



**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--February 1, 2005**

The Board met in regular session pursuant to adjournment of the January 25, 2005, meeting.

Pat Arnold South - present

David G. Young - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

Minutes of the January 10, 13, 18, 20, 25, 2005, meetings were read and approved.

05-115 A resolution was adopted to enter into Contract with Freeze Underground for the Utica Road Water Main Extension Project – 2005. Vote: Unanimous

05-116 A resolution was adopted to approve various Refunds. Vote: Unanimous

05-117 A resolution was adopted to declare various items within the Building and Zoning Department as surplus and authorize the disposal of said items. Vote: Unanimous

05-118 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Jason D. Watkins, for the Snider Road and Socialville-Fosters Road Intersection Improvement Project. Vote: Unanimous

05-119 A resolution was adopted to approve following Record Plats. Vote: Unanimous

05-120 A resolution was adopted to approve and enter into Agreement with the City of Franklin, Ohio. Vote: Unanimous

- 05-121 A resolution was adopted to declare the Intent to Include Clermont County in the Partnership of the existing Butler/ Warren Two-County Local Workforce Area (Area 12). Vote: Unanimous
- 05-122 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into a Professional Service Agreement by and between Suzanne Geisler and the Board of Warren County Commissioners relevant to the 2005 Community Recycling and Litter Prevention Grant and the Implementation of the Warren County Solid Waste Management District's Plan. Vote: Unanimous
- 05-123 A resolution was adopted to retain Richard Brahm as Special Legal Counsel relative to Pending Litigation. Vote: Unanimous
- 05-124 A resolution was adopted to approve Change Order #1 with Starco Inc. relevant to the Warren County Adult Justice Center HVAC and Control System Upgrade Project. Vote: Unanimous
- 05-125 A resolution was adopted to designate Family and Medical Leave of Absence to John Ware, Water Treatment Plant Operator II, within the Water and Sewer Department. Vote: Unanimous
- 05-126 A resolution was adopted to modify Rules and Regulations – Warren County Water and Sewer Department. Vote: Unanimous
- 05-127 A resolution was adopted to approve the Rezoning Application of George Properties Ltd., (Case #04-07), to rezone 11.661 acres in Turtlecreek Township from Light Industry “M-1” to General Industry “I-1”. Vote: Unanimous
- 05-128 A resolution was adopted to set Public Hearing to consider Fees Increases within the Erosion and Sediment Control Regulations. Vote: Unanimous
- 05-129 A resolution was adopted to set Public Hearing to consider Fee Increases within the Warren County Building and Zoning Department. Vote: Unanimous
- 05-130 A resolution was adopted to approve a Bond Release for Turning Leaf LLC., for completion of improvements in Turning Leaf, Section 2, situated in Hamilton Township. Vote: Unanimous
- 05-131 A resolution was adopted to approve a Bond Reduction for Allan G. Baker for completion of improvements in Cricket Meadows, Section 1, in Harlan Township. Vote: Unanimous
- 05-132 A resolution was adopted to approve a Bond Release for M/I Schottenstein Homes,

Inc., and M/I Schottenstein Homes of Cincinnati LLC., for completion of improvements in Regency Park Estates, Section 1, Block B, situated in Hamilton Township. Vote: Unanimous

05-133 A resolution was adopted to approve a Bond Reduction for Crossman Communities for Completion of improvements in Michels Farms, Section 3, in Hamilton Township. Vote: Unanimous

05-134 A resolution was adopted to approve a Bond Reduction for Big Foot Land Company LLC., for partial completion of improvements in Big Foot Commercial, situated in Hamilton Township. Vote: Unanimous

05-135 A resolution was adopted to enter into Sidewalk Security Agreement with Crooked Tree Meadows Investments, LLC., for installation of certain improvements in Crooked Tree Meadows, Section One, situated in Deerfield Township. Vote: Unanimous

05-136 A resolution was adopted to enter into Erosion Control Bond Agreement with Crooked Tree Meadows Investments, LLC, for improvements in Crooked Tree Meadows, Section One, situated in Deerfield Township. Vote: Unanimous

05-137 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Crooked Tree Meadows Investments, LLC to install certain water and/or sanitary sewer improvements in Crooked Tree Meadows, Section One, situated in Deerfield Township. Vote: Unanimous

05-138 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Crooked Tree Meadows Investments, LLC for installation of certain improvements in Crooked Tree Meadows, Section One, situated in Deerfield Township. Vote: Unanimous

05-139 A resolution was adopted to enter into Agreement with Miami Conservancy District for the Development of a 3.7 Mile Trail from Crains Run Park to Baxter Drive in Franklin Township. Vote: Unanimous

05-140 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / HazMat Fund #290, and Emergency Services / Communications Center Fund #101-2850. Vote: Unanimous

05-141 A resolution was adopted to approve Appropriation Increase in Enterprise Zone Monitoring Fees Fund #266. Vote: Unanimous

05-142 A resolution was adopted to approve Supplemental Appropriation within

Construction Fund #467. Vote: Unanimous

- 05-143 A resolution was adopted to approve a Receipt Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 05-144 A resolution was adopted to approve an Appropriation Adjustment and an Operating Transfer within the Socialville Elevated Water Storage Tank Project Fund No. 582. Vote: Unanimous
- 05-145 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 05-146 A resolution was adopted to approve Supplemental Appropriation within Construction Fund #467. Vote: Unanimous
- 05-147 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 05-148 A resolution was adopted to modify Rules and Regulations – Warren County Water and Sewer Department. Vote: Unanimous
- 05-149 A resolution was adopted to Modify Rules and Regulations – Warren County Water and Sewer Department. Vote: Unanimous
- 05-150 A resolution was adopted to Continue Public Hearing for Rezoning Application of June Russell (Case # 04-06), to rezone 4.5770 acres in Turtlecreek Township from Light Industry “M-1” to Heavy Industry “M-2”. Vote: Unanimous
- 05-151 A resolution was adopted to set Public Hearings to consider the necessity for the adoption of a Resolution to Levy a \$5.00 Annual License Tax in accordance with O.R.C. Section 4504.16. Vote: Unanimous
- 05-152 A resolution was adopted to hire Jennifer Lyons, Administrative Clerk, within the Building Services Department. Vote: Unanimous

#### DISCUSSIONS

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On motion, upon unanimous call of the roll, executive session was entered into at 10:05 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:35 a.m.

PUBLIC HEARING

REZONING APPLICATION OF JUNE RUSSELL, OWNER, TO REZONE  
4.5770 ACRES IN TURTLECREEK TOWNSHIP  
FROM LIGHT INDUSTRY "M-1" TO HEAVY INDUSTRY "M-2"

The public hearing to consider the rezoning application of June Russell, owner of record, to rezone 4.5770 acres in Turtlecreek Township was convened this 1<sup>st</sup> day of February 2005 in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission (RPC), stated that the property consists of two parcels and their desire for rezoning is to accommodate above ground storage of propane tanks. He stated the concern with placing Heavy Industry zoning over the aquifer and within the flood plain. He then stated the RPC recommendation to modify the rezoning application to rezone the area outside the flood plain to Heavy Industry "M-2" and to rezone the area within the flood plain to Rural Residence "R-1".

Commissioner Kilburn stated his concern with the rezoning due to safety issues.

Mike Yetter, Zoning Department, stated the Rural Zoning Commission recommendation to approve the rezoning of the .943 acres outside the flood plain to Heavy Industry "M-2" and the remaining 3.634 acres to Rural Residence "R-1".

Commissioner Kilburn moved to deny the rezoning.

Boz Russell, property owner, reviewed the past uses of the property stating that for years he operated a fuel business on the property.

There was discussion relative to Mr. Young not being familiar with the exact location of the property.

Commissioner Kilburn then withdrew his motion to deny and the Board stated their desire to view this property during lunchtime today.

On motion, upon unanimous call of the roll, the Board continued the public hearing to later this day at 3:00 p.m.

PUBLIC HEARING

REZONING APPLICATION OF GEORGE PROPERTIES, LTD  
TO REZONE 11.661 ACRES IN TURTLECREEK TOWNSHIP  
FROM LIGHT INDUSTRY "M-1" TO GENERAL INDUSTRY "I-1"

The public hearing to consider the rezoning application of George Properties, LTD to rezone 11.661 acres in Turtlecreek Township from Light Industry "M-1" to General Industry "I-1" was convened this 1<sup>st</sup> day of February 2005 in the Commissioners Meeting Room.

Robert Craig, Regional Planning Commission (RPC), explained the difference in the Heavy Industry "M-2" zone verses the General Industry "I-1" zone which allows metal work and fabrication (the business of George Industries, LTD). He explained that the business is an existing non-conforming use and they desire to expand their building. He stated that the Zoning Department is requiring the rezoning of the property prior to any scheduling for a site plan review application. He then stated that both the RPC Executive Committee and the Rural Zoning Commission recommend approval of the rezoning application.

Upon further discussion, the Board resolved (Resolution #05-127) to approve the rezoning application.

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PUBLIC HEARING

CONTINUATION OF THE REZONING APPLICATION OF JUNE RUSSELL, OWNER,  
TO REZONE 4.5770 ACRES IN TURTLECREEK TOWNSHIP  
FROM LIGHT INDUSTRY "M-1" TO HEAVY INDUSTRY "M-2"

The public hearing to consider the rezoning application of June Russell, owner of record, to rezone 4.5770 acres in Turtlecreek Township was reconvened at 3:00 p.m. this 1<sup>st</sup> day of February 2005 in the Commissioners' Meeting Room.

Commissioner South stated they have viewed the property and that Commissioner Young is very familiar with the area. She then discussed concerns relative to required setbacks on the property.

Mr. Russell, property owner, stated he understands the concern for safety and stated that there is a million to one odds that anything would ever happen on the property. He then explained that Collett Propane does not intend to use this property for anything other than a re-fueling station which means only one tank will be located on the property.

Commissioner South questioned if he and the proposed property owners would be willing to amend the application to request a planned unit development overlay so that they would have the authority to place certain conditions on the zoning to ensure that some of the other less desirable uses that are permitted in the Heavy Industry zone are not located on the parcel.

Mr. Russell stated that he does not have a problem with a planned unit development overlay and would question the propane company if they would have any problems with it.

Upon further discussion, the Board resolved (Resolution #05-150) to continue the public hearing to March 1, 2005, at 10:30 a.m.

On motion, upon unanimous call of the roll, the Board entered into executive session at 3:30 p.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and pending litigation pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 4:08 p.m.

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Mr. Young exited the meeting at 4:00 p.m.

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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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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 February 1, 2005, in compliance with Section 121.22 O.R.C.

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