



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

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***C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG***

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

MINUTES: Regular Session -- December 27, 2005

The Board met in regular session pursuant to adjournment of the December 22, 2005, meeting.

Pat Arnold South - present David G. Young - present

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

- 05-2066 A resolution was adopted to approve Rezoning Application of Patrick Merten, J-II Enterprises (Case # 05-08), to Rezone 146.408 acres in Turtlecreek Township from Rural Residence "R-1" to Rural Residence "R-1" as a Planned Unit Development. Vote: Unanimous

- 05-2067 A resolution was adopted to appoint Bernard Wright to the Sinclair Community College Board of Trustees. Vote: Unanimous

- 05-2068 A resolution was adopted to approve Rezoning Application of Ronald Huntley, agent for Delorma, Ltd (Case # 05-07), to rezone 1.571 acres in Turtlecreek Township from Rural Residence "R-1" to General Business "B-2".
Vote: Unanimous

- 05-2069 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

- 05-2070 A resolution was adopted to hire Jeff Piatt as Economic Development Specialist within the Warren County Economic Development department. Vote: Unanimous

- 05-2071 A resolution was adopted to hire Angela Steffen as Administrative Clerk within the Warren Economic Development Department. Vote: Unanimous

- 05-2072 A resolution was adopted to authorize the Posting of the “Eligibility Referral Specialist I” position, within the Human Services Department in Accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous
- 05-2073 A resolution was adopted to Amend Classification Specification and Point Factor Assignment of Chief Mechanic within the Garage Department. Vote: Unanimous
- 05-2074 A resolution was adopted to adopt Classification Specifications and Point Factor Assignments of Assistant Chief Mechanic within the Warren County Garage Department. Vote: Unanimous
- 05-2075 A resolution was adopted to approve Reclassification of Ron Wilson from the position of Mechanic II to the position of Assistant Chief Mechanic. Vote: Unanimous
- 05-2076 A resolution was adopted to authorize the Posting of the “Mechanic II” position within the Warren County Garage, in accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous
- 05-2077 A resolution was adopted to Amend Classification Specification of Administrative Assistant position. Vote: Unanimous
- 05-2078 A resolution was adopted to approve Reclassification of Debbie Hammiel from the position of Administrative Support to the position of Administrative Assistant. Vote: Unanimous
- 05-2079 A resolution was adopted to approve Change Order #M-2 with Triton Services Inc. relevant to the Warren County Old Administration Building Renovation Project. Vote: Unanimous
- 05-2080 A resolution was adopted to enter into Loan Agreement and Execute Promissory Note with the Director of the Ohio Department of Transportation for a Loan up to \$1,505,000 for the US 22/SR 3 Widening Project between Fields-Ertel Road and the Foster Viaduct over the Little Miami State and National Scenic River as approved by the Transportation Review Advisory Council. Vote: Unanimous
- 05-2081 A resolution was adopted to enter into Subdivision Public Improvement Performance and Maintenance Security Agreement with Warren Development, LLC for installation of certain improvements in Wilson Farms Section Three situated in Franklin Township. Vote: Unanimous
- 05-2082 A resolution was adopted to enter into Sidewalk Security Agreement with Warren Development, LLC. for installation of certain improvements in Wilson Farms, Section Three situated in Franklin Township. Vote: Unanimous

- 05-2083 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Warren Development, LLC. for installation of certain improvements in Wilson Farms, Section Three, situated in Franklin Township. Vote: Unanimous
- 05-2084 A resolution was adopted to enter into Erosion Control Bond Agreement with Warren Development, LLC. for improvements in Wilson Farms, Section Three, situated in Franklin Township. Vote: Unanimous
- 05-2085 A resolution was adopted to enter into Sidewalk Security Agreement with Welsh Development Company, Inc. for installation of certain improvements in Trails of Shaker Run, Section Two situated in Turtlecreek Township. Vote: Unanimous
- 05-2086 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Welsh Development Company, Inc. for installation of certain improvements in Trails of Shaker Run, Section Two, situated in Turtlecreek Township. Vote: Unanimous
- 05-2087 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Welsh Development Company, Inc. for installation of certain improvements in Trails of Shaker Run – Section Two situated in Turtlecreek Township. Vote: Unanimous
- 05-2088 A resolution was adopted to enter into Erosion Control Bond Agreement with Welsh Development Company, Inc. for improvements in Trails of Shaker Run – Section Two situated in Turtlecreek Township. Vote: Unanimous
- 05-2089 A resolution was adopted to enter into Street and Appurtenances Security Agreement with RC Communities, LLC. for installation of certain improvements in Sawyer’s Mill Section One (Cincinnati-Dayton Road Improvements), situated in Franklin Township. Vote: Unanimous
- 05-2090 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 05-2091 A resolution was adopted to approve Repayment of a Cash Advance from State Homeland Security Program FFY04 Grant Fund #260-0008 into County General Fund #101. Vote: Unanimous
- 05-2092 A resolution was adopted to approve Supplemental Appropriations within OMB Fund #101-1115, Criminal Prosecutor Fund #101-1276, Franklin Municipal Court Fund #101-1271, and Economic Development Fund #101-1116. Vote: Unanimous
- 05-2093 A resolution was adopted to accept Amended Certificate for Fund #456. Vote: Unanimous

- 05-2094 A resolution was adopted to approve and Appropriation Adjustment within Prosecutor Fund #101-1150. Vote: Unanimous
- 05-2095 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Juvenile Court Fund #101-1240 and Sheriff's Fund #101-2210. Vote: Unanimous
- 05-2096 A resolution was adopted to approve Expense Adjustments within the Workforce Investment Act Fund #258. Vote: Unanimous
- 05-2097 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 9:45 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:43 a.m.

PUBLIC HEARING

REZONING APPLICATION OF AGENT PATRICK MERTEN OF J-II ENTERPRISES TO
REZONE 146.408 ACRES IN TURTLECREEK TOWNSHIP
FROM RURAL RESIDENCE "R-1" TO RURAL RESIDENCE "R-1"
AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Agent Patrick Merton of J-II Enterprises was convened this 27th day of December 2005, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission (RPC), presented the zoning history of the property and the location. He then stated the RPC Executive Committee recommendation to approve the rezoning application subject to six conditions.

Commissioner Kilburn stated, upon his review of the proposed concept plan, that he does not want street stub in order to prevent the proliferation of residential homes in the area.

Bob Buffenbarger, Hamilton Road resident, stated his concern relative to septic system and the safety of the stream which feeds the aquifer.

Bobby Jay, Woodhaven Drive in Franklin Township, stated his concern with the duplication on the name of the subdivision.

Patrick Merten, J-II Enterprises, stated he does not have a problem with changing the name of the proposed subdivision.

Barry Sullivan, Zoning Department, reviewed the events of the Rural Zoning Commission meeting and stated that J-II Enterprises has committed to a voluntary \$1750 per lot impact fee to the schools. He then stated the RZC recommendation to approve the rezoning application subject to six conditions.

Dan Jones, Turtlecreek Township Trustee, requested that the 20 foot buffer zone proposed along the perimeter of the development be increased to 30 feet and that the proposed stub street have no pavement or be eliminated.

Bill Stevens, Turtlecreek Township Fire Chief, stated he has no objection to the elimination of the stub street.

Martha Page, Keever Road resident, questioned why they are proposing an urban road width instead of a rural road width.

Mr. Craig stated that the actual pavement width is the same regardless of the category of the road.

Mr. Merten stated they are proposing rural roads with an open ditch, not curb and gutter.

Dan Corey, engineer for developer, stated they are proposing rural roads with open ditches for water quality issues.

Mr. Merten stated they do not have a problem with eliminating the stub street, increasing the conservation easement to 40 or 50 feet and re-naming the subdivision.

Commissioner Young stated his preference to have the stub street dedicated for future emergency or utility purposes but not have it paved.

Chris Davis, area resident, questioned who would be responsible for the maintenance of the dedicated easement and road right of way.

Mr. Merten stated that the homeowners association would take responsibility for the maintenance and upkeep of the areas.

Tom Spellmire, Hamilton road resident, stated his concern that they are only providing 14% open space rather than the required 20%.

The Board stated their willingness to vary due to the proposed lots being 1.6 acres rather than the typical less than ½ acre within a planned unit development.

Lyle Jones, Keever Road resident, clarified what a conservation easement would allow.

Terry Banker, Turtlecreek Township resident, stated the concern with a precedent being set to allow less open space. She also requested the conservation easement be increased to 50 feet as she heard Mr. Merten say he did not have a problem doing so.

Mr. Merten stated he would need to allow an adequate amount of usable space in the rear yards for the leach fields.

The Board stated their willingness for the language in the conservation easement to allow leach fields to encroach within the first ten feet.

Mr. Buffenbarger stated his support of Mr. Spellmire's comments relative to open space. He also stated his concern relative to creek runoff and the ability for the aquifer to re-charge.

Mr. Merten questioned if the Board would allow some flexibility on the front yard setback from 50 feet to 40 feet, in necessary, to accommodate a 50 foot conservation easement.

The Board stated they had no problem allowing flexibility on lots that have a problem.

Mr. Richardson, property owner, stated they have lived on this farm since 1947. He stated the decision to sell the property was made out of necessity due to health problems. He then stated he is not physically capable of taking care of the property any longer.

Dan Jones questioned how the 50 foot conservation easement would be maintained.

Mr. Merten stated that the homeowners association would maintain the conservation easement.

Upon further discussion, the Board resolved (Resolution #05-2066) to approve the rezoning application subject to seven conditions.

PUBLIC HEARING

REZONING APPLICATION OF RONALD HUNTLEY, AGENT
TO REZONE 1.571 ACRES IN TURTLECREEK TOWNSHIP
FROM RURAL RESIDENCE "R-1" TO GENERAL BUSINESS "B-2"

The public hearing to consider the rezoning application of Ronald Huntley, agent to rezone 1.57 acres in Turtlecreek Township was convened this 27th day of December 2005, in the Commissioners' Meeting Room.

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

Mike Yetter, Zoning Department, reviewed the events from the Rural Zoning Commission meeting and stated their unanimous vote to approve the rezoning application.

Dave Zecher, representative of the agent, stated this is a housekeeping item and they have no proposed use for the property.

Upon further discussion, the Board resolved (Resolution #05-2068) to approve the rezoning application.

Bobby Jay, Franklin Township resident, was present to discuss his concern relative to the City of Middletown expanding further into Warren County.

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 December 27, 2005, in compliance with Section 121.22 O.R.C.

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