



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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TOM ARISS

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DAVID G. YOUNG

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – June 17, 2014

The Board met in regular session pursuant to adjournment of the June 10, 2014, meeting.

Pat Arnold South - present

Tom Ariss - present

David G. Young - present

Tina Osborne, Clerk - present

Minutes of the June 10, 2014 meeting were read and approved.

- 14-0936 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Roy Lutz, Alternative Response Caseworker I, within the Department of Job and Family Services, Children Services Division.
Vote: Unanimous
- 14-0937 A resolution was adopted to reappoint Warren County Members to the Area 12 Workforce Investment Board. Vote: Unanimous
- 14-0938 A resolution was adopted to declare various items within County Court, Clerk of Courts, Drug Task Force, Engineer's Office, Sheriff's Office, Facilities Management, Human Services, Water and Sewer and Telecom as surplus and authorize the disposal of said items. Vote: Unanimous
- 14-0939 A resolution was adopted to Advertise and Set July 15, 2014, at 9:30 a.m., for the Public Hearing to consider the County's Year 2015 Tax Budget.
Vote: Unanimous
- 14-0940 A resolution was adopted to approve Change Order #1 with Miller-Mason Paving Company for the 2014 Chip Seal Project. Vote: Unanimous

- 14-0941 A resolution was adopted to approve and enter into an Agreement with Matthew Steed on behalf of the Warren County Juvenile Court for a Summer School Teacher for Mary Haven Youth Center. Vote: Unanimous
- 14-0942 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Robert C. and Patricia D. Frazee for the Hamilton Middletown Road Culvert Rehabilitation Project. Vote: Unanimous
- 14-0943 A resolution was adopted to approve and authorize the County Prosecutor to submit a Grant Application for Victims Assistance Funds. Vote: Unanimous
- 14-0944 A resolution was adopted to authorize Warren County Sanitary Engineer to prepare and submit an Application to participate in the Ohio Public Works Commission State Capital Improvement Program and to execute Contracts, as required, for the Fields Ertel and Columbia Road Watermain Improvement Project (Program Year 2016). Vote: Unanimous
- 14-0945 A resolution was adopted to authorize the President of Board to sign the Milestone Acceptance Certificate between Motorola Solutions, Inc. and Warren County Commissioners in regards to Project OH-111144A Warren County System Upgrade Project. Vote: Unanimous
- 14-0946 A resolution was adopted to authorize the President of Board to sign the Milestone Acceptance Certificate between Motorola Solutions, Inc. and Warren County Commissioners in regards to Project OH-2687-WarrenCoOH_11-0410_CAD-IF Warren County System Upgrade Project. Vote: Unanimous
- 14-0947 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to execute an Agreement for FY2014-2015 with the Warren County Educational Service Center Attends Program on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 14-0948 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to execute an Agreement for FY2014-2015 with the Warren County Educational Service Center Truancy Program on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 14-0949 A resolution was adopted to approve and enter into a TANF Summer Youth Employment Program Worksite Agreement between Warren County Board of Commissioners and Lebanon City Schools on behalf of Warren County Department of Human Services. Vote: Unanimous

- 14-0950 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign Amendment #1 to the Subrecipient Agreement between Warren County and the Village of Carlisle relative to Moving Ohio Forward Demolition Grant Program. Vote: Unanimous
- 14-0951 A resolution was adopted to approve and authorize the President of Board to sign an Extension to the 2013 Mentoring Services Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 14-0952 A resolution was adopted to approve and authorize the President of the Board to enter into a Youth Worksite Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 14-0953 A resolution was adopted to approve and authorize the President of the Board to enter into the Classroom Training Agreements on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 14-0954 A resolution was adopted to approve and authorize the President of the Board to enter into a On-The-Job-Training Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 14-0955 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41 (d) (1). Vote: Unanimous
- 14-0956 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 14-0957 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 14-0958 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 14-0959 A resolution was adopted to approve Supplemental Appropriation into Sheriff's Office Fund #630. Vote: Unanimous
- 14-0960 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1112. Vote: Unanimous
- 14-0961 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Funds #101-2200, #101-2210 and #101-2211. Vote: Unanimous
- 14-0962 A resolution was adopted to approve Appropriation Adjustment within Sheriff's Office Fund #101-2200. Vote: Unanimous

- 14-0963 A resolution was adopted to approve Appropriation Adjustments within Board of Elections Fund #101-1300. Vote: Unanimous
- 14-0964 A resolution was adopted to approve Appropriation Adjustment in Department of Development Fund #265. Vote: Unanimous
- 14-0965 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Fund #630. Vote: Unanimous
- 14-0966 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 14-0967 A resolution was adopted to approve Appropriation Adjustment within Coroner's Fund #101-2100. Vote: Unanimous
- 14-0968 A resolution was adopted to approve Rezoning Application initiated by the Board of Commissioners on behalf of Joseph Benza (Case #2014-03) to rezone approximately .88 acres from Rural Residential "RU" to Community Commercial Business "B2" in Harlan Township. Vote: Unanimous

DISCUSSIONS

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

Congressman Steve Chabot was present to honor Jonathan Sams, Turtlecreek Township Trustee, for his service to his country by awarding Mr. Sams with six (6) medals he earned but never received during his time in the US Navy.

Mr. Sams completed four tours in the Persian Gulf aboard the USS Independence and USS Mobile Bay and was presented the Achievement, National Defense, South East Asia Service, Good Conduct, Armed Forces Expeditionary and Lapel Honorable Service Medals for his acts of bravery and heroism in defending our country.

The Board presented proclamations from Shannon Jones, State Senator, and this Board for his bravery and heroism.

Linda Oda, Warren County Recorder, was present for a work session to discuss the creation of a Technology Fund to help remove the expenses from her General Fund budget that cause a "spike" in expenses when software and computer maintenance agreements are due for renewal. She also stated the desire to utilize this fund to begin a replacement plan on computers as recommended by Warren County Data Processing.

Mrs. Oda explained that the legislature approved legislation last year which allows her to allocate up to \$8.00 from each recording into the technology fund and explained the items that are allowable expenses from the fund.

Mrs. Oda stated that, based upon her calculation, she would only need \$3.25 per document to fund the allowable expenses within her office. She also stated that this would reduce the general fund budget request from her office.

Upon further discussion, the Board stated their agreement to her request.

PUBLIC HEARING
REZONING APPLICATION INITIATED BY THE BOARD OF COMMISSIONERS ON
BEHALF OF JOSEPH BENZA (CASE #2014-03), TO REZONE APPROXIMATELY .88
ACRES FROM RURAL RESIDENTIAL "RU" TO COMMUNITY COMMERCIAL BUSINESS
"B2" IN HARLAN TOWNSHIP

The public hearing to consider the rezoning application initiated by the Board of Commissioners on behalf of Joseph Benza, owner of record (Case #2014-03), to rezone approximately .88 acres (Parcel Number 18-18-102-003) located at the west corner of State Route 132 and Middleboro Road intersection in Harlan Township from Rural Residential "RU" to Community Commercial Business "B2" was convened this 17th day of June 2014 in the Commissioners' Meeting Room.

Mike Yetter, Zoning Supervisor, presented background information on the property and the current use as well as surrounding zones. He then stated that prior to the January 1, 2012 map amendment and Zoning Code Re-write, this property was zoned "B2" rather than the current "RU".

Mr. Yetter stated that both the Regional Planning Executive Committee and the Rural Zoning Commission recommended denial of the rezoning application.

Stan Williams, Regional Planning Commission, stated the following three reasons for the denial recommendation from the Regional Planning Commission:

1. The request is contrary to the Land Use Plan
2. The requested use is not compatible with surrounding zoning
3. If approved, it would be considered "spot zoning"

There was discussion relative to the intensity of use in the “B2” zone versus the “B1” zone as well as the lack of infrastructure to support a “B2” use.

Joe Cesta, attorney for Mr. Benza, presented Exhibit A – map of the 1973 Zoning and Exhibit B – the Tax Map of the Benza property.

Mr. Cesta stated that this property was originally zoned “B2” and that Mr. Benza received the post card during the map amendment process and showed up to a zoning meeting to content the rezoning of his property. He then stated that he was assured that his property would be granted the same consideration as the other property owners and the property would not be rezoned to “RU”.

Mr. Cesta stated that if approved, it would not be “spot zoning” as the Board would be correcting a clerical error and restoring the property to existing zoning when he purchased the property.

Mr. Cesta stated that the statement that the “B2” zoning is not compatible with the Land Use Plan merely places the property in the same position it was in when the owner was given the option to remain “B2” and was taken away by clerical error during the public hearing process.

Greg Hopper, adjacent property owner, stated that his home is 30 feet of the property line from the Benza property. He stated that there are no sanitary or storm sewers to deal with the groundwater from a business on the Benza property. He stated there is also not adequate acreage on the .88 acres to construct a septic system.

Mr. Hopper then stated his great concern relative to groundwater contamination. He stated that public water is not available on the portion of Middleboro Road that he lives on and that the only access to water are the two wells on his property that is covered by rocks. He stated that these are shallow wells that could easily become contaminated from fuel, antifreeze or any other contaminates associated with a fueling station.

Mr. Hopper stated that they purposely purchased their property in the country and desire to raise their children in the country.

Mrs. Hopper stated that the adjacent property owner (Mrs. Davis) is also in opposition to the rezoning but could not be present at the public hearing. She then stated that when this property was zoning “B2”, it has an old inn at the location which had no running water. She also stated that the entire corner was zoned business at one time due to a sawmill being located on one corner, and other business locations on the other two corners, which obviously don’t exist today.

There was much discussion relative to both Mr. Benza and Mr. and Mrs. Hopper having valid arguments.

There was discussion relative to Mr. Benza being denied the opportunity that all other property owners were given during the map amendment process that went into effect in 2012.

The Board then explained the site plan review process that would require strict adherence to the rules and regulations of construction including elimination of the possibility of contamination of the neighboring drinking water.

Commissioner Young stated that he is leaning towards granting the rezoning but has major "heartburn" over the issue. He stated that if they try to locate a gas station at this location, the Board will be VERY sensitive to the adjacent property owners.

Commissioners South stated her concern relative to the adjacent property owners as well as the situation the property owner is in relative to having his property rezoned against his wishes. She then reiterated the strict compliance with regulations required through the site plan review process.

There was discussion relative to the fact that just because the property is zoned "B2" does not mean a gas station could be constructed on the site. It was determined that it would be highly unlikely that a gas station could meet the requirements of a site plan review on .88 acres.

Mr. Hopper stated his trust in the representation provided by the Board of Commissioners and their ability to do the right thing and protect his property.

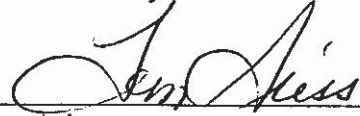
Upon further discussion, the Board resolved (Resolution #14-0968) to approve the rezoning application initiated by the Board of Commissioners on behalf of Joseph Benza, owner of record (Case #2014-03), to rezone approximately .88 acres (Parcel Number 18-18-102-003) located at the west corner of State Route 132 and Middleboro Road intersection in Harlan Township from Rural Residential "RU" to Community Commercial Business "B2".

Upon motion the meeting was adjourned.

Pat Arnold South, President



David G. Young



Tom Ariss

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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 17, 2014, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink that reads "Tina Osborne". The signature is written in a cursive style with a horizontal line underneath the name.

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