



**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 -- September 8, 2005

The Board met in regular session pursuant to adjournment of the September 6, 2005, meeting.

Pat Arnold South - present

David G. Young - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 05-1335 A resolution was adopted to create Rates and Charges for the County Storm Water Management District No. 1 in accordance with Section 6117 of Ohio Revised Code. Vote: Mr. Young- yea; Mrs. South – yea Mr. Kilburn - abstain
- 05-1336 A resolution was adopted to Void the current process to consider an Amendment to the Warren County Rural Zoning Code relative to the Addition of Chapter 21.2 (Mineral Extraction M-EX Zone Regulations). Vote: Unanimous
- 05-1337 A resolution was adopted to approve and authorize the President of the Board to sign Consent to Power to Sell Real Estate.  
Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent
- 05-1338 A resolution was adopted to Modify Rules and Regulations – Warren County Water and Sewer Department.  
Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent
- 05-1339 A resolution was adopted to Rescind Resolution 05-1228 adopted August 18,

2005 to approve a Supplemental Appropriation into Fund #451.  
Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent

- 05-1340 A resolution was adopted to approve Supplemental Appropriation into Fund #452. Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent
- 05-1341 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273 and Supplemental Appropriation into Board of Elections Fund #101-1300. Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent
- 05-1342 A resolution was adopted to waive Building and Electrical Permit Fees associated with the Construction of Veterans Park in Deerfield Township. Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent
- 05-1343 A resolution was adopted to waive Zoning Board of Appeals Application Fee and Building Permit Fee for Blanchester Church of the Nazarene. Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent
- 05-1344 A resolution was adopted to authorize payment of Bills. Vote: Mr. Kilburn – yea; Mrs. South – yea Mr. Young - absent

#### DISCUSSIONS

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On motion, upon unanimous call of the roll, the Board entered into executive session as 4:10 p.m. to discuss pending litigation pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 5:30 p.m.

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Neil Tunison, County Engineer, was present for a work session to discuss storm water management.

Mr. Tunison explained that any collection on the tax duplicate to properties within the NPDES Phase II area must be certified to the Auditor by September 12, 2005. He then stated that this is in compliance with what action the Board did last year and stated his recommendation to the Board to certify collection to the County Auditor.

Commissioner Kilburn stated he does not support any fees for stormwater.

Mr. Tunison reviewed the Storm Water Management Plan requirements and explained the \$15 fee that would be used to fund inspectors to provide detention pond inspection for water quality. He then stated the funds would also be used to map the outfalls of water within subdivisions, streets and roads.

Commissioner Kilburn stated his opposition to charging residents \$15 for needless requirements.

Commissioner South stated his desire to do everything possible in order to preserve the Little Miami State and National Scenic River.

Commissioner Young stated his desire to follow the law. He then stated the need to review the effectiveness of the stormwater program in one year and stated his intention to “scrap” the program and comply in “paperwork only” if he feels the program is not successful.

Commissioner Kilburn questioned how and what criteria would be used to review at the end of one year.

Mr. Tunison stated that the Board could create the criteria.

Upon further discussion, the Board resolved (Resolution #05-1335) to create Rates and Charges for the County Storm Water Management District No. 1 in accordance with Section 6117 of Ohio Revised Code.

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Neil Tunison, County Engineer, was present along with residents of Pine Lane Estates in Clearcreek Township to discuss drainage problems within their subdivision.

Mr. Tunison recommended beginning the process of pulling their performance bond and the Board suggested the possibility of issuing no further building and/or occupancy permits within the subdivision until such time as defects within the scope of the performance bond are corrected.

Upon further discussion, the Board scheduled a work session on September 13, 2005, at 11:00 a.m. to discuss the performance bond and requested the Clerk to notify the builder and developer of the time and date of the work session.

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PUBLIC HEARING

PROPOSED TEXT AMENDMENT TO THE WARREN COUNTY RURAL ZONING CODE  
TO CONSIDER ADDING CHAPTER 21.2 (MINERAL EXTRACTION – EXCLUDING  
PROCESSING)

Bruce McGary, Chief Deputy Prosecutor, stated that at the August 2, 2005 Rural Zoning Commission public hearing, there was confusion on which proposed text they would be considering, the one from this Board in the resolution that initiated the text amendment or the one drafted by the Regional Planning Commission Staff. At the conclusion of the public hearing, the Rural Zoning Commission had a tie vote (2 – 2) to approve the Regional Planning Commission draft and a tie vote (2 – 2) to deny the amendment. He stated his opinion that the Rural Zoning Commission committed a fatal flaw by presenting no recommendation to this Board. Therefore, this Board has nothing to consider today.

Mr. McGary then stated the second flaw when the Rural Zoning Commission failed to make a recommendation to this Board within 30 days.

Commissioner Kilburn questioned if there is a concern that if it would be remanded back to the Rural Zoning Commission that we could have a possibility of invalidating the zoning text.

Mr. McGary stated that anyone could challenge the zoning text amendment within a two year time frame. He then recommended starting the process all over again.

There was discussion of a Clinton County case similar to the matter at hand that sets a legal precedence.

Upon further discussion, the Board resolved (Resolution #05-1336) to void the current process to consider an Amendment to the Warren County Rural Zoning Code relative to the Addition of Chapter 21.2 (Mineral Extraction M-EX Zone Regulations) and then scheduled a work session on September 13, 2005, at 11:30 a.m. to discuss the wording for the future text amendment relative to Mineral Extraction.

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Commissioner Young exited the meeting at 7:48 p.m.

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 September 8, 2005, in compliance with Section 121.22 O.R.C.

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