



# **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 – February 2, 2010**

The Board met in regular session pursuant to adjournment of the January 28, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the January 28, 2010, meeting were read and approved.

- 10-0143      A resolution was adopted to approve various Refunds.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0144      A resolution was adopted to approve Easement Acquisition Compensation for  
Beal Road Watermain Extension.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0145      A resolution was adopted to approve a Street and Appurtenances Bond Release  
for 741 Associates, Ltd. for completion of improvements for Clearcreek Estates,  
situated in Clearcreek Township.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0146      A resolution was adopted to approve Appropriation Decreases within various  
Funds. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0147      A resolution was adopted to approve Appropriation Adjustment within County  
Court Fund #283. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0148      A resolution was adopted to approve Appropriation Adjustment within County  
Court Fund #283. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent

- 10-0149      A resolution was adopted to approve Appropriation Adjustment within Engineer's Motor Vehicle Fund #590.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0150      A resolution was adopted to authorize payment of Bills.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0151      A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Interfaith Hospitality Network of Warren County relative to the FY 2009 Community Development Block Grant Entitlement Program.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-0152      A resolution was adopted to continue Public Hearing for Rezoning Application of Tony and Mindy Moore (Case #09-06), to rezone 1.428 acres in Turtlecreek Township from Rural Residence "R-1" to General Business "B-2" as a Planned Unit Development. Vote: Unanimous
- 10-0153      A resolution was adopted to approve Tentative Agreement between Warren County Engineer's Office and Warren County Highway Employee's Association affiliated with Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO. Vote: Unanimous
- 10-0154      A resolution was adopted to Amend Resolution #09-888, Administering Disciplinary Action against Doyle Johnson, Wastewater Treatment Plant Deputy Chief Operator, within the Water and Sewer Department. Vote: Unanimous
- 10-0155      A resolution was adopted to Cancel regularly scheduled Commissioners' Meeting of Thursday, February 4, 2010. Vote: Unanimous

#### DISCUSSIONS

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

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Commissioner Kilburn entered the meeting at 9:18 a.m.

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Jake Jones, Building Services Director, was present and provided an update relative to the replacement of the barn that burned at the Warren County Fairgrounds and also discussed possible improvement options with the Board relative to the Fairgrounds.

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Jerry Spurling, Chief Zoning Official, was present for a work session along with Anna Helton, Office Administrator, and Mike Yetter, Zoning Supervisor, to discuss the need to amend the fee schedule which was adopted last year.

Mr. Spurling stated that the fee schedule that was adopted needs verbiage changes. He stated that the way the fee schedule is worded states that fees are double the price they were intended to be. He then stated they have been charging the correct amount but the Board needs to amend the fee schedule to correct the issue.

Mr. Yetter stated the same issues exist in the zoning fee schedule as the building fee schedule. He also stated that some fees were completely left off of the schedule.

Upon discussion, the Board directed the Clerk to begin the necessary process to amend the Building and Zoning Fee Schedules.

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Jim Aumann, County Treasurer, was present along with James L. Spaeth, Clerk of Courts, for a meeting of the Investment Advisory Board.

Mr. Aumann presented the following information as of December 31, 2009:

Total Agency Securities	\$ 78,626,923
Total Bank Cd's	\$ 24,000,000
LCNB Asset Management	\$ 22,731,222
5/3 Asset Management	\$ 26,683,221
S.T.A.R. Ohio	\$ 7,194,323
Various Purposes Special Assessment GO Bonds	\$ 2,586,816
Total Accounts	\$161,822,505
Total year-to-date interest to General Fund	\$ 5,629,207

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PUBLIC HEARING  
REZONING APPLICATION OF TONY AND MINDY MOORE  
TO REZONE 1.428 ACRES IN TURTLECREEK TOWNSHIP FROM  
RURAL RESIDENCE "R-1" TO  
GENERAL BUSINESS "B-2" AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Tony and Mindy Moore to rezone 1.428 acres in Turtlecreek Township was convened this 2<sup>nd</sup> day of February 2010, in the Commissioners' Meeting Room.

Kim Lapensee, Regional Planning Commissioner, stated that the property owners run a landscape operation on back of the property. She then stated the RPC Executive Committee's recommendation to deny the rezoning.

Mike Yetter, Zoning Supervisor, stated that there were many neighbors present at the Zoning Commission public hearings. He stated that some were in favor and some opposed to the rezoning. He then stated that the Rural Zoning Commission voted 3 – 0 to deny the rezoning application with two members abstaining from the vote.

Commissioner Kilburn questioned why they applied for General Business "B-2" PUD rather a Rural Residence "R-1" PUD.

Mr. Yetter stated that, because the majority of the property is being used as a business rather than for residential, it would need to be B-2. He also stated that the company has approximately 8 employees in the winter and 18 in the summer and that there are no other businesses located in the immediate area.

Jim Trammel, area property owner and user of the services they provide, stated the Moore's have been good neighbors and should be given flexibility to find a new location should this rezoning application be denied.

Tom Geiser, adjacent property owner, stated they have been good neighbors but over the last three years, their business has outgrown the location. He stated he also owns his own business but operates out of Mason rather than his home and also stated concerns relative to employees using the restroom outside in plain view of his children.

The Board requested Mr. Geiser's opinion on the property being rezoned to Rural Residence "R-1" as a planned unit development with limited hours of operation and many additional conditions.

Mr. Geiser stated he would not be in favor of any rezoning.

John Tkatschenky, adjacent property owner, stated he is concerned with traffic but he feels this operation is not invasive to the area and does not feel it is a problem.

Mindy Moore, property owner, gave the history of Cardinal Landscaping and stated there are many Warren County families that rely on their company for employment. She stated that, at the present time they have six full time employees and in the summer they employ approximately 20-22 people and own 10 vehicles.

Mrs. Moore stated they would like to figure out a way to make this location work and, in her opinion, they have four options:

1. Move the business—this option requires time and money
2. Sell the business—they prefer not to do that
3. Close the business—20 households would become unemployed
4. Rezoning the property

Mrs. Moore then stated their desire for the Board to consider amending their application to consider Rural Residence "R-1" as a Planned Unit Development. She stated that they would remove all firewood from the open area and replace with shrubs and grass and ensure that the majority of the property is utilized a residential.

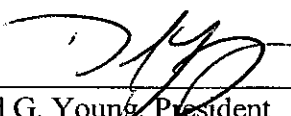
Upon discussion, the Board stated their desire to discuss this matter with the Prosecutor's Office and on motion, upon unanimous call of the roll, the Board resolved (Resolution #10-152) to continue this public hearing to February 16, 2010, at 9:30 a.m.

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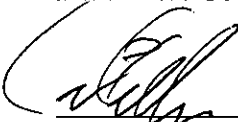
On motion, upon unanimous call of the roll, the Board entered into executive session at 11:46 a.m. to discuss union negotiations relative to the County Engineer's Office pursuant to Ohio Revised Code Section 121.22 (G)(4) and exited at 1:01 p.m.

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Upon motion the meeting was adjourned.

  
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David G. Young, President

  
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Pat Arnold South

  
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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 February 2, 2010, in compliance with Section 121.22 O.R.C.

A handwritten signature in cursive script that reads "Tina Davis". The signature is written in black ink and is positioned above a horizontal line.

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