



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 – May 11, 2010

The Board met in regular session pursuant to adjournment of the May 6, 2010, meeting.

David G. Young - present

Pat Arnold South - absent

C. Michael Kilburn - present

Tina Davis, Clerk - present

- 10-0666 A resolution was adopted to Advertise for Bids for the Post Frame Barn Replacement Project. Vote: Unanimous
- 10-0667 A resolution was adopted to Waive Rezoning Application Fee for Vineyard Community Church in Franklin Township. Vote: Unanimous
- 10-0668 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Benjamin T. Gilbert, Trustee of the Benjamin T. Gilbert Revocable Trust, UTA for the Western Row Road Bridge Rehabilitation Project. Vote: Unanimous
- 10-0669 A resolution was adopted to approve Notice of Intent to Award Dure Mark Inc. for the 2010 Striping Project. Vote: Unanimous
- 10-0670 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(d) (1). Vote: Unanimous
- 10-0671 A resolution was adopted to enter into Contract with Miller-Mason Paving Company for the 2010 Chip Seal Project. Vote: Unanimous
- 10-0672 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 10-0673 A resolution was adopted to accept Amended Certificate, a Supplemental Appropriation and create a new Fund No. 484 for the Fields-Ertel Interchange Project. Vote: Unanimous
- 10-0674 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 10-0675 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 10-0676 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273 and Sheriff's Office Fund #267. Vote: Unanimous
- 10-0677 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-0678 A resolution was adopted to approve Rezoning Application of David and Dawn Wilson to rezone 0.906 acres from Heavy Industry "M-2" to Rural Residence "R-1" as a Planned Unit Development in Franklin Township. Vote: Unanimous
- 10-0679 A resolution was adopted to approve Annexation of 190.622 acres to the Village of Maineville, Mark Hildebrandt, agent, pursuant to Ohio Revised Code Section 709.023 [a.k.a. Expedited Type 2 Annexation]. Vote: Unanimous

DISCUSSIONS

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

Mike Yetter, Zoning Supervisor, was present along with Wendel Deyo, Kings Domain in Washington Township.

Mr. Deyo stated his desire to construct an additional seven rustic cabins on his 120 acres parcel. He stated that these cabins will not have any water or electric and that when the bath house was constructed; it was oversized to accommodate additional cabins. He then requested approved from the Board for permission to simultaneously obtain a building permit and zoning permit.

Upon discussion, the Board stated their approval of the concept plan on the site and granted permission to obtain and building permit at the same time as the site plan review process.

Kim Lapensee, Executive Director of the Regional Planning Commission, gave a brief update to the Board relative to the re-write of the Warren County Rural Zoning Code.

Mrs. Lapensee stated that the Zoning Commission has two sections remaining to review.

Mr. Yetter stated that they have increased the number of work sessions and hope to have the re-write completely understood by the Rural Zoning Commission prior to initiation of adoption.

Lynn Carey, Hamilton Township resident, stated her desire for the new zoning code to be in place prior to the housing market comeback.

PUBLIC HEARING

REZONING APPLICATION OF DAVID AND DAWN WILSON
TO REZONE .906 ACRES IN FRANKLIN TOWNSHIP
FROM HEAVY INDUSTRY "M-2" TO RURAL RESIDENCE "R-1"
AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of David and Dawn Wilson, owners of record, to rezone .906 acres in Franklin Township from Heavy Industry "M-2" to Rural Residence "R-1" as a planned unit development was convened this 11th day of May 2010, in the Commissioners' Meeting Room.

Kim Lapensee, Regional Planning Commission, stated that the property owners would like to convert an existing chicken coop on their property to a bait shop. She then reviewed the location and the surrounding zones and stated the Regional Planning Commission Executive Committee's recommendation to approve the rezoning application subject to twelve conditions.

Mike Yetter, Zoning Supervisor, stated the Rural Zoning Commission decision to approve the rezoning application but to add an addition condition to the recommended conditions of the Planning Commission to address the requirement of adequate refuse containers and trash pick up in order to control odor.

Upon further discussion, the Board resolved (Resolution #10-0678) to approve the rezoning application to rezone the .906 acres in Franklin Township from Heavy Industry "M-2" to Rural Residence "R-1" as a planned unit development subject to the following conditions:

1. Approval of a planned unit development (PUD) overlay shall only mean approval of land uses and shall not include approval of a site plan, as this is for Stages 2 and 3 of the PUD.
2. Mr. David L. Wilson shall be the spokesperson for the PUD in all dealings with Warren County. Mr. Wilson may delegate his role as spokesperson to another individual and shall notify the Zoning Inspector of such event. In any case, one spokesperson will be recognized by Warren County as representing the PUD.
3. Final detailed site plan approval in accordance with the procedure set forth in Section 18.06 and 18.07 of the Warren County Zoning Code.
4. Compliance with all of the conditions and requirements that may be set forth by resolution granting the PUD overlay and compliance with the requirements of Chapter 18 of the Warren County Zoning Code.
5. Land use shall be restricted to bait shop sales including fish bait, bait fish, and basic fishing accessories, as determined by the Warren County Commissioners. Any change to the single-family residential use shall be processed in accordance with Chapter 18 (Planned Unit Development Overlay) and subject to Warren County Commissioner's approval.
6. Any change to existing structures and topography on the property subject to permitting in accordance with the Warren County Flood Damage Prevention Regulations as determined by the Warren County Building Department.
7. Compliance with requirements of the Warren County Engineer's Office and Franklin Township Fire Department pertaining to access and internal circulation for site plan approval.
8. Compliance with requirements of the Warren County Sanitary Engineer regarding sewer service.
9. Compliance with requirements of the Warren County Combined Health District regarding onsite water supply.
10. Compliance with Chapter 20 (Parking and Loading Regulations) of the Warren County Zoning Code, as determined by the Warren County Zoning Inspector, prior to final site plan approval by the Warren County Regional Planning Commission Executive Director.

11. Compliance with Section 27.05 (Outdoor Lighting) of the Warren County Zoning Code, prior to final site plan approval by the Warren County Regional Planning Commission Executive Director.
12. Compliance with Section 27.01 (Signage) of the Warren County Zoning Code, prior to final site plan approval by the Warren County Regional Planning Commission Executive Director.
13. Resident owner / operator shall provide adequate refuse containers and trash pickup frequency to control odors.

On motion, bids were closed at 10:05 a.m. this 11th day of May and the following bids were received, opened and read aloud for Transportation Services for the Warren County Human Services:

Winton Transportation / U.T.S.
Fairfield, Ohio

\$ 1.89 live mile
\$ 21.50 minimum one-way charge w/exceptions

Doris Bishop, Director, Warren County Human Services will review bids for a recommendation at a later date.

The Board met this 11th day of May 2010, in the Commissioners' Meeting Room, to consider the annexation petition filed by Mark Hildebrandt, Agent, to annex 190.622 acres to the Village of Maineville pursuant to Ohio Revised Code Section 709.023 (Expedited Type 2 Annexation)

Mark Florence, attorney for agent, stated that all statutory requirements have been met affidavits have been filed to reflect same. He then stated that he has also filed an affidavit from the agent in answer to Hamilton Township's resolution objecting to the annexation due to signature dates missing on the petition. He also stated that there is a roadway agreement between the County Engineer and the Village of Maineville which has been approved by the County Prosecutor relative to the segmented roadway.

Warren Ritchie, attorney for Hamilton Township, stated that the Hamilton Township Trustees filed an objection to the annexation based upon the following:

1. Statutory requirements not met due to the date of signature of property owners missing on all but one signature on the petition. He then requested the Board to not accept the affidavit from the agent and find it as a fatal flaw within the petition.
2. This annexation will create a segmented roadway
3. It is not in the best interest of Hamilton Township
4. The annexation is an attempt to avoid impact fees

There was discussion relative to whether impact fees would apply due to this property remaining in Hamilton Township even if annexed.

Commissioner Kilburn questioned whether this area is outside of the Warren County Sewer Improvement Area.

Mr. Ritchie stated that it is outside of the Improvement Area.

The Board then requested Bruce McGary, Chief Deputy Prosecutor, to address the concerns presented.

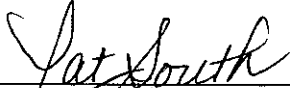
Mr. McGary stated that this property would remain in Hamilton Township and is not within the Urban Service Area of Hamilton Township and therefore, it not within the Warren County Sewer Improvement Area. He then stated that ORC 709.05 discusses substantial compliance and the Board shall not deny an annexation on a procedural defect. He then stated his opinion that this annexation petition has met substantial compliance of the law.

Upon further discussion, the Board resolved (Resolution #10-0679) to approve the annexation petition of Mark Hildebrandt, Agent to annex 190.622 acres to the Village of Maineville (ORC 709.023 expedited type 2 annexation).

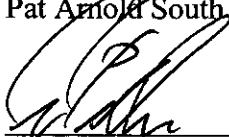
Upon motion the meeting was adjourned.



David G. Young, President

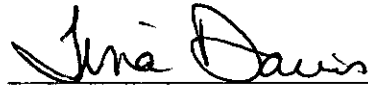


Pat Arnold South



C. Michael Kilburn

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 11, 2010, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink that reads "Tina Davis". The signature is written in a cursive style with a horizontal line underneath it.

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