



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

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***TOM ARISS  
PAT ARNOLD SOUTH  
DAVID G. YOUNG***

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

**MINUTES: Regular Session – December 8, 2011**

The Board met in regular session pursuant to adjournment of the December 6, 2011, meeting.

David G. Young - present

Pat Arnold South - present

Tom Ariss - present

Tina Davis, Clerk - present

Minutes of the December 6, 2011 meeting were read and approved.

- 11-1727      A resolution was adopted to approve Reallocation of Funds within the FY 2010 Community Development Block Grant Program. Vote: Unanimous
- 11-1728      A resolution was adopted to approve an Emergency Replacement of the VFD's for Foster's Lift Station. Vote: Unanimous
- 11-1729      A resolution was adopted to approve Change Order #GC-01 with Mid Miami Roofing, Inc., General Trades Contractor, for the Warren County Mechanics Garage Re-Roof Project. Vote: Unanimous
- 11-1730      A resolution was adopted to approve and authorize the President of the Board to sign Amendments to On-The-Job-Training Agreements. Vote: Unanimous
- 11-1731      A resolution was adopted to enter into an Agreement with, Ralph Smith, Jr. for a Contract for Sale and Purchase of Real Property as Road Right-of-Way, and a Temporary Easement in connection with the Butler-Warren Road Improvements. Vote: Unanimous

- 11-1732 A resolution was adopted to authorize County Engineer to Execute LPA (Local Public Agency) Federal Local -LET Project Agreement with the Ohio Department of Transportation (ODOT) for the Warren County Various Roads Pavement Marking Project (PID # 92529). Vote: Unanimous
- 11-1733 A resolution was adopted to authorize County Engineer to Execute LPA (Local Public Agency) Federal Local -LET Project Agreement with the Ohio Department of Transportation (ODOT) for the Warren County Various Roads Raised Pavement Marker Project (PID # 92530). Vote: Unanimous
- 11-1734 A resolution was adopted to authorize County Engineer to Execute LPA (Local Public Agency) Federal Local - LET Project Agreement with the Ohio Department of Transportation (ODOT) for the Roachester-Osceola Road Bridge #200-0.96 Rehabilitation Project (PID # 92527) between US 22/SR 3 and SR 132. Vote: Unanimous
- 11-1735 A resolution was adopted to Rescind Resolution #11-1671 to authorize the President of the Board to sign a Service Agreement with Lebanon Citizens National Bank relative to Direct Deposit on behalf of the Warren County Board of Developmental Disabilities. Vote: Unanimous
- 11-1736 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 11-1737 A resolution was adopted to approve Bond Release for Big Foot Land Company, LLC for completion of improvements in Big Foot Commercial, situated in Hamilton Township. Vote: Unanimous
- 11-1738 A resolution was adopted to approve Bond Release for Emeriweg Deerfield, LLC, for completion of improvements in 5535 Irwin Simpson Road (aka: Emeritus at Long Cove Pointe), situated in Deerfield Township. Vote: Unanimous
- 11-1739 A resolution was adopted to approve Appropriation Decreases within Human Services Fund #203. Vote: Unanimous
- 11-1740 A resolution was adopted to approve Repayment of a Cash Advance from Sheriff Grant Fund #292 & #293 into County General Fund #101. Vote: Unanimous
- 11-1741 A resolution was adopted to approve Repayment of a Cash Advance from the Bertha Drive Water Assessment Fund No. 439-3236 to Water Revenue Fund #510. Vote: Unanimous
- 11-1742 A resolution was adopted to accept Amended Certificate for Funds 207, 211, 218, 219, 227, 245, 259, 261, 289, 327 and 619. Vote: Unanimous

- 11-1743 A resolution was adopted to authorize county Auditor to make Appropriations and Transfer of Funds from Fund 249 DTAC-Delinquent Tax & Assessment Collection into Fund 271 DTAC-Prosecutor. Vote: Unanimous
- 11-1744 A resolution was adopted to approve Sub Fund Adjustments within Water and Sewer Fund 583. Vote: Unanimous
- 11-1745 A resolution was adopted to approve Expense Adjustment within the Children Services Fund #273. Vote: Unanimous
- 11-1746 A resolution was adopted to approve Appropriation Adjustment within the Telecom Department Fund #101-2810. Vote: Unanimous
- 11-1747 A resolution was adopted to approve an Appropriation Adjustment within Sheriff's Office Fund #101-2210. Vote: Unanimous
- 11-1748 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Fund #101. Vote: Unanimous
- 11-1749 A resolution was adopted to approve Appropriation Adjustments within Probate/Juvenile Fund #101-1240 and #243, Telecom Fund #101-2810, Franklin Municipal Court Fund #101-1271, Prosecutor Fund #101-1150, Building Services Fund #101-1600 and #467, Sheriff's Office Fund #101 and Water and Sewer Revenue Fund #580. Vote: Unanimous
- 11-1750 A resolution was adopted to approve Appropriation Adjustments within Common Pleas Court Fund #101-1220, Pretrial Services Fund #101-1222, Adult Probation Fund #101-1223 and Community Corrections Fund #101-1224. Vote: Unanimous
- 11-1751 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 11-1752 A resolution was adopted to approve Amendment to the Agreement for Police Protection with South Lebanon, on behalf of the Warren County Sheriff's Office. 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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PUBLIC HEARING  
CONSIDER TEXT AMENDMENT TO THE  
WARREN COUNTY RURAL ZONING CODE "A"

The Board met this 8<sup>th</sup> day of December 2011, in the Commissioners Meeting Room, for the continuation of the public hearing to consider text amendments to the Warren County Rural Zoning Code "A".

Commissioner South welcomed the public and introduced the Board, County Administrator, and the Commissioners' Clerk.

Stan Williams, Executive Director of the Regional Planning Commission, provided some background information relative to the numerous meetings and hard work that has lead up to these final meetings.

Mike Yetter, Zoning Supervisor, stated that the Rural Zoning Commission and staff have taken into consider all of the public input that was given and come up with the document that is being considered today.

Fred Grimm, Chairman of the Rural Zoning Commission, stated that the recommendations being presented represent five years of discovery of the needs of the residents of Warren County. He stated that there are many hours of public meetings and input that have gone into this document and his opinion that this documents is not perfect but a work in progress that will require amendments as necessary.

Rachel Walker, 10380 Rochester Cozaddale Road, stated her concern relative to the Home Occupation section of the proposed zoning Code.

Mrs. Walker stated that they operate a Home Occupation currently on a three acre tract but the new code states the requirement of five acres.

There was much discussion relative to her property being grandfathered. It was determined that she has been issued a zoning violation notice and therefore, is not grandfathered. It was also determined that the Zoning Board of Appeals has the authority to approve a Home Occupation conditional use on a tract smaller that five acres in certain instances.

Christine Pudvan, Nickell Road resident, reviewed the permitted uses chart outlined in the zoning code for various sections.

Mr. Yetter explained each section where she was requesting clarification.

R. E. Vorhis, Turtlecreek Township resident, stated his desire to keep western Turtlecreek Township as a rural farming atmosphere.

Commissioner South explained that the Board is proposing growth in areas that are “no brainers”. She stated that they are trying to find the right mix for properties, property owner rights and the growth that comes from being located next to major highways and municipalities.

Mr. Vorhis stated the need to control runoff of low land farmland and his desire to see money set aside from building permits to pay for the streams to be dredged and kept clean.

Jerry Spurling, Chief Building Official, stated his concern relative to the section in the zoning code that pertains to streamside protection. He stated that this is a new regulation that he feels should be done on a voluntary bases, not a requirement, as it interferes with property owner rights in his opinion. He then stated his recommendation to approve the amended zoning code in its entirety with exception of Section 2.6.10 being deleted (Streamside Protection). He then stated he would like to see the streamside protection remain voluntary.

Lyle Jones, Keever Road resident, stated his opinion that protection of the streams and swales needs to remain in the text amendment revisions.

There was much discussion relative to government over-regulation.

Robert Ware, Regional Planning Commission, stated that the intent of the streamside protection section is to eliminate the ability of a developer to completely pipe drainage and eliminate national waterways so that can build more houses. He then stated that in certain instances, the drainage on an individual lot fails and there are faces with a fix that may be more costly than the existing home constructed on the lot.

Bruce McGary, Assistant Prosecutor, stated that he is personally opposed to the streamside protection language due to legal concerns. He stated that legislatively, it could result in an unconstitutional “taking” of land. He stated that the Rural Zoning Commission struggled with this section of the amendments and determined to make the regulations mandatory.

Mr. Grimm clarified that the split was between mandatory vs. voluntary and whether these proposed regulations would do a little bit of good vs. a lot of good.

Martha Paige, Keever Road resident, stated that she has attended countless Turtlecreek Township Trustee meetings where water/drainage is a problem.

Don Dole, 1990 Wilmington Road, stated he would like to see the streamside protection included in the text amendments and would like for all governmental entities to work together to prevent future catastrophes.

Upon further discussion, on motion, upon unanimous call of the roll, the public hearing was closed.

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PUBLIC HEARING

CONSIDER MAP AMENDMENTS TO THE  
WARREN COUNTY RURAL ZONING CODE "A"

The continuation of the public hearing to consider map amendments to the Warren County Rural Zoning Code "A" was convened this 8<sup>th</sup> day of December 2011, in the Commissioners' Meeting Room.

Commissioner South opened the public hearing for comment.

Lyle Jones, Keever Road resident, questioned the difference in the eastern section of Turtlecreek Township and Western Turtlecreek Township. He stated that the eastern section is mostly three acre lots and the western section is mixed use and an interstate overlay. He questioned why we need mixed use and stated his desire for the properties to remain residential.

There was discussion relative to Mr. Jones' question. It was explained that western Turtlecreek Township has water and sanitary sewer services available and are adjacent to the industrial areas of Monroe as well as the commercial areas of the City of Mason on the South and City of Middletown to the north. There was also discussion relative to the possibility of annexation and the County and residents having no say in what would become of the area if it annexed to an adjacent municipality.

Christine Pudvan, Nickell Road resident, stated her desire for the property around her to be removed from the mixed use overlay. She then stated his concern relative to roads being widened and built and the feeling that her property is in jeopardy.

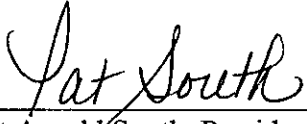
Angela Reed, Brewer Road resident, stated her concern with the property adjacent to hers being mixed use.

Upon further discussion, on motion, upon unanimous call of the roll, the public hearing was closed.

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The Board stated they will render a decision relative to Text and Map Amendments to the Warren County Rural Zoning Code "A" on December 20, 2011, at 9:00 a.m.

Upon motion the meeting was adjourned.



Pat Arnold South, President



David G. Young



Tom Ariss

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 December 8, 2011, in compliance with Section 121.22 O.R.C.



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