



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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**LARRY CRISENBERY
C. MICHAEL KILBURN
PAT ARNOLD SOUTH**

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session--January 9, 2003

The Board met in regular session pursuant to adjournment of the January 7, 2002, meeting.

C. Michael Kilburn - present Larry Crisenbery - present

Pat Arnold South - present Tina Davis, Clerk - present

- 03-25 A resolution was adopted to Set and Advertise Public Hearing for Road Name Change - Sherbourne Court to Heritage Place in Deerfield Township.
Vote: Unanimous
- 03-26 A resolution was adopted to acknowledge receipt of December 2002 Financial Statement. Vote: Unanimous
- 03-27 A resolution was adopted to approve and authorize the President of the Board to enter into a Classroom Training Agreement on behalf of the Warren County One-Stop and Employment Center. Vote: Unanimous
- 03-28 A resolution was adopted to approve Vacation of 10' Temporary Ingress / Egress Easement across Real Estate identified as Sidwell No. 15-06-265-003.
Vote: Unanimous
- 03-29 A resolution was adopted to approve Amendment No. 1 to the Engineering Agreement with Environmental Engineering Services for the Shelly Booster Station PRV Pit and Water Line Addition increasing Purchase Order #53199.
Vote: Unanimous

- 03-30 A resolution was adopted to approve Change Order No. 3 to the contract with Loveland Excavating, Inc., for the Bethany Road Gravity Sewer and Forcemain Project, Fund No. 575-3362. Vote: Unanimous
- 03-31 A resolution was adopted to approve and enter into Agreement, on behalf of the Warren County Solid Waste Management District with Suzanne Geisler for Consulting Services associated with the 2003 Recycle, Ohio! Grant.
Vote: Unanimous
- 03-32 A resolution was adopted to enter into contract with Lake Erie Construction Company for the Franklin Township Guardrail CDBG Project.
Vote: Unanimous
- 03-33 A resolution was adopted for the Ohio Department of Natural Resources License and Right-of-Entry for Forcemain along Little Miami Scenic Park.
Vote: Unanimous
- 03-34 A resolution was adopted to approve a Bond Reduction for Roy B. Schweitzer, for completion of improvements in Sandy Run Country Estates, Phase 1 & 2, situated in Wayne Township. Vote: Unanimous
- 03-35 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with Magnolia Farms, LLC., for completion of water and/or sewer improvements in Magnolia Farms Subdivision situated in Clearcreek Township. Vote: Unanimous
- 03-36 A resolution was adopted to approve Release of Subdivision Public Improvements Performance and Maintenance Security Agreement with Design Properties X, LLC., for completion of water and/or sewer improvements in Applecreek Reserve Subdivision situated in Clearcreek Township.
Vote: Unanimous
- 03-37 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Prosecutors Fund #101-1150 and approve Appropriation Decreases in Engineers Fund #202 and Human Services Fund #203. Vote: Unanimous
- 03-38 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Crime Victim / Witness Fund #245. Vote: Unanimous
- 03-39 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous

- 03-40 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263.
Vote: Unanimous
- 03-41 A resolution was adopted to approve Operational Transfers from Commissioners Fund #101 into Transit Fund #299. Vote: Unanimous
- 03-42 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Sheriff's Office Community Based Corrections Fund #289 and approve Repayment of a Cash Advance from Sheriff's Office Community Based Corrections Fund #289 into General Fund #101. Vote: Unanimous
- 03-43 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Juvenile Court Fund #101-1240.
Vote: Unanimous
- 03-44 A resolution was adopted to approve a Cash Advance from County General Fund #101 into Sheriff's Selective Traffic Enforcement Program (STEP) Fund #292.
Vote: Unanimous
- 03-45 A resolution was adopted to Deny Rezoning Application of David Reibold, agent (Case #02-04), to rezone approximately 140 acres in Turtlecreek Township from Rural Residence "R-1" to Rural Residence "R-1" as a Planned Unit Development and One and Two Family Residence Zone "R-2" as a Planned Unit Development.
Vote: Unanimous

DISCUSSIONS

Minutes of the December 12, 17, 18, 19, and 26, 2002, meetings were read and approved.

On motion, upon unanimous call of the roll, the site plan review application hearing for The Hildebrandt Group to construct a cellular tower in Harlan Township was continued to February 27, 2003, at 5:30 p.m.

PUBLIC HEARING

CONTINUATION OF THE REZONING APPLICATION OF DAVID REIBOLD, AGENT,
TO REZONE APPROXIMATELY 140 ACRES IN TURTLECREEK TOWNSHIP
FROM RURAL RESIDENCE "R-1" TO RURAL RESIDENCE "R-1"
AS A PLANNED UNIT DEVELOPMENT AND ONE AND TWO FAMILY RESIDENCE
ZONE "R-2" AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of David Reibold, agent, to rezone approximately 140 acres in Turtlecreek Township from Rural Residence "R-1" to Rural Residence "R-1" as a planned unit development and One and Two Family Residence Zone "R-2" as a planned unit development was reconvened this 9th day of January 2003, in the Commissioners' Meeting Room.

Alex Teresenko, Rhein Interests, reviewed the history of the company and stated his work to comply with the recommendations of both the Regional Planning Commission and the Rural Zoning Commission. He then stated that the density being proposed is smaller than that which is allowed under the planned unit development regulations, citing a proposed density of approximately 2.79 dwelling units per acre. He then cited the two dwelling units per acre which the property is currently zoned. He then stated that the Health Department would not allow two units per acre due to additional acreage necessary for septic systems. He stated his feelings that the density being proposed is reasonable for the area while still meeting the market demand.

Jeff Cariaro, Warren County resident, questioned how much open space is being designated and clarification on the property being donated to Lebanon City Schools.

Same Flora, 2550 Hamilton Road, questioned if the land donated to the school could ever be developed.

Mr. Teresenko stated that it could not. He stated the property would have a deed restriction placed on the property, which only allows the property to be used as a park or school.

Commissioner Kilburn stated his opinion that the "deal" with the school is contract zoning. He then stated his opinion that if the developer was truly concerned with the schools, they would work with this Board to enact an impact fee.

Bob Buffenbarger, Residents Association of Western Turtlecreek Township, stated their concern with the road/traffic problems which will be a result of growth. He then stated his concern that road improvements would not be in place until after the growth has occurred.

Robert Butts, adjacent property owner, stated his concern that sewers will not be constructed in the area if the development is not approved. He then stated that 60% of the run-off from this property comes to his small parcel. He stated his concern that if this developer does not develop

the property, then another will come along and may not be as concerned with the adjacent property owners.

Katherine Hilker, adjacent property owner, stated her desire for the property to develop with the character of the area. She stated that if property owners cannot afford to love and appreciate the land then they should not move to the area.

Paul Steiner, State Route 741 resident, stated his concern over property owner rights.

Jim Lukas, Franklin City Manager, stated his concurrence with this Board's philosophy on slowing growth and development.

Steven Butts, adjacent property owner, stated his concern relative to annexation and also commented that his father has been approached about annexation to the City of Monroe.

Upon further discussion, the Board resolved (Resolution #03-45) to deny the rezoning application.

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 emergency meeting of the Board of County Commissioners held on January 9, 2003, in compliance with Section 121.22 O.R.C.

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