



**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 – September 7, 2006**

The Board met in regular session pursuant to adjournment of the September 5, 2006, meeting.

C. Michael Kilburn - present

Pat Arnold South - present

David G. Young - present

Tina Davis, Clerk – present

- 06-1508      A resolution was adopted to accept the Resignation of Mike Jones, Water & Sewer Repair Worker III, within the Warren County Water and Sewer Department, effective September 29, 2006. Vote: Unanimous
- 06-1509      A resolution was adopted to authorize the Posting of the “Water Sewer System Repair Worker I, II and III” positions, within the Water and Sewer Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a). Vote: Unanimous
- 06-1510      A resolution was adopted to approve Transfer of Amy Hensley to the position of Administrative Support within the Water and Sewer Department. Vote: Unanimous
- 06-1511      A resolution was adopted to authorize the Posting of the “Billing Clerk I” position within the Water and Sewer Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a). Vote: Unanimous
- 06-1512      A resolution was adopted to acknowledge receipt of August 2006 Financial Statement. Vote: Unanimous

- 06-1513 A resolution was adopted for Certification of Delinquent Water and/or Sewer Accounts – Warren County Water and Sewer Department. Vote: Unanimous
- 06-1514 A resolution was adopted to approve Change Order No. 1 to the Contract with Silverhawke Construction increasing Purchase Order No. 66895 for the Wilkens Blvd Water Main Extension Project. Vote: Unanimous
- 06-1515 A resolution was adopted to approve Change Order #GC-002 with Better Built Construction Services, Inc. relevant to the East Street Building Renovation Project. Vote: Unanimous
- 06-1516 A resolution was adopted for selection of Engineer for Polk Run Sewer Study. Vote: Unanimous
- 06-1517 A resolution was adopted to approve and authorize the President of the Board to enter into a Classroom Training Agreement on behalf of Workforce One of Warren County (Warren County One-Stop). Vote: Unanimous
- 06-1518 A resolution was adopted to declare various items within Building Services Department as surplus and authorize the disposal of said items. Vote: Unanimous
- 06-1519 A resolution was adopted to approve a Sidewalk Bond Reduction for J.A. Development, LLC. for completion of improvements in Country Walk, Section Three, in Franklin Township. Vote: Unanimous
- 06-1520 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Village on the Green, Ltd. for Village on the Green Section Seven, Phase B-4.1142 acres in Hamilton Township. Vote: Unanimous
- 06-1521 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Village on the Green, Ltd. for Village on the Green Section Seven, in Hamilton Township. Vote: Unanimous
- 06-1522 A resolution was adopted to enter into Erosion Control Bond Agreement with Roy B. Schweitzer for improvements in Sandy Run Country Estates, Phase 4, situated in Wayne Township. Vote: Unanimous
- 06-1523 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Roy B. Schweitzer for installation of certain improvements in Sandy Run Country Estates, Phase 4, situated in Wayne Township. Vote: Unanimous

- 06-1524 A resolution was adopted to approve the following Record Plats.  
Vote: Unanimous
- 06-1525 A resolution was adopted to approve Appropriation Decreases within various  
Funds. Vote: Unanimous
- 06-1526 A resolution was adopted to approve Appropriation Adjustments within  
Emergency Services / HazMat Fund #290. Vote: Unanimous
- 06-1527 A resolution was adopted to approve Appropriation Adjustment within  
Commissioners Fund #101. Vote: Unanimous
- 06-1528 A resolution was adopted to approve Appropriation Adjustment within  
Commissioners Fund #101. Vote: Unanimous
- 06-1529 A resolution was adopted to approve Appropriation Adjustments within  
Veteran's Funds #101-5220 and #101-1403. Vote: Unanimous
- 06-1530 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

#### DISCUSSIONS

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On motion, upon unanimous call of the roll, executive session was entered into at 4:30 p.m. to discuss pending litigation pursuant to Ohio Revised Code Section 121.22 (G)(3), personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and Matters required to be kept confidential per Federal or State Law pursuant to Ohio Revised Code Section 121.22 (G)(5) and exited at 6:12 p.m.

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On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

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CONTINUATION OF THE PUBLIC HEARING TO CONSIDER AMENDMENT TO THE  
WARREN COUNTY RURAL ZONING CODE CHAPTER 3 – DEFINITIONS AND  
CHAPTER 6 – RURAL RESIDENCE “R-1”

The continuation of the public hearing to consider amendments to the Warren County Rural Zoning Code was convened this 7<sup>th</sup> day of September 2006, in the Commissioners’ Meeting Room.

Commissioner Kilburn gave a brief background as to why the Board initiated these text amendments relative to growth management. He then stated he will not agree to anything less than a two acre density outside of the sewer district and a one acre density in side a sewer area.

Commissioner Young stated the need for economic development in order to sustain property taxes and stated his 100% support of the change in the definition of central sanitary sewers.

Commissioner South discussed the tiered density being proposed by the Regional Planning Commission staff and explained the process the Board has begun relative to hiring McKenna & Associates to provide an entire zoning code text re-write. She then stated her desire for a two acre density rather than lot size outside the sewer area and keep a ½ acre density rather than lot size within the sewer area.

There was then discussion on the process of how the zoning code re-write process will work.

Mrs. South stated her desire to change the definition of central sanitary sewers and to change the minimum acreage that currently exists in the code to minimum density and wait until McKenna & Associates have completed their process before amending the current minimum density requirement in the zoning code.

Bruce McGary, Chief Assistant Prosecutor, explained the definition of centralized sanitary sewer as it pertains to zoning. He explained that it would not prevent a developer from constructing a centralized sanitary sewer, but it could prevent them from being entitled to the densities that is allowed within a sewer area.

Mr. Grimm, Turtlecreek Township resident, stated that high density is bad regardless if it is ½ mile or five miles from a city.

Martha Page, Keever Road, Turtlecreek Township resident, questioned who would be responsible for the long term maintenance of the SanMarGale Development.

The Board explained to Mrs. Page that the New Community Authority will be 100% responsible for the cost associated with the construction and maintenance of the sewer system but the County will have responsibility of the system.

Bob Frith, Harlan Township resident, stated his opposition to the minimum road frontage being changed as well as the maximum lot depth.

Robert Curran, Harlan Township Trustee, stated his concerns are identical to Mr. Frith's.

Commissioner Kilburn and Commissioner South discussed their opinions relative to density.

Commissioner Kilburn moved to approve the zoning code text amendment relative to a minimum two acre density within non-sewered areas and a one acre density within sewered areas as well as the incorporation of the new definition of centralized sanitary sewer. The motion died for the lack of a second.

Commissioner Young and Commissioner South stated their desire to go through the public input process with the zoning consultant as well as take the updated land use plans into consideration prior to any density changes.

Don Peters, Hamilton Township resident, stated his displeasure with the Warren County Regional Planning Commission.

Dave Corander, developer, discussed the cluster ability for unsewered areas being proposed in the text amendments.

Linda Grimm, Turtlecreek Township resident, stated her desire to keep density low due to the increase in traffic on country roads and the need to take public safety into consideration when deciding density.

Elaine Eversole, Rural Zoning Commission member, stated the Zoning Commission decided to deny the text amendment because they reached an impasse relative to density and they ran out of time.

Commissioner South clarified her desire to control growth and her desire to eventually take the sewers out of consideration when determining density. She then reiterated her desire to wait the 4 – 6 months to have the consultant finish the update of the entire zoning code and take the proposal through process with a document that has had public input.

Betty Kerr, Franklin Township resident, stated her feeling that the process is backwards. She feels Warren County needs to have a plan and then consider zoning changes.

Alex Terasanko, Rhein Interest, stated his desire for the land use plan process to be utilized prior to text amendments to the zoning code.

Dave Gully, County Administrator, read a draft resolution prepared by the Regional Planning Commission to amend the rural zoning code relative to the definition of centralized sanitary sewers, density rather than lot sizes, and inapplicability to pending projects.

Commissioner Young moved to approve the resolution as read by Mr. Gully.

There was discussion relative to certain modifications that were needed due to a misunderstanding between Mrs. South and Mr. Craig, Regional Planning Commissioner Director.

The Board then recessed to clarify language with the Chief Assistant Prosecutor.

Upon reconvening, Mr. Young amended his motion to approve a modification of the recommendations of the Warren County Zoning Commission to approve the text amendment relative to the definition of centralized sanitary sewer and inapplicability to pending project. Mr. McGary read the entire amended motion into the record. Mr. South seconded the motion, and upon call of the roll, Mr. Kilburn voted nay.

Due to the need for a unanimous vote of the Board of County Commissioners in order to overturn the denial of the Rural Zoning Commission, the proposed text amendments to the Warren County Rural Zoning Code are denied.

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Upon motion the meeting was adjourned.

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C. Michael Kilburn, President

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David G. Young

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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 7, 2006, in compliance with Section 121.22 O.R.C.

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