



BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

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C. MICHAEL KILBURN

PAT ARNOLD SOUTH

BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

MINUTES: Regular Session--December 18, 2001

The Board met in regular session pursuant to adjournment of the December 13, 2001, meeting.

C. Michael Kilburn - present

Larry Crisenbery - present

Pat Arnold South - present

Tina Davis, Clerk - present

- 01-2153 A resolution was adopted to approve Change Order #1 with W.G. Stang, Inc., for the Striker Road Improvement Project. Vote: Unanimous
- 01-2154 A resolution was adopted to approve Change Order #1 with W.G. Stang, Inc., for the Greentree Road Project. Vote: Unanimous
- 01-2155 A resolution was adopted to approve Supplemental Appropriation into Fund #451. Vote: Unanimous
- 01-2156 A resolution was adopted to approve Rezoning Application initiated by the Rural Zoning Commission (Case #13) to rezone 9.8317 acres in Washington Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 01-2157 A resolution was adopted to approve Rezoning Application of Howard A. Theetge (Case #01-11) to rezone 1.5 acres in Washington Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 01-2158 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for Lisa Shutts, Assistant Business Manager, within the Water and Sewer Department. Vote: Unanimous

- 01-2159 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for Cory Sanders, Building and Electrical Inspector I, within the Building and Zoning Department. Vote: Unanimous
- 01-2160 A resolution was adopted to Acknowledge Receipt of and Tentatively accepting a Petition, Statement and Waiver by one-hundred percent of the landowners to be Specially Assessed in connection with the proposed location, construction and establishment of improvements along Bunnell Hill Road, Warren County, Ohio, as provided for by Chapter 5555 of the Ohio Revised Code. Vote: Unanimous
- 01-2161 A resolution was adopted to approve Bond Reduction for Donald W. Wright for partial completion of improvements in Liberty Acres Subdivision situated in Turtlecreek township. Vote: Unanimous
- 01-2162 A resolution was adopted to designate Extended Illness Leave to Sandy Gambill, Fiscal Officer, within the Department of Human Services. Vote: Unanimous
- 01-2163 A resolution was adopted to approve and authorize the President of this Board to sign a Sub-grant Award on behalf of the Abuse and Rape Crisis Shelter of Warren County. Vote: Unanimous
- 01-2164 A resolution was adopted to enter into Agreement for a Permanent Drainage Easement, a Temporary Construction Easement (Parcel 100-T) and a Temporary Construction Easement (Parcel 400-T) from William O. Brisben, 7800 E. Kemper Road, Cincinnati, Ohio 45249 for the State Route 123 & Waynesville Road Improvement Project. Vote: Unanimous
- 01-2165 A resolution was adopted to enter into contract with Loveland Excavating for the Bethany Road, Force Main Gravity Sewer Project. Vote: Unanimous
- 01-2166 A resolution was adopted to approve and authorize the President of this Board to sign a Grant Application on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 01-2167 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Grand Communities, Ltd., to install certain water and/or sanitary sewer improvements in Wedgwood, Block H, situated in Hamilton Township. Vote: Unanimous
- 01-2168 A resolution was adopted to enter into Performance Bond Agreement with Grand Communities, Ltd., for installation of certain improvements in Wedgwood, Block G, situated in Hamilton Township. Vote: Unanimous

- 01-2169 A resolution was adopted to enter into Sidewalk Bond Agreement with Grand Communities, Ltd., for installation of certain improvements in Wedgwood, Block G, Situated in Hamilton Township. Vote: Unanimous
- 01-2170 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Grand Communities, Ltd., to install certain water and/or sanitary sewer improvements in Wedgwood, Block G, situated in Hamilton Township. Vote: Unanimous
- 01-2171 A resolution was adopted to enter into Performance Bond Agreement with Grand Communities, Ltd., for installation of certain improvements in Wedgwood, Block H, situated in Hamilton Township. Vote: Unanimous
- 01-2172 A resolution was adopted to enter into Sidewalk Bond Agreement with Grand Communities, Ltd., for installation of certain improvements in Wedgwood, Block H, situated in Hamilton Township. Vote: Unanimous
- 01-2173 A resolution was adopted to approve various Final Plats. Vote: Unanimous
- 01-2174 A resolution was adopted to approve Appropriation Adjustment from County Commissioners Fund #101-1110 into Sheriff's Fund #101-2210.
Vote: Unanimous
- 01-2175 A resolution was adopted to approve Appropriation Adjustments within Employment and Training Administration Fund #258. Vote: Unanimous
- 01-2176 A resolution was adopted to approve an Appropriation Adjustment within the JTPA One Stop Fund #259. Vote: Unanimous
- 01-2177 A resolution was adopted to approve Operational Transfer from County Commissioners Fund #101-1112 into Employee Benefits Fund #632.
Vote: Unanimous
- 01-2178 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Records Center Fund #101-1500.
Vote: Unanimous
- 01-2179 A resolution was adopted to approve Appropriation Adjustment within Emergency Services Fund #264-2800. Vote: Unanimous
- 01-2180 A resolution was adopted to approve Appropriation Adjustment within Emergency Services Fund #264-2800. Vote: Unanimous

- 01-2181 A resolution was adopted to approve Appropriation Adjustments within Telecommunications Fund #101-2810 and Sheriff Fund #101-2200. Vote: Unanimous
- 01-2182 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with River's Bend Land Company, Ltd., to install certain water and/or sanitary sewer improvements in Vista Pointe at River's Bend, Section 1, situated in Hamilton Township. Vote: Unanimous
- 01-2183 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 01-2184 A resolution was adopted to enter into Engineering Contract with Foppe Technical Group, Inc. Vote: Unanimous
- 01-2185 A resolution was adopted to Deny Annexation Petition of Don Oda, agent to annex 25.2844 acres to the Village of Morrow. Vote: Unanimous
- 01-2186 A resolution was adopted to Order for Annexation of 2.030 acres to the City of Springboro. Vote: Unanimous
- 01-2187 A resolution was adopted to continue Public Hearing to consider the Rezoning Application of Michael and Cindi Ash (case # 01-12) to rezone 1.087 acres in Washington Township from General Business "B-2" to One and Two Family Residence "R-2". Vote: Unanimous
- 01-2188 A resolution was adopted to Order for Annexation of 78.2237 acres to the City of Mason. Vote: Unanimous

DISCUSSIONS

Neil Tunison, County Engineer, was present along with representatives from the Lebanon City School to discuss the access road adjacent to Lebanon High School in Garfield Park Subdivision which is causing flooding on the roadway and homeowners within Garfield Park Subdivision.

It was been determined that the developer of Garfield Park Subdivision did not have permission to construct the roadway on Lebanon City Schools property.

Commissioner Kilburn stated that the developer should have the responsibility for the removal of the roadway as it should have never been built to begin with.

There was discussion relative to the County Engineer's participation in the removal of the pavement and issuing a bill to the developer (Wesreal, Inc.) for the cost of said removal.

Mr. Tunison stated his agreement to help the school and stated that he would contact JR Jurgenson for an estimate.

Commissioner South entered the meeting at 10:36 a.m.

PUBLIC HEARING

REZONING APPLICATION INITIATED BY THE RURAL ZONING COMMISSION
TO REZONE 9.8317 ACRES IN WASHINGTON TOWNSHIP
FROM GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application initiated by the Rural Zoning Commission was convened this 18th day of December 2001, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, stated the location of the property and the Executive Committee's recommendation to approve the rezoning application.

Ted Priest, Chief Zoning Official, stated that all property owners are in favor of the rezoning application and then stated the Rural Zoning Commission's recommendation to approve the rezoning application.

Upon further discussion, the Board resolved (Resolution #01-2156) to approve the rezoning application.

Gary Duncan, State Route 741 resident, was present to praise and thank the Board of Commissioners and the Water and Sewer Department for a great job on the water line proposed for his area and requested the Board to act quickly on the construction of same.

PUBLIC HEARING

REZONING APPLICATION OF HOWARD THEETGE
TO REZONE 1.5 ACRES IN WASHINGTON TOWNSHIP
FROM GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Howard Theetge was convened this 18th day of December 2001, in the Commissioners' Meeting Room.

Mr. Theetge, property owner, explained why he desired to have his property rezoned.

Robert Craig, Regional Planning Commission, and Ted Priest, Chief Zoning Official, both stated their Board's recommendation to approve the rezoning application.

Upon further discussion, the Board resolved (Resolution #01-2157) to approve the rezoning application.

PUBLIC HEARING

ANNEXATION PETITION OF DON ODA, AGENT
TO ANNEX 25.2844 ACRES TO THE VILLAGE OF MORROW

The public hearing to consider the annexation petition of Don Oda, Agent to annex 25.2844 acres to the Village of Morrow was convened this 18th day of December 2001, in the Commissioners' Meeting Room.

Commissioner Kilburn swore those desiring to give testimony today.

Don Oda, Agent, presented the Village of Morrow Ordinance of Services.

J. William Duning, Attorney for Agent, presented various affidavits in favor of annexation from the following people:

Bob Brown
Fred Lafolette
Jean Mayne
Russell Kilburn

Jimmy Bishop, property owner within the annexation, stated his desire to obtain water and therefore annex to the Village of Morrow.

Al Shrader, Attorney for Salem Township Trustees, spoke in opposition to the annexation petition stating the following:

- Water service is available from the Village of Morrow through a contract with the County Commissioners without annexation.
- Two property owners included in the annexation do not desire to be annexed (Evers and Mackenzie)
- The published legal description in The Western Star was wrong.
- The majority of the land owners do not want annexed. Only 4.5 acres out of the 25 desire to be annexed.
- The annexation petition does not include the roadway

Mr. Shrader then presented a memorandum in opposition to the annexation.

Dave Evers, property owner within the annexation, stated that he is also representing the Mackenzies, spoke in opposition to the annexation petition.

Mark Florence, attorney, presented land record information relative to properties within the annexation petition.

Richard Dare, Township Trustee, spoke in opposition to the annexation petition.

Upon further discussion, the Board resolved (Resolution#01-2185) to deny the annexation petition.

PUBLIC HEARING

ANNEXATION PETITION OF MICHAEL SCHEPERS, AGENT
TO ANNEX 2.030 ACRES TO THE CITY OF SPRINGBORO

The public hearing to consider the annexation petition of Michael Schepers, Agent to annex 2.030 acres to the City of Springboro was convened this 18th day of December 2001, in the Commissioners' Meeting Room.

Mr. Schepers stated that there are no objections to the proposed annexation and that all the legal requirements have been complied with.

Upon further discussion, the Board resolved (Resolution #01-2186) to approve the annexation petition.

PUBLIC HEARING

REZONING APPLICATION OF ASH PROPERTY TO
REZONE 1.087 ACRES IN WASHINGTON TOWNSHIP FROM
GENERAL BUSINESS "B-2" TO ONE AND TWO FAMILY RESIDENCE "R-2"

The public hearing to consider the rezoning application of the Ash property to rezone 1.087 acres in Washington Township from General Business "B-2" to One and Two Family Residence Zone "R-2" was convened this 18th day of December 2002, in the Commissioners' Meeting Room.

The Board acknowledged receipt of a request from the property owner to continue the public hearing.

Upon further discussion, the Board resolved (Resolution #01-2187) to continue the public hearing to January 17, 2002, at 5:15 p.m.

PUBLIC HEARING

CONTINUATION OF THE ANNEXATION PETITION OF CHRISTY HOLMES, AGENT
TO ANNEX 78.2237 ACRES TO THE CITY OF MASON

The public hearing to consider the annexation petition of Christy Holmes, Agent to annex 78.2237 acres to the City of Mason was reconvened this 18th day of December 2001, in the Commissioners' Meeting Room.

Mrs. Holmes, Agent for petitioners, stated that both property owners now desire to move forward with the annexation.

Lee Stautberg, attorney for the Mitchell's, stated that Mr. Mitchell now desires to be annexed to the City of Mason.

Ken Schneider, Law Director for the City of Mason, stated that he represents both the Mason School Board and the City of Mason and stated that all are 100% in favor of annexation.

Catherine Cunningham, Attorney for the agent, presented exhibits one through eight in favor of the annexation.

Bill Moran, Deerfield Township Trustee, stated he is disappointed that this annexation is occurring but will not object.

Al Schrader, Attorney for Deerfield Township, stated that he would like to see some revenue sharing stipulated in the "general good" and that even through the Deerfield Township Trustees don't agree with the annexation, they are not likely to appeal the decision of the Board.

Upon further discussion, the Board resolved (Resolution #01-2188) to approve the annexation petition.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

Larry Crisenbery

Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on December 18, 2001, in compliance with Section 121.22 O.R.C.

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