



**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 – August 13, 2009

The Board met in regular session pursuant to adjournment of the August 11, 2009, meeting.

C. Michael Kilburn - present

David G. Young - absent

Pat Arnold South - present

Tina Davis, Clerk – present

Minutes of the July 21, 23, and 30, 2009, and August 4 and 11, 2009, meetings were read and approved.

- 09-1096 A resolution was adopted to Amend the Plan Document relative to the Warren County Section 125 Cafeteria Plan. Vote: Unanimous
- 09-1097 A resolution was adopted to Waive Rezoning Application Fee and Zoning Variance Fee for Rick Treat Jr., agent for Reba Brandenburg, to rezone Lot 15 in Highland Park Subdivision in Union Township. Vote: Unanimous
- 09-1098 A resolution was adopted to Advertise for Bids for the Lower Little Miami Wastewater Treatment Plant Phase III Improvements. Vote: Unanimous
- 09-1099 A resolution was adopted to request the Ohio Department of Transportation (ODOT) to extend the 20 MPH School Zone on Lytle-5 Points Road (County Road 46) in front of Five Points Elementary School so that the new school zone crosswalk is located within the 20 MPH School Zone Area. Vote: Unanimous
- 09-1100 A resolution was adopted to approve and authorize the President of the Board to enter into Classroom Training Agreements on behalf of the Workforce One of Warren County. Vote: Unanimous

- 09-1101 A resolution was adopted to enter into an Amendment to the Engineering Contract with KZF Design, Inc. Vote: Unanimous
- 09-1102 A resolution was adopted to approve Change Order #1 with W.E. Smith Construction for the Concrete Box Beam Removal on Markey Road Bridge #99-0-53. Vote: Unanimous
- 09-1103 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-1104 A resolution was adopted to declare various items within Telecomm and MRDD as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-1105 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Loan Agreement with Jeffery Rask relative to the Warren County Homebuyer Assistance Program. Vote: Unanimous
- 09-1106 A resolution was adopted to authorize Reimbursement to Gallenstein Brothers, Inc. for private construction of the Oversized Sanitary Sewer along Delaware Drive in the Indian Lake South Development, Warren County Water District. Vote: Unanimous
- 09-1107 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Orchard Meadows, LLC for installation of certain improvements in Orchard Meadows situated in Clearcreek Township. Vote: Unanimous
- 09-1108 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Otterbein Clearcreek, LLC for installation of certain improvements in Otterbein Retirement Living Communities / Bunnell Hill Site situated in Clearcreek Township. Vote: Unanimous
- 09-1109 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into Bethany Road Widening Project Fund 490. Vote: Unanimous
- 09-1110 A resolution was adopted to accept Amended Certificate into the Warren County Drug Task Force Pass Through Fund #261 and approve Supplemental Appropriation Adjustment into Fund #261. Vote: Unanimous
- 09-1111 A resolution was adopted to accept Amended Certificate for Bethany Road Widening Fund #490. Vote: Unanimous
- 09-1112 A resolution was adopted to approve Supplemental Adjustment into Bethany Road Widening Project Fund #490. Vote: Unanimous

- 09-1113 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Building Department Fund #101-2300. Vote: Unanimous
- 09-1114 A resolution was adopted to approve Appropriation Adjustment within Common Pleas Court Fund #101-1220. Vote: Unanimous
- 09-1115 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-1116 A resolution was adopted to approve Variance and Appeal of conditions required for an Access Permit of Gallenstein Brothers, Inc. (Case #09-01) in Hamilton Township. Vote: Unanimous

DISCUSSIONS

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

Dave Mick, Assistant County Engineer, was present to update the Board on the progress of improvements that have been completed by Trailblazer Homes since their request for an extension of time in the declaration of default within Hopewell Meadows, Section 4 in Washington Township.

Mr. Mick reported to the Board that he still does not have a firm commitment of when the work will begin. He stated that the Washington Township Trustees have not received payment of their snow removal invoice as required by the Board.

Upon further discussion, the Board stated their intention to declare default on Tuesday, August 18, 2009, following consultation with the Chief Deputy Prosecutor.

PUBLIC HEARING
REQUEST FOR VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN
ACCESS PERMIT WITHIN INDIAN LAKE COMMERCIAL DEVELOPMENT
(GALLENSTEIN BROTHERS, INC.) IN HAMILTON TOWNSHIP

The public hearing to consider a request for a variance and appeal of conditions required for an access permit within Indian Lake Commercial Development (Gallenstein Brothers, Inc.) in Hamilton Township was convened this 13th day of August 2009, in the Commissioners' Meeting Room.

The Clerk read into the record all the documents received to date including the proof of publication relative to the notice of public hearing advertised in The Western Star newspaper.

Commissioner Kilburn read aloud instructions from the Chief Deputy Prosecutor relative to the procedure which the public hearing will follow and swore those desiring to give testimony.

Allen Messer, CDS Associates, presented to the Board the 2009 Indian Lake Commercial Development Traffic Impact Study Update Southwest Quadrant (June 2009). He then presented the proposed concept plan and stated they have requested a variance from the Ohio Department of Transportation for a right in/right out permit. He then stated that without approval of this variance by the Board of Commissioners, there is no full access available to this mixed use planned unit development.

Mr. Messer then presented the following information:

1. The concept plan for this development was in place prior to any access regulations being adopted.
2. The concept plan is 40' short, once the roadway is extended, it will be 125' short to meet with regulations.
3. Topography does not allow the extending of access south east to the property line on Willow Pond Drive.
4. The granting of this variance would allow the public to utilize a lower classification street rather than US 22 3.
5. There is a substantial hardship in that the topography along with the sewer lines does not allow any further south east access. This plan was approved in 2003 by the County Engineer as well as Hamilton Township prior to access management regulations being created.

Commissioners Kilburn and South both stated they do not feel this variance is a major issue if approved and requested a recommendation from Mr. Mick.

Mr. Mick stated his recommendation to approve this variance subject to conditions.

Upon discussion, the Board resolved (Resolution #09-1116) to approve Variance and Appeal of conditions required for an Access Permit of Gallenstein Brothers, Inc. (Case #09-01) in Hamilton Township.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

David G. Young

Pat Arnold South

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 August 13, 2009, in compliance with Section 121.22 O.R.C.

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