



**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 – October 20, 2009

The Board met in regular session pursuant to adjournment of the October 13, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk - present

Minutes of the September 22, 2009, meeting were read and approved.

- 09-1421 A resolution was adopted to declare various items within Engineer's Office, Common Pleas General and Health Department as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-1422 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign Addendum #2 relative to the Contract with BI Incorporated on behalf of the Warren County Common Pleas Court. Vote: Unanimous
- 09-1423 A resolution was adopted to approve and authorize the Board to enter into a Maintenance Agreement with Embarq on behalf of Warren County Telecommunications. Vote: Unanimous
- 09-1424 A resolution was adopted to Transfer 1997 Chevy Dump Truck from Warren County Water and Sewer Department to the Warren County Parks District. Vote: Unanimous
- 09-1425 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 09-1426 A resolution was adopted to authorize President of the Board to sign Notice of Waiver relative to the State of Ohio's Qualified Energy Conservation Bond Allocation for 2009. Vote: Unanimous
- 09-1427 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 09-1428 A resolution was adopted to approve Bond Reduction for Joseph F. Rippe, Sr., for partial completion of improvements in Fosters Pointe, Section 4, Phase 2, situated in Hamilton Township. Vote: Unanimous
- 09-1429 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Keever Creek, LLC for installation of certain improvements in The Estates of Keever Creek situated in Turtlecreek Township. Vote: Unanimous
- 09-1430 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Keever Creek, LLC, for installation of certain improvements in the Estates of Keever Creek Subdivision, Section 1/Phase 1 & 2 situated in Turtlecreek Township. Vote: Unanimous
- 09-1431 A resolution was adopted to approve the following Record Plats.
Vote: Unanimous
- 09-1432 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-1433 A resolution was adopted to Amend Resolution Number 09-1254 regarding approval of a Supplemental Appropriation. Vote: Unanimous
- 09-1434 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 09-1435 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 09-1436 A resolution was adopted to approve a Supplemental Appropriation and Operating Transfers from Fund 510-3219 (Water Surplus) into Fund 583 Water Projects.
Vote: Unanimous
- 09-1437 A resolution was adopted to approve Supplemental Appropriation to the County Court Fund 253. Vote: Unanimous
- 09-1438 A resolution was adopted to approve Expense Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous

- 09-1439 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Detention – Sheriff’s Fund #101-2210. Vote: Unanimous
- 09-1440 A resolution was adopted to approve Appropriation Adjustment within County Court Fund 253. Vote: Unanimous
- 09-1441 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund 258. Vote: Unanimous
- 09-1442 A resolution was adopted to approve an Appropriation Adjustment within the Solid Waste Management District Fund No. 256. Vote: Unanimous
- 09-1443 A resolution was adopted to approve Appropriation Adjustment within County Court Fund #283. Vote: Unanimous
- 09-1444 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund #249-1150. Vote: Unanimous
- 09-1445 A resolution was adopted to approve Appropriation Adjustment of Funds within the County Court Clerk General Fund #101-1282. Vote: Unanimous
- 09-1446 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273. Vote: Unanimous
- 09-1447 A resolution was adopted to approve Supplemental Appropriations into Sheriff’s Office Fund #630. Vote: Unanimous
- 09-1448 A resolution was adopted to approve Appropriation Adjustments within Engineer’s Stormwater Tier 1 Fund #590 and Engineer’s Motor Vehicle Fund #202. Vote: Unanimous
- 09-1449 A resolution was adopted to approve Appropriation Adjustment within Probate/Juvenile Fund #270. Vote: Unanimous
- 09-1450 A resolution was adopted to accept Resignation of Frank Young as Director of Emergency Services effective October 20, 2009. Vote: Unanimous
- 09-1451 A resolution was adopted to approve and authorize President of the Board to enter into a Resignation Agreement with Frank Young. Vote: Unanimous
- 09-1452 A resolution was adopted to appoint Dave Gully as Interim Director of Emergency Services. Vote: Unanimous

- 09-1453 A resolution was adopted to administer Disciplinary Action Against Karen Zoz, Screener, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 09-1454 A resolution was adopted to approve Promotion of Craig Gabbard to the position of Maintenance Foremen within the Water and Sewer Department. Vote: Unanimous
- 09-1455 A resolution was adopted to administer Disciplinary Action against Patrick Nolan, Assistant Sanitary Engineer, within the Water and Sewer Department. Vote: Unanimous
- 09-1456 A resolution was adopted to authorize County Administrator to enter into Memorandum of Understanding between this Board and the Greater Cincinnati Hazardous Materials Unit, Inc. Vote: Unanimous
- 09-1457 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-1458 A resolution was adopted to approve the Rezoning Application of Patricia A. Woolley (Case #09-03), to rezone 1.91 acres in Harlan Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 09-1459 A resolution was adopted to approve Rezoning Application of Paula and Reba Brandenburg (Case #09-04), to rezone .1124 acres in Union Township from General Business "B-2" to General Business "B-2" as a Planned Unit Development. Vote: Unanimous
- 09-1460 A resolution was adopted to approve request to Waive Water and/or Sewer Penalties for Sumco. Vote: Unanimous
- 09-1461 A resolution was adopted to approve Notices of Intent to Award the Contracts for the Lower Little Miami Wastewater Treatment Plant Phase III Upgrade Project. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – nay
- 09-1462 A resolution was adopted to Create Fund 581, accept Amended Certificate, approve a Supplemental Appropriation and allow interest to be deposited quarterly into Fund 581. Vote: Unanimous
- 09-1463 A resolution was adopted to Waive Excess Water and Sewer Charges over 12,500 gallons for 8816 Creekwood Drive in Maineville, Ohio. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:10 a.m. to discuss personnel matters within Emergency Services, Water and Sewer Department, and Children Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:20 a.m.

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

Commissioner Young stated his desire to update the record as to the status of the Dispatch Center relative to the accusations of a sleeping dispatcher. He stated that the Board had serious questions of how this operation is being managed and Mr. Gully will be responsible for having an outside investigator to “re-do” the investigation as the entire days work was not taken into consideration. It has been determined that the dispatch that has been accused of sleeping prior to the Widmer 911 call took two calls prior to that call. One call was three minutes prior to and the other was four minutes prior.

The Board stated their desire to keep the public informed in every aspect possible relative to the investigation.

PUBLIC HEARING

REZONING APPLICATION OF PATRICIA A. WOOLLEY (CASE #09-03)
TO REZONE 1.91 ACRES IN HARLAN TOWNSHIP FROM GENERAL BUSINESS “B-2”
TO RURAL RESIDENCE “R-1”

The public hearing to consider the rezoning application of Patricia A. Woolley (Case #09-03) to rezone 1.91 acres in Harlan Township from General Business “B-2” to Rural Residence “R-1” was convened this 20th day of October 2009, in the Commissioners’ Meeting Room.

Kim Lapensee, Regional Planning Commission, explained the location of this property and stated that the Executive Committee voted to recommend approval of this rezoning application.

Mike Yetter, Zoning Supervisor, stated the Rural Zoning Commission's decision to approve this rezoning application.

Art Rittenger, Realtor for the property owner, stated that Mrs. Woolley is recently widowed and desires to sell her property. He stated that they cannot close on the property until it is rezoned.

Upon further discussion, the Board resolved (Resolution #09-1458) to approve the rezoning application.

PUBLIC HEARING REZONING APPLICATION OF PAULA AND REBA BRANDENBURG
(CASE #09-04) TO REZONE .1124 ACRES IN UNION TOWNSHIP
FROM GENERAL BUSINESS "B-2" TO
GENERAL BUSINESS "B-2" AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Paula and Reba Brandenburg (Case #09-04) to rezone .1124 acres in Union Township from General Business "B-2" to General Business "B-2" as a planned unit development was convened this 20th day of October 2009, in the Commissioners' Meeting Room.

Kim Lapensee, RPC Executive Director, stated the RPC Executive Committee's recommendation to approve the rezoning application subject to 14 conditions.

Mike Yetter, Zoning Supervisor, stated that the Rural Zoning Commission approved the rezoning application subject to 14 conditions.

Upon further discussion, the Board resolved (Resolution #09-1459) to approve the rezoning application of Paula and Reba Brandenburg to rezone .1124 acres in Union Township from General Business "B-2" to General Business "B-2" as a planned unit development subject to the following conditions:

1. Approval of a planned unit development (PUD) overlay shall only mean approval of land uses and shall not include approval of a site plan, as this is for Stages 2 and 3 of the PUD.
2. Ms. Paula Brandenburg shall be the spokesperson for the PUD in all dealings with Warren County. Ms. Brandenburg may delegate her role as spokesperson to another individual

and shall notify the Zoning Inspector of such event. In any case, one spokesperson will be recognized by Warren County as representing the PUD.

3. Final detailed site plan approval in accordance with the procedure set forth in Section 18.06 and 18.07 of the Warren County Zoning Code.
 4. Compliance with all of the conditions and requirements that may be set forth by resolution granting the PUD overlay and compliance with the requirements of Chapter 18 of the Warren County Zoning Code.
 5. Limitations on land use allowance, as determined by the Warren County Commissioners.
 6. Compliance with all requirements of the Warren County Engineer's Office, as determined during site plan review.
 7. Compliance with all requirements of the Warren County Health Department regarding on-site wastewater disposal.
 8. Compliance with all requirements of the Western Water Company regarding water service.
 9. Compliance with the Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with any future construction.
 10. Compliance with all requirements of the Warren County Engineer's Office and Union Township Fire Department as it pertains to access and internal circulation.
 11. Compliance with Chapter 20 (Parking and Loading Regulations) of the Warren County Zoning Code.
 12. Compliance with Section 27.05 (Outdoor Lighting) of the Warren County Zoning Code.
 13. Final detailed site plan approval in accordance with the procedure set forth in Section 18.07 of the Warren County Rural Zoning Code.
 14. The existing residential use dwelling is recognized to continue and be expanded or replaced if necessary with simple approval by the Zoning Inspector, inclusive of permitting accessory related use structures.
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Mike Erwin, Mayor of Morrow, was present to update the Board on the following matters:

1. Mayor Erwin commended the Water and Sewer Department, particularly Chris Brausch, Theresa Reier and Samantha Gambill, for the tremendous support to the Village of Morrow staff.
2. Mayor Erwin announced that the Village of Morrow is out of fiscal watch and doing well financially.
3. There is a grocery store looking to locate in the unoccupied strip center, the only holdup in the deal is the difficulty in obtaining a liquor license for the store. The Board requested Dave Gully, County Administrator, to help with this task.
4. Hamilton Township, the Village of Maineville and Little Miami Schools are proposing to create a Joint Economic Development District (JEDD) that would include the property adjacent to Little Miami High School. The Mayor has requested the Board's assistance to help the Village of Morrow to become a party to the JEDD as they are geographically closer than the Village of Maineville.

Kimm Coyner, Economic Development Director, was present along with Chris Brausch, Sanitary Engineer, and Jim Malone, SUMCO, for a work session to discuss the current water rate reduction agreement between this Board and SUMCO.

Mrs. Coyner stated that the agreement included "claw back" provisions and when the corporate headquarters in Japan chose to announce the closing of the plant, the Board of Commissioners began implementing the "claw back" provision and instructed the Water and Sewer Department to begin billing at the standard rate.

Mr. Malone thanked the Board and the Water and Sewer Department for their support of their company. He stated that they currently employ 400 people but are scheduled to close December 31, 2010. He then stated that that plant is currently making a profit and they have hired back approximately 65 employees from prior layoffs. He stated that the plants in Japan are losing a significant amount of money in the current market. He then stated that they are actively looking for a buyer for the facility. He then explained that they are setting aside the funds that the Water and Sewer Department would receive each month from the "claw back" provision of the contract upon closure.

Mr. Malone stated that they have not given up hope that, upon review of the companies profits, corporate will change their mind and not close the plant. He stated that, as long as they are receiving the reduce water rate, their plant will continue to operate in the black. He then requested the Board to continue to allow them to pay the reduced water rate in order to help convince corporate to not close the plant or to help with the sale of the plant.

The Board stated their willingness to utilize the funds from the "claw back" provision as an incentive to keep this company in place for the good citizens who work there.

Upon discussion, Mr. Brausch stated he will rescind the invoice for approximately \$73,000 and will re-issue a new invoice at the reduced rate. It was also stated that they will defer the “claw back” payment until March 31, 2010 or any extended closure date that may be set in the future.

Jim Malone, SUMCO, stated that the Water and Sewer Department received payment from them one day late which caused them to incur an enormous late fee. He requested the Board’s consideration to waive the late fee.

Upon discussion, the Board resolved (Resolution #09-1460) to approve the request to waive Water and/or Sewer penalties for Sumco.

Chris Brausch, Sanitary Engineer, was present for a work session to discuss the following matters:

1. Water service request from Mr. Haddix on Butterworth Road—Mr. Haddix has requested to have water service to his property utilizing an easement from a neighbor. The Board agreed subject to the terms within the standard agreement.
2. Sanitary sewer service to 677 E. Foster-Maineville Road. Mr. Brausch stated an individual desires to connect to the sanitary sewer, at their cost, and the property is within the Urban Service Area of Hamilton Township. The Board agreed to the connection.
3. The Board discussed the legislation relative to the approval of the notice of intent to award bids relative to the Lower Little Miami Wastewater Treatment Plant Upgrade and Expansion. Upon discussion, the Board resolved (Resolution #09-1461) to approve the notice of intent with Mr. Kilburn voting nay due to the utilization of federal stimulus funds towards the project.
4. Mr. Brausch explained the need to replace a waterline under the intersection at SR 48 and US 22-3 in Hamilton Township. He stated the need to bore under the road and the need to hire an engineer to design said project. Upon discussion, the Board agreed to the project.
5. Mr. Brausch explained the need to issue a request for qualifications relative to the relocation of water and sewer lines along Bethany and Butler-Warren Roads due to the road widening projects. Upon discussion, the Board agreed to the issuance of the RFQ.
6. South Lebanon approved the agreement with Cincinnati Water Works relative to the sale of bulk water rather than purchasing water from Warren County.
7. The Board discussed the Clearcreek Elevated Storage Tank Project. Dave Gully stated that the gas line people do not want to pay for an assessment of the tank.

8. Mr. Gully stated the request of Christa Dane to waive the excess charges relative to her leaky toilet. Upon discussion, the Board resolved (Resolution #09-1463) to approve the waiver.

Kimm Coyner, Economic Development Director, stated there is a company in Harlan Township who desires to expand but needs sanitary sewer service in order to do so. They can access sanitary sewers from Clermont County but at a cost of approximately \$800,000. They are requesting the commitment of \$150,000 from CDBG funds towards to cost.

Commissioner Kilburn stated he cannot vote to spend any federal grant funds as this Country is broke.

Commissioner Young stated he would rather commit funds for projects like this that create jobs rather than construct sidewalks.

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 October 20, 2009, in compliance with Section 121.22 O.R.C.

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