



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

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***LARRY CRISENBERY***

***C. MICHAEL KILBURN***

***PAT ARNOLD SOUTH***

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

**MINUTES: Regular Session--April 10, 2003**

The Board met in regular session pursuant to adjournment of the April 8, 2003, meeting.

C. Michael Kilburn - present                      Larry Crisenbery - present

Pat Arnold South - present                      Tina Davis, Clerk - present

- 03-483                      A resolution was adopted to continue Public Hearing concerning the Petition for Annexation of 140.925 acres to the City of Monroe. Vote: Unanimous
- 03-484                      A resolution was adopted to Deny the Site Plan Review Applications of the Hildebrant Group, LLC., for Telecommunications Tower, Harlan Township. Vote: Mr. Kilburn - yea; Mr. Crisenbery - yea; Mrs. South - nay
- 03-485                      A resolution was adopted to approve various Refunds. Vote: Unanimous
- 03-486                      A resolution was adopted to approve Emergency Repair to the Foster Lift Station Pump. Vote: Unanimous
- 03-487                      A resolution was adopted to approve and enter into a Participation Agreement with the County Risk Sharing Authority, Inc., regarding Warren County's Liability Insurance. Vote: Unanimous
- 03-488                      A resolution was adopted for selection of Uninsured/underinsured Motorist Coverage as it pertains to the 2003 Renewal of Liability Insurance through

County Risk Sharing Authority (CoRSA). Vote: Unanimous

- 03-489 A resolution was adopted to approve a Bond Reduction for Meridian Land Group, Ltd., for completion of improvements in the Woods of Squires Gate in Deerfield Township. Vote: Unanimous
- 03-490 A resolution was adopted to approve the Final Plat of Hoft Estates. Vote: Unanimous
- 03-491 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 03-492 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 03-493 A resolution was adopted to approve Operational Transfers from Commissioners Fund #101 into water and sewer funds #469, #510, #580 and #588. Vote: Unanimous
- 03-494 A resolution was adopted to approve Appropriation Adjustment for County Transit Fund #299. Vote: Unanimous
- 03-495 Due to a clerical error this resolution was inadvertently missed.
- 03-496 A resolution was adopted to approve end of 270 – day Probationary Period and approve a Pay Increase for Virginia Kellum within the Warren County Department of Emergency Services. Vote: Unanimous
- 03-497 A resolution was adopted to designate Family and Medical Leave of Absence to Roy Noe, Sewer System Maintenance Package Plant Operator II, within the Water and Sewer Department. Vote: Unanimous
- 03-498 A resolution was adopted to designate Family and Medical Leave of Absence to Diane Wiederhold, Deputy Clerk, within the Warren County Court. Vote: Unanimous
- 03-499 A resolution was adopted to designate Family and Medical Leave of Absence to Frank Young Director of Emergency Services, within the Emergency Services Department. Vote: Unanimous
- 03-500 A resolution was adopted to designate Family and Medical Leave of Absence to Kenny Combs, Water Treatment Package Plant Operator III, within the Water and Sewer Department. Vote: Unanimous

- 03-501 A resolution was adopted to recommend and request that the Warren County One-Stop Business and Employment Center be selected as one of the Thirty-six full service, comprehensive One-Stop Centers in Ohio. Vote: Unanimous
- 03-502 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 03-503 A resolution was adopted to authorize payment of Bills.  
Vote: Mrs. South – yea; Mr. Crisenbery – yea; Mr. Kilburn - abstain

## DISCUSSIONS

### ANNEXATION PETITION OF ROGER ECKERT, AGENT TO ANNEX 140.925 ACRES TO THE CITY OF MONROE

The public meeting to consider the annexation petition of Roger Eckert, Agent to annex 140.925 acres to the City of Monroe was convened this 10<sup>th</sup> day of April 2003, in the Commissioners' Meeting Room.

Mr. Eckert, Agent, was present along with Jay Stewart and Michael Morris, City of Monroe, as well as Michael Berns, property owner within the annexation.

Mr. Eckert explained that the petition was amended in order to include the entire road right-of-way due to comments received from the County Engineer.

Bruce McGary, Assistant Prosecutor, stated that Warren County does not own "fee simple" the road right-of-way and therefore, when the petition was amended to include the entire roadway, the property owners across the street became property owners within the annexation making the petition not comply with the Ohio Revised Code Section in which it was filed under.

Commissioner Kilburn discussed with Mr. McGary the legal aspects of filing under a "Type 2" verses a "Type 3" annexation.

Commissioner South questioned if the agent would be willing to delete the roadway from the annexation petition.

Dan Jones, Turtlecreek Township Trustee, stated that if the roadway is deleted from the annexation petition, they do not object to the annexation.

Upon discussion, the Board recessed in order to give the agent time to discuss deletion of the road right-of-way with the property owner and City of Monroe.

Upon return, Mr. Eckert stated his client's concern relative to having more than one governmental jurisdiction to work with upon development of his property.

There was much discussion relative to how much road right-of-way should remain in the petition for annexation.

Commissioner Kilburn stated his desire to close or continue the discussion for a later date.

Mr. McGary recommended continuing a decision unless the agent is willing to consent to a time waiver.

Commissioner Kilburn questioned the agent on his willingness to consent to a time waiver in order to continue this discussion.

Mr. Morris, City of Monroe, stated they are willing to do whatever maintenance agreement with the County Engineer and/or Township Trustees in order to get this approved.

Mr. Stewart stated his willingness to take the request for a roadway maintenance agreement to City Council and also stated his willingness to change the zone of the property from Heavy Industry to Light Industrial.

Dan Jones stated his desire to review a final draft of any roadway maintenance agreement prior to approval.

Commissioner Kilburn stated that if the only property being annexed is Mr. Berns', he could approve the annexation subject to a road maintenance agreement.

Mr. McGary stated his would rather have the agent waive the time requirement rather than approve a petition subject to certain conditions.

Mr. Eckert requested the Board continue this discussion for thirty (30) days.

Upon discussion, upon unanimous call of the roll, the Board to continue this discussion to May 8, 2003, at 5:30 p.m.

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Barry Sullivan, Zoning Department, was present for the continuation of the site plan review application for The Hildebrandt Group to construct a telecommunication tower in Harlan Township.

Mr. Sullivan explained the applicant's request to construct a 285-foot telecommunications tower on 10.06 acres on Blackhawk Drive in Harlan Township. He stated that the application is for a 10-acre site but has been re-platted to combine a 10-acre parcel with a 7-acre parcel in order to comply with setback requirements.

The Board discussed Mr. Hildebrandt's desire to locate a tower on this property.

Mr. Hildebrandt stated that if Sprint constructs the tower on State Route 132 then he will not construct this tower.

Charles Chariamonte, area property owner, presented a scale model of the proposed tower showing the visibility of the tower to the houses in the area.

Pam Jones, area property owner, questioned how Mr. Hildebrandt knows to build a 285 foot tower as well as what type of tower when he does not have a tenant for the tower yet.

Commissioner South stated that the Prosecutor's Office has rendered the opinion that the application is inadequate due to the acreage discrepancy at the time of filing and therefore recommends denial. She then stated that the application should re-file the petition with the corrected information.

There was much discussion relative to the need to re-file the application.

Mr. Chariamonte presented testimony in opposition to the site plan review application.

Mr. Reed, adjacent property owner, gave a presentation in opposition to the site plan review.

Jeanie Morgan, area property owner, spoke in opposition to the site plan review application.

Fred Carmack Jr., son of the property owner proposing the tower, spoke in favor of the placement of the tower on his father's property.

Upon further discussion, Mr. Kilburn stated that his opinion that if Warren County were placing a telecommunications tower for E-911 purposes, it would not be in the middle of a residential subdivision.

Upon further discussion the Board resolved (Resolution #03-484) to deny the site plan review application with Mrs. South voting nay.

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Upon motion the meeting was adjourned.

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Larry Crisenbery, President

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C. Michael Kilburn

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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 April 10, 2003, in compliance with Section 121.22 O.R.C.

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