



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

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250

(513) 420-4250

(513) 925-1250

(513) 783-4993

(937) 425-1250

Facsimile (513) 695-2999

LARRY CRISENBERY

C. MICHAEL KILBURN

PAT ARNOLD SOUTH

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

MINUTES: Regular Session--September 9, 2003

The Board met in regular session pursuant to adjournment of the September 4, 2003, meeting.

Larry Crisenbery - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 03-1323 A resolution was adopted to enter into contract with Prus Construction for the
Fy2002 Village of Maineville Sidewalk CDBG Project. Vote: Unanimous
- 03-1324 A resolution was adopted to approve Rezoning Application of Jodie Baker, agent
(Case #03-04), to rezone 30.951 acres in Union Township from Heavy Industry
“M-2” to Rural Residence “R-1”. Vote: Unanimous
- 03-1325 A resolution was adopted to approve Change Order No. 2 to the contract with
J.R. Herdman Excavating for the Clover Avenue Sewer Improvement Project,
Fund No. 449-3301, increasing Purchase Order No. 55495. Vote: Unanimous
- 03-1326 A resolution was adopted to authorize President of the Board to sign a full and
final Settlement and Mutual Release of all Claims relative to the Geiler Company
vs. Warren County (02CV59035). Vote: Unanimous
- 03-1327 A resolution was adopted to approve Appropriation Adjustments within Children
Services Fund #273 and Auditor Fund #101-1120. Vote: Unanimous
- 03-1328 A resolution was adopted to approve Rezoning Application of William and Judith
Fisher (Case #03-05), to rezone 5.01 acres in Washington Township from

General Business "B-2" to Rural Residence "R-1". Vote: Unanimous

- 03-1329 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 03-1330 A resolution was adopted to authorize the approval of the Labor Agreement negotiated pursuant to Ohio Revised Code Chapter 4117 between the Warren County Board of MR/DD and the Professional Guild of Ohio (SERB Case No. 03-MED-03-0203). Vote: Unanimous
- 03-1331 A resolution was adopted to set Special Commissioners Meeting for October 24, 2003 at 11:30 a.m. Vote: Unanimous
- 03-1332 A resolution was adopted to approve Rezoning Application Christine Thorman, agent (Case #03-06), to rezone 4.0 acres in Turtlecreek Township from Rural Residence "R-1" as a Planned Unit Development to Rural Residence "R-1".
Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 9:32 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 IG) (1) and exited at 10:32 a.m.

PUBLIC HEARING

REZONING APPLICATION OF JODIE BAKER, AGENT TO REZONE 30.951 ACRES IN UNION TOWNSHIP FROM HEAVY INDUSTRY "M-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Jodie Baker, Agent to rezone 30.951 acres in Union Township from Heavy Industry "M-2" to Rural Residence "R-1" was convened this 9th day of September 2003, in the Commissioners Meeting Room.

Jerry Spurling, Chief Building Official, stated that Barry Sullivan, Zoning Supervisor, would be presenting testimony on behalf of the Warren County Rural Zoning Commission.

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

Barry Sullivan reviewed the events of the Rural Zoning Commission meeting and stated their recommendation to approve the rezoning application.

Commissioner South read a letter from adjacent property owners, Donald and Deloris Middleton, stating concerns with their Heavy Industry "M-2" zoning property being de-valued by the adjacent property being rezoning to Rural Residence "R-1".

Jodie Baker, agent for property owners, explained the intent to construct a church on the upper portion of the property and nature trails and a preserve on the property located within the flood plain.

Upon further discussion, the Board resolved (Resolution #03-1323) to approve the rezoning application.

PUBLIC HEARING

REZONING APPLICATION OF WILLIAM AND JUDITH FISHER TO REZONE 5.001
ACRES IN WASHINGTON TOWNSHIP FROM
GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

This Board met this 9th day of September 2003, in the Commissioners Meeting Room to consider the rezoning application William D. and Judith S. Fisher, property owners (Case #03-05), to rezone 5.01 acres located south of Wilmington Road, east of the Little Miami River and north of Interstate 71 in Washington Township, from General Business "B-2" to Rural Residence "R-1".

Barry Sullivan, Zoning Supervisor, stated the desire of the property owner to rezone to Rural Residence "R-1" in order to give this acreage to their daughter to construct a house. He then stated the Rural Zoning Commission's recommendation to approve the rezoning application.

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

Upon further discussion, the Board resolved (Resolution #03-1328) to approve the rezoning application.

PUBLIC HEARING

REZONING APPLICATION OF CHRISTINE THORMAN, AGENT TO REZONE 4.0 ACRES
IN TURTLECREEK TOWNSHIP FROM RURAL RESIDENCE "R-1" AS A PLANNED UNIT
DEVELOPMENT TO RURAL RESIDENCE "R-1"

The Board met this 9th day of September 2003, to consider the rezoning application Christine Thorman, Agent for Mark and Diane Workman, property owners (Case #03-06), to rezone 4.0 acres located along the northeast side of State Route 123, between Stubbs Mill Road and Settlemire Road in Turtlecreek Township, from Rural Residence "R-1" as a Planned Unit Development to Rural Residence "R-1".

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

Barry Sullivan, Zoning Supervisory, reviewed the events of the Rural Zoning Commission meeting and stated their recommendation to approve the rezoning application.

Upon further discussion, the Board resolved (Resolution #03-1332) to approve the rezoning application.

Neil Tunison, County Engineer, was present along with Bruce McGary, Assistant Prosecutor, and representatives from Brookfield Development Corporation as well as representatives from Charles Hamilton Excavating and Contech Bridge relative to a bridge not being constructed properly within Northridge Village Subdivision in Deerfield Township.

Bruce McGary stated that the developer's engineer has designed an "inside fix" to the bridge which does not satisfy the County Engineer's concern for future safety. He then presented pictures of the bridge in question which showed the structural damages.

Steve Kelly, Bear Creek Capital and developer representative, stated his willingness to complete the "inside fix" which their engineering company states will make the bridge structurally sound. He then stated that the bridge was not installed properly by The Charles Hamilton Excavating Company due to incorrect backfill being used.

Mike Smith, The Charles Hamilton Excavating Company, stated that his company was contracted to install the roads, culverts and waterlines and the Contech Bridge Company was contracted to install the bridge. He then stated that his company was requested to excavate a

“hole” in order to for Contech to install the bridge after the fact. He then stated that his company was requested to place the backfill around the bridge and was told to use “grit” by a representative from Contech.

Steve Butler, Contech, stated that there are certain specifications written for installation and a representative from Contech would not have directed Mr. Smith to install “grit” in the installation of this particular bridge.

Upon further discussion, the Board directed the developer to remedy the defective bridge to the satisfaction of the County Engineer or the County would begin the process to remedy the defect and begin legal proceedings for reimbursement of expenses expected to be about \$100,000.

Upon motion the meeting was adjourned.

Larry Crisenbery, President

C. Michael Kilburn

Pat Arnold South

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 September 9, 2003, in compliance with Section 121.22 O.R.C.

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