

AGENDA
BUTLER COUNTY BOARD OF ZONING APPEALS
BUTLER COUNTY ADMINISTRATION CENTER
130 HIGH STREET
HAMILTON, OHIO 45011
June 16, 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. May 18, 2009

III. New Business

- A. BZA09-09V Tracy Brooks
 8001 Hinkle Road
 Middletown, Ohio 45042
- B. BZA09-10V Justin Baker
 2101 Hamilton Richmond Road
 Hamilton, Ohio 45013

IV. Adjournment

REGULAR MEETING: Tuesday, June 16, 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:

Mr. Salmon motioned to approve the minutes of the May 18, 2009 meeting subject to a correction on page 11. Ms. Steenken seconded. Motion carried.

AYES: Salmon, Steenken, Daniel, Philpot, Bevington

NAYES: None

I. NEW BUSINESS

BZA09-09V

Tracy Brooks
8001 Hinkle Road
Middletown, Ohio 45042

Ms. Tracy Brooks said she would like to put a small pole barn on her property because she has run out of room in her small garage. She said she has a couple of four-wheelers and has inherited tool boxes and things from her father since he passed away and she

does not have any room to store it and said it would be nice to have room to store her garden supplies and put her truck under it in the winter because of the snow.

Ms. Brooks said one corner is a little too close to the road and it is out in the country and they really don't have much traffic out there and all of her neighbors are good friends and they do not mind and they may store things in it themselves.

Ms. Brooks presented the Board with some photographs of her property (including a picture of the existing garage and a picture of where the proposed barn will be built) and said she does not have much of a back yard because the creek is right along the edge of her property line so she has a very big front yard and two side yards but a very small back yard and one side of the yard is where all of her flower beds are located and the other side has a fire pit and is not utilized for anything at the moment and a little barn would be really nice to store some extra things and to clean her garage out and use it as a garage, like hanging tools and things.

Ms. Brooks said she got a lot of things from her dad, who was a woodworker/carpenter and said she will eventually use those things but does not have the place to put them.

Mr. Fox said he was at the property and asked Ms. Brooks if she planned on saving those two trees and straddle the barn between the two trees.

Ms. Brooks said no trees are coming down – she wants to keep all of them.

Mr. Fox said that is another reason why she can not go close to the house in order to save that nice-sized tree.

Ms. Brooks said she likes the trees and they provide good shade.

Mr. Fox asked Ms. Brooks if he could keep the photographs for the record.

Ms. Brooks replied yes.

Ms. Steenken made a motion to accept the photographs for the record. Mr. Salmon seconded the motion. Motion carried.

AYES: Steenken, Salmon, Daniel, Philpot, Bevington

NAYES: None

Ms. Steenken asked Ms. Brooks if there will be electricity to this (barn).

Ms. Brooks said maybe in future years, but not right now.

Ms. Steenken asked if anyone would be living in this structure or if Ms. Brooks intended to run a business out of this.

Ms. Brooks replied no to both and said it is just for storage.

Mr. Bevington asked Ms. Brooks about water.

Ms. Brooks said no, if she needs water she will drag a garden hose over and does not need water there.

Mr. Salmon asked Ms. Brooks if she is going to have this built, or build it herself.

Ms. Brooks said Mr. Brandenburg is her builder.

Mr. Jeff Brandenburg, 11816 State Route 725, Germantown, Ohio, was sworn in, in the event he needed to address the Board of Zoning Appeals.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

STAFF COMMENTS:

Mr. Fox said the applicant is requesting approval to build an accessory structure closer to the front property line closer than zoning allows. Mr. Fox stated staff comments as follows:

1. The property is zoned A-1 Agricultural.
2. This area is rural in character.
3. The applicant is seeking a variance, said applicant shall be required to establish to the Board, proof by a preponderance of the evidence that an unnecessary hardship will prevail unless the variance is granted.
4. The spirit and intent of the zoning resolution is not to allow this type of activity from an agricultural district, but since this will not change the character of the area and that a hardship exists with the property, the staff will recommend approval with the following condition: waive the ten-day waiting period for the permit.

Mr. Fox said the applicant has already applied for the permit.

Ms. Steenken made a motion to approve BZA09-09V to build an accessory structure closer to the front property line than zoning allows and the ten-day waiting period be waived. Mr. Daniel seconded the motion. Motion carried.

AYES: Steenken, Daniel, Salmon, Philpot, Bevington

NAYES: None

BZA09-10V

Justin Baker

2101 Hamilton Richmond Road

Hamilton, Ohio 45013

Mr. Justin Baker, 9149 Wintergreen Drive, West Chester, Ohio, said he owns property at 2101 Hamilton Richmond Road and owns a landscaping business and is here to request a variance. He said he actually runs the office portion of the business out of his house and uses this property for storage of equipment and has two dump trucks, two trailers and another truck.

Mr. Baker said he bought the property a couple of years ago from his father's friend, Mr. Carl Schwab, and it was next to "Ken's Carry-out" which was a grocery store and Mr. Schwab was a lawnmower repair man and Mr. Schwab worked on his lawnmowers when he was younger.

Mr. Baker said when Mr. Schwab passed away he purchased the property from Mr. Schwab's son thinking that it would be a good place to store his equipment and have a grass cutting business and was unaware of the zoning issues – and if he had gone up there right way he believes there was some sort of grandfather clause or something and did not really know about that until he got letters from the Zoning Board stating that he should not run a business out of there.

Mr. Baker presented a drawing of the property and said he is requesting a variance for the highlighted (yellow) area to park a couple of trucks and trailers there. There are two barns and a lean-to on the property right now which are all included in the highlighted area. The area behind that is the back field which will remain vacant except for some firewood there now.

Mr. Philpot asked Mr. Baker how far is he from George's Septic.

Mr. Baker said George's Septic is right next to him and Mr. Baker actually owns the lot between his house and George's house.

Mr. Philpot asked if George leaves his trucks there at night.

Mr. Baker said he was not sure about that because he is not there when George comes home in the evenings, but George does have a black dually truck that he leaves parked outside over night.

Mr. Daniel asked Mr. Baker what his hours are.

Mr. Baker said they usually start around 8:00a.m. and are usually done around 4:00p.m. or 5:00p.m., a couple times a year they may work later till 7:00 – 8:00 p.m. but that is pretty rare and usually during the busy seasons (early spring and late fall).

Mr. Daniel asked Mr. Baker how many employees he has, including himself.

Mr. Baker said he and two other people.

Mr. Philpot asked Mr. Baker if the employees park on the property and leave their cars there.

Mr. Baker replied yes and showed where they park on his drawing.

Mr. Salmon asked Mr. Baker if he does snow removal as well and is the snow removal equipment stored on the property.

Mr. Baker said yes, the plows are, but typically before the snow arrives the trucks are usually at the sites and a lot of his business is in Fairfield, Forest Park and West Chester, so if there is an upcoming storm they usually get the stuff there and get it out.

Mr. Daniel asked Mr. Baker if he does any selling.

Mr. Baker said he does no retailing. He does get bulk mulch delivered but that is strictly used for mulching services to his customers each year and also uses it at his house and his father's house but he does not have any signs or any retail operations.

Mr. Salmon asked Mr. Baker if the house is rented out.

Mr. Baker said yes it is.

Mr. Daniel asked Mr. Baker if he has talked with his neighbors.

Mr. Baker said yes, he has. Jeff Pierson across the street, Steve Tanner (Butler County Sheriff and who does a little grass cutting on the side) and George's Septic is on the right side of him and the Grimm's are on the left side of him.

Mr. Fox said that the Grimm's are here tonight.

Mr. Bevington said Mr. Baker stated most of his work is in Fairfield, and West Chester and in that area, and then asked Mr. Baker why he would want to put all of his equipment on the other side of the county.

Mr. Baker said his wife works at the Post Office in West Chester and wanted to live out there and his father watches their children (and he lives on South Washington Boulevard), and his employees live in Hamilton so it's pretty convenient for everyone.

Mr. Bevington asked Mr. Baker how long he has had that property.

Mr. Baker said he believes since 2005.

Mr. Fox asked Mr. Baker, relative to the drawing he submitted, if the highlighted area is his whole property or does it extend all the way down.

Mr. Baker outlined where his property is, where the fence is and showed where the back barn and lean-to is located and where he parks his equipment. He explained that he does not want to keep stuff in the whole field, just the sixty feet right there.

Mr. Fox asked what the distance is – how far is the highlighted area.

Mr. Baker replied roughly 65 – 75 feet.

Mr. Fox asked Mr. Baker, if the Board wishes to approve this variance, would he be willing to put up a privacy fence down the one property line, across the back, and then put in some nice evergreen plants on the other side – if the Board were to approve it.

Mr. Butler said yes, but he would want to move it back closer to the edge of the property line – if he put a row of trees and a fence there (pointed on drawing) then he could not cut the grass.

Mr. Fox said, if this gets approved, he would allow Mr. Baker access to get back to his acreage but he would need to screen this from the adjoining property owners as it might be viewed as unsightly and from staff's standpoint, he would recommend some sort of fencing, landscape effort to try and shield adjoining property owners from what he is doing out there.

Mr. Baker said this whole fence line (pointed to on map) is overgrown with 14 – 18-foot trees so you can not see in his backyard there.

Mr. Baker said the only open area is the 125-foot section in the back where his property meets up with the Grimm property and he would be more than happy to put a six – or eight-foot privacy fence, whatever they want, - pine trees, whatever, if that is their only complaint that it is unsightly to potential buyers or whatever, but he does not think it would do much good to put the trees up here because he would still have to get through there.

Mr. Fox said to keep in mind that Mr. Baker's property is the whole drawing area – not just the highlighted area.

Mr. Daniel asked if Mr. Baker is only using the highlighted area.

Mr. Fox replied that is correct.

Mr. Salmon asked Mr. Baker if the fence is just across the front presently and are there just trees on the sides.

Mr. Baker said yes, the fence is what makes his backyard, the front is the fence, the right side is a whole, overgrown tree-lined 18- to 20-foot and the only place you can see into his backyard is the 120-feet across the back.

Mr. Daniel asked if the 265 feet is the total distance or is it the distance where the highlighted area starts.

Mr. Baker said that is from the fence to the back of the property, so basically the commercial area is 65 to 75 feet, so there is still another 200 feet behind the commercial property until his property line meets the Grimm's property.

Ms. Steenken asked Mr. Baker where he currently stores his things, like the mulch.

Mr. Baker said in this area here (pointed to on the map) in the corner.

Ms. Steenken asked Mr. Baker if it is in a graveled area.

Mr. Baker replied yes it is graveled back to where the yellow area ends because it stays so wet due to drainage in the area.

Ms. Steenken asked Mr. Baker; if it stays wet all of the time, does that preclude him from doing anything with that back area.

Mr. Baker said no, you can get a lawnmower on it but when he parks his trucks it would sink in (having no gravel) and currently he mows that area but could plant trees or something – more of an open yard area.

Mr. Salmon asked if there are two barns on the property in the drawing.

Mr. Baker said that is actually a lean-to that connects to the barn and there are actually three barns on the property: one in front of the fence, one behind the fence, and then a make shift lean-to on the back barn.

Mr. Salmon asked Mr. Baker how much of his equipment is stored in the barns.

Mr. Baker said he stores everything in there except for the trucks and trailers.

Mr. Salmon asked Mr. Baker how many trucks and trailers does he has.

Mr. Baker said there are two dump trucks and three trailers.

Mr. Philpot asked Mr. Baker if he also has mowing equipment.

Mr. Baker said yes, there is a dump trailer and a trailer for the mowing equipment.

Mr. Bevington asked Mr. Baker if there was a pond there.

Mr. Baker said there still is a pond on the left side of his property which is owned by the church. He added that the Grimm's own the lot between his house and their house, which is three acres and was previously Ken's Carry-Out grocery store and believes it was commercially-zoned or whatever zoning allowed for a grocery store.

Mr. Bevington said it had a gasoline pump and a kerosene pump.

Mr. Baker said there was a fire.

Ms. Steenken asked if that structure is no longer there.

Mr. Baker said that was not on his property – it's actually on the Grimm's property.

Mr. Bevington asked Mr. Baker if he plans on having water in the barns.

Mr. Baker said no, there is electric to the front barn, but no sewerage or water except to the house.

Mr. Philpot asked Mr. Baker to point out where Grimm's property is.

Mr. Baker pointed to where their house is and said they own three acres here and two acres there and three acres where their house is.

Mr. Fox told the Board that there is a letter from the Township that was given to each Board member stating (and he told the Hanover Township Trustees he would put this on for the record) that they do not have any issues with what Mr. Baker is proposing so long as he can meet five conditions that the Township Trustees would like for him to consider, if the Board decides to approve this variance.

IN FAVOR: None

IN OPPOSITION: James Grimm, 2115 Hamilton Richmond Road, Hamilton, Ohio;
Diane Grimm, 2115 Hamilton Richmond Road, Hamilton, Ohio

Mr. Grimm said he and his wife, Diane, bought their property in 1996 and are current owners of a four-bedroom, 2 baths, Cape Cod home on approximately eight acres and they have three outbuildings and the value is currently pushing around \$300,000.00.

Mr. Grimm said he did know the previous owner of Mr. Baker's property, George Schwab. He added that Mr. Baker mentioned that Mr. Schwab had a business there and that Mr. Schwab was a retired farmer and knew it was his hobby, and feels there is no evidence to support the claim there was a business there.

Mr. Grimm said the current business is in violation of an R-1 (Residential) District and puts quite a burden on the land, currently there is a lot of debris there, there are a lot of vehicles – a large dump truck, a small dump truck, a bobcat, there are trailers, landscaping stone and building materials, a plow and he feels it is adversely affecting his property values.

Mr. Grimm said Mr. Baker's business is not really incidental – it is the property now. Ken's Carry-Out was on the Grimm's his property prior to 1996 and it was discontinued. It did have some pumps there and the EPA had an action against that property owner to remove all of the pumps there and the business was shut down and ceased and is no longer grandfathered so there is no longer a business being run on the property.

Mr. Grimm presented the Board with some pictures of Mr. Baker's property from their vantage to share.

Mr. Fox asked Mr. Grimm if he could keep the photographs for the record.

Mr. Grimm said yes.

Mr. Grimm said there is a slight farm fence in the back yard which he put up initially when the people first moved in, it may have been "renters", they were driving some four-wheelers on the property so he asked Mr. Baker to see if he could stop that.

Mr. Grimm said he ended up putting up the fence to prevent any further encroachment and when you look through that fence that is the property that you are seeing.

Mr. Grimm said he would like to dispute Mr. Baker's statement that there is no equipment back there and that most of it is under wraps - most of it is external.

Mr. Salmon looked at Mr. Grimm's pictures and asked about his fence and asked if there was another one in between

Mr. Grimm said it's approximately 4 feet high.

Mr. Salmon said he was trying to figure where the trailer was sitting at on the property and asked if the fence is on the property line.

Mr. Grimm replied yes.

Mr. Grimm said some of the equipment may have been moved, not every photograph is up-to-date (and taken over a period of time).

Mr. Philpot asked Mr. Grimm if Mr. Baker cuts and splits wood there.

Mr. Grimm said there is a fairly large woodpile (as noted in his photographs) and has seen it cut and dumped but has not seen it split.

Mr. Philpot asked Mr. Grimm if the wood is just dumped and left there, or does someone come and take it away.

Mr. Grimm said sometimes it is removed but he does not get the opportunity to see it all the time.

Mr. Philpot asked Mr. Grimm if he had attended and voiced his opinion at the Township Trustee's meeting.

Mr. Grimm said he was not aware of the meeting.

Mr. Bevington stated that all Township Trustees' meetings are open to the public, unless they have an executive session, and believes they are held on the second Wednesday at 7:00.p.m.each month.

Mr. Philpot asked if they post their agendas.

Mr. Bevington said sometimes they do.

Mr. Daniel said they are not required to by law.

Mr. Bevington asked Mr. Baker who is "Cremean's Construction" (name on the side of a truck identified in one of Mr. Grimm's pictures of Mr. Baker's property).

Mr. Baker said it is a friend of his – the friend's truck was in his backyard some time ago and it has since been removed.

Mr. Grimm stated for the record that the truck is still there.

Mr. Bevington asked Mr. Baker how many Bobcats he has.

Mr. Baker replied one.

Mr. Bevington asked Mr. Baker if he has any small dozers or loaders.

Mr. Baker said no sir, just lawnmowers and a Bobcat.

Mr. Daniel asked Mr. Baker how many unlicensed trailers does he own.

Mr. Baker said none.

Ms. Steenken asked Mr. Grimm to point out the location of his home.

Mr. Grimm said his property bounds the entire northwest and probably northeast corner of the property and pointed to where his house is located on the drawing.

Ms. Steenken asked Mr. Grimm if there is an elevation difference between the location of his house and the rest of the property.

Mr. Grimm said yes, the house sits up on a slight knoll and is a continual kind of rising in the property.

Mr. Bevington asked if all of the trailers are his.

Mr. Baker replied yes – one is for the Bobcat and one is for the lawnmower one is a dump trailer.

Mr. Grimm said he reviewed the letter from the Hanover Township Trustees and their comments and respectfully feels the trustees probably did not get an opportunity to survey the property and does not think they would have written these comments if they had went out there and asked that the Board of Zoning Appeals take this into consideration and based on what you have seen, he asks the Board to deny this request.

Mr. Bevington asked Mr. Grimm how old the pictures are.

Mr. Grimm said the pictures were taken over several months and some as recent as this past weekend and added that the Cremean's dump truck, the large truck that brings in the wood, the woodpiles, the stone and mulch piles are still there – so it is a full operation.

Mr. Salmon asked Mr. Grimm to indicate which pictures were taken this past week end.

Mr. Grimm responded.

Ms. Steenken asked Mr. Baker what becomes of the stumps and brush piles.

Mr. Baker replied it becomes firewood for his wood-burning stove and his parents also have a wood-burning fireplace and he also has a log splitter in that area and will split the wood in the summer and let it season and uses about 60% - 70% of the wood himself and share the rest with family.

Mr. Daniel asked Mr. Grimm if he has ever complained before to anyone about this and who did you go to.

Mr. Grimm replied yes he went to Mr. Fox and Mr. Balsinger this year.

Mr. Fox said basically Mr. Grimm contacted us this year and we are in court proceedings right now, there is a court hearing in July on this in front of one of the judges.

Ms. Steenken asked Mr. Fox how that will impact what decision the Board makes tonight, or does it.

Mr. Fox said it does not impact the decision tonight at all if it is denied, and is not sure what Mr. Baker and his attorney will do knowing that we have testimony that he is running a business. If it is approved, unless the Baker's appeal it, we would see where that would go, we would withdraw the case.

Mr. Daniel said he would have liked to have known about this ahead of time if this is in litigation.

Mr. Fox said they have not had their first court date.

Mr. Daniel said it is in litigation then just hasn't gone to trial.

Ms. Steenken made a motion to accept the photographs submitted by Mr. Grimm into the record. Mr. Philpot seconded the motion. Motion carried.

AYES: Steenken, Philpot, Salmon, Daniel, Bevington

NAYES: None

Mr. Fox addressed Mr. Daniel and said the reason why they are here tonight: we had a meeting set up with Mr. Grimm, Mr. Baker, Mr. Baker's attorney, Mr. Roger Gates (Butler County Prosecutors Office) and himself to avoid using up court time on zoning issues and if there are other avenues that Mr. Baker can take to potentially get things like this approved, at our meeting we suggested that Mr. Baker go before the Zoning Board of Appeals to request a variance to be able to operate his business. At no time did we tell him that this would automatically be approved and Mr. Baker knew that going in, but we were trying to make it easier on Mr. Baker and the courts with this and come to some quicker resolution.

Mr. Fox said the paperwork was filed with the courts quite a while ago and we are waiting for hearing dates to be scheduled, so at the recommendation of the Prosecutor's office we suggested going for the use variance.

Mr. Grimm thanked the Board for their time.

Ms. Diane Grimm, 2105 Hamilton Richmond Road, Hamilton, Ohio. said that she is a seven-year real estate agent and well aware of how zoning issues work and knows they have been as neighborly as they could with what was going on at the time with this property and it just got to the point where she is trying to get their property ready for sale which has become a huge issue.

Ms. Grimm said she spoke with Mr. Fox (within the past two year-range) on a few other issues regarding Mr. Baker's property and they addressed the issue, things got busy and she went to Florida for a few months and got back and things just got pushed back further and they were taken back how this popped back up with this variance meeting being slipped in to what he told us would be addressed by the courts through the Zoning Board because they did not personally want to create such a struggle with our neighbors and they took it over, and the business was in violation and assured her it would go forward with proceedings through the County and this popped up and we were surprised.

Mr. Fox said, for the record, we are in the court process, and we did have a meeting and Mr. Grimm was supposed to attend and we would have shared that with him. He added that he believes that he even called Mr. Grimm the day after the meeting to let him know that Mr. Baker may be looking for a variance so he feels there was plenty of time to let the Grimm's know this was going to happen – and this meeting did not just “pop” up as Ms. Grimm has stated – the Grimm's have known about this for about 1 ½ to 2 months.

Mr. Fox said he believes, but does not know for a fact, that he called Mr. Grimm at work and told him that we had a meeting, but Mr. Grimm could not make it for whatever reason, and he said Mr. Baker may be applying for a variance and we would be notifying Mr. Grimm. Mr. Fox said he did what he could do to inform the Grimm's much more than the ten days that we put it in the newspaper.

Ms. Grimm said she called Mr. Fox.

Mr. Fox said he was not going to argue with Ms. Grimm and that he spoke with Mr. Grimm and told him about the variance.

Ms. Grimm said they came one night and there was a meeting with the lawyer and Mr. Fox and Mr. Baker, and he came and saw Mr. Fox meeting with them and he was waiting to talk with Mr. Fox personally and then all of a sudden everyone was gone.

Mr. Fox said he talked with Mr. Grimm and he told Mr. Fox that he saw us walking the property sitting on Beissinger Road, and Mr. Fox said to Mr. Grimm, “why didn't you come in?” and Mr. Grimm did not come in, he knew we were there and he was scheduled to come to the meeting so he does not know what Ms. Grimm is talking about and said he did all he could to notify the Grimm's of this hearing.

Ms. Grimm said she would like to see the Board deny approval because it is lowering their property value and the beauty of the district and the noise and mess that they have to deal with. She added that they have put up a fence, planted trees and they are trying their best to keep the value of the property up and feels Mr. Baker's business is in violation.

Mr. Philpot asked Mr. Grimm if she had said “noise”.

Ms. Grimm replied and said there are trucks coming and going all behind there and they bang, they rev (the engines) – the trucks are not quiet, the Bobcat is not quiet, the dumping is not quiet and they are in and out all the time and it is not a small operation as you can see by the trucks.

Mr. Bevington thanked Ms. Grimm.

NEUTRAL TESTIMONY: None

Mr. Baker said he noticed that the Grimm's don't even live on the property that they are complaining about the noise and the debris in the back yard, and believes they live in Mason now but is not positive, and he said he is pretty sure you can not see his backyard from their house on their property, you would have to walk over to the side acre and a half to see in his backyard.

STAFF COMMENTS:

Mr. Fox said BZA09-10V, Justin Baker, is requesting to have storage of landscaping equipment and the operation of a business from the property.

- Staff Comments:
1. The property is zoned R-1 Residential.
 2. This area is residential in character.
 3. The applicant is seeking a variance, said applicant shall be required to establish to the Board, proof by a preponderance of the evidence that an unnecessary hardship will prevail unless the variance is granted.
 4. The spirit and intent of the zoning resolution is not to allow this type of activity from a residential zoning district, therefore staff will recommend denial.

Mr. Daniel made a motion to deny this variance and said the reason being item #4 (Staff Comments), "The spirit and intent of the zoning resolution is not to allow this type of activity," and will go along with the Staff recommendation. Mr. Philpot seconded the motion for the same reason. Motion carried.

AYES: Daniel, Philpot, Steenken, Salmon, Bevington

NAYES: None

NAYES: None

ADJOURNMENT:

A motion was made by Mr. Salmon, seconded by Mr. Philpot 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
June 16 2009

Tom Bevington, Chair

James M. Fox, Secretary

Lee Margraf