



BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

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PAT ARNOLD SOUTH

BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

MINUTES: Regular Session--June 25, 2002

The Board met in regular session pursuant to adjournment of the June 18, 2002, meeting.

C. Michael Kilburn - present Larry Crisenbery - present

Pat Arnold South - present Tina Davis, Clerk - present

02-963 A resolution was adopted to approve Notice of Intent to Award Contract for the Foster Sewage Lift Station Improvement Project to Adams Robinson Enterprises, Inc., dba Adams Robinson Construction Company. Vote: Unanimous

02-964 A resolution was adopted to approve Rezoning Application of Countrytyme - Lebanon, Ltd. (Case #2002-02), to rezone 147.81 acres in Washington Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous

02-965 A resolution was adopted to administer Disciplinary Action against Stephen Young, Deputy Dog Warden, within the Dog and Kennel Department. Vote: Unanimous

02-966 A resolution was adopted to approve Emergency Replacement of the Nozzles at the Deerfield - Hamilton Water Treatment Plant and approve Purchase Order #53178. Vote: Unanimous

02-967 A resolution was adopted to enter into contract with Win ton Transportation Incorporated, dba Universal Transportation Services (UTS) for Transportation Services for the Warren County Department of Human Services. Vote: Unanimous

- 02-968 A resolution was adopted to grant Easement to the Cincinnati Gas & Electric Company on behalf of the Water and Sewer Department. Vote: Unanimous
- 02-969 A resolution was adopted to enter into Agreement for Temporary Entrance and Work Agreement from James Z. and Ada L. Mullins, "Grantors", for the Culvert Replacement on Lytle Road. Vote: Unanimous
- 02-970 A resolution was adopted to enter into Agreement for Temporary Entrance and Work Agreement from Gerald J. and Joan Talbot, "Grantors", for the Stubbs Mill Road and Shawhan Road Intersection Improvement Project in Union Township. Vote: Unanimous
- 02-971 A resolution was adopted to Reject Bids received and Re-advertise for the CVB Remodeling Project located at 313 East Warren Street, Lebanon, Ohio. Vote: Unanimous
- 02-972 A resolution was adopted to enter into a Release of Claims with Christine Hutton Meece. Vote: Unanimous
- 02-973 A resolution was adopted to approve and authorize the President of the Board to enter into a Classroom Training Agreement on behalf of the Warren County One Stop Business and Employment Center. Vote: Unanimous
- 02-974 A resolution was adopted to approve Change Order No. 1 to the Construction Contract B1-Zoar, Part 1 & 2 with Landmark Structures for the Warren County Elevated Storage Tanks Project, Project No 589, decreasing Purchase Order No. 46620. Vote: Unanimous
- 02-975 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 02-976 A resolution was adopted to approve Change Order No. 1 to the Construction Contract with Ameritron, Inc., for the Deerfield-Hamilton Water Treatment Plant Gravity Filter Media Replacement, Project No 588, increasing Purchase Order No. 52534. Vote: Unanimous
- 02-977 A resolution was adopted to enter into a contract to Purchase 3.3570 acre parcel for the St. Rt. 42 & Utica Road Improvement Project from Henry W. Schrenk, Divorced and not remarried and Joan B. Schrenk, Divorced and not Remarried (Hereinafter jointly referred to as "Seller"). Vote: Unanimous
- 02-978 A resolution was adopted to approve Change Order No. 1 to the Construction Contract C1-Otterbein, Part 1 & 2 with Landmark Structures for the Warren County Elevated Storage Tanks Project, Project No. 589, increasing Purchase Order No. 46621. Vote: Unanimous

- 02-979 A resolution was adopted to approve Change Order No. 1 to the Construction Contract A1-20 Mile, Part 1 & 2 with Landmark Structures for the Warren County Elevated Storage Tanks Project, Project No. 589, increasing Purchase Order No. 46619. Vote: Unanimous
- 02-980 A resolution was adopted to enter into contract with the Shelly Company for the 2002 Resurfacing Project, Phase I. Vote: Unanimous
- 02-981 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with River's Bend Land Company, Ltd., for water and/or sewer improvements in River's Bend Golf Club Community, Section 6, situated in Hamilton Township. Vote: Unanimous
- 02-982 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with River's Bend Land Company, Ltd., for completion of water and/or sewer improvements in River's Bend Golf Club Community, Section 7, situated in Hamilton Township. Vote: Unanimous
- 02-983 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with River's Bend Land Company, Ltd., for completion of water and/or sewer improvements in River's Bend Golf Club Community, Section 8, situated in Hamilton Township. Vote: Unanimous
- 02-984 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with River's Bend Land Company, Ltd., for completion of water and/or sewer improvements in River's Bend Golf Club Community, Section 9, situated in Hamilton Township. Vote: Unanimous
- 02-985 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with River's Bend Land Company, Ltd., for completion of water and/or sewer improvements in River's Bend Golf Club Community, Section 10, situated in Hamilton Township. Vote: Unanimous
- 02-986 A resolution was adopted to approve the Replat of Lot 339 Village on the Green, Section Seven A. Vote: Unanimous
- 02-987 A resolution was adopted to approve a Cash Advance in the Clover Avenue Sewer Improvement Area Project Fund #449-3301. Vote: Unanimous

- 02-988 A resolution was adopted to accept Amended Certificate, approve a Supplemental Appropriation and an Operational Transfer for the Foster Sewage Lift Station Improvements Project Fund No. 578. Vote: Unanimous
- 02-989 A resolution was adopted to approve Appropriation Adjustment within Emergency Services Fund #264-2800. Vote: Unanimous
- 02-990 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / Communications Fund #101-2850. Vote: Unanimous
- 02-991 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #101-1600. Vote: Unanimous
- 02-992 A resolution was adopted to accept Amended Certificate and approve Supplemental Appropriation Adjustments within the Workforce Investment Act Fund #258. Vote: Unanimous
- 02-993 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Dog & Kennel Fund #206. Vote: Unanimous
- 02-994 A resolution was adopted to Create Sub-Funds within the CCPB - TASC Grant (Fund 284) in order to accurately track the State's Fiscal Year Funding. Vote: Unanimous
- 02-995 A resolution was adopted to approve Appropriation Adjustment within the Telecommunications Department Fund #101. Vote: Unanimous
- 02-996 A resolution was adopted to approve Appropriation Decreases and Supplemental Appropriation Adjustments within TASC Grant Fund #284. Vote: Unanimous
- 02-997 A resolution was adopted to approve an Appropriation Adjustment, Supplemental Appropriations and an Operational Transfer in the 1999 Elevated Storage Tanks Fund #589. Vote: Unanimous
- 02-998 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 02-999 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #467. Vote: Unanimous
- 02-1000 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #467. Vote: Unanimous

- 02-1001 A resolution was adopted to approve Appropriation Adjustments within Data Processing Fund #101-1400, MR/DD Fund #205, Human Services Fund #203, Probate Juvenile Fund #101-1250 and Supplemental Appropriation within Probate Juvenile Fund #241. Vote: Unanimous
- 02-1002 A resolution was adopted to set hearing concerning the Alteration of the Road right-of-way of a part of Morrow-Cozaddale Road (County Road No. 43), Hamilton Township, Warren County, and to instruct the County Engineer to make an accurate and detailed description, as well as make a report in writing on or before the date fixed for the final hearing setting forth the opinion of the County Engineer for or against such alterations. Vote: Unanimous
- 02-1003 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 10:00 a.m. to discuss personnel matters and eminent litigation and exited at 10:54 a.m.

PUBLIC HEARING #2 COMMUNITY DEVELOPMENT BLOCK GRANT

Jerry Haddix, Grants Coordinator, was present for the second public hearing relative to the Community Development Block Grant application.

Commissioner Kilburn acknowledged that the appropriate legal requirements have been complied with.

Mr. Haddix proceeded to review the selected projects with no persons being present to speak in favor of or in opposition to the proposed application.

Upon further discussion, the public hearing was closed.

PUBLIC HEARING

REZONING APPLICATION OF COUNTRYTYME LTD
TO REZONE 147.81 ACRES IN WASHINGTON TOWNSHIP
FROM GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Countrytyme LTD. To rezone 147.81 acres in Washington Township from General Business "B-2" to Rural Residence "R-1" was convened this 25th day of June 2002, in the Commissioners' Meeting Room.

Steve Masterson, Countrytyme, stated his desire to construct between two and five acre lots on the property as the land is not adequate for a business site.

Robert Craig, Regional Planning Commission, stated the project conforms with the land use plan of Washington Township and stated the Executive Committee's recommendation to approve the rezoning application.

The Board discussed the enormous amount of development being constructed in the Little Miami School District and stated their concern for any additional residential development in the area. He questioned with the developers would be willing to stipulate to a 2 acre minimum lot size requirement.

Mr. Masterson stated he does not have a problem with a minimum of 2 acres being a requirement.

Commissioner Kilburn suggested the developer review the PUD process and consider amending their request to include a planned unit development overlay.

Wayne McKarren, representative of the adjacent property owners, stated they have no problem with the rezoning application but do have a concern relative to drainage.

Gary Abshear, area resident, questioned what the developers are willing to do for Washington Township if allowed to develop within the Township.

Upon further discussion, on motion, upon unanimous call of the roll, the Board continued to the public hearing to later today after the developers have reviewed the PUD process.

Richard Renneker, Sanitary Engineer, was present for a work session and discussed the following issues:

- 1) Rheine Development's request for sewers in Turtlecreek Township—Board determined too premature to discuss.
- 2) Mr. Renneker's desire to eliminate the Shelley Road Elevated Storage Tank—Board okayed his request
- 3) Bonnie Lee Lane Sewer Issue 2 Grant application—Board agreed to \$1500.00 maximum contribution per household.
- 4) Nantucket Apartment Phase Schedule for water and sewer payments—Board directed Mr. Renneker to schedule them to discuss.
- 5) Mike Sandman, VP of Langdon, Inc. was present to request the Board to award the bid to them for a Water and Sewer Department Project—Rachael Hutzler, Assistant Prosecutor, was also present and recommended a different contractor due to them being the lowest and best bid received.

On motion, upon unanimous call of the roll, executive session was entered into at 1:50 p.m. to discuss personnel matters with the Human Resources Director, and exited at 2:45 p.m.

Mitch Bonham, Child Support Director, was present to update the Board on the legislative changes relative to public assistance reimbursement.

Mr. Bonham stated his employees are working on identifying the affected cases, which are causing numerous hours of overtime.

PUBLIC HEARING

CONTINUATION OF THE REZONING APPLICATION OF COUNTRYTYME LTD.
TO REZONE 147.81 ACRES IN WASHINGTON TOWNSHIP
FROM GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Countrytyme LTD. to rezone 147.81 was reconvened this 25th day of June 2002, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, stated he has met with the developers and informed them of the PUD process.

Steve Masterson, Developer, stated they have no intent to develop the property with any smaller lot sizes than two acres. He stated his understanding of the concern with small lot sizes and stated that the development being proposed is in line with the concept the Board desire's to be developed. He stated they have no intention of changing the concept of the development and will stake Countrytyme's reputation on it. He also stated their willingness to put a covenant in the restriction of the subdivision stating no lot shall be smaller than two acres. He then stated they are not willing to request a planned unit development.

Commissioner Kilburn stated his concern relative to drainage in the area and his desire to ensure that adequate steps are taken to ensure no problems are created by this subdivision.

Eric Thomas, Countrytyme LTD., stated they have no intention of every varying from the proposed concept plan submitted to the Planning Commission.

Commissioner Kilburn stated his feeling that all subdivisions should be rezoned with a PUD overlay.

Mr. Masterson stated that 2.3 acres is the smallest lot size proposed.

Commissioner Kilburn then stated his agreement to the rezoning application as long as the developer records the covenants and restriction on the final plat stated a minimum lot size of two acres.

Upon further discussion, Mrs. South moved to approve the rezoning application, being seconded by Mr. Kilburn. Upon call of the roll, Mr. Crisenbery voted nay.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

Larry Crisenbery

Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on June 25, 2002, in compliance with Section 121.22 O.R.C.

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