



**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--May 20, 2004

The Board met in regular session pursuant to adjournment of the May 18, 2004, meeting.

Pat Arnold South - present Larry Crisenbery - present

C. Michael Kilburn - present Tina Davis, Clerk – present

04-716 A resolution was adopted to accept Resignation of Heather Ridinger, Deputy Clerk, within the Warren County Court, Effective May 26,2004.
Vote: Unanimous

04-717 A resolution was adopted to authorize the Posting of the “Deputy Clerk” position within the Warren County Court, in accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous

04-718 A resolution was adopted to approve End of 120-day Probationary Period and approve a Pay Increase for Randi Hammiel, Eligibility Referral Specialist II, within the Department of Human Services. Vote: Unanimous

04-719 A resolution was adopted to approve End of 240-day Probationary Period and approve a Pay Increase for Rhonda Roflow, Clerical Specialist, within the Department of Human Services. Vote: Unanimous

04-720 A resolution was adopted to approve End of 240-day Probationary Period and approve a Pay Increase for Michael Davidson, Eligibility Referral Specialist II, within the Department of Human Services. Vote: Unanimous

- 04-721 A resolution was adopted to Designate Family and Medical Leave of Absence to Virginia Franz, Customer Representative within the Water and Sewer Department. Vote: Unanimous
- 04-722 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 04-723 A resolution was adopted to approve Office Space Reimbursement Agreement with Warren County Solid Waste Management District. Vote: Unanimous
- 04-724 A resolution was adopted to approve and authorize the President of the Board to sign the Butler-Warren One-Stop System Memorandum of Understanding. Vote: Unanimous
- 04-725 A resolution was adopted to approve Emergency Repair to the No. 1 Pump at the North well Field. Vote: Unanimous
- 04-726 A resolution was adopted to Appropriate Permanent Right-of-way Easement in, on, over and through the Property of Edith Gail Saunders, Snider Road, Deerfield Township for the construction, maintenance and operation of road improvements to serve the Socialville-Fosters Road and Snider Road Intersection Improvement Project in Warren County. Vote: Unanimous
- 04-727 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with Grand Communities, Ltd., for completion of water and/or sanitary sewer improvements in Wedgwood, Block "F" situated in Hamilton Township. Vote: Unanimous
- 04-728 A resolution was adopted to approve Partial Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with Traditions Investments-Deerfield, Ltd., for completion of water and/or sewer improvements in Chestnut Hill, Phase Two, Block A, situated in Deerfield Township. Vote: Unanimous
- 04-729 A resolution was adopted to approve Partial Release of subdivision Public Improvement Performance and Maintenance Security Agreement with Traditions Investments-Deerfield, Ltd., for completion of water and/or sewer improvements in Deerfield Township. Vote: Unanimous
- 04-730 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Four, in Deerfield Township. Vote: Unanimous

- 04-731 A resolution was adopted to approve Supplemental Appropriation within Construction Fund #467. Vote: Unanimous
- 04-732 A resolution was adopted to accept Amended Certificate, Supplemental Appropriation and Create a New Fund No. 473 for the Foster-Maineville Road Bridge Project. Vote: Unanimous
- 04-733 A resolution was adopted to approve Appropriation Adjustment within Sewer Revenue Fund #580. Vote: Unanimous
- 04-734 A resolution was adopted to approve Appropriation Adjustment within Sewer Revenue Fund #580. Vote: Unanimous
- 04-735 A resolution was adopted to approve Appropriation Adjustment within Sewer Revenue Fund #580. Vote: Unanimous
- 04-736 A resolution was adopted to approve supplemental Appropriation within Construction Fund #467. Vote: Unanimous
- 04-737 A resolution was adopted to approve Supplemental Appropriation within CSEA Fund #263 and Appropriation Adjustments within CCPB – TASC Grant Fund #284, Engineer Fund #202, Sheriff's Fund #101-2200, Auditor's Fund #360 and Human Services Fund #203-5310. Vote: Unanimous

DISCUSSIONS

Neil Tunison, County Engineer, was present for a work session along with Greg Horwadell, Deerfield Township Administrator, to update the Board on funding issues relative to State Route 22-3 widening and Wilkens Boulevard extension projects in Deerfield Township.

Mr. Tunison stated the need to make a commitment for the TRAC application in the amount of 20% of the total project cost of US 22-3 widening project. He then stated that the cost of right-of-way along for the project is estimated at \$3.1 million. He then stated that the County would need to commit \$1.6 million in September 2004 and \$1.5 million in April 2005.

Mr. Horwadell stated that the Deerfield Township Trustees would contribute \$1.6 million towards the project. He then stated that the Township has set aside money for the last three years for the 22-3 widening and if Mr. Tunison needs more than they have set aside, they will work diligently to find it.

There was discussion relative to funding for the extension of Wilkens Boulevard in Deerfield Township.

The Board suggested the possibility of the extension being an assessment project with the property owners benefiting from the project paying the assessment over time.

Mr. Horwadell stated that the Township has made a commitment to construct this road and are willing to ask the property owners if they would consider partnering with the Township.

Mr. Tunison and Mr. Horwadell stated that would discuss the possibility with the property owners and talk with the Board again in approximately two to four weeks.

The Board met this 20th day of May 2004, for the continuation of the preliminary site plan for the Shaker Run Planned Unit Development in Turtlecreek Township.

Commissioner South questioned, once again, if the Board has the authority to reduce the density of the proposed preliminary site plan.

Bruce McGary, Chief Assistant Prosecutor, stated that they do not have the authority. He then read a portion of the Ohio Revised Code stated the Board has the authority to regulate the health, safety and welfare of the project.

Commissioner South then reviewed the events from the April 15, 2004, meeting.

Neil Tunison, County Engineer, stated his desire to have an extensive traffic study for the entire area. He then stated a site distance problem with the western entrance into the development. He stated concerns relative to the numerous street crossings over the gas transmission pipeline. He then requested the addition of a condition stating the requirement of a perpetual maintenance requirement of the homeowner's association.

Bob Garlock, developer's engineer, stated they have no problem with the addition of an access to the southern portion of the development. He then reviewed the three issues from the last meeting as follows:

- Traffic—stated that Mr. Tunison's recommendation is satisfactory to ODOT.
- Open space—they are in complete concurrence with the RPC numbers.
- Density—they are proposing 902 lots on 255.4 acres

Holly Rose, 4701 Greentree Road, wanted clarification that she would not be assessed for any improvements.

Mr. Tunison stated that she would not be assessed.

Commissioner South stated her concern with the number of units proposed to be built per year.

Alex Taresenko, Rhein Interests, stated that they are estimating a 13-15 year development. He then stated they would not start until next year. He then stated that the market would determine the speed of development.

Commissioner South stated concern with the ability of the schools and road improvement to keep up with the pace of development. She then stated her desire to limit the maximum number of building permits allowed per year to 100.

Commissioner Crisenbery stated he would be willing to allow 75 permits per year, not 100.

Bruce McGary, Assistant Prosecutor, stated his concern with limiting the number of building permits due to school capacity rather than infrastructure.

Commissioner South stated that the primary reason for limiting the number of building permits is to allow the road infrastructure to catch up to the development.

Mr. Tunison stated that the roadway improvements would take at least one full year. He also questioned what would trigger proceeding with the next phase of improvements. He stated his desire for an independent consultant to complete an intense roadway improvement study for the entire area.

Commissioner Crisenbery stated he would like to limit the number of building permits to no more than 75 for the first year.

Mr. Craig stated that Section M is proposing 73 lots and Section B proposes 75 lots.

Upon further discussion, the Board resolved (Resolution #04-738) to approve the preliminary site plan subject to the following conditions:

1. Adherence with all applicable requirements of Warren County Resolutions 97-423, 97-954, 99-256, 99-1065 and 99-1066, except as modified below, as determined by the Warren County Commissioners.
2. Approval of all points of access along Greentree Road by the Warren County Engineer. Access to all lots shall be limited to the interior street network.
3. Street stub(s) to adjoining properties, as determined by the Warren County Engineer. Temporary turnarounds shall be provided at street stubs. Provision of alternate, emergency access through Pod K to Pods C, D, E, F, G and H, as determined by the Warren County Engineer, in conjunction with the Turtlecreek Township Fire Department.

4. The existing Traffic Impact Study (TIS) shall be updated, at the expense of the developer, to the satisfaction of the Warren County Engineer and the Ohio Department of Transportation, prior to final site plan and final plat approval. The TIS shall encompass the intersection of State Route 741 and Greentree Road.
5. All public improvements determined necessary by the Warren County Engineer, the Ohio Department of Transportation and the Warren County Commissioners, shall comply with the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities.
6. Prior to approval of final plats, the developer shall expand and/or upgrade the water system, water treatment and storage facilities, as determined by the Warren County Sanitary Engineer.
7. Sanitary sewer service may be provided by Butler County, pursuant to an agreement with Warren County dated July 19, 1988, with Butler County responsible for the ownership, operation, maintenance repair and expansion of such service. Compliance with all requirements of the Butler County Department of Environmental Services.
8. Approval of a stormwater drainage plan by the Warren County Engineer and compliance with the Rules and Regulations for the Design of Stormwater Management Systems.
9. Approval of erosion and sediment control by the Warren County Soil & Water Conservation District, in compliance with the Warren County Erosion and Sediment Control Regulations, prior to earth moving activities.
10. Compliance with the Warren County Flood Damage Prevention Regulations, as determined by the Chief Building Official.
11. All 100 year flood plain designated by the Federal emergency Management Agency (FEMA) shall be depicted accurately on record plat and final site plan drawings. There shall be no net loss of stormwater storage capacity within flood hazard areas as a result of development.
12. In compliance with Section 425 (I) of the Warren County Subdivision Regulations, fifty (50) feet of additional lot width and/or depth shall be provided for all lots affected by gas line easements:
 - a. For "Lifestyle" lots, the minimum width shall be 100 feet (based upon the prior 50 foot minimum) and the minimum depth shall be 170 feet (based upon the prior 6,000 square foot minimum lot size, divided by the 50 foot minimum width, adding 50 feet); and
 - b. For "Fairway" lots, the minimum width shall be 120 feet (based upon the prior 70 foot minimum) and the minimum depth shall be 180 feet (based upon the prior 9,000 square foot minimum lot size, divided by the 70 foot minimum width, adding 50 feet).

13. Notes shall be placed on record plats and final site plans so affected, stating that “A 10 foot setback shall be maintained for structures from the outside boundary of gas line easements.”, per a letter from Texas Gas Transmission, LLC, dated March 23, 2004.
14. The minimum elevation for first floor or foundation openings, as confirmed by the Warren County Engineer, shall be indicated for each lot on final plats.
15. Compliance with Section 414 (Street Names) of the Warren County Subdivision Regulations.
16. Compliance with Section 407 (Public Utility Easements) of the Warren County Subdivision Regulations.
17. For panhandle lots, to facilitate emergency response, address markers shall be installed at the street, to the satisfaction of the Turtlecreek Township Fire Department.
18. Compliance with Section 413 (Driveways and Off-Street Parking) of the Warren County Subdivision Regulations, which may require the installation of street signage and double width driveways.
19. Compliance with Section 417 (Street and Walkway Lighting) of the Warren County Subdivision Regulations.
20. Compliance with Section 412 (Snow and Ice Removal for Unaccepted Streets) of the Warren County Subdivision Regulations.
21. Compliance with Section 415 (Postal Facilities) of the Warren County Subdivision Regulations.
22. Sidewalks shall be installed, including the frontage of Greentree Road, in compliance with Section 416 (Sidewalks) of the Warren County Subdivision Regulations. Required relocation of existing golf cart paths and alternative pedestrian circulation paths, as applicable, shall be depicted on final site plan submissions.
23. The Warren County Commissioners’ signature block shall be placed in the upper right corner of record plats.
24. A homeowner’s association shall be created to own and maintain all common features and/or properties.
25. Approval of detailed plans for project entry features, signage and lighting by the RPC Executive Director. All signage shall be ground-mounted (monument style). Illumination at the outside property lines of the Clubhouse and Community Center shall not exceed 0.2 footcandles, as demonstrated by photometric analyses.

26. Approval of detailed landscaping plans by the RPC Executive Director. Appropriate transition yard landscape buffers shall be established for Pods B, C, O and P in proximity to the Clubhouse, golf course Maintenance Facility and Community Center.
 27. The Community Center shall be developed no later than after the recording of 20 percent of the total number of currently proposed dwelling units (216 lots).
 28. Submission of preliminary site plans and/or plats as development continues in the Shaker Run Golf Course PUD, including Pod K, the Community Center and the 109.92 acre Estate Lot area.
 29. Prior to final site plan and record plat approval, the development of Pod P is subject to elimination of encroachments (Lots 1 and 2) over the footprint of the existing Shaker Run Clubhouse.
 30. Lot 36 in Pod F shall be permitted to marginally exceed the maximum 1:5 width to depth ratio in Section 425 (D) (Lots) of the Warren County Subdivision Regulations
 31. All other requirements of the Warren County Subdivision Regulations and the Warren County Rural Zoning Code.
 32. To ensure that sufficient infrastructure is available to properly accommodate the development of this project, no more than 75 building permits shall be issued for residential lots per year during the first two (2) years of development in the PUD, totaling not more than 150 during that timeframe. Should less than 75 be issued in the first year, during the second year additional permits may be issued, however totaling not more than the aforementioned 150 limit.
 33. The developer, acting on behalf of any future Homeowners Association, shall provide a perpetual maintenance agreement for recordation acceptable to County between developer and Texas Eastern Gas Company and their successor and assigns to cover the costs of repair and timely restoration of subdivision streets, appurtenances and right-of-way that would be damaged as a result of Texas Eastern Gas transmission pipeline repairs. That agreement shall include provisions that the Warren County Commissioners, the Warren County Engineer, and the Turtlecreek Township Trustees are to be held harmless for any damages that occur to the gas transmission pipeline during the construction of water and sewer and other utilities required for the development.
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Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

Larry Crisenbery

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 May 20, 2004, in compliance with Section 121.22 O.R.C.

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