June 28, 2022, and July 12, 2022.
Mr. Sellers made a motion to adopt the minutes, seconded by Mr. Lamoreaux. Roll call vote was approved unanimously.

Consideration of Work Session Meeting Minutes: July 5, 2022
Mr. Cope made a motion to adopt the minutes, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Recognition of Visitors

Dennis Rhodes stated that he has been all over the country with the people's convoys and spent a lot of time in Washington D.C. protesting Covid-19 restrictions. He is still concerned that the Warren County Health Commissioner is not concerned about health. He stated that the Covid vaccinations are causing a variety of adverse health conditions throughout the country.

Resident Laura Alesi stated that the first anniversary of the Warren County Planned Parenthood Action Council and membership has grown 800%. In response to a question from Ms. Alesi, Mr. Yurick stated that the Sanctuary City ordinance is being modified and will be scheduled for a City Council work session soon. Mr. Yurick is not sure if the legislation will be drafted with emergency language. Ms. Alesi stated that she has submitted a public records request for information concerning the Right-to-Life Proclamation and has not received all the records. Mr. Burke stated that he has provided the email records that the city retrieved from the server, and he will follow-up with City Council to gather the other records.

Public Hearing: Map Amendment for 35.852 acres being rezoned to Mixed Use PUD district.
At 7:10 p.m. Mr. Lamoreaux made a motion to open the public hearing, seconded by Mr. Sellers. Mr. Brunka provided slides stating that the property owner is J.R. Kendall of the Kendall Property Group. The current zoning is a combination of General Commercial (GC) and Rural Residential (RR) – Farmland. The proposed zoning is a change to Mixed-Use (MU) P.U.D. The proposal is to build a retail area adjacent to Walmart and a 248-unit multi-family residential apartment housing development. The remaining area of the parcel will be open green space. A Mixed-Use rezoning

requires a P.U.D. Concept Plan for the proposed development. Mr. Brunka showed the current and proposed zoning maps.

The Envision Lebanon Comprehensive Plan's Future Character Map primarily depicts this property as Mixed-Use. The proposed details include:

- 2.5 acres of retail use, no end users have been identified.
- 248 apartment units in 3-story buildings on 35 acres, 7 units per acre.
    - 9 of the buildings will be 19 units each.
    - 7 of the buildings will be 11 units each.
    - 100 attached garages and 339 surface parking spots.
    - Combination of 1-bedroom (34%); 2-bedroom (50%); and 3-bedroom (16%) units.

The access point is from Walmart Drive off S.R. 42 and a traffic study will be completed. A 10-acre park is proposed to be owned and operated as a public park. 8 acres of open space will be maintained by the H.O.A. and include buffer areas, landscaping, a retention pond, a pool house, and a swimming pool for the tenants. The 10-acre park is 28% of the development, the 8 acres of open space is 23% of the property for a total of 51%

Mr. Brunka showed concept photos of the building elevations, various amenities, and streetscape facades. In response to a question from Mr. Cope, the developer stated that the garages access an interior hallway, not the individual units. Mr. Brunka showed the conditions required for a P.U.D. approval. In response to a question from Mayor Messer, Mr. Brunka confirmed that Mockingbird Lane dead ends into an open field that does not connect to this development. There was a discussion about ingress and egress to the proposed development and City Council has concerns about the access and connectivity. Mayor Messer asked if anyone had public comments.

Austin Carmony, Vice President of Development, spoke for the Kendall Development Group. They have done similar projects in neighboring states, and he stated that they have worked closely with Lebanon staff to develop this proposed project.

Martha Lewis lives in the township and her property abuts this project. She wants to make sure that people using the walking trails realize where her private property line begins. She is also concerned about lighting and the placement of dumpsters. Ms. Lewis is not opposed to the development, just has some concerns about noise (dumpster pickup) and the brightness of the overhead lighting. Mr. Brunka confirmed that the lighting will be much dimmer than Walmart or other retail locations.

Mr. Cope likes the concept. He does not want there to be too much surface parking and wants to see the traffic study report before making any decisions. Mr. Norris believes that Lebanon is becoming saturated with rental housing and residents are sensitive to that fact. A quality development like this is nice but he wants to be confident that there is a market for continued rental growth. He hopes that Lebanon residents share their thoughts about the proposed development. Mr. Lamoreaux agreed, and he is also concerned about the traffic impact. In response to a question from Mr. Cope, Mr. Carmony shared their market feasibility metrics. They developer concluded that there is a significant demand for this type of nice rental housing in this region. Kendall Property Group will own, develop, and maintain the property including full-time maintenance employees living on-site. The Cincinnati region is currently one of the best rental markets in the country. Mr. Brunka stated that the 511 N. Broadway apartment housing is fully rented. Mr. Norris appreciates the commitment shown when a company owns, develops, and operates a residential development. He also understands that there is a demand to live in Lebanon from individuals who either don't want to own a home or currently cannot afford to own a home in Lebanon. He wants to make sure that the community hears this same message. In response to a question from Ms. Alesi, Mr. Carmony expects that about 450 people will live in the development. The impact on the school system should

be minimal because the percentage of 3-bedroom, family-sized units is small. At 7:43 p.m. Mr. Norris made a motion to close the public hearing, seconded by Mr. Cope. Roll call vote was approved unanimously. Mayor Messer thanked everyone for their comments.

REGULAR ITEMS

NEW BUSINESS:

Ordinance 2022-084 – Authorizing the City Manager execute a contract with Milcon Concrete Inc. for the Mechanic Street reconstruction project and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance authorizes a contract with Milcon Concrete in the amount of $1,345,478.80 for the reconstruction of N. Mechanic St., including utility replacements. Mr. Lamoreaux made a motion to adopt Ordinance 2022-084, seconded by Mr. Norris. Roll call vote was approved unanimously.

Ordinance 2022-085 – Authorizing the City Manager to enter into an agreement with Mobilcomm for the purchase and installation of fourteen camera units including installation and network upgrades and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance authorizes a contract with Mobilcomm in the amount of $109,761 for Phase II and III of the Downtown Surveillance Camera project, which will also support enhanced downtown wi-fi. Vice Mayor Mathews made a motion to adopt Ordinance 2022-085, there was no second. Mr. Lamoreaux made to postpone Ordinance 2022-085 until the next City Council work session meeting, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Ordinance 2022-086 – Approving a contract with Flowbird Group for the installation of automated parking meters to include an annual management plan for the downtown metered parking stalls was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance authorizes a contract with Flowbird in the amount of $93,560 to purchase their MAX parking meters and support software for metered on-street parking spaces in the downtown area which will replace the existing metering system. Mr. Seller made a motion for a first reading of Ordinance 2022-086, seconded by Mr. Norris.

Ordinance 2022-087 – Approving modifications to Chapter 1301.05 of the City's Property Maintenance Code regarding the temporary boarding and covering of building openings and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves modification to the City's Property Maintenance Code regarding non-permanent boarding or covering of building openings and establishes the length of time considered temporary for such measures. Mr. Brunka stated that this will allow temporary boarding for 6 months and the ability for one 3-month extension under certain circumstances. In response to a question from Mr. Norris, Mr. Brunka confirmed that this ordinance is effective after it is approved, not retroactively. Mr. Norris made a motion to approve Ordinance 2022-087, seconded by Mr. Lamoreaux. Roll call vote was approved unanimously.

Ordinance 2022-088 – Approving 5-year field usage agreements with the Lebanon Youth Baseball and Lebanon Fastpitch Softball establishing annual fees and field usage conditions was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance establishes field space allocation at the Colonial Park East, West, North, Roberts Field, and Runyan Field with associated annual field usage fees for Lebanon Youth Baseball and Lebanon Fastpitch Softball organizations. Mr. Cope made a motion for a first reading of Ordinance 2022-088, seconded by Mr. Sellers.

Ordinance 2022-089 – Providing for the issuance of not-to-exceed $400,000 Fire Equipment Acquisition Bond Anticipation Notes, Series 2020, 2022 Renewal, By the City of Lebanon, Ohio, in anticipation of the issuance of bonds of the city and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance allows for the issuance of up to $400,000 Fire Equipment Acquisition Bond Anticipation Notes. Mr. Norris made a motion to adopt Ordinance 2022-089, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Resolution 2022-090 – Authorizing a Lebanon Civic Fund to be established with the Warren County Foundation to support the City's Civic Donation Program was read in title only by Mr. Yurick. Mr. Brunka stated that this resolution establishes a Lebanon Civic fund through the Warren County Foundation to continue supporting non-profit organizations through the civic donation program. Vice Mayor Mathews made a motion to adopt Resolution 2022-090, seconded by Mr. Cope. Roll call vote was approved unanimously.

Resolution 2022-091 – Authorizing the City Manager to execute a subrecipient agreement with the Warren County Port Authority for the ODOD Building Demolition and Site Revitalization Program was read in title only by Mr. Yurick. Mr. Brunka stated that this resolution approves a subrecipient agreement with Warren County to support the demolition of certain properties through use of a state grant. Mr. Brunka stated that four properties have been identified for this grant. 525 N. Broadway has been demolished and the program is fully funded by the state. Mr. Sellers made a motion to adopt Resolution 2022-091, seconded by Mr. Norris. Roll call vote was approved unanimously.

Ordinance 2022-092 – Approving the final plat for 140 Harmon Ave. as recommended by the Planning Commission and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the final plat for 140 Harmon Avenue, creating lots to support a new self-storage facility. Mr. Lamoreaux made a motion to adopt Ordinance 2022-092, seconded by Mr. Sellers. In response to a question from Mr. Norris, Mr. Brunka confirmed that this property is on the east side where Harmon intersects with S.R. 63. There will be retail lots on S.R. 63 and the self-storage units will be placed behind the retail units. Mr. Brunka confirmed that the developer will need to follow existing design standards. In response to a question from Mr. Cope, Mr. Brunka stated that the land for the retail component will need to be rezoned. Roll call vote was approved unanimously.

Ordinance 2022-093 – Approving a final plat for Horseshoe Falls Section 5 as recommended by the Planning Commission and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves a final plat for Horseshoe Falls Section 5, splitting 3 lots into 6 lots to allow for the development of attached single family buildings containing two units each. Mr. Cope made a motion to adopt Ordinance 2022-093, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Ordinance 2022-094 – Approving a zoning map amendment for 35.852 acres from General Commercial (GC) and Rural Residential (R-R) to Mixed Use (MU) PUD District to support the Retreat of Lebanon planned development was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves an amendment to the official Zoning Map to accommodate a proposal by the Kendall Property Group to a mixed-use development with limited retail adjacent to Walmart. Mr. Sellers made a motion for a first reading of Ordinance 2022-094, seconded by Mr. Cope.

General Discussion Topics

City Manager's Report
The next City Council meeting is a work session on Monday, August 15 at 7:00 p.m. The annual butterfly release and 5k Monarch Run are scheduled for this Saturday at Miller Park.

Mr. Sellers thanked everyone who was involved in another successful Blues Festival. Mr. Sellers affirmed his support for Mayor Messer and for the mayor's character. He believes that Christian conservatives currently have a target on their backs. He will continue to support Mayor Messer.

Mr. Lamoreaux has enjoyed several Third Friday events and appreciates all of the staff efforts involved to make those events successful. He continues to support Mayor Messer. Mr. Lamoreaux has worked in the insurance business for many years, and he hasn't experienced any attorneys taking a case unless they thought they would prevail.

Mr. Norris continues to support Mayor Messer and the excellent way he represents Lebanon. Regardless of differences in the community, Lebanon is heading in the right direction. Mr. Norris encouraged residents to attend City Council meetings or contact City Council members directly to learn more about this positive momentum.

Vice Mayor Mathews stated that it is easy to identify the media who care, and he thanked the Dayton Daily News for providing credible stories about the city. The Warren County Fair was well organized and well attended again this year. Today is Dolly Parton Day in Columbus and her Imagination Library program continues to thrive in Warren County. Congratulations to the Optimist Club for another successful Blues Festival. The next Girls Night Out is scheduled for this Saturday. The new Harmon Park playground equipment is great, and the park has been packed recently. Everyone on City Council is impressed with the Harmon Park improvements. Vice Mayor Mathews will miss the next City Council meeting due to a church commitment.

Mr. Cope congratulated Vice Mayor Mathews for winning his primary election for Ohio State Representative. Mr. Cope disagreed with the Cincinnati Enquirer article regarding Mayor Messer. He stated that the reporter does not work for the Cincinnati Enquirer and is instead employed by the by the Report for America program which is funded by liberal organizations. He will continue to support Mayor Messer and his family. This is a great community that would support any family who had a devastating structural fire loss. Mr. Cope agreed with Mr. Norris' comments that there are a lot of positive developments occurring in Lebanon.

Mayor Messer enjoyed the Blues Festival and was amazed to see everything cleaned up when he drove by at 5:30 a.m. the next morning. Mayor Messer appreciates all the support he and his family have received from City Council and the community over the past year, especially during the past few difficult weeks. He is very humbled to serve as Mayor for this great city.

There being no further business to come before this Council a motion to adjourn the meeting was made by Vice Mayor Mathews, seconded by Mr. Sellers. Roll call vote was approved unanimously. Meeting adjourned at 8:10 p.m.

Passed: August 23, 2022

Mayor

Clerk