



**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 5, 2009

The Board met in regular session pursuant to adjournment of the February 26, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk – present

- 09-0351 A resolution was adopted to designate Family and Medical Leave of Absence to Jayne Lamar, Cashier Receptionist, within the Water and Sewer Department. Vote: Unanimous
- 09-0352 A resolution was adopted to designate Family and Medical Leave of Absence to Ronald Kronenberger, Emergency Communications Operator, within the Department of Emergency Services. Vote: Unanimous
- 09-0353 A resolution was adopted to remove Richard Renneker from the Tax Incentive Review Council due to retirement and Appoint Chris Brausch as said replacement. Vote: Unanimous
- 09-0354 A resolution was adopted to declare various items within Solid Waste and Records as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-0355 A resolution was adopted to acknowledge receipt of February 2009 Financial Statement. Vote: Unanimous
- 09-0356 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 09-0357 A resolution was adopted to approve and enter into Agreement with the US Army Corps of Engineers for Law Enforcement Services for Caesar Creek Lake on behalf of the Warren County Sheriff. Vote: Unanimous
- 09-0358 A resolution was adopted to authorize Reimbursement to Hills-Dixon Ltd for connection to the Sanitary Sewer in the Upper Simpson Creek Sewer Improvement Area, Warren County Sewer District. Vote: Unanimous
- 09-0359 A resolution was adopted to Advertise for Bids for the FY2008 City of Franklin Water Pressure Reducer Project. Vote: Unanimous
- 09-0360 A resolution was adopted to approve Notice of Intent to Award Contract for SR 122 and Union Road Waterline System Relocations Project to Broshear Contractors, Inc. Vote: Unanimous
- 09-0361 A resolution was adopted to approve Notice of Intent to Award Contract for the 1.5 Million Gallon Snider Road Elevated Storage Tank Protective Coatings Project to American Suncraft Construction Company. Vote: Unanimous
- 09-0362 A resolution was adopted to issue Request for Qualifications/Proposals for Dearth and Lytle Five Points Elevated Storage Tank Inspection Services. Vote: Unanimous
- 09-0363 A resolution was adopted to acknowledge receipt of Renewal Policy for Stop Loss Insurance with United of Omaha Life Insurance Company and increase to Monthly Premium Rates and increase to specific deductible relative to the Warren County Health Care Plan. Vote: Unanimous
- 09-0364 A resolution was adopted to accept Agreement by Safety National Casualty Corporation for the Provision of Specific Excess Loss Insurance relative to the Warren County Self-insured Workers' Compensation Program effective January 1, 2009. Vote: Unanimous
- 09-0365 A resolution was adopted to approve a Subdivision Pubic Improvement Performance and Maintenance Security Agreement Release with Cypress Ridge, Ltd. for Cypress Ridge Subdivision Phase V in Clearcreek Township. Vote: Unanimous
- 09-0366 A resolution was adopted to approve Bond Release for Miami Bluffs, LLC for completion of improvements in Miami Bluffs, Section Nine, situated in Hamilton Township. Vote: Unanimous
- 09-0367 A resolution was adopted to approve Bond Release for Miami Bluffs, LLC for completion of improvements in Miami Bluffs, Section Ten, situated in Hamilton Township. Vote: Unanimous

- 09-0368 A resolution was adopted to approve Bond Release for Miami Bluffs, LLC for completion of improvements in Miami Bluffs, Section Eleven situated in Hamilton Township. Vote: Unanimous
- 09-0369 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 09-0370 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 09-0371 A resolution was adopted to accept an Amended Certificate and approve a Supplemental Appropriation within Fund #221. Vote: Unanimous
- 09-0372 A resolution was adopted to approve Appropriation Adjustment of Funds within the Certificate of Title Administration Fund #250-1260. Vote: Unanimous
- 09-0373 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund 272-1150 Law Enforcement Trust. Vote: Unanimous
- 09-0374 A resolution was adopted to approve Appropriation Adjustment within County Court Computer Fund #274. Vote: Unanimous
- 09-0375 A resolution was adopted to approve Appropriation Adjustments within Probate/Juvenile Fund #101-2600 and Building and Zoning Inspection Fund #101-2300. Vote: Unanimous
- 09-0376 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-0377 A resolution was adopted to approve Appropriation Decreases within Fund #205. Vote: Unanimous
- 09-0378 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-0379 A resolution was adopted to authorize County Administrator to sign Application for Valuation Deduction for destroyed or damaged real property relative to property located at 1316 and 1420 Mabrey Road in Turtlecreek Township. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 4:12 p.m. to discuss personnel matters relative to specific personnel within the Educational Services Center pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 5:15 p.m.

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

Hank Holden, Holden Excavating, was present along with representatives from the Airport Authority and Bruce McGary, Chief Deputy Prosecutor, to discuss the delay damages which have been charged to Holden Excavating relative to a bid contract with the Airport Authority.

Mr. Holden stated there were delays relative to the project which were his fault and there were delays which were caused by the Airport Authority. He then acknowledged that he had agreed to a verbal completion date of December 30, 2007. He then stated that he did not receive a notice to proceed on the contract until January 8, 2008. He stated that he completed the project in May of 2008 and the Airport Authority was holding \$27,000 of a \$37,000 total contract in delay damages.

William Simmons, Chairman of the Airport Authority, stated that the Airport Authority had offered a settlement to Mr. Holden in the amount of \$10,000 in October. He stated that Mr. Holden had completed the work in August/September of 2008. He stated that the delay damages according to the contract were established at \$200 per day. He then stated that the total delay damages came to \$44,000 with the total contract only totaling \$37,000.

There was discussion relative to the actual out of pocket costs to the Airport Authority due to the delay.

It was determined that the delay cost the Airport Authority approximately \$5000.

The Board questioned Mr. Holden if he would be willing to accept \$5000 in delay damages.

He stated affirmatively.

Upon further discussion, the Mr. Simmons stated that the Airport Authority would take the recommendation of the Commissioners under advisement at the next Board meeting scheduled for April 1, 2009.

Bruce McGary, Chief Deputy Prosecutor, questioned if the Board desires to apply for exempt status for real estate taxes relative to the recently purchased Meyer farm or do they desire to continue to lease the land for farming.

Upon discussion, the was determined that the cost would be very close to the same in income from farming as the cost of the re-evaluated taxes once the building are removed that have been torn down. The Board stated their desire to allow the land to continue to be productive through farming.

Upon further discussion, the Board resolved (Resolution #09-379) to authorize the County Administrator to sign an Application for Valuation Deduction for destroyed or damaged real property relative to property located at 1316 and 1420 Mabrey Road in Turtlecreek Township (AKA the Meyer Farm).

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

David G. Young

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 3, 2009, in compliance with Section 121.22 O.R.C.

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