



**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 – June 11, 2009

The Board met in regular session pursuant to adjournment of the June 9, 2009, meeting.

C. Michael Kilburn - absent

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk – present

- 09-0778 A resolution was adopted to enter into Water Agreement with the City of Middletown for service to Riviera Drive. Vote: Unanimous
- 09-0779 A resolution was adopted to authorize Pat South, member of the Board to sign an OPWC Project Agreement for Mason-Montgomery Road Northbound Add Lane Project. Vote: Unanimous
- 09-0780 A resolution was adopted to approve and authorize the President of the Board to enter into a Youth Worksite Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 09-0781 A resolution was adopted to approve and authorize the President of the Board to enter into a Youth Worksite Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 09-0782 A resolution was adopted to approve Change Order No. 11 to the Contract with Danis Industrial Construction increasing Purchase Order No. 68560 for the Deerfield Hamilton WTP and Well Field Expansion & Upgrade Project, Fund 530 (Grandin RD OWDA). Vote: Unanimous
- 09-0783 A resolution was adopted to enter into Contract for Contract A-Thornton Grove Sanitary Sewer Extension. Vote: Unanimous

- 09-0784 A resolution was adopted to enter into Contract with Prestress Services Industries, LLC for the Markey Road-Prestressed Concrete Box Beams. Vote: Unanimous
- 09-0785 A resolution was adopted to declare various items within Water & Sewer, Telecom, Parks and Building Services as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-0786 A resolution was adopted to Waive Site Plan Review Application Fee for Blanchester Church of the Nazarene in Harlan Township. Vote: Unanimous
- 09-0787 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-0788 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 09-0789 A resolution was adopted to accept Amended Certificate for Fund 284 - TASC and approve Supplemental Appropriation. Vote: Unanimous
- 09-0790 A resolution was adopted to approve a Supplemental Appropriation within Sewer Revenue Fund 580. Vote: Unanimous
- 09-0791 A resolution was adopted to approve Appropriation Adjustments within Prosecutor Funds 272-1150 and 245-2450. Vote: Unanimous
- 09-0792 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Detention - Sheriff's Fund #101-2210. Vote: Unanimous
- 09-0793 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Common Pleas Court Fund #101-1221. Vote: Unanimous
- 09-0794 A resolution was adopted to approve Appropriation Adjustment within Engineer's Office Fund #590 (Stormwater Tier 1). Vote: Unanimous
- 09-0795 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-0796 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-0797 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-0798 A resolution was adopted to cancel regularly scheduled Commissioners' Meeting of June 18, 2009. Vote: Unanimous

09-0799 A resolution was adopted to approve the Site Plan Review Application of Village Drive-Thru; Sanjaykumar Patel, Franklin Township. Vote: Unanimous

09-0800 A resolution was adopted to approve the Site Plan Review Application of Bill Daniels and Whismann FP LLC, Franklin Township. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 3:30 p.m. to discuss imminent litigation pursuant to Ohio Revised Code Section 121.22 (G) (3) and exited at 5:04 p.m.

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

The Board agreed to transfer funds to the Warren County Friends of the Park in the amount there are short for the Warren County Armco Park 4th of July program and park dedication.

Mike Yetter, Zoning Supervisor, was present for the site plan review application of Village Drive-Thru in Franklin Township.

Mr. Yetter stated the desire of the property owner to construct a one story masonry addition approximately 25' x 64' to the east side of the existing building that is currently a drive-thru. He stated the proposed addition would be used as a Subway or equivalent business.

Mr. Yetter reviewed the comments from the departments and officials concerned and stated his recommendation to approve the site plan review application subject to five conditions.

There was discussion relative to the need for a traffic impact study as recommended by the Planning Commission.

Commissioner South stated her desire to include that in the conditions.

Sanjaykumar Patel – property owner, stated they have requested a direct curb cut from the Ohio Department of Transportation.

Mark Welch, First Financial Bank, stated that he represents the bank which is the owner of the adjacent property. Mr. Patel has agreed to remove the drive-thru signage which is on their property and construct a fence to separate properties. He then stated that Mr. Patel has also agreed to remove the driveway access from their property. He stated that he has no objections to the site plan review as long as those things are completed.

The Board then stated their desire to hear the site plan review application of Bill Daniels – Whismann FP LLC which is adjacent to this property.

Mr. Yetter stated that Mr. Daniels subleases the 6900 sq. feet of existing building and desire to renovate the building to accommodate 2000 sq. feet for a bakery, 2000 sq. feet for a doctor's office and 2000 sq. feet for office space.

Mr. Yetter reviewed the comments from departments and officials concerned and stated the recommendation to approve the site plan review application subject to five conditions.

Bill Daniels, applicant, stated that he leases the property. He stated that the property owner does not want to replat the property and he has no control over the property owner. He then requested the Board to reconsider the need for a traffic study. He stated that the majority of the traffic at the intersection comes into the Franklin Township Park, not their business.

There was discussion relative to the removal of the condition requiring a traffic study from a site plan by the Board some years ago. Upon review of the minutes, it was determined by the Board that the intersection is in process of being realigned by ODOT and a traffic study was not necessary.

Commissioner Young stated he does not feel a traffic study is warranted for small businesses that already exist.

Commissioner South then recanted her statement relative to her desire to require a traffic study. She stated that upon viewing the area via the internet, she feel that at such time as ODOT requires a traffic study is when one should be completed. She stated she does not feel it is necessary by only these two businesses.

Upon further discussion the Board resolved (Resolution #09-799) to approve the site plan review application of Village Drive Thru subject to five conditions and to approve (Resolution #09-800) the site plan review application of Bill Daniels – Whismann FP LLC (Ameristop) subject to four conditions.

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 June 11, 2009, in compliance with Section 121.22 O.R.C.

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