



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

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PAT ARNOLD SOUTH

DAVID G. YOUNG

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

MINUTES: Regular Session--June 7, 2005

The Board met in regular session pursuant to adjournment of the June 2, 2005, meeting.

Pat Arnold South - present

David G. Young - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 05-801 A resolution was adopted to authorize the Issuance of not to exceed \$3,500,000 of Water System Improvement General Obligation Refunding Bonds to provide Funds for the Advance Refunding of Bonds originally issued to improve the County's Water System. Vote: Unanimous
- 05-802 A resolution was adopted to authorize the Issuance of not to exceed \$3,000,000 of Sewer System Improvement General Obligation Refunding Bonds to provide Funds for the Advance Refunding of Bonds originally issued to improve the County's Sewer System. Vote: Unanimous
- 05-803 A resolution was adopted to Consolidate two Bond Issues of the County of Warren, Ohio. Vote: Unanimous
- 05-804 A resolution was adopted to enter into Engineering Service Contract with CT Consultants, Inc. Vote: Unanimous
- 05-805 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 05-806 A resolution was adopted to Advertise for Bids for the FY04 Village of South Lebanon Sunset Drive Improvements CDBG Project. Vote: Unanimous
- 05-807 A resolution was adopted to authorize the filing of an Application with the Ohio Department of Transportation for the FY2006 Ohio Elderly and Disabled Transit Fare Assistance Program. Vote: Unanimous
- 05-808 A resolution was adopted to enter into a Street and Appurtenances Security Agreement with Long Cove, LLC., for installation of certain improvements in Wilkens Boulevard situated in Deerfield Township. Vote: Unanimous
- 05-809 A resolution was adopted to enter into Sidewalk Security Agreement with Long Cove, LLC., for installation of certain improvements in Wilkens Boulevard situated in Deerfield Township. Vote: Unanimous
- 05-810 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 05-811 A resolution was adopted to declare a Surplus of Funds in the Certificate of Title Administration Fund #250 and Transfer \$20,000.00 into the General Fund #101. Vote: Unanimous
- 05-812 A resolution was adopted to approve Supplemental Appropriation into General Fund #101-1112 and an Operational Transfer in TASC Fund #284. Vote: Unanimous
- 05-813 A resolution was adopted to create Sub-Fund within the CCPB – TASC Grant (Fund #284) in order to accurately track the State’s Fiscal Year Funding. Vote: Unanimous
- 05-814 A resolution was adopted to approve an Appropriation Adjustment within the Sewer Revenue Fund No. 580. Vote: Unanimous
- 05-815 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 05-816 A resolution was adopted to designate Family and Medical Leave of Absence to Lynn Reiss, Eligibility Referral Specialist 2, within the Department of Human Services. Vote: Unanimous
- 05-817 A resolution was adopted to designate Family and Medical Leave of Absence to Lori Singleton, Unit Support Worker II, within the Department of Human Services. Vote: Unanimous
- 05-818 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

- 05-819 A resolution was adopted to approve Modification of the Rezoning Application of Glenn McGraw, Agent (Case #05-02) to rezone 17.655 acres in Franklin Township from Rural Residence "R-1" to Neighborhood Business "B-1" as a Planned Unit Development. Vote: Unanimous
- 05-820 A resolution was adopted to authorize President of the Board to enter into Revised Novation Agreement between this Board, the Village of South Lebanon, and the City of Lebanon relative to capacity within the City of Lebanon's Wastewater Treatment Plant. Vote: Unanimous
- 05-821 A resolution was adopted to approve Private Construction and Oversizing by Kyles, LLC., of Sanitary Sewers in the Wilson Farm and Wilson Farm Addition Subdivisions, Warren County Sewer District, with reimbursement provisions. Vote: Unanimous
- 05-822 A resolution was adopted to hire Kelly Hieatt, Eligibility Referral Specialist II, within the Warren County Department of Human Services. Vote: Mr. Young – yea; Mrs. South – yea; Mr. Kilburn - abstain
- 05-823 A resolution was adopted to hire Erynn Hartmann as Administrative Clerk within the Warren County Office of Management and Budget. Vote: Unanimous
- 05-824 A resolution was adopted to hire Susan Spencer as Personnel Officer within the Warren County Office of Management and Budget. Vote: Unanimous
- 05-825 A resolution was adopted to Waive Building and Electrical Permit Fees associated with the Anthony Munoz Foundation Hall of Fame Golf Classic. Vote: Unanimous

DISCUSSIONS

On motion, bids were closed at 10:15 a.m. this 7th day of June and the following bids were received, opened and read aloud for the FY 2004 Franklin Township Street Improvements Project – Rebid for the Warren County Office of Grants Administration:

Barrett Paving Materials, Inc. Dayton, Ohio	\$ 82,833.10
C.W. Walker Paving Loveland, Ohio	\$ 79,443.68

Jerry Haddix, Coordinator, Warren County Office of Grants Administration will review bids for a recommendation at a later date.

Jeff Weber, Executive Director of Workforce Investment Board, was present along with Dave Bolton, Chairman, to share the 2004 Annual Report of the Butler-Warren Workforce Investment Board.

PUBLIC HEARING

REZONING APPLICATION OF GLENN MCGRAW, AGENT
TO REZONE 17.655 ACRES IN FRANKLIN TOWNSHIP FROM
RURAL RESIDENCE "R-1" TO GENERAL BUSINESS "B-2"

The public hearing to consider the rezoning application of Glenn McGraw, agent to rezone 17.655 acres in Franklin Township from Rural Residence "R-1" to General Business "B-2" was convened this 7th day of June 2005 in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission (RPC), stated the location of the property and existing use of property in the area. He then stated the RPC Executive Committee's recommendation to approve a modification of the application and rezone the property to Neighborhood Business "B-1" as a planned until development.

Barry Sullivan, Zoning Supervisor, stated the Rural Zoning Commissions decision to approve the modification of the rezoning application to rezone the property to Neighborhood Business "B-1" as a planned unit development.

Commissioner Kilburn questioned if the applicant had requested a planned unit development.

Mr. Craig stated that he has amended his request at the RPC Executive Committee Meeting.

Glen McGraw, agent for property owner, stated that Community Bank has a purchase contract, American Savings has the middle parcel and a third parcel is proposed as a car wash and/or self storage facility.

Commissioner Kilburn questioned the proposed access for the three parcels.

Mr. McGraw stated their vision to construct an access road along the front of all three parcels.

Upon further discussion, the Board resolved (Resolution #05-819) to approve a modification of the rezoning application of Glenn McGraw, Agent (Case #05-02) to rezone 17.655 acres in Franklin Township from Rural Residence "R-1" to Neighborhood Business "B-1" as a Planned Unit Development.

J.C. Maddox, 8345 McCully Lane, Harlan Township, was present to discuss a zoning violation letter he received from the Warren County Zoning Department relative to the parking of two trucks on his residential property.

There was discussion relative to Mr. Maddox utilizing the trucks on his farm and Mr. Kilburn moved to direct the Zoning Department to not pursue the violation. Much discussion ensued with the Chief Deputy Prosecutor and Mr. Kilburn withdrew his motion.

Barry Sullivan, Zoning Supervisor, stated that Mr. Maddox has three semi trucks parked on his property and that the violation was reported by someone in the area. He then stated that the trucks were not be utilized for farming.

There was discussion relative to a pending application for rezoning which, if approved, would allow Mr. Maddox's trucks to remain parked on the premises.

Mr. Maddox stated he does not desire to rezone the property.

Commissioner Young stated he does not feel the need to rezone the property and doesn't perceive the trucks parked on his farm to be a problem.

There was discussion relative to the gravel road access to this parcel needing improvements due to the semi-trucks.

Mr. McGary stated he does not recommend the Board not taking action. He stated his concern that the Board could put themselves in a position to invalidate their zoning code if this is not enforced.

Commissioner Kilburn stated the need to use common sense in making decisions and stated it makes sense to leave Mr. Maddox alone.

Commissioner South questioned if there is any legal way for Mr. Maddox to park the vehicles on his property.

Mr. McGary stated that the townships have provisions in their zoning codes to allow for conditional uses.

Commissioner Young recommended that Mr. Maddox withdraw his rezoning application and request the Board to refund the \$400 application fee.

Upon further discussion, on motion, the Board stated their desire to continue this discussion at a later date.

On motion, upon unanimous call of the roll, the Board entered into executive session at 11:55 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 12:42 p.m.

Richard Renneker, Sanitary Engineer, was present to explain the revised novation agreement between Lebanon, South Lebanon and this Board.

On motion, the Board resolved (Resolution #05-820) to approve and enter into the Novation Agreement.

Richard Renneker, Sanitary Engineer, was present to discuss the oversizing of the sanitary sewer line within the Wilson Farm Subdivision in order to provide enough room in the pipe to allow for the potential industrial development on the Stolle property within the Red Lion Area.

Richard Renneker, Sanitary Engineer, was present along with Bruce McGary, Chief Deputy Prosecutor and Sandy McKew, Strategic Public Policy (via speakerphone) to discuss the moratorium on Richard Renneker relative to the Lower Little Miami Wastewater Treatment Plant.

Mrs. McKew questioned the original reason for the moratorium and questioned what has changed since then. She then stated that the capacity study she is contracted to provide would be complete in two weeks.

There was discussion relative to the need to limit the number of taps to the sewer plant in order to ensure adequate capacity until such time that the proposed expansion is completed.

Mr. McGary stated his opinion that a “cap” on the sewer taps is reasonable.

Upon further discussion, the Board requested Mr. McGary to draft legislation to lift the moratorium, limit the number of sewer taps allowed per year, re-confirm the location of sanitary sewers within Hamilton Township to be only within the sewer improvement area (identical with the Urban Service Area) and request statements of availability of sewers to be approved by this Board.

MINUTES
JUNE 7, 2005
PAGE 8

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

David G. Young

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 7, 2005, in compliance with Section 121.22 O.R.C.

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