



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 – July 13, 2010

The Board met in regular session pursuant to adjournment of the July 1, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the June 29, 2010 and July 1, 2010 meetings were read and approved.

- 10-0971 A resolution was adopted to designate Family and Medical Leave of Absence to Shelah Blauvelt, Protective Services Caseworker, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 10-0972 A resolution was adopted to designate Family and Medical Leave of Absence to Julie McGeorge, Administrative Support, within the Office of Management and Budget. Vote: Unanimous
- 10-0973 A resolution was adopted to Waive Permit Fees associated with the St. Margaret of York Festival. Vote: Unanimous
- 10-0974 A resolution was adopted to enter into a Temporary Construction Easement Agreement with Larry and Kathleen Alexander for the Greentree Road Phase 1 Improvement Project. Vote: Unanimous
- 10-0975 A resolution was adopted to enter into a Temporary Construction Easement Agreement with Paula Ashcraft, Trustee of the Paula Ashcraft Revocable Trust for the Greentree Road Phase 1 Improvement Project. Vote: Unanimous
- 10-0976 A resolution was adopted to acknowledge receipt of June 2010 Financial Statement. Vote: Unanimous

- 10-0977 A resolution was adopted to approve Emergency Repairs to the Electric at the Dearth Road Booster Stations. Vote: Unanimous
- 10-0978 A resolution was adopted to approve and authorize the Board to enter into Academic Upgrade Services Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 10-0979 A resolution was adopted to approve and enter into a Contract between the Warren County Commissioners on behalf of the Warren County Department of Human Services and the Warren County Career Center. Vote: Unanimous
- 10-0980 A resolution was adopted to declare various items within Drug Task Force as surplus and authorize the disposal of said items. Vote: Unanimous
- 10-0981 A resolution was adopted to enter into Contract with Howell Contractors, Inc. for Old Route 122/Utica Road Water Main Extension Project. Vote: Unanimous
- 10-0982 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 10-0983 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(d)(1). Vote: Unanimous
- 10-0984 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(d)(1). Vote: Unanimous
- 10-0985 A resolution was adopted to accept Resignation of Gary Liming, Sewer System Maintenance Package Plant Operator II, within the Warren County Water and Sewer Department, effective July 16, 2010. Vote: Unanimous
- 10-0986 A resolution was adopted to approve Bond Reduction for Welsh Development Company, Inc. for completion of improvements in Trails of Shaker Run - Sections One, Two, Three and Five situated in Turtlecreek Township. Vote: Unanimous
- 10-0987 A resolution was adopted to approve Bond Release for Welsh Development Company, Inc., for completion of improvements in Autumn Run, situated in Hamilton Township. Vote: Unanimous
- 10-0988 A resolution was adopted to approve a Street and Appurtenances Bond Release for Thomas L. Reagan for completion of improvements in Locust Grove at Country Brook North, Section Three situated in Clearcreek Township. Vote: Unanimous

- 10-0989 A resolution was adopted to approve Deer Bend Court, White Cedar Way, and Locust Grove Court in Locust Grove at Country Brook North, Section Three for public maintenance by Clearcreek Township. Vote: Unanimous
- 10-0990 A resolution was adopted to approve an Amended Certificate Decrease in Fund #431, Appropriation Decreases in Fund #431 and Fund #451 and a Supplemental Appropriation in #451. Vote: Unanimous
- 10-0991 A resolution was adopted to approve Operative Transfers within Water Revenue Fund 510 into various Water Revenue Projects Fund No. 583. Vote: Unanimous
- 10-0992 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 10-0993 A resolution was adopted to approve Operational Transfer from County Commissioners' Fund #101-1112 into Mary Haven Youth Treatment Center Fund #270. Vote: Unanimous
- 10-0994 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 10-0995 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous
- 10-0996 A resolution was adopted to approve Supplemental Appropriations into Common Pleas Community Corrections Fund #289. Vote: Unanimous
- 10-0997 A resolution was adopted to approve Supplemental Appropriations into Probate/Juvenile Fund #247. Vote: Unanimous
- 10-0998 A resolution was adopted to approve Appropriation Adjustments within the Workforce Investment Act Fund 258-5800. Vote: Unanimous
- 10-0999 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 10-1000 A resolution was adopted to approve Appropriation Adjustment within Crime Victim Grant Fund #245-2450. Vote: Unanimous
- 10-1001 A resolution was adopted to approve an Appropriation Adjustment within the Solid Waste Management District Fund No. 256. Vote: Unanimous
- 10-1002 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous

- 10-1003 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-1004 A resolution was adopted to approve 2 Mill Reduction in the Levy collected for the Warren County Board of Developmental Disabilities. Vote: Unanimous
- 10-1005 A resolution was adopted to adopt Warren County Tax Budget for Year 2011. Vote: Unanimous
- 10-1006 A resolution was adopted to declare FHR Development, LLC. to be in Default in the Performance and Maintenance of all public improvements in the Reserve at Waynesville in Wayne Township; authorize Notice of Default to the Surety Company along with the Board's intent to apply the Performance and/or Maintenance Bonds to complete and/or maintain unapproved improvements and to pursue deficiencies per the terms of Security Agreement No. 06-036 (P).
Vote: Unanimous
- 10-1007 A resolution was adopted for Robinson-Vail Road - Establish Non-Participant Charges. Vote: Unanimous
- 10-1008 A resolution was adopted for Shaker Road - Establish Non-Participant Charges. Vote: Unanimous
- 10-1009 A resolution was adopted to refer Site Plan Review Applicants, Landtech/Cellusite LLC and Emmor T. Baily, to the Rural Zoning Board of Appeals for consideration of a Variance to the Warren County Rural Zoning Code prior to consideration of the Site Plan Review Application by this Board.
Vote: Unanimous
- 10-1010 A resolution was adopted to acknowledge payment of Bills.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1011 A resolution was adopted to approve creation of the Counts Building Energy Conservation Grant Fund #495, accept an Amended Certificate and approve a Supplemental Appropriation for the Courts Building Energy Conservation Grant Fund #495. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1012 A resolution was adopted to accept and approve the Application for approval of Final Settlement and Dismissal of Claim and Waiver of Hearing by and between Robin Rickard and Warren County relative to BWC Claim # 08-881009.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - abstain
- 10-1013 A resolution was adopted to approve Supplemental Appropriation within Fund #498. Vote: Unanimous

- 10-1014 A resolution was adopted to Set Public Hearing to consider Variance and Appeal of Conditions required for an Access Permit of David Zyzak in Deerfield Township. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:00 a.m. to discuss pending and imminent litigation pursuant to Ohio Revised Code Section 121.22 (G) (3) and exited at 10:43 a.m.

On motion, bids were closed at 9:15 a.m. this 13th day of July and the following bids were received, opened and read aloud for US 22&3/ST RT 48 Water Relocation for the Warren County Water and Sewer Department:

Fields Excavating Kitts Hill, Ohio	\$ 192,871.68
iConstruct, LLC. Enon, Ohio	\$ 169,961.00
J.T. Lohrer Batavia, Ohio	\$ 137,600.00
Larry Smith Contractors Cleves, Ohio	\$ 202,575.00
Trend Construction Cincinnati, Ohio	\$ 202,770.00

Chris Brausch, Sanitary Engineer, 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.

PUBLIC HEARING
2011 TAX BUDGET

The Board met this 13th day of July 2010, to consider the 2011 Tax Budget.

Tiffany Zindel, Director of OMB, explained the purpose of the tax budget and the process and stated that the 2010 approved general fund budget is \$60.8 million. She stated that the tax budget presented is \$62.5 million which is a 2.74% increase to the 2010 approved appropriation amount. She then stated that the projected revenue for 2011 is \$55.4 million.

Mrs. Zindel then stated that today we have received approximately \$30 million in revenue. She stated her opinion that if the revenue for this year stays on track, we will have approximately the same carryover balance into 2011 that we did in 2010.

Commissioner Young stated that Warren County is one of the only counties that have only spent what we could afford to spend. He then stated the three negative budget issues that must be dealt with:

1. Common Pleas Court Building Expansion
2. Telecommunications Upgrades for the E-911 system
3. Reduction and/or elimination of Local Government Funds

Commissioner Young then stated that the positives about Warren County is that we have cut spending in conjunction with the revenue reductions and we have county employees that are willing to do more with less.

Commissioners Kilburn stated that financial success is never about revenue, it is all about controlled spending.

Upon discussion, the Board resolved (Resolution # 10-1004) to approve 2 Mill Reduction in the Levy collected for the Warren County Board of Developmental Disabilities.

Upon further discussion the Board resolved (Resolution #10-1005) adopt Warren County Tax Budget for Year 2011.

Dave Mick, Assistant County Engineer, was present for the consideration of the declaration of default for The Reserves of Waynesville in Wayne Township.

Mr. Mick stated that the developers platted 41 lots in 2001 and the subdivision is 50-60% built out. He stated that the developer was directed by the Engineer's Office to place the final coat of asphalt by May 30, 2010, or have the performance bond declared to be in default. The developer has not completed the work and we are here today to declare default on the performance. He then stated that the problem with declaring default is that when the subdivision was platted and bonded that the cost of asphalt was \$28 per ton and now it is \$70 per ton.

Commissioner Kilburn questioned the possibility of purchasing our own paving equipment and providing our own paving services in light of the number of incomplete subdivision and declaration of default we are estimating.

There was discussion relative to issuance of liens against the lots that the developer owns within the subdivision to make up the difference in the bond and actual cost of improvements.

Matt Nolan, Assistant Prosecutor, stated that they will issue liens on the property but that does not mean they will be collected.

Mr. Mick then stated that there is approximately 1 mile of roadway within this subdivision.

Upon discussion, the Board stated their desire to declare default on the performance bond and assess the properties within the entire subdivision as well as issue liens on the developer owned lots to cover the deficient amount between the cost of improvements and funds remaining on the performance bond.

On motion, the Board resolved (Resolution #10-1006) to declare FHR Development, LLC. to be in Default in the Performance and Maintenance of all public improvements in the Reserve at Waynesville in Wayne Township; authorize Notice of Default to the Surety Company along with the Board's intent to apply the Performance and/or Maintenance Bonds to complete and/or maintain unapproved improvements and to pursue deficiencies per the terms of Security Agreement No. 06-036 (P).

Chris Brausch, Sanitary Engineer, was present for a work session and discussed the following matters:

1. Hartz Mountain and Clermont Co. Sanitary Sewer Agreement—Dave Walling presented a map of the proposed property to be provided sanitary sewer from Clermont County and questioned if the Board would like to release the property for service to Clermont County and have these properties become their customers or remain Warren County's customers,

- have us maintain the lines and provide billing services with us paying Clermont County for the treatment. Upon discussion, the Board requested Dave to begin negotiations with Clermont County for these customers to become Clermont County direct retail customers.
2. Non-Participation charges for Robinson-Vail Road and Shaker Road Water Projects—The Board determined to charge \$1500 for both the Robinson-Vail Road and Shaker Road Water Projects.
 3. Update on Dave and Nancy Forste—W/S Department will relocate the tap on the line. If that does not improve the water quality, they will begin turning off taps that are no longer in service.
 4. Hart Road Waterline and transfer of Lebanon water customers to Warren County—6 to 8 customers will become our customers at the request of the City of Lebanon once the line is completed. The Board stated their desire for Lebanon to remit whatever tap-in fee these customers paid to Warren County.
 5. Bulk water sale to South Lebanon—The Board determined to have the water rate remain the same as current for any bulk water that is sold.
 6. Oeder's Lake Water Service—The Board discussed a request from the owners of Oeder's Lake for an upgrade to the meter size to alleviate the pressure problems they are experiencing due to the water outlets provided to the non-profit organizations that utilize the lake. The Board stated their desire to have the property owner pay for the difference in the meter but to waive the tap-in fees and minimum billing due to the utilization by the non-profit organizations.
 7. Discussion of the clause "American-made material" in contract language. Mr. Brausch stated that American-made pipes are not a problem but most pipe fittings are made outside of the United States. The Board directed the W/S Department to utilize their best judgment when it comes to purchasing pipe fittings.
 8. Screening at the Lower Little Miami Wastewater Treatment Plant—There has been a request to provide immediate screening of the sewer plant by a residential property within the adjacent subdivision. The Board determined that the appropriate screening will be provided upon completion of the project as planned.

The Board met the this 13th day of July 2010, for the continuation of the site plan review application of Landtech/CelluSite LLC and Emmor T. Baily for the construction of a 280' self supporting telecommunications tower at 2973 Hatfield Road in Turtlecreek Township.

Mike Yetter, Zoning Supervisor, stated that this site plan review does not meet the setback requirements.

Matt Nolan, Assistant Prosecutor, stated that if the Board desires to approve this site plan review it would need to be with the conditions that the Zoning Appeals Board approves the variance of the setback requirements.


Commissioner Young stated that he was initially totally opposed to this but after hearing the specifications of the tower falling upon itself rather than fall over, combined with the fact that no adjacent property owners showed up to object, he does not have a big problem other than the setback variance being approved.

Commissioners Kilburn stated that he does not feel the Board should deviate from the regulations. He stated his desire to have the Zoning Board of Appeals make an independent decision and then have the Board consider the site plan review applications if they approve the variance.

Upon further discussion, the Board resolved (Resolution #10-1009) to refer Site Plan Review Applicants, Landtech/Cellusite LLC and Emmor T. Baily, to the Rural Zoning Board of Appeals for consideration of a Variance to the Warren County Rural Zoning Code prior to consideration of the Site Plan Review Application by this Board.


Upon motion the meeting was adjourned.

David G. Young, President


Pat Arnold South


C. Michael Kilburn

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 July 13, 2010, in compliance with Section 121.22 O.R.C.


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