

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
February 17, 2009

I. Opening

- A. Roll Call Mr. Gary Salmon
 Mr. Thomas Bevington
 Mr. Alan Daniel
 Mr. Henry W. Philpot
 Ms. Lee Steenken

II. Approval of Minutes

- A. January 13, 2009 meeting
 January 20, 2009 meeting

III. New Business

- A. BZA09-03C Henry Saas
 193 Shadowy Hills Drive
 Oxford, Ohio 45056
- B. BZA09-024V Ray Meyer Sign Company, Inc.
 2449 Ross Millville Road
 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, February 17, 2009, 7:00 p.m.
Butler County Government Services Building
Conference Room 1
315 High Street, 1st Floor
Hamilton, OH 45011

CALL TO ORDER: Mr. Bevington called the meeting to order.

ROLL CALL: Mr. Thomas Bevington
Mr. Alan Daniel
Mr. Henry W. Philpot
Mr. Gary Salmon
Ms. Lee Steenken

MEMBERS ABSENT: None

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

APPROVAL OF MINUTES:

Ms. Steenken motioned to approve the minutes of the January 13, 2009 meeting and the January 20, 2009 meeting. Mr. Salmon seconded the motion subject to minor changes to the January 20, 2009 minutes on page 1 and page 10. Motion carried.

AYES: Steenken, Salmon, Bevington, Philpot, Daniel

NAYES: None

I. NEW BUSINESS

BZA09-03C
Henry Saas
193 Shadowy Hills Drive
Oxford, Ohio 45056

Mr. Henry Saas, 193 Shadowy Hills Drive, Oxford, Ohio 45056, said he has been a photographer since he was a junior in high school and for several years took pictures on a casual basis – for friend’s weddings, senior portraits and things like that and those were done offsite/at other locations. He added that he does not have experience in studio shooting which is something that he wanted to learn.

Mr. Saas said he works full-time at Xavier University and he does not intend to leave that job. Mr. Saas said he believes that six customers would be permitted each day based on the regulations and so his focus would be on weekends.

Mr. Saas said his plans do not include any labs, development and no additional plumbing – it would include setting up a back drop and lights in his living room and using his camera if the customer wants photographs taken at his home (or it may be done elsewhere).

Mr. Saas said he plans to have a website and after photographs are taken; his clients can go to his website to select images they want and order them from the website. Customers will come to the house for the photo shoot and to pick up the photos.

Mr. Saas said this is a part-time job that he would like to take to the next level.

Mr. Saas showed a map of his property and where his driveway is located, indicated how he anticipates his customers will travel in from and where they will park – anticipating that it would be one car at a time and a good portion of his work will be completed at offsite locations and not at his home.

Mr. Saas said he spoke with his neighbors across the street (the Gordon's) about his plans to run a quiet business and he submitted a copy of their letter in favor of his intentions to the Board of Zoning Appeals.

Mr. Saas said he had a discussion with his neighbor on the other side and one of the neighbor's concerns was about having a stream of cars going in and out of the neighborhood. He added that if he had six customers a day on a Saturday would probably be about six hours worth of shooting for him and that would be a lot of work and does not know if he would have that kind of time to devote to it but it is something he would like to do and see what he can do with a studio. He added that people are pleased with his photographs and he would like to do more of it.

Mr. Saas said his street is a thoroughfare for Miami University's foot ball, Miami University trucks, tractors, vans and gators – they come up and down Shadowy Hills Drive an awful lot and said compared to that traffic, his will be pretty quiet.

Mr. Saas said he has hosted a men's group in his home for a year and half, which entailed 4 -6 cars in his drive way each week on Sunday nights, and he never heard a word from his neighbors or neighborhood as a result of those meetings. He added that he and his wife host a book study group and have never heard a complaint; and host another group every other week and he has not heard a single complaint on that either.

Mr. Saas said he did have a question, and asked the Board if they were to deny his request, if he gave his services away and did not require anyone to pay him any money,

could he allow them to enter his home to take pictures in his studio – as it would not be a business – a give away.

Mr. Bevington stated that it would be a hobby.

Mr. Saas said when he and his wife moved in 11 years ago they were educated by a number of neighbors saying that this was a special neighborhood – just a little pocket of houses between the football stadium and Miami University and feels he has been a good neighbor, respects his neighbors and wants to preserve the neighborhood just as much as all of the neighbors do.

Mr. Philpot asked Mr. Saas how long he has lived there.

Mr. Saas replied since August 1999.

Mr. Bevington asked Mr. Saas if he has any cats, big dogs or motorcycles.

Mr. Saas replied no to each.

Mr. Bevington asked if he would photograph whole wedding parties at his home.

Mr. Saas said it depends: he doesn't usually have that kind of space, the studio he has now is 13 1/2" wide and it would be difficult to put them in there – and it would be a rare thing to have a wedding party in there unless it would be a small wedding party and they would be willing to pay the price for that special event. He added that most of the weddings that he has done were all done offsite – except for a few shots taken for a friend while they got ready for the wedding and said it would be unusual for someone to ask to have their wedding pictures taken in a studio.

Mr. Bevington asked Mr. Saas about photo shots of animals.

Mr. Saas said if you brought your favorite dog, and it was really important to you, he would give it a shot and try.

Mr. Bevington asked what about a horse.

Mr. Saas said he would go to the horses' house and take the shot.

Mr. Bevington said he was just trying to cover some little things.

Mr. Salmon asked Mr. Saas if his clients would be individuals or groups of people.

Mr. Saas said that is correct, but if a person asked to have a family portrait done of multiple generations, they might have two or three cars in the drive way depending on where they were coming from.

Mr. Saas said the studio is on the far side of the house and furthest away from any neighbor.

IN FAVOR: Michele Rengert, 5118 S County Road 300 E, Liberty, Indiana, 47353

Ms. Rengert said she is a photographer and has seen Mr. Saas' work and knows the kind of energy it takes to take people's portraits (both individuals and especially groups) and said she has walked in Mr. Saas' formal gardens before and it is normal to have people in the back yard, college students cut through that area and she has taken walks and picnics behind his home – and it is not uncommon that people are out there – and it is important to know this.

IN OPPOSITION: Louise Luce, 169 Shadowy Hills Drive, Oxford, Ohio; Kathy McMahan-Klosterman, 165 Shadowy Hills Drive, Oxford, Ohio

Ms. Luce said she moved to Oxford in the 1970s and lived in the city for 25 years and 14 years on Shadowy Hills Drive, and she is concerned about the kind of changes that can occur once the inroads are made and new activities go on – you can not back up and she had some questions about the quality of life in her neighborhood – would there be increased pedestrian traffic, would there be parking or safety factors for people walking up and down Shadowy Hills Drive. She added that her fear is that if conditional use is approved for Mr. Saas, more businesses will seek the same opportunity in the neighborhood and that is a real concern to her and wants to see that the quality of life is not disturbed by commercial activity. Ms. Luce offered to answer any questions that the Board may have.

Mr. Salmon asked Ms. Luce who in this neighborhood presently would be opening a business – and added that he has lived in Oxford Township for 57 years.

Ms. Luce said folks like this would come in and do that – not current residents but people coming in from the outside.

Mr. Salmon said to Ms. Luce that Mr. Saas is asking to operate a business inside of his house – he is not altering his house or having to remodel it to do this business and wanted to make sure she was aware of that.

Mr. Salmon said he did not feel that someone would purchase a house in that area to run a business that would be not conducive to the area.

Ms. Luce said change is difficult.

Mr. Philpot asked Ms. Luce, if this conditional use was not granted, and Mr. Saas kept his hobby up, did she think it would be much different.

Ms. Luce said no, it would not be much different – but you can't change a neighborhood back.

Mr. Philpot said Ms. Luce has a legitimate concern.

Mr. Daniel asked Ms. Luce if she was aware of Mr. Saas' students coming over the past few years and also the men's groups – was she aware of them.

Ms. Luce said Mr. Saas is a good neighbor but that is not the issue.

Mr. Daniel said he recalls Mr. Saas stating it is a thoroughfare for a lot of different people.

Ms. Luce said yes, it really is – it is very, very busy.

Mr. Bevington asked Mr. Saas if he has a fence up to keep people walking off of your property that are cutting through.

Mr. Saas said no, and that when he moved there one of the things the neighbors enjoyed was the openness and he had thought about putting up a fence because it would be easier to contain his dog but opted for an underground fence with a collar instead because it was less intrusive and kept the natural look. He added that his neighbors might get upset if he were to do that.

Ms. McMahon-Klosterman said she feels the proposal sounds relatively harmless and might not make a significant impact on the neighborhood but her concern is that when people want to change the rules of zoning – it makes her question, why were they there in the first place and to what purpose would they be changed. She feels what happened in Oxford is when we begin to make some of those changes there is a domino effect and when one person gets a variance then others seem to think they should have the same privilege as well and it changes the climate of the area and she is concerned about the commercial potential, which is not what the zoning is. She asked, do we adhere to zoning regulations or do we change them.

Ms. Steenken asked Ms. McMahon- Klosterman if she was aware that they are not reviewing a variance here – this is about an allowable conditional use and there is quite a difference. This is not changing the rules in any respect and Mr. Saas is not asking for a variance, he is asking for permission to conduct a use that is allowed with conditions.

Mr. Salmon said there would not be changes to the zoning and the zoning would remain the same – and that it would be very difficult to get the zoning to be changed.

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is here to request permission to operate a home occupation photography studio. Mr. Fox said staff comments are as follows:

1. The property is zoned R-2 Residential.
2. This use is a conditional use requiring Board approval and shall meet the following requirements. The staff will recommend approval with the following conditions:
 - A. All home occupations shall be carried on completely within the residence and shall occupy a maximum of one quarter (1/4) of one floor of the residence.
 - B. Home occupations shall not require any alteration to the exterior of the residence in a residential dwelling.
 - C. Home occupations shall not require use of any mechanical equipment not customarily used in a residential dwelling.
 - D. Home occupations shall be carried on solely by occupants of the residence but may employ no more than one (1) non-resident of the dwelling.
 - E. Accessory buildings shall not be used as space for home occupations.
 - F. One (1) sign no larger than one (1) foot square shall be permitted, provided that it is attached flat against the building.
 - G. All uses, customers, clients, drop-off or pick-up activities shall be conducted between 7:30 A.M. and 9:00 P.M., local time.
 - H. No more than six (6) customers or clients may be brought into the premises daily for the purpose of conducting business.
 - I. No more than five (5) drop-off or pick-up deliveries are allowed on a daily basis.

Mr. Daniel asked Mr. Saas if this request is approved does he intend to put a sign up.

Mr. Saas said no.

Mr. Philpot asked Mr. Saas if he plans on having a non-resident employee.

Mr. Saas said worst case/best case scenario – that he is so successful that he can't do it – he could hire a part-time employee.

Mr. Salmon made a motion to approve BZA09-03C subject to the Staff Conditions stated in the staff report. Mr. Philpot seconded the motion. Motion carried.

AYES: Salmon, Philpot, Daniel, Steenken, Bevington

NAYES: None

BZA09-04V

Ray Meyer Sign Company, Inc.
2449 Ross Millville Road
Hamilton, Ohio 45013

Mr. Brad Blades, 11056 Saint Marys Road, Brookville, Indiana, 47012, said he is the facility Manager for Ray Meyer Sign Company of (inaudible) and we are asking for a variance because one of our tenants (inaudible) authorization and they, along with the current partners, would like to remove the current road sign, which is four-foot by eight-foot, that reads, "Ross Medical Center" on it – the letters on it are not very tall – maybe five or six inches in height – the address is a couple of inches tall.

Mr. Blades said they are asking for a variance to a sign the overall height – the first sign would be out by the roadside in the area replacing the current sign that we have – the overall height is 96 inches which exceeds the allowable height for the current ground sign.

Mr. Blades said they are also asking for two onsite directional signs that are going to exceed the number of signs for the permit.

Mr. Blades said if you drive by at 55 miles per hour there on Route 27, you can not see the sign unless you are looking for it and it is not illuminated. He added that he would like to illuminate the new sign highlighting the anchor services provided there – with simple construction to provide better visibility to the community as they drive by and they know what is there.

Mr. Blades said the purpose of the direction sign would be at the first entrance/main entrance and he showed exhibits of Ross Urgent Care and then have an arrow for the pharmacy which is at the other end of the building and then as you proceed on down towards the south part of the building there would be another directional sign and both would be inside the existing flower beds – non-illuminated and simply stated, Pharmacy is within ... there is Physician Medical Care and then you would have to go back to the Urgent Care and then back for Out Patient Services.

Mr. Blades said it is a 55,000 square foot facility and a couple of years old – with about 80% - 85% occupancy rate right now with the biggest tenant being McCullough-Hyde Hospital, and there is also a pharmacy in there and other additional groups providing services to the community and a 16,000 square foot conference center which is under construction, that we will donate time to nonprofit organizations in the communities.

Mr. Blades said they are offering services to the community and public in the health care industry in a professional design and are asking for a variance to allow to do that and be more flexible so that we can get noticed from people passing by.

Mr. Bevington asked Mr. Blades how many physician offices there are in there.

Mr. Blades said the hospital has three physician clinics, and an independent (inaudible) physician – so a total of four. He added that the hospital has its registration for the Urgent Care which is a separate suite – John (Mr. John Sherron) here is a representative of the hospital and he can give you more information about the facility or services provided.

Mr. Blades said there is an independent pharmacy at the other end with a drive-through.

Mr. Bevington said to Mr. Blades if what he is proposing is the Ross Urgent Care, McCullough-Hyde Outpatient Services, Spring Hill Pharmacy and then its says physician offices – and asked Mr. Blades if he will list each physician or just “Physician Offices” period.

Mr. Blades replied, “Physician Offices” because they will have a directory at the main entrance with a list of the physicians.

Mr. Daniel asked what area the patients will come from.

Mr. Blades said patients come from all over – West Chester, Colerain, Brookville, Oxford, Hamilton and Harrison, Ohio – so there are a lot of people that are familiar with the area but if you don’t tell them you are located next to the farm coming up Route 27 – they have to come back around on route 27.

Mr. Bevington commented that the farm is no longer there.

Mr. Blades said they changed their name.

Ms. Steenken asked Mr. Blades, concerning the sign, on the diagrams she sees an eight-foot tall sign and asked if that is on top of a post or where is the ground level?

Mr. Blades responded and showed it to be at the ground level.

Ms. Steenken said, so it’s not on a pillar.

Mr. Blades said it is ground level and it would have a PVC post in the ground as support that would come up on the inside. Mr. Blades said he brought current copies of the current sign that will be removed if anyone would like to see it.

Mr. Philpot asked if the sign is already six and half feet high.

Mr. Blades replied four-feet and by Zoning allowance we are about four-feet by eight-feet for that property – we are on five acres and it is 55,000 square feet and since we have multiple tenants in there with multiple services...

Mr. Bevington asked if the existing sign is illuminated by ground lights.

Mr. Blades said no, there is no illumination at all.

Mr. Bevington said but the proposed sign would be illuminated.

Mr. Blades said yes, the illumination for the new sign would occur in the top portion of it (“Ross Medical Center – 2449 Ross Millville”) and then the area for “Ross Urgent Care” would be illuminated as well underneath that would not be illuminated.

Mr. Salmon asked Mr. Blades if people coming to the facility have said they had difficulty in locating it.

Mr. Blades said, believe it or not, there’s a lot of people who said had they known these types of services were provided in there they would have used the services more frequently – and because the sign that is there now is not very big so without illumination it is very easy to pass right by it and have to turn around and then that is a traffic hazard.

Ms. Steenken noted that the current sign is 17 ½ feet from the right-of-way and if the allowance is ten feet then Mr. Blades could place it seven feet closer.

Mr. Blades replied, yes but because of the utilities in the general area it makes it more feasible to put it where the existing sign is located, or that general area – we may move it to the left or the right.

Mr. Salmon asked Mr. Blades what would be his alternative plan if this request were denied.

Mr. Blades said it’s going to miss the services offered in the building and a lot of people don’t know what is there – and it is critical to our tenants.

Mr. Daniel asked to see the old sign.

Mr. Blades showed him.

Mr. Daniel said Mr. Blades knows the rules of the game presently and asked if he had any designer try and design something fitting this square footage.

Mr. Blades said its fifty and the letters are going to be very small – and it is very difficult to see that now when you are traveling 55 miles per hour down the road.

Mr. Daniel said it might help to have referrals could say “look for the Ross Medical Center sign on U.S. Route 27.”

Mr. Blades commented that it is not on a referral basis.

Mr. Daniel said he realizes that and that is a valid point – people who need urgent care need on-the-spot service, but the rest are more than likely are to have referrals also – so the only one to miss the boat would be those looking for quick service/urgent care.

Mr. Blades said this is a new segment for the hospital so the hospital is trying to get passing by traffic and get word-of-mouth built up and what not.

Mr. Daniel asked Mr. Blades if there are rescues going in there.

Mr. Blades replied no.
No other questions For Mr. Blades.

IN FAVOR: John Sherron, 3122 Calusa Drive, Hamilton, Ohio 45011

Mr. Sherron said he is the Hospital Engineer for McCullough-Hyde and said he would like to make sure that the Board of Zoning Appeals understands what services they do have at this facility. As Mr. Blades mentioned, we are only a tenant at this facility but we are the largest tenant and we have quite a few services there: physical therapy, operation, gymnasium, laboratory services, x-ray, MRI, CT that has not yet opened (will open next month) and we have an ambulatory surgery facility and pain management services there and could in the future do some other minor surgical procedures with conscience sedation and we also have some offices where physicians can have as much time as they want in their offices and have some specialists that can see patients in this facility as well. The main one is the urgent care and that is the most important in their eyes relative to the sign so the people who need urgent care can get it there, and will be open from later in the evening until 8 and then on weekends as well so it will be supported by the x-ray, the MRI, CT scan and staffed by physicians so it will be a fairly robust urgent care facility. He added that they want to make sure that patients needing urgent care do not drive right by it but in fact can find it easily.

Mr. Bevington asked if there is always a physician trained in emergency medicine in case there was a wreck close by, so if squad had something that they really needed help in hurry...

Mr. Blade said it is not an emergency department and a squad should not bring patients there – it is for urgent care and we will have very capable staff but that is not the place to take a hear attack or a wreck – they would go to an emergency or trauma center and similarly, if they have a heart attack in there, they will most likely try to stabilize them and have a squad take them to a hospital, even though the physicians are quite capable.

No other questions to Mr. Sherron.

IN OPPOSITION: Thomas Wilsey, 3421 New London Road, Ross Township, Ohio

Mr. Wilsey said he is a Ross Township Trustee and said we are thrilled to have you guys in our community.

Mr. Wilsey said throughout the whole process we have worked with the developers and some of the people, we actually moved it from the original site to the site that it is on because we could not get the zoning changed because is it spot zoning and so we have worked with them and tried to secure water lines and electric, and Route 27 widening, and we have worked through the whole thing and it escapes him why they would not come to us for a sign variance – and he has yet to see this sign.

Mr. Daniel asked Mr. Wilsey if they have not come before the Township.

Mr. Wilsey replied and said there has been no mention – the first notice he got was a notice we got at our meeting which would have been last... (inaudible) and we have not seen this.

Mr. Wilsey said his concerns are not with what they are doing or how it will look, his concerns are with Route 27 or with the animal shelter across the street, or with Byrnes' farm – that says, "look at the medical center" they have this huge sign and they list all of their doctors and services – so why don't we do the same thing". He added he understands their concerns and why they want it – but they must understand the Township's concerns – we have a codified sign in the Zoning Code and that was put in there for a reason – so that we would not have sign pollution and so everything would be uniform within our Township.

Mr. Wilsey said he knows sitting on this Board, that there have been many sign requests to increase the size of sign and we have been opposed to every one of them and for that reason – he would have loved to have the opportunity to sit down with them and make suggestions and work together and maybe come up with something that would fit both of our needs – but that was not the case. We have not been notified or told about this and just from the stand point of being a Ross Township Trustee and knowing that this is not going to be the last sign request he gets, we are going to have to (inaudible) and only from the standpoint that it just does not fit in Ross Township – it would be one-of-a-kind.

Mr. Daniel said perhaps if the applicant had sat down with the Township perhaps something could have been worked out and maybe it is still possible – and asked if the Township Trustees would sit down with them.

Mr. Blades said they had no clue that that was even part of the deal and thought they had followed procedure and his only experience with signs is with the City of Oxford where you go to the Board of Zoning Appeals and if you have something that is different from the Zoning rule, then they do their thing and present it at this council and he had no idea what the procedure was except that if they had something that did not fit the Zoning rules then they went before the Board of Zoning Appeals – and he apologized.

Mr. Wilsey said we rarely come to these meetings unless we have a problem with what is going on and normally they do not oppose a lot of the appeals but when we are not notified – and the first thing we got was a notice and we did not even know where the

sign was going to be. We called Mr. Fox's office to find out where the sign was going to be – and then we thought they would contact us. He added that normally when they come up here they are not hard to get along with in Ross Township but we could have worked something out and probably been on your side and appealed to them to make some revisions to the sign but without that opportunity of never seeing what they are opposing we have no way to but to oppose this thing. He said he is speaking for himself and not for the other two Trustees, although they all three do oppose this.

Mr. Wilsey said possibly if the applicant were to table this, and we could sit down and talk about it and maybe come to some common ground – and he is not saying that they would be willing to do that, but he knows that the applicant hit them with something cold and they have no other way to go but to oppose this and it is not opposing what the applicant is trying to do, it is opposing what we know what we will get hit with in the future.

Mr. Blades apologized to Mr. Wilsey.

Mr. Fox stated for the record, the applicant is not required to go to the Township – he can move forward on this – and in his letter of application it did not state that he had to go get approval from the Township first.

Mr. Fox said the County enforces the code for the Township and the County sends the Township a notification and if they have any issues they usually call him – which they did, and he wanted to make it clear to the applicant that it is not a requirement of the code that an applicant go to each individual Township.

Mr. Wilsey said he feels that normally the Township carries some weight with this Board normally because they speak for the entire Township and with that said, without us being involved or knowing what is going on, it is very difficult for us to do but oppose something that is contrary to the zoning code – and normally when we have variances the owners will come and tell us what they want to do and we try to get to the bottom of it but this is kind of over the top – we can't not oppose it or we would be remiss in doing our job.

Mr. Blades asked what the deadline is for next month's meeting.

Mr. Fox told Mr. Blades that if he asks this Board to table this and they grant him it being tabled, he would come back to the next month's hearing and there be no charge or other fees or applications – just come back the third Tuesday which is March 17 at 7:00pm. and Mr. Blades would be first item on the agenda.

Mr. Wilsey stated that they have a meeting tomorrow night but normally they meet on the first and third Thursday of the month and told Mr. Blades he can contact any of the Township Trustees and would be glad to sit and talk to him about it or he can come to one of their meetings but he would suggest that Mr. Blades submit information prior to them discussing it so they can review it in advance.

Mr. Fox asked the applicant if they can get it done in a month between the two of them – between now and the next meeting.

Mr. Wilsey said they will have two meetings between now and then – he did not feel Mr. Blades would be prepared for the one tomorrow but there is one on March 2 and that would give Mr. Blades a couple of weeks to prepare.

Mr. Blades said it is not in their interest to have the Board vote on this tonight nor to run head long into the Township Trustees so he requested that this be tabled tonight so they can have a chance to explain to the Ross Township Trustees and then come back next month.

Mr. Bevington said to Mr. Blades, he had said the Township worked with them all the way up through everything to get it all lined up until the sign and you guys worked pretty well.

Mr. Wilsey said they were even there for the dedication and ribbon-cutting ceremony.

Mr. Wilsey said they still want to work with the applicant – but the applicant has to work with them also.

Mr. Blades said he is new and started in October of 2007 and apologized.

Mr. Wilsey said there is no apology necessary – we just want to sit down and see it and quite frankly he is the only one that has looked at it.

Mr. Blades said he would be happy to be there.

Mr. Wilsey said if Mr. Blades could get some of his ideas to them prior to the meeting that would be great.

Mr. Salmon motioned to table BZA09-04V until the March meeting. Mr. Daniel seconded the motion. Motion carried.

AYES: Salmon, Daniel, Steenken, Philpot, Bevington

NAYES: None

ADJOURNMENT:

A motion was made by Mr. Salmon, seconded by Ms. Steenken to adjourn. All in favor, motion carried.

These Minutes represent a summary of the proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape by James M. Fox under supervision of the Secretary and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting such same and must be prepaid.

Hamilton, Ohio

February 17, 2009

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf