



**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 – October 21, 2008**

The Board met in regular session pursuant to adjournment of the October 16, 2008, meeting.

Pat Arnold South - present

C. Michael Kilburn - absent

David G. Young - present

Tina Davis, Clerk – present

- 08-1603      A resolution was adopted to approve end of 365-day Probationary Period and approve a Pay Increase for Michael Wiggins within the Warren County Department of Emergency Services. Vote: Unanimous
- 08-1604      A resolution was adopted to approve Change Order #1 with SK Construction for the Hendrickson Road and Union Road Intersection Improvements Project. Vote: Unanimous
- 08-1605      A resolution was adopted to accept the First Amendment to Petition, Statement and Waiver of Keever Creek, LLC. Vote: Unanimous
- 08-1606      A resolution was adopted to approve various Refunds. Vote: Unanimous
- 08-1607      A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the City of Mason relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1608      A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Village of Morrow relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous

- 08-1609 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Village of Butlerville relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1610 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the City of Lebanon relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1611 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Village of Maineville relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1612 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Village of Harveysburg relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1613 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Warren Development, LLC for Wilson Farms Section Three in Franklin Township. Vote: Unanimous
- 08-1614 A resolution was adopted to approve Operational Transfers from Commissioners Fund #101-1112 into Water and Sewer Funds #510 and #580. Vote: Unanimous
- 08-1615 A resolution was adopted to Amend Resolution 08-1531 adopted October 7, 2008. Vote: Unanimous
- 08-1616 A resolution was adopted to approve Supplemental Appropriation in Warren County Grants Administration Fund #298. Vote: Unanimous
- 08-1617 A resolution was adopted to approve Appropriation Adjustment within Dog and Kennel Fund #206. Vote: Unanimous
- 08-1618 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Data Processing Fund #101-1400. Vote: Unanimous
- 08-1619 A resolution was adopted to approve Appropriation Adjustments within Water Revenue Fund 510 and Sewer Revenue Fund 580. Vote: Unanimous

- 08-1620 A resolution was adopted to approve Appropriation Adjustment from Building and Zoning Inspection Fund #101-2300 into Data Processing Fund #101-1403. Vote: Unanimous
- 08-1621 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the City of Springboro relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1622 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 08-1623 A resolution was adopted to approve Modification of the Rezoning Application of Bonnie Mercuri (Case #08-06) to approve the rezoning of 5.73 acres in Washington Township from Rural Residence "R-1" to General Business "B-2" as a Planned Unit Development. Vote: Unanimous
- 08-1624 A resolution was adopted to Deny request for Water/Sewer Penalty Waiver for Riz Sharalaya. Vote: Unanimous

#### DISCUSSIONS

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

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Jerry Spurling, Chief Building Official, was present for a work session along with Tom Maloney, Building Inspector Supervisor, and Anna Helton, Office Administrator, to discuss the need for an increase in the building permit and inspections fees as well as an increase in zoning permit and inspections fees.

Mr. Spurling began the work session by informing the Board of an upgrade Warren County just received from the Insurance Rating Industry from a 5 to a 4 which allows many residents within Warren County to pay a lower rate on the homeowner's policy.

Mr. Spurling then stated that there has been no increase in fees within the Building Department since 2005. He stated that prior to that, there had not been any increase since 1988. He then stated that for the first time, the Warren County Building and Zoning Departments are beginning to find themselves in a position where the fees collected are not covering the cost of administration within the department.

Mike Yetter, Zoning Inspector, presented the Board with a comparison of current Warren County fees with those charged by adjacent counties including Clermont, Hamilton, Montgomery, Green and Clinton County.

He then presented the proposed new fee schedule for zoning fees utilizing a sq. footage based schedule vs. a flat fee.

Commissioner Young stated his need to understand the work load vs. the fees. He then questioned if the need is there for all the existing staff or is there a need to reduce expenses.

Commissioner South then questioned what the projected shortfall is estimated to be.

Mr. Spurling stated the projected shortfall is \$250,000 per year. He then stated he is looking to lay off one building inspector and will not be replacing the recently vacated zoning inspector position.

Tom Maloney and Anna Helton then discussed the proposed increases relative to residential and commercial permits and inspections.

Mrs. Helton presented the proposed fee increases relative to residential fees and also presented a comparison of surrounding counties showing Warren County is the lowest at the current fee schedule.

Mr. Maloney then presented the proposed fee increases relative to commercial fees and along presented a comparison of surrounding counties showing Warren County is the lowest at the current fee schedule.

Commissioner Young stated that we could double the current rate of commercial fees being changed and still be in the lowest of all surrounding counties.

Mr. Maloney stated that some counties have a sliding scale where the bigger the commercial building, the small fee per square foot is charged (on a sliding scale).

Upon discussion the Board stated their desire to consider the sliding scale for commercial and will take the fee increase request under advisement.

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PUBLIC HEARING

REZONING APPLICATION OF BONNIE MERCURI, OWNER OF RECORD, TO  
REZONE APPROXIMATELY 15 ACRES IN WASHINGTON TOWNSHIP  
FROM RURAL RESIDENCE "R-1" TO  
GENERAL BUSINESS "B-2" AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Bonnie Mercuri to rezone approximately 15 acres in Washington Township from Rural Residence "R-1" to General Business "B-2" as a planned unit development was convened this 21<sup>st</sup> day of October 2008, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, reviewed the Regional Planning Commission comments and gave the background information on the request and the surrounding zoning. He then stated the Regional Planning Commission Executive Committee's recommendation to approve a modification of the rezoning application to limit the rezoned acreage to 9.85 acres subject to ten conditions.

Mr. Craig then stated that the applicant was present at the RPC meeting and did not have a problem with the modification.

Mike Yetter, Zoning Inspector, reviewed the events of the Rural Zoning Commission meeting and stated that the applicant has requested a reduced acreage request to only rezone 5.73 acres of the original 15 acres stated in the rezoning application. He then stated that the applicant desire to file a new rezoning application to rezone a parcel of land to accommodate parking.

He then stated the RZC decision to approve the rezoning of 5.73 acres from Rural Residence "R-1" to General Business "B-2" as a planned unit development subject to ten conditions.

Mike Wiles, adjacent property owner, stated his concern relative to noise. He stated that there have been numerous helicopters landing and taking off at the property and it is a disturbance to the neighborhood.

Mrs. Mercuri, applicant, stated that the helicopter company had contacted them and she did not know it was bothering the neighbors. She then agreed to discontinue the helicopter rides.

There was discussion relative to amending condition number 5 to include the prohibition of helicopters.

The applicant agreed to the amendment of the condition.

Upon further discussion, the Board resolved (Resolution #08-1623) to approve a modification of the rezoning application of Bonnie Mercuri to rezone 5.73 acres in Washington Township from Rural Residence "R-1" to General Business "B-2" as a planned unit development subject to ten conditions.

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Richard Renneker, Sanitary Engineer, was present for a work session along with Theresa Reier, Office Administrator within the Water and Sewer Department.

Mrs. Reier stated that apartment and condominium complexes are classified as commercial uses within the current rules and regulations of the Water and Sewer Department and therefore, do not qualify for the summer sewer adjustment relative to sprinkling. She then stated that they are in receipt of a request to have apartment and condominium complexes eligible for the summer sewer adjustment in order to give those property owners the same ability as any other residential property owner.

Upon further discussion, the Board stated their agreement for condominium complexes to be treated the same as residential properties but not apartments. They stated that apartments are a commercial business.

Mrs. Reier then stated they are in request of a request for an additional penalty waiver from a property owner that has already received the one time waiver.

Upon discussion, the Board stated that the policy is to approve a one time penalty waiver only. They stated they do not desire to deviate from the existing standard.

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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 October 21, 2008, in compliance with Section 121.22 O.R.C.

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