

MINUTES: Regular Session-- January 18, 2001

The Board met in regular session pursuant to adjournment of the January 16, 2001, meeting.

C. Michael Kilburn - present Larry Crisenbery - present

Pat Arnold South - present Tina Davis, Clerk - present

Minutes of the January 16, 2001, meeting were read and approved.

- 01-104 A resolution was adopted to approve the temporary reclassification of Lucinda Mockabee to Customer Representative within the Building and Zoning Department and approve related salary adjustment. Vote: Unanimous
- 0-1105 A resolution was adopted to approve and authorize the President of this Board to enter into a contract with Jones Warner Consultants, Inc. for engineering services relative to the FY 1999 Village of Harveysburg Community Development Block Grant (CDBG) Project. Vote: Unanimous
- 01-106 A resolution was adopted to approve the Notice of Intent to award a contract for the Butler-Warren Road Water Main Extension of Mason Road to Clover and Tylersville Roads Project to J.R. Herdman Excavating. Vote: Unanimous
- 01-107 A resolution was adopted to approve the end of 120-day probationary period and approve a pay increase for Melissa Davies, Deputy Clerk within the Warren County Court. Vote: Unanimous
- 01-108 A resolution was adopted to approve a pay increase for Joseph Bishop within the Warren County Emergency Services. Vote: Unanimous
- 01-109 A resolution was adopted for volunteer driving rules within the Department of Emergency Services. Vote: Unanimous
- 01-110 A resolution was adopted to approve Change Orders #16 with ESI Electrical Contractors regarding the construction of the New Warren County Administration Building Project. Vote: Unanimous
- 01-111 A resolution was adopted to approve Change Order#M-3 with Harm and Ring Mechanical, Inc. relevant to the Common Please Court Building Remodeling Project. Vote: Unanimous
- 01-112 A resolution was adopted to approve and enter into a service agreement with Miami Valley Regional Crime Laboratory for Modern Crime Detection Services for the Warren County Sheriff's Office. Vote: Unanimous
- 01-113 A resolution was adopted to approve and authorize the President of this Board to sign the CY 2001 Operating Capital, and Elderly an Disabled Transit Fare

Assistance Grant Contract by and between the Ohio Department of Transportation and the Warren County Board of Commissioners. Vote: Unanimous

- 01-114 A resolution was adopted to enter into a performance bond agreement with Summit Properties, Inc. for the installation of certain improvements in Summit Deerfield, situated in Deerfield Township. Vote: Unanimous
- 01-115 A resolution was adopted to enter into a sidewalk bond agreement with Summit Properties, Inc. for the installation of certain improvements in Summit Deerfield, situated in Deerfield Township. Vote: Unanimous
- 01-116 A resolution was adopted to enter a subdivision public improvement performance and maintenance security bond agreement with Summit Properties, Inc. to install certain Water/Sewer improvements in Summit Deerfield, situated in Deerfield Township. Vote: Unanimous
- 01-117 A resolution was adopted to enter into an erosion control bond agreement with Summit Properties, Inc. for improvements in Summit Deerfield, situated in Deerfield Township. Vote: Unanimous
- 01-118 A resolution was adopted to approve the final plat of Summit Deerfield. Vote: Unanimous
- 01-119 A resolution was adopted to approve various refunds. Vote: Unanimous
- 01-120 A resolution was adopted to approve an operational transfer from County Commissioners Fund #101-1112 into Mary Haven Youth Treatment Center Fund #270. Vote: Unanimous
- 01-121 A resolution was adopted to approve an operational transfer from Commissioners Fund #101-1112 into Crime Victim/Witness Fund #245. Vote: Unanimous
- 01-122 A resolution was adopted to approve a cash advance within the State Route 123/Kirby Road Water Improvement Area, fund #437. Vote: Unanimous
- 01-123 A resolution was adopted to approve an appropriation adjustment within the Water and Sewer Department Water Revenue Fund #510. Vote: Unanimous
- 01-124 A resolution was adopted to approve an operating transfer within Water Revenue Fund #510 to the Otterbein-Greentree Road Project Fund #531. Vote: Unanimous
- 01-125 A resolution was adopted to approve an operating transfer from Sewer Revenue Fund #580 into the Little Miami Bike Trail Fund #579. Vote: Unanimous

- 01-126 A resolution was adopted to approve an appropriation decrease within Probate/Juvenile Court Fund #247. Vote: Unanimous
- 01-127 A resolution was adopted to approve an appropriation adjustment within Emergency Management Fund #264. Vote: Unanimous
- 01-128 A resolution was adopted to approve Change Order #2 within Voorhis, Slone, Welsh, Crossland-Architects, Inc. and appropriation adjustments within Fund #467 regarding remodeling of the Common Pleas Court Building. Vote: Unanimous
- 01-129 A resolution was adopted to authorize the issuance of \$1,650,000 road improvement (Striker Road) special assessment bond anticipation notes. Vote: Unanimous
- 01-130 A resolution was adopted to authorize payment of the bills. Vote: Unanimous
- 01-131 A resolution was adopted to amend Resolution #00-1124 to approve the vacation of an alley along Sycamore Street in Hamilton Township. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 4:21 p.m. to discuss personnel matters and exited at 5:12 p.m.

PUBLIC MEETING

AMEND RESOLUTION #00-1124 RELATIVE TO THE VACATION OF AN ALLEY
ALONG SYCAMORE STREET IN HAMILTON TOWNSHIP

The Board met this 18th day of January 2001, in the Commissioners' Meeting Room, to consider amending Resolution #00-1124 adopted June 29, 2000, to approve the vacation of an alley along Sycamore Street in Hamilton Township.

Robert Price, County Administrator, explained that the vacation approved in June reverted the vacated property to the adjacent property owners within the platted subdivision only and it has now been determined that the reversion was incorrect and should have been divided equally among all adjacent property owners, not just the ones within the platted subdivision.

Commissioner Kilburn explained the vacation procedure and requested Bruce McGary, Assistant Prosecutor, to explain how this error came about.

Mr. McGary stated that upon research, the statute stated that the alley must be divided evenly among all abutting property owners. He then stated that in the past, it has been the philosophy that when property was vacated within a subdivision, the property should revert back to the property which originally granted the land for public use. He then stated that the case law clearly shows that philosophy to be incorrect.

Commissioner Kilburn stated his opinion that the law is not fair and the land should go back to who gave it in the beginning.

James Snider, 208 Broadway, Maineville, Ohio, stated his protest to the amendment of the vacation resolution claiming that he has plans for this land which was given to them by the Board in June of 2000.

Commissioner Kilburn stated he feels the Board did not go by the law and should amend the vacation resolution to comply with the law.

Commissioner Kilburn requested a written opinion from the Prosecutor's Office and it was then determined that the Board already has said written opinion.

Mr. Crisenbery moved to amend Resolution #00-1124, being seconded by Mrs. South. Upon discussion, Commissioner Kilburn stated his desire to have a formal resolution to read into the record. Mr. Crisenbery then withdrew his motion and Mrs. South withdrew her second.

On motion, the Board recessed the public hearing in order for Mr. McGary to prepare a formal resolution.

On motion, the Board reconvened the meeting and Mr. Kilburn read a draft resolution to amend resolution #00-1124.

Upon discussion, the Board resolved (Resolution #01-131) to amend Resolution #00-1124 adopted June 29, 2000, to approve the vacation of an alley along Sycamore Street in Hamilton Township and to divide the vacated property equally between all adjacent property owners.

John Lazares was present along with members of his class from the University of Cincinnati to observe a Board of Commissioners meeting.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

Larry Crisenbery

Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on January 18, 2001 in compliance with Section 121.22 O.R.C.

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