

MINUTES: Regular Session--March 1, 2001

The Board met in regular session pursuant to adjournment of the February 27, 2001, meeting.

C. Michael Kilburn - present Larry Crisenbery - present

Pat Arnold South - present Tina Davis, Clerk - present

01-357 A resolution was adopted to approve Notice of Intent to award bid for the Collection, Hauling and Processing of White Goods to Nugensis, Inc. Vote: Unanimous

01-358 A resolution was adopted to approve Change Orders #60 and #61 with Dugan & Meyers Construction Company relevant to the construction of the New Warren County Administration Building Project. Vote: Unanimous

01-359 A resolution was adopted to approve Change Order #12-M4 with the Geiler Company regarding the construction of the New Warren County Administration Building Project. Vote: Unanimous

01-360 A resolution was adopted to approve Notice of Intent to award the contract for Landscaping of the New Administration Building. Vote: Unanimous

01-361 A resolution was adopted to approve Office Space Reimbursement Agreement with Warren County Solid Waste Management District. Vote: Unanimous

01-362 A resolution was adopted to approve and enter into Transportation Services Contract with Winton Transportation System, Inc. DBA Universal Transportation Systems for the operation of the Warren County Transit Service for the calendar year 2001. Vote: Unanimous

01-363 A resolution was adopted to approve and enter into Postage Meter Rental Agreement with Pitney Bowes. Vote: Unanimous

01-364 A resolution was adopted to approve and authorize the President of this Board to enter into a Classroom Training Agreement on behalf of the Warren County One-Stop Business and Employment Center. Vote: Unanimous

01-365 A resolution was adopted to approve Notice of Intent to award the bid for the Collection Hauling and Processing of Tires to Rumpke of Ohio, Inc. Vote: Unanimous

01-366 A resolution was adopted to approve Appropriation Decreases within various

funds. Vote: Unanimous

01-367 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous

01-368 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273, Clerk of Courts Fund #250, Child Support Enforcement Agency Fund #263 and Solid Waste Fund #256. Vote: Unanimous

01-369 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #467. Vote: Unanimous

01-370 A resolution was adopted to approve and authorize reduced work schedule for Robert Leisz, Grounds Foremen, within the Building Services Department. Vote: Unanimous

01-371 A resolution was adopted to approve wage increase for Farley baker, Maintenance Technician, within Building Services Department. Vote: Unanimous

01-372 A resolution was adopted to authorize payment of bills. Vote: Unanimous

01-373 A resolutions was adopted to continue Public Hearing for rezoning of Warren Beverage Corp., (Case # 00-09) to rezone approx. 1.227 acres in Turtlecreek Township from Neighborhood Business "B-1" and Rural Residence "R-1" to General Business "B-2". Vote: Unanimous

DISCUSSIONS

The Board acknowledged receipt of an annexation petition containing 15.8172 acres to the City of Loveland, Christy Holmes, Agent.

Commissioner South presented an update to the Board relative to her recent Community Corrections Planning Committee meeting.

PUBLIC HEARING

REZONING APPLICATION OF WARREN BEVERAGE CORPORATION
TO REZONE 1.227 ACRES IN TURTLECREEK TOWNSHIP
FROM NEIGHBORHOOD BUSINESS "B-1" AND RURAL RESIDENCE "R-1"
TO GENERAL BUSINESS "B-2"

The continuation of the public hearing to consider the rezoning application of Warren Beverage Corporation, property owner, to rezone 1.227 acres in Turtlecreek Township was reconvened this 1st day of March 2001, in the Commissioners' Meeting Room.

Commissioner Kilburn opened the public hearing by explaining to all those present the rezoning process and the decision of the Prosecutor, due to no decision being made by the Rural Zoning Commission, that it will take a unanimous vote of this Board of Commissioners in order to make any decision in this rezoning matter.

Robert Craig, Regional Planning Commission (RPC), explained the current zoning and surrounding zoning and stated the RPC Executive Committee's decision to approve the rezoning application.

Ted Priest, Chief Zoning Official, explained the events of the Rural Zoning Commission meeting and how he had originally informed the property owner, Mrs. Campbell, that under the non-conforming use clause, she would utilize the property in question as a gas station. It was later determined by the Prosecutor's Office, that due to the pumps being removed in the early 1990's, a rezoning of the property was needed. He then explained the events of the Rural Zoning Commission public hearings and explained that due to a tie vote of the Rural Zoning Commission, a recommendation would not be made to the Board of Commissioners.

Commissioner Kilburn stated that from this moment forward, before any decision of non-conforming use is made by the Zoning Department, they must consult with the Prosecutor's Office.

Larry Stone, adjacent property owner, questioned if the gas tanks on the property had been removed. It was determined that they had been removed in 1998.

Jillora Summers, First National Bank, presented a letter from Ted Priest, Chief Zoning Official, dated September 1999, stating that gas pumps could be placed on the property utilizing the non-conforming use clause of the Rural Zoning Code.

Tim Marts, Lykins Oil Company, questioned where the precedent from the Prosecutor's Office came from.

Donna Campbell, property owner, gave a presentation in favor of the rezoning application and stated that she would like to be a good neighbor and she only desired to improve property values in the area, not decrease them. She stated her desire to improve the currently dilapidated condition of the property in question and requested the Board to approve the rezoning application.

Jillora Summers and Paul Herdman, First National Bank (mortgage holder on the property), presented evidence and spoke in favor of the rezoning application.

Numerous adjacent property owners from the Greenbriar Subdivision were present to speak in opposition to the rezoning application.

Dan Jones, Turtlecreek Township Trustee, spoke in opposition to the rezoning application.

There was much discussion relative to the legal questions that are involved in this rezoning application and there was much discussion relative to an amendment to the application that would allow a compromise between the property owner and adjacent property owners.

Upon further discussion, the Board resolved (Resolution #01-373) to continue the public hearing to March 8, 2001, at 6:00 p.m. in the Commissioners' Meeting Room.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

Larry Crisenbery

Pat Arnold South

MINUTES
FEBRUARY 27, 2001
PAGE 5

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on February 22, 2001, in compliance with Section 121.22 O.R.C.

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