



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

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**LARRY CRISENBERY
C. MICHAEL KILBURN
PAT ARNOLD SOUTH**

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

MINUTES: Regular Session--November 9, 2004

The Board met in regular session pursuant to adjournment of the November 4, 2004, meeting.

Pat Arnold South - present Larry Crisenbery - present

C. Michael Kilburn - present Tina Davis, Clerk – present

04-1676 A resolution was adopted to Deny Rezoning Application of Associate Construction, Inc., c/o Rodney Morris (case #04-02), to rezone 9.0098 acres in Franklin Township from General Business “B-2” to Rural Residence “R-1”.
Vote: Unanimous

04-1677 A resolution was adopted to set Public Hearing concerning the Modification of Boundaries of The Lower Little Miami Sewer Improvement Area of the Warren County Sewer District, and for the Clerk to give written notice to all Property Owners; and further, for the Warren County Engineer Tax Map Office to furnish an accurate and detailed description of the properties to be deleted or removed From The Lower Little Miami Sewer Improvement Area of the Warren County Sewer District; and, to solicit written comments and recommendations from the County Sanitary Engineer, County Combined Health District, County Engineer, County Soil and Water Conservation District, and the Regional Planning Commission on or before the date fixed for the Public Hearing for or against such Modification of boundaries of the Lower Little Miami Sewer Improvement Area of the Warren County Sewer District. Vote: Unanimous

- 04-1678 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 04-1679 A resolution was adopted to Extend Bid Opening for the Warren County Mechanics Garage Project. Vote: Unanimous
- 04-1680 A resolution was adopted to approve Change Order #1 with W. G. Stang for the Union and Manchester Road Intersection Improvements Project.
Vote: Unanimous
- 04-1681 A resolution was adopted to Reject Bids received for the Plainview Acres sanitary Sewer Improvement Project. Vote: Unanimous
- 04-1682 A resolution was adopted to Advertise for Bids for the FY03 Village of Harveysburg Maple Street CDBG Project. Vote: Unanimous
- 04-1683 A resolution was adopted to approve and enter into a Maintenance Agreement with Plant Partners South and the Warren County Justice Center.
Vote: Unanimous
- 04-1684 A resolution was adopted to Appoint Robert Craig, Tiffany Ferrall-Sauer, and Robert Price to a Review Committee to evaluate the proposals for the Operation of the Warren County Transit Service for Calendar Year 2005.
Vote: Unanimous
- 04-1685 A resolution was adopted to set Final Hearing on the Vacation of a part of Dearth Road in Franklin Township, Warren County, Ohio. Vote: Unanimous
- 04-1686 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 04-1687 A resolution was adopted to approve Appropriation Adjustment within Water Revenue Fund #510. Vote: Unanimous
- 04-1688 A resolution was adopted to approve Supplemental Appropriation into Fund #451. Vote: Unanimous
- 04-1689 A resolution was adopted to approve Appropriation Adjustments within Engineer Fund #202, Prosecutor Fund #249, Data Processing Fund #101-1401, Emergency Services Fund #101-1112, Sheriff Fund #101-2210, Children Services Fund #273, Common Pleas Court Fund #101-1220, Solid Waste Fund #256, Supplemental Appropriation into Sheriff Fund #630 and Operational Transfer within Emergency Services Fund # 101-1112. Vote: Unanimous

DISCUSSIONS

PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS OF THE WATER
AND SEWER DEPARTMENT RELATIVE TO AN INCREASE TO TAP-IN FEES

Richard Renneker, Sanitary Engineer, was present for the public hearing to consider modifications to the Rules and Regulations of the Warren County Water and Sewer Department relative to an increase to tap-in and capacity charges as it pertains to water and sewer service.

Mr. Renneker stated his request to amend the water and sanitary sewer tap-in fees as follows:

WATER

Current	1/1/2005	1/1/2006	1/1/2007
\$2400	\$2800	\$3200	\$3600

SEWER

Current	1/1/2005	1/1/2006	1/1/2007
\$2400	\$2600	\$2800	\$3000

Mr. Renneker presented information on how he calculated the proposed figures. He then stated his hope that with the \$5 million low interest loan from the State of Ohio, the existing surplus within the water fund, and the funds received from 2-3 years worth of increased tap-in fees, his capability to pay cash for the water improvements.

Richard Arnold, Ohio Valley Development Council, questioned the amount of surplus within the sewer funds.

Patty Solinski, Water and Sewer Department Business Manager stated the surplus in the sewer fund to be \$4 million.

Mr. Arnold then questioned if Peck, Shaffer & Williams has commented on the proposed figures.

Mr. Renneker stated they have approved the proposed fees.

There was then an extensive discussion relative to the need to set aside additional funding for the proposed expansion of the Lower Little Miami Wastewater Treatment Plant is the majority of the Board has no plans to expand.

Richard Paolo, Attorney for the Cincinnati Homebuilders Association (HBA), stated the HBA is not opposed to justified increases in tap-in fees but wants justification for an increase in sewer tap-in fees due to the sewer expansion not being planned.

Commissioner Kilburn proposed only increasing sanitary sewer tap-in fees to cover the cost of inflation and taking out the portion of the proposed increase, which includes funds to cover the cost of the future expansion. He then stated his recommendation to approve a 3-5% increase only and the recommended increase for water tap-ins.

Mr. Renneker then stated his desire to approve the increased tap-in fees as he presented to cover the costs of future expansions.

Commissioner South stated her desire to approve increases as proposed and begin the expansion process.

Commissioner Kilburn discussed giving the Economic Development Department a grant for the purchase of sewer capacity for industrial growth.

The Board requested Bruce McGary, Chief Assistant Prosecutor, to research the legal authority to earmark sanitary sewers for industrial growth.

The attorneys for the Homebuilders Association requested the Board to design the expansion even if they do not plan to build it any time soon.

Commissioner Crisenbery stated he was not ready to make a decision until November 16, 2004.

Upon further discussion, on motion, upon unanimous call of the roll, the Board continued the decision to November 16, 2004, at 10:15 p.m.

PUBLIC HEARING

CONTINUATION OF THE REZONING APPLICATION OF ASSOCIATES
CONSTRUCTION, INC. TO REZONE 9.0098 ACRES IN FRANKLIN TOWNSHIP FROM
GENERAL BUSINESS "B-2" TO RURAL RESIDENCE "R-1"

The continuation of the rezoning application of Associates Construction, Inc. was reconvened this 9th day of November 2004, in the Commissioners' Meeting Room.

Joseph Moore, Attorney for Mr. And Mrs. Szabo, adjacent property owners, stated his opposition to the rezoning application. He stated the Regional Planning Commission staff recommended to deny the rezoning application because it did not comply with the Carlisle Land Use Plan. He then read comments from the Rural Zoning Commission and the County Engineer.

Commissioner Kilburn then explained that since the Rural Zoning Commission approved the rezoning application, it takes a unanimous vote of this Board to deny the request.

Mr. Moore then requested the Board to deny the rezoning application.

There being no one present to speak in favor of the rezoning application, the Board resolved (Resolution #04-1676) to deny the rezoning application.

On motion, upon unanimous call of the roll, the Board entered into executive session as 11:55 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G) (1) and exited at 1:25 p.m.

Richard Renneker, Sanitary Engineer, was present for a work session to discuss modifying the sanitary sewer improvement area within the Warren County Sewer District to make the sewer improvement area identical to the urban service area of the Hamilton Township Land Use Plan.

There was discussion relative to Hamilton Township's desire to expand the urban service area of the land use plan to include those properties within the sewer improvement area.

Bruce McGary, Chief Deputy Assistant Prosecutor, gave the legal opinion relative to the ability to amend the improvement area being the sole discretion of the Board of Commissioners. He then presented suggestions as to the process he would like followed for amending the boundaries.

Fred Oeder, property owner within the improvement area but not within the urban service area, stated that during the 1970's, various properties, including his, were assessed for the planning of sanitary sewers for their property.

Joe Trauth, Attorney for the Homebuilders Association, stated that sanitary sewers are for the improvement of health, safety and welfare of the area.

Mary Beth Hamburg, Hamilton Township resident, stated her desire for the residents to have as much interest in the schools as they do in the location of sanitary sewers. She also questioned the value of her property if everything is developed around her.

Upon further discussion, the Board resolved (Resolution #04-1677) to set the public hearing to consider modifications to the sanitary sewer improvement area for December 2, 2004, at 5:30 p.m.

PUBLIC HEARING #1

CONSIDER ADOPTION OF THE 2004 OBOA RESIDENTIAL CODE FOR
ONE, TWO AND THREE-FAMILY DWELLING UNITS

The first public hearing to consider the adoption of the 2004 OBOA Residential Code for One, Two and Three-Family Dwelling Units was convened this 9th day of November 2004, in the Commissioners' Meeting Room.

Jerry Spurling, Chief Building Official, stated the proposed modifications to the code including the amendment that the Board of Appeals be the County Commissioners and the proposal to delete the appendix relative to radon testing.

Dan Hendricks, Representative from the Homebuilders Association, stated that the Homebuilders are in agreement with the amendments and stated their recommendation to adopt the new building code.

Upon further discussion, the public hearing was closed.

The Hamilton Township Trustees were present for the continued discuss relative to the amendment of the sanitary sewer improvement area of Hamilton Township to make it equal to the urban service area of the Hamilton Township Land Use Plan.

Beck Ehling, Township Trustee, stated her opinion that the pipes were built to serve the properties within the improvement area. She stated that these property owners are entitled to sewers due to the planning assessment they paid back in the 1970's. She stated her opinion to allow the properties within the improvement area to receive sewers and not extend it any further.

Mark Hildebrandt, property owner within the improvement area, stated that his property was included for future sewers since the establishment of the improvement area. He stated that he has preliminary plats already approved by the Regional Planning Commission and that he quit his job in order to concentrate on the development of Hildebrandt property. He stated his concern for the sanitary sewers being taken away from him.

Jeff Carey, Mary Brigham, Frank Colon and Steve Cox, property owners within Hamilton Township, all spoke in favor of the modification of the sanitary sewers and urged the Board to proceed with the deleting of property for the health, safety and welfare of the community as well as the school system.

Upon further discussion, the Board stated they would continue this discussion on December 2, 2004, at 5:30 p.m.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

Larry Crisenbery

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 November 9, 2004, in compliance with Section 121.22 O.R.C.

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