



**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 – September 24, 2009

The Board met in regular session pursuant to adjournment of the September 22, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Laura Lander, Deputy Clerk – present

- 09-1272 A resolution was adopted to accept Resignation due to Retirement of Mary Ann Martina, Screening Supervisor, within the Department of Job and Family Services, Children Services Division, effective December 31, 2009.
Vote: Unanimous
- 09-1273 A resolution was adopted to declare various items within DTF as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-1274 A resolution was adopted to approve an Emergency Repair to the Blower Motor at the Lower Little Miami Wastewater Treatment Plant. Vote: Unanimous
- 09-1275 A resolution was adopted to establish No Parking Zone on Lytle Road (CR 28) in Wayne Township along both sides of the road between the Intersection of Township Line Road (CR 134) and the Intersection of Lytle-Ferry Road (CR 135). Vote: Unanimous
- 09-1276 A resolution was adopted to approve Notice of Intent to J.K. Meurer Corp. for the FY2008 Village of Morrow Street Improvements Project Re-Bid.
Vote: Unanimous

- 09-1277 A resolution was adopted to Waive Zoning Variance Fee for Jesse Gaither and Shannon Hillard, 156 S. Waynesville Road in Turtlecreek Township. Vote: Unanimous
- 09-1278 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-1279 A resolution was adopted to accept an Amended Certificate and approve a Supplemental Appropriation within Beal Road and Grandin Ridge Water Main Project Fund No. 583. Vote: Unanimous
- 09-1280 A resolution was adopted to approve Supplemental Appropriation within the Tax Increment Financing P & G Fund #384 to pay Auditor/Treasurer Fees for the 2nd half 2009 Real Estate Settlement. Vote: Unanimous
- 09-1281 A resolution was adopted to approve Supplemental Appropriation within the Redevelopment Tax Equivalent (Bunnell Hill) Fund #493 to pay Auditor/Treasurer Fees for Real Estate Settlements. Vote: Unanimous
- 09-1282 A resolution was adopted to approve Appropriation Adjustments within the Sewer Revenue Fund No. 580. Vote: Unanimous
- 09-1283 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund 258. Vote: Unanimous
- 09-1284 A resolution was adopted to approve Appropriation Adjustments within Board of Elections Funds #101-1300 and #101-1301. Vote: Unanimous
- 09-1285 A resolution was adopted to approve an Appropriation Adjustment within Cyber Crime Task Force Fund #252-1150. Vote: Unanimous
- 09-1286 A resolution was adopted to approve Appropriation Adjustments within Probation Fund #101-1223 and Community Corrections Fund #101-1224. Vote: Unanimous
- 09-1287 A resolution was adopted to approve Appropriation Adjustment within Motor Vehicle Fund #202. Vote: Unanimous
- 09-1288 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-1289 A resolution was adopted to approve the Planned Unit Development Stage II Site Plan for Bonnybrook Farm (aka Bonnie M. Mercuri PUD). Vote: Unanimous

DISCUSSIONS

Jerry Haddix, Grants Coordinator, was present to recommend awarding the bid for the FY 2008 Village of Corwin Street Improvements Project to Earth and Pipe Contracting.

Commissioner South stated that the Board had received several emails relative to prevailing wage issues with the contractor.

Mr. Scott Stevenson, a representative of the International Union of Operating Engineers, was present to explain that Earth and Pipe Contracting was under investigation by the State of Ohio, for non-compliance with the prevailing wage standards by underpaying their employees and requested the Board to award the contract to the next lowest bidder.

Commissioner Kilburn stated that if there is a problem, the Board has a responsibility to take a closer look at the issue.

Commissioner Young agreed that while the enforcement of prevailing wage is the responsibility of the State Wage and Hour Division, the Board should take a step back to re-assess the award.

Upon discussion, the Board determined to seek the advice of the Prosecutor's Office on how to proceed.

Mike Yetter, Zoning Supervisor, was present for the Continuation of the State 2 Preliminary Site Plan for Bonnybrook Farms (AKA Bonnie Mercuri PUD) in Washington Township.

Mr. Yetter stated that the Regional Planning Commission had amended the conditions originally presented at the September 22, 2009, meeting, amending condition #12 and adding condition #14.

Upon discussion, the Board resolved (Resolution #09-1289) to approve the Planned Unit Development Stage II Site Plan for Bonnybrook Farm (aka Bonnie M. Mercuri PUD) subject to the following conditions:

1. Use allowance determined by the Warren County Commissioners and subject to the applicant satisfying the requirements of all applicable regulations regarding development and operation of the facilities for the use allowed and Resolution Number 08-1623 in approval of the site B-2 PUD zoning.
2. Compliance with the Warren County Rural Zoning Code as determined by the Warren County Zoning Inspector in consultation with the Warren County RPC staff and the Warren County Assistant Prosecutor.

3. Vehicular access, circulation and traffic volume management to the permitting satisfaction of the Warren County Engineer and Ohio Department of Transportation, as applicable, in conjunction with the Clinton-Warren Fire Rescue District.
 4. Compliance with requirements of the Warren County Combined Health District, the Ohio Environmental Protection Agency (OEPA) and the State of Ohio Board of Health, as applicable.
 5. Compliance with water service provision requirements of the Western Water Company as determined sufficient to adequately serve the use allowed, as released by the Warren County Commissioners to be served.
 6. Stormwater drainage in compliance with the Rules and Regulations for the Design of Storm Sewer and Stormwater Management System as determined to the satisfaction of the Warren County Engineer.
 7. Compliance with the requirements of the Warren County Building Department as to permitting of the allowed use facility building(s).
 8. Compliance with the Warren County Erosion and Sediment Control Regulations as determined by the Warren County Soil and Water Conservation District.
 9. Signage on and off the site to the permitting satisfaction of the Warren County Zoning Inspector.
 10. Lighting in compliance with Section 27.05 of the Warren County Rural Zoning Code, as determined by the Warren County Zoning Inspector and RPC Director for final site plan approval.
 11. Perimeter buffer landscaping and/or fencing to the satisfaction of the Warren County RPC Director as determined necessary for final site plan approval.
 12. Final site plan (*Stage 3*) to the satisfaction of the Warren County RPC Director. The final Site Plan must be submitted and approved and all required improvements installed prior to conducting any business as proposed in the Site Plan.
 13. The off-site recreational facilities north of this site on the applicant's R-1 zoned residence property shall only be allowed for use in conjunction with the use of this site if deemed lawful to permit by the Warren County Assistant Prosecutor, without otherwise becoming rezoned to B-2 PUD as part of this site.
 14. Final determination for the ingress/egress to State Route 132 shall be made by the County Commissioners in conjunction with the County Engineer's Office.
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There was discussion between the Board and Bruce McGary, Chief Deputy Prosecutor, relative to recently adopted Casino Legislation.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

David G. Young

Pat Arnold South

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 September 24, 2009, in compliance with Section 121.22 O.R.C.

Laura Lander, Deputy Clerk
Board of County Commissioners
Warren County, Ohio