



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

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***C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG***

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

MINUTES: Regular Session – March 25, 2008

The Board met in regular session pursuant to adjournment of the March 20, 2008, meeting.

Pat Arnold South - present

C. Michael Kilburn - present

David G. Young - present

Tina Davis, Clerk – present

Minutes of the March 19 and 20, 2008, meetings were read and approved.

- 08-520 A resolution was adopted to approve Annexation of 1.326 acres to the City of Lebanon, Mark Florence Agent, pursuant to Ohio Revised Code Section 709.023 [a.k.a. Expedited Type 2 Annexation].
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-521 A resolution was adopted to designate Family and Medical Leave of Absence to Ken Malicote, Sewer System Maintenance Worker I, within the Water and Sewer Department. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-522 A resolution was adopted to designate Family and Medical Leave of Absence to Doug Wilson, Sewer System Maintenance Worker II, within the Water and Sewer Department. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-523 A resolution was adopted to authorize the President of the Board to approve and sign a Statement of Work on behalf of Workforce One of Warren County.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-524 A resolution was adopted to approve various Refunds.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent

- 08-525 A resolution was adopted to approve and authorize the President of the Board to enter into Settlement Agreement and Release relative to the Burnell v. Dulle, et al (Case #04CV63438).
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-526 A resolution was adopted to Advertise for Bids for the FY2007 Franklin Township Street Improvement CDBG Project.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-527 A resolution was adopted to accept Tax Incentive Review Council recommendations for 2007 Enterprise Zone Program.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-528 A resolution was adopted to approve Temporary Sanitary Sewer Easement with the State of Ohio, Ohio Department of Rehabilitation and Correction.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-529 A resolution was adopted to approve Replacement of various Culverts on Warren County Roads under Force Account.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-530 A resolution was adopted to approve and authorize the President and/or Vice-President of this Board to sign a Subgrant Award Agreement on behalf of the Greater Warren County Drug Task Force. Vote: Unanimous
- 08-531 A resolution was adopted to approve and enter into Cooperative Agreement between this Board and the Hamilton Township Trustees.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-532 A resolution was adopted to approve a Subsidy Grant Agreement Addendum for the FY 2008 Community Based Corrections Program 408 Subsidy Grant Agreement. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-533 A resolution was adopted to enter into an Erosion Control Board Agreement with M/I Homes of Cincinnati, Inc. for completion of improvements in the Estates of Hawthorne Manor, Section 3, situated in Hamilton Township.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-534 A resolution was adopted to approve following Record Plats.
Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-535 A resolution was adopted to approve Appropriation Decrease within various Funds. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent

- 08-536 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Juvenile Court Fund #101-1240. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-537 A resolution was adopted to authorize payment of Bills. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-538 A resolution was adopted to approve Subsidy Grant Agreement Addendum for the FY 2008 Community Based Corrections Program 408 Subsidy Grant Agreement. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-539 A resolution was adopted to hire Jason Green, Mechanic II, within the Warren County Garage. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-540 A resolution was adopted to hire Ryan Noe as Wastewater Treatment Plant Operator I, within the Warren County Department of Water and Sewer. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-541 A resolution was adopted to approve a Supplemental Appropriation and an Appropriation Adjustment within Data Processing Fund #101-1400. Vote: Mr. Kilburn – yea; Mrs. South – yea; Mr. Young - absent
- 08-542 A resolution was adopted to approve payment of Voucher to Ohio Public Employees Retirement System. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:45 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:35 a.m.

On motion, bids were closed at 10:05 a.m. this 25th day of March and the following bids were received, opened and read aloud for the Fire Hydrants for the Warren County Water and Sewer Department:

Everett J. Prescott West Carrollton, Ohio	\$ 92,610.00
Ferguson Waterworks Hamilton, Ohio	\$ 82,571.20
HD Supply, Inc. Batavia, Ohio	\$ 83,904.80
Utility Sales Agency Clayton, Ohio	\$ 92,792.70
Utility Service/Supply Monroe, Ohio	\$ 81,349.10

Richard Renneker, Sanitary Engineer, Warren County Water and Sewer Department, will review bids for a recommendation at a later date.

On motion, bids were closed at 10:15 a.m. this 25th day of March and the following bids were received, opened and read aloud for the Sale of Scrap Metal for the Warren County Water and Sewer Department:

NO BIDS

Richard Renneker, Sanitary Engineer, Warren County Water and Sewer Department, will review bids for a recommendation at a later date.

The Board met this 25th day of March 2008, to consider the expedited type 2 annexation petition of Mark Florence, Agent, to annex 1.326 acres to the City of Lebanon.

Mr. Florence stated that 100% of the owners have signed the annexation petition and that all requirement of law have been met.

The Board then acknowledged receipt of the Ordinance of Services from the City of Lebanon and that an objection by the Union Township Trustees has not been filed.

Upon further discussion, the Board resolved (Resolution #08-520) to approve the annexation petition.

On motion, bids were closed at 10:45 a.m. this 25th day of March and the following bids were received, opened and read aloud for the Kohler Power System Generators for the Warren County Water and Sewer Department:

	<u>A</u>	<u>B</u>	<u>C</u>
Buckeye Power Sales Co., Inc. West Chester, Ohio	\$ 80,065.00	\$ 29,113.00	\$ 109,178.00
Ohio Cat Sharonville, Ohio	\$ 62,700.00	\$ 18,470.00	\$ 81,170.00

Richard Renneker, Sanitary Engineer, Warren County Water and Sewer Department, will review bids for a recommendation at a later date.

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

The Board acknowledged receipt of the annexation petition Mark Florence, Agent to annex 97.881 acres to the City of Lebanon (Expedited Type 2 Annexation).

Commissioner Young entered the meeting at 11:22 a.m.

Nick Nelson, County Auditor, was present along with Beth Deckard, County Recorder, Jim Aumann, County Treasurer, and Jim Spaeth, Clerk of Courts, members of the Warren County Data Processing Board, to explain the need to send four Data Processing employees to OnBase Training in Cleveland, Ohio at a cost of approximately \$12,000.

Mr. Nelson explained that the OnBase Development Team consists of four people. He explained that each person has a different capacity in the development of the application and that we are beginning to develop the portion of the program that allows certain individuals access to other department's records. He then stated that sending only one team members, like the Board had previously approved, would not accomplish the training that is necessary to develop the programming.

Mr. Nelson stated that he has reviewed the cost of having the trainer come to Warren County and it would be approximately \$15,000 plus expenses. Therefore, the more affordable alternative is to send the entire team to Cleveland.

Upon discussion, the Board approved the request to attend form.

Nick Nelson, County Auditor, was present along with Bruce McGary, Chief Deputy Prosecutor, to discuss the payment of a voucher to the Ohio Public Employees Retirement Fund as well as the necessary financial resolution to accommodate the payment of the voucher.

Mr. Nelson stated that, due to a change in the law, two individuals within Data Processing were able to retroactively file for credit with the Ohio Public Employees Retirement System.

Mr. McGary gave the background information relative to Gary Browning and Jack Martin, Data Processing employees, who previously provided services to Warren County under contract, filing for service credit with OPERS to receive credit for time they spent as private contractors with the County. He then stated that the County has exhausted all appeals possible and the law does not allow the appeal at the court level.

Tiffany Zindel, OMB Director, acknowledged receipt of a bill from OPERS in the amount of \$189,159.71. She then stated that beginning April 1, 2008, if the bill is not paid, interest on that amount will begin to accrue. She then stated this is only the bill for Gary Browning as we have not received a bill for Jack Martin yet.

The Board questioned what would happen if they did not approve payment of the bill.

Mr. McGary stated that the matter was now between OPERS and this Board and most likely, OPERS would file a mandamus action with the Court and also add any interest and legal fees associated with the filing.

The Board clarified that this is not anything personal against the employees as they do a wonderful job for this County and the Board appreciates their hard work and dedication, however they stated their strong disagreement with the OPERS Board members' (Chair Ken Thomas, Vice Chair Cinthia Sledz, Eddie Parks, Sharon Downs, John W. Maurer, Hugh Quill, Kimberly Ann Russell, James Tilling and Helen Youngblood) decision to allow owners of a private company who were being paid at a higher rate and having other clients receive additional compensation at the expense of taxpayers.

Upon notation of objection to the decision of the OPERS Board, the Board approved the necessary financial transactions and authorized payment of the voucher.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

David G. Young

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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 March 25, 2008, in compliance with Section 121.22 O.R.C.

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