



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

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DAVID G. YOUNG

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

MINUTES: Regular Session – August 25, 2009

The Board met in regular session pursuant to adjournment of the August 18, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Laura Lander, Deputy Clerk – present

- 09-1131 A resolution was adopted to approve and authorize the President of the Board to enter into Classroom Training Agreements on behalf of Workforce One of Warren County. Vote: Unanimous
- 09-1132 A resolution was adopted to approve Temporary Entrance and Work Agreements for the Thornton Grove Sanitary Sewer Extension Project. Vote: Unanimous
- 09-1133 A resolution was adopted to declare various items within Telecom and Records as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-1134 A resolution was adopted to approve and acknowledge Warren County Countywide Policy/Procedure for Hold-up Alarms for Non-financial Institutions on behalf of the Communications Advisory Board. Vote: Unanimous
- 09-1135 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 09-1136 A resolution was adopted to Rescind Resolution 09-1107 releasing a Public Improvement Performance and Maintenance Security Agreement with Orchard Meadows, LLC for installation of certain improvements in Orchard Meadows situated in Clearcreek Township. Vote: Unanimous

- 09-1137 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Kurlemann Homes of Mason, LLC for installation of certain improvements in Meadowbrook Estates, Section 1, situated in Deerfield Township. Vote: Unanimous
- 09-1138 A resolution was adopted to Amend Resolution Number 09-1126 regarding approval of a Supplemental Appropriation. Vote: Unanimous
- 09-1139 A resolution was adopted to approve Appropriation Decrease within Fund #467. Vote: Unanimous
- 09-1140 A resolution was adopted to approve Appropriation Adjustment of Funds within the Certificate of Title Administration Fund #250-1260. Vote: Unanimous
- 09-1141 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1600. Vote: Unanimous
- 09-1142 A resolution was adopted to approve Appropriation Adjustments within Veterans Fund #101-5220 and Children Services Fund #273. Vote: Unanimous
- 09-1143 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Building Services Fund #101-1600. Vote: Unanimous
- 09-1144 A resolution was adopted to approve a Supplemental Appropriation into Probate/Juvenile Fund #243. Vote: Unanimous
- 09-1145 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-1146 A resolution was adopted to approve the Rezoning Application of Herbert Terry and Paula Erwin (Case #09-02) to rezone 1.25 acres in Harlan Township from General Business "B-2" to General Business "B-2" as a Planned Unit Development. Vote: Unanimous
- 09-1147 A resolution was adopted to approve Extension to Agreement for Intake, Assessment and Case Management Services with Council on Aging of Southwestern Ohio for the Senior Services Levy. Vote: Unanimous
- 09-1148 A resolution was adopted to approve Extension to Agreement for Administrative Functions with Council on Aging of Southwestern Ohio for the Senior Services Levy. Vote: Unanimous

DISCUSSIONS

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

Patti Solinski, Business Manager was present to discuss setting the public hearing for water and sewer rate increases. The Board had already agreed to set a public hearing for proposed sewer increases of 5% in 2010 and 5% in 2011. Ms. Solinski requested that the Water Dept. be able to present, at the same public hearing, proposed water rate increases of 1% in 2010 and 3% in 2011. The Board agreed and Ms. Solinski will schedule the public hearing with the Clerk.

Chris Brausch, Sanitary Engineer, was present for a work session along with Acting Chief Morrison and Captain Prass of the Clearcreek Township Fire Department, to discuss progress relative to the proposed water tower assessment project at the pipeline/petroleum complex on SR 122/Hart Road. Mr. Brausch explained that the assessment schedule had been revised to reflect a more equitable rate of assessment. Mr. Brausch will distribute the updated figures to the entities involved and schedule the second public hearing with the Clerk.

PUBLIC HEARING

REZONING APPLICATION OF HERBERT TERRY AND PAULA ERWIN (CASE 09-02)
TO REZONE 1.25 ACRES IN HARLAN TOWNSHIP FROM GENERAL BUSINESS "B-2"
TO GENERAL BUSINESS "B-2" AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Herbert Terry and Paula Erwin (Case #09-02) to rezone 1.25 acres in Harlan Township from General Business "B-2" to General Business "B-2" as a Planned Unit Development was convened this 25th day of August 2009, in the Commissioners' Meeting Room.

Mr. & Mrs. Erwin want to refinance their house and cannot do so as their financial institution considers the home in non-compliance with the current zoning.

Mike Yetter, Zoning Supervisor, stated that the Rural Zoning Commission approved the rezoning application subject to 14 conditions.

Bob Ware, Regional Planning Commission, explained that putting the PUD on and specifying the conditions for approval, legitimizes the house while keeping the “B-2” zoning for future use.

Upon discussion it the Board determined that it was necessary to revise condition 14 to clarify how future related-use zoning permits would be approved.

Upon further discussion, the Board resolved (Resolution #09-1146) to approve the rezoning application subject to the following 14 conditions:

1. Approval of a planned unit development (PUD) overlay shall only mean approval of land uses and shall not include approval of a site plan, as this is for Stages 2 and 3 of the PUD.
2. Mr. Herbert Terry Erwin shall be the spokesperson for the PUD in all dealings with Warren County. Mr. Terry may delegate his role as spokesperson to another individual and shall notify the Zoning Inspector of such event. In any case, one spokesperson will be recognized by Warren County as representing the PUD.
3. Final detailed site plan approval in accordance with the procedure set forth in Section 18.06 and 18.07 of the Warren County Zoning Code.
4. Compliance with all of the conditions and requirements that may be set forth by resolution granting the PUD overlay and compliance with the requirements of Chapter 18 of the Warren County Zoning Code.
5. Limitations on land use allowance, as determined by the Warren County Commissioners.
6. Compliance with all requirements of the Ohio Department of Transportation (ODOT), as determined during site plan review.
7. Compliance with all requirements of the Warren County Health Department regarding on-site wastewater disposal.
8. Compliance with all requirements of the Western Water Company regarding water service.
9. Compliance with the Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with any future construction.
10. Compliance with all requirements of the Warren County Engineer’s Office and Harlan Township Fire Department as it pertains to access and internal circulation.
11. Compliance with Chapter 20 (Parking and Loading Regulations) of the Warren County Zoning Code.

12. Compliance with Section 27.05 (Outdoor Lighting) of the Warren County Zoning Code.
13. Final detailed site plan approval in accordance with the procedure set forth in Section 18.07 of the Warren County Rural Zoning Code.
14. The existing residential use dwelling is recognized to continue and be expanded or replaced if necessary with simple approval by the Zoning Inspector, inclusive of permitting accessory related use structures.

Chris Brausch, Sanitary Engineer, was present to discuss a Centralized Sanitary Sewer System for the Village of Pleasant Plain. The Village is researching putting in a sewer system and would like to request the Board's political support and would also like Mr. Brausch to assist them in determining the feasibility of the project.

Upon discussion the Board agreed to allow Mr. Brausch to assist the Village and also agreed to write a letter of support once everything is in place for the project.

Chris Brausch, Sanitary Engineer, advised that he would be submitting an agreement with the Ohio Environmental Protection Agency to participate in a loan program relative to the Lower Little Miami Wastewater Treatment Plant Expansion. By participating in the EPA's Water Pollution Control Loan Fund, which allows interest from our loan to be used toward other local restoration projects, Warren County would receive a one tenth of one percent reduction in our interest rate.

Upon discussion the Board directed Mr. Brausch to proceed with the process of preparing the agreement for the Board's approval.

On motion, upon unanimous call of the roll, the Board entered into executive session at 11:20 a.m. to discuss specific personnel within Emergency Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 12:18 p.m.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

David G. Young

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 August 25, 2009, in compliance with Section 121.22 O.R.C.

Laura Lander, Deputy Clerk
Board of County Commissioners
Warren County, Ohio