



**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--June 8, 2004**

The Board met in regular session pursuant to adjournment of the June 3, 2004, meeting.

Pat Arnold South - present                      Larry Crisenbery - present

C. Michael Kilburn - present                      Tina Davis, Clerk – present

- 04-796                      A resolution was adopted to waive the site plan review application fee for The Salvation Army—Camp Swoneky in Washington Township. Vote: Unanimous
- 04-797                      A resolution was adopted to Amend Attachment “A” to Resolution #04-438 to include additional names of Warren County Members. Vote: Kilburn – abstain, South – yea, Crisenbery - yea
- 04-798                      A resolution was adopted to enter into Contract with the S K Construction Company for the Fosters Maineville Road Bridge Replacement Project. Vote: Unanimous
- 04-799                      A resolution was adopted to enter into Contract with Larry Smith Contractors, Inc., for the State Route 48 Sanitary Sewer Project. Vote: Unanimous
- 04-800                      A resolution was adopted to authorize the President of this Board to sign two Satisfactions of Mortgages for Ila V. Harbin and John E. McGeorge. Vote: Unanimous
- 04-801                      A resolution was adopted to approve and enter into Contract between the Warren County Commissioners, for and on behalf of the Warren County Family and

Children First Council with Warren County Children Services Board for Placement Costs. Vote: Unanimous

- 04-802 A resolution was adopted to approve and enter into an Agreement by and between the Ohio Department of Natural Resource, Division of Recycling and Litter Prevention and this Board on behalf of the Warren County Solid Waste Management District for a 2004 Tire Amnesty Grant. Vote: Unanimous
- 04-803 A resolution was adopted to acknowledge receipt of May 2004 Financial Statement. Vote: Unanimous
- 04-804 A resolution was adopted to approve Appropriation Adjustment within Dog and Kennel Fund #206. Vote: Unanimous
- 04-805 A resolution was adopted to approve Appropriation Adjustment within Engineer Fund #202. Vote: Unanimous
- 04-806 A resolution was adopted to designate Snider Road at Socialville-Foster Road as a Four (4) Way Stop Intersection, on an interim basis, until the proposed traffic signal can be constructed as part of the Snider Road and Socialville-Foster Road Intersection Improvements Project. Vote: Unanimous
- 04-807 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 04-808 A resolution was adopted to Continue Public Hearing for Rezoning Application of Richard Clifton (Case #04-01), to rezone 2.3 acres in Washington Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 04-809 A resolution was adopted to Continue Public Hearing for Rezoning Application of Associate Construction, Inc., c/o Rodney Morris (Case #04-02), to rezone 9.0098 acres in Franklin Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 04-810 A resolution was adopted to approve Rezoning Application of Rodney Dalrymple (Case #04-03), to rezone 4.18 acres in Franklin Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous

DISCUSSIONS

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PUBLIC HEARING

REZONING APPLICATION OF RICHARD CLIFTON TO REZONE  
2.3 ACRES IN WASHINGTON TOWNSHIP FROM  
GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Richard Clifton, owner of record, to rezone 2.3 acres located in Washington Township from General Business "B-2" to Rural Residence "R-1".

Robert Craig, Regional Planning Commission, stated that the area requesting to be rezoned is a land locked parcel north of State Route 350 in Washington Township. He stated that the owner desires to rezone to include the property in a residential subdivision. He then stated the Executive Committee's recommendation to approve the rezoning application as it is in compliance with the Washington Township Land Use Plan.

Patrick Cline, adjacent property owner, stated his concern relative to flooding problems in the area and a concern that the streets and homes proposed for the area will cause additional water problems.

Commissioner Kilburn stated that due to the size of the lots, there is not a lot this Board can do about the subdivision.

Mr. Kilburn then moved to approve the rezoning application.

There was additional discussion relative to the condition placed upon the preliminary plat for Arabian Run Subdivision, the residential subdivision in which this property is included, regarding potential run off problems.

Commission Kilburn stated his desire to contact the Soil and Water Conservation District as well as the County Engineer to discuss the potential problem.

Mr. Kilburn's motion to approve the rezoning application died for the lack of a second.

Upon further discussion, the Board resolved (Resolution #04-808) to continue the public hearing to June 22, 2004, at 11:00 a.m.

REZONING APPLICATION OF ASSOCIATE CONSTRUCTION, RODNEY MOORE, TO  
REZONE 9.0098 ACRES IN FRANKLIN TOWNSHIP  
FROM GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Associate Construction, Rodney Moore, to rezone 9.0098 acres in Franklin Township from General Business "B-2" to Rural Residence "R-1" was convened this 8<sup>th</sup> day of June 2004, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, stated that the property owners desire to develop a single-family residential subdivision. He reviewed the location and the surrounding zoning and stated that the request complies with the Franklin Township Land Use Plan. He stated that only 11% of the 121 lots are being requested for rezoning as the remaining lots are currently zoned Rural Residence "R-1". He then stated the Executive Committee's recommendation to approve the rezoning application.

Commission Kilburn stated that this property is currently included within the territory being considered on the November ballot for merger with the City of Franklin. He then stated his desire to leave the question of rezoning for the new governmental entity if the merger is approved by the voters.

Mr. Kilburn made the motion to continue the public hearing to after the November election. He then stated that if he could not get a second on his motion, he would make a motion to deny the rezoning application on the premises that he does not want to encourage more residential housing.

Mr. Kilburn then moved to deny the rezoning application.

Commissioner South stated that she has spoken with the City of Carlisle and they are in support of the subdivision. She then stated she was not inclined to deny the application but also does not want to continue it until November.

Commissioner Crisenbery stated that if Commissioner Kilburn will withdraw his motion to deny, he will second his motion to continue the public hearing,

Mr. Kilburn then withdrew his motion to deny the rezoning.

Commissioner South questioned how long we can continue a public hearing.

Robert Price, County Administrator, stated there is no rule other than a reasonable amount of time.

Upon discussion, the Board resolved (Resolution #04-809) to continue the public hearing to November 9, 2004, at 11:00 a.m. with Mrs. South voting nay.

Barry Sullivan, Zoning Supervisor, stated that an adjacent property owner, Mrs. Szabo, has hired an attorney, Joseph Moore, to object to the proposed subdivision.

Mr. Moore stated that he will reserve any comments for the continuation public hearing in November.

Roger Dulen, representative of Associate Construction, stated that the area proposed for rezoning is the designed entrance to the subdivision.

Commissioner South then stated that she would like to have continued the public hearing to hear from Carlisle, however, she voted nay on the resolution due to her feeling that a continuance until November is too long.

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Commissioner Kilburn exited the meeting at 11:30 a.m.

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#### PUBLIC HEARING

#### REZONING APPLICATION OF RODNEY DALRYMPLE TO REZONE 4.18 ACRES IN FRANKLIN TOWNSHIP FROM GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Rodney Dalrymple to rezone 4.18 acres in Franklin Township from General Business "B-2" to Rural Residence "R-1" was convened this 8<sup>th</sup> day of June 2004, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, stated that the property owners desire to add an addition onto their existing home. He then reviewed the surrounding zoning and stated that the request complies with the Franklin Township Land Use Plan and recommended approval. He stated that the Rural Zoning Commission has also recommended approval of the rezoning application.

Shelli Gentry, property owner, stated that they have been working on the remodeling project for over a year and had just been made aware that the property was not zoned residential.

Upon further discussion, the Board resolved (Resolution #04-810) to approve the rezoning application.

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The meeting to consider the site plan review application of the Franklin Township Park was reconvened this 8<sup>th</sup> day of June 2004 in the Commissioners' Meeting Room.

Commissioner South stated that the purpose of the continuation was due to lighting concerns from adjacent residents and the Board had requested the Franklin Township Trustees to be present to discuss the issue.

The Board stated their concern relative to the lights drawing noise and nuisance to the neighbors.

Elmo Rose, Township Trustees, stated that the oldest child that could play on this size ball field is 12 years old. He then stated the policy of the park has been established at "no play after 10:00 p.m."

Michael Dorf, Bechtel Drive resident, stated that when the trustees constructed this park in 1983, a promise was made to the residents that there would never be lighting added to the park and no ball diamonds would be constructed behind the houses. He then stated his opinion that the money they are proposing to spend on lighting and a pond should be used to construct additional restrooms to keep the people from urinating on the adjacent residential properties.

There was much discussion relative to the need or lack of need for a retaining pond. The residents stated their concern of the possibility of stagnant water and mosquitoes being increased in the area.

James Porter, Bechtel Drive resident, stated that he has lived in his home 36 years and stated the close knit community they have. He then stated that the entire area is opposed to the lighting being installed and stated his desire to have the park operated from dawn until dusk like the Franklin Township Trustees promised. He then stated his opinion that if they have additional funds to install lights, a shed and pond, they should hire security officers to patrol the area for trespassers.

Vonda Daugherty, adjacent property owner, stated her opposition to the installation of lighting.

Deloris Hatfield, Bechtel Drive resident, stated that she mows the grass in the park behind her property and also stated her opinion that lighting should not be installed on the ball diamonds.

Sandford Ervin, adjacent property owner, stated he sees no benefit from the lighting or pond being installed.

There was much discussion from area residents in opposition to the installation of lighting within the park.

Phyllis Darrah and Elmo Rose, Township Trustees, stated they do not care whether lights are installed or not.

Upon further discussion, the Township Trustees agreed to meet with the area residents and the Board continued the site plan review application to June 29, 2004, at 10:30 a.m.

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Commissioner South exited the meeting at 2:00 p.m. and Commissioner Kilburn entered the meeting at 2:08 p.m.

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Jim Pinell, 3104 Wilmington Road, was present to discuss problems with a developer working within the wrong side of the road right-of-way cutting trees along his father's property in order to retaliate against him calling OSHA to report violations.

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Upon motion the meeting was adjourned.

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Pat Arnold South, President

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C. Michael Kilburn

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Larry Crisenbery

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on June 8, 2004, in compliance with Section 121.22 O.R.C.

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