



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

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***TOM ARISS  
PAT ARNOLD SOUTH  
DAVID G. YOUNG***

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

**MINUTES: Regular Session – August 13, 2013**

The Board met in regular session pursuant to adjournment of the July 30, 2013, meeting.

Tom Ariss - present

David G. Young - present

Pat Arnold South - present

Tina Osborne, Clerk - present

Minutes of the July 30, 2013 meetings were read and approved.

- 13-1132      A resolution was adopted to approve Promotion of Tayler Bishop to the position of Sewer System Maintenance/Package Plant Operator II within the Water and Sewer Department. Vote: Unanimous
- 13-1133      A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Shelby Duncan, Eligibility Referral Specialist II, within the Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 13-1134      A resolution was adopted to approve the Transfer of Shawn Mason to the position of Customer Advocate within Warren County Workforce One. Vote: Unanimous
- 13-1135      A resolution was adopted to hire Matthew T. Schnipke as a Fall/Winter Intern for the Board of Commissioners. Vote: Unanimous
- 13-1136      A resolution was adopted to approve Leave Donation for Terry Finamore, Eligibility Referral Specialist I within the Warren County Job and Family Services, Human Services Division. Vote: Unanimous

- 13-1137 A resolution was adopted to approve Leave Donation for Amber Edwards, Unit Support Worker II within the Warren County Job and Family Services, Human Services Division. Vote: Unanimous
- 13-1138 A resolution was adopted to approve end of 180-day Probationary Period and approve a Pay Increase for Jacquelyn Brody, Administrative Clerk, within the Office of Management and Budget. Vote: Unanimous
- 13-1139 A resolution was adopted to declare an emergency and waive competitive bidding process for Emergency Replacement of the HVAC Control Module in Chiller #2 at the Warren County Administration Building. Vote: Unanimous
- 13-1140 A resolution was adopted to approve and authorize the President of the Board to sign a Certificate of Milestone Completion relative to the Prime Site Fixed Network Equipment Installation Acceptance on behalf of the Telecommunications Department. Vote: Unanimous
- 13-1141 A resolution was adopted to approve Agreement with the Educational Service Center as Administrative Agent for the Warren County Family and Children First Council and the Warren County Board of County Commissioners on behalf of Warren County Children Services for Coordinator Services for SFY 2014. Vote: Unanimous
- 13-1142 A resolution was adopted to approve Notice of Intent to Award Contract to Brackney, Inc. for the Lebanon Area – Deerfield Hamilton Interconnecting Waterline – Phase 2 Project. Vote: Unanimous
- 13-1143 A resolution was adopted to approve Change Order No. 1 to the Contract with GM Pipeline, for the construction of the Irwin Simpson Road Water Main Relocation Project, Purchase Order No. 91555. Vote: Unanimous
- 13-1144 A resolution was adopted to enter into an Amendment to the Engineering Contract with Henderson and Bodwell, L.L.P. on behalf of the Warren County Engineer's Office. Vote: Unanimous
- 13-1145 A resolution was adopted to acknowledge Declaration of various items within Sheriff's Office, County Court, Engineer's Office, Recorder's Office, Human Services, Juvenile, Facilities Management and Telecom as surplus and authorize the disposal of said items. Vote: Unanimous
- 13-1146 A resolution was adopted to amend Resolution #13-0886 to Levy Final Special Assessments for construction of improvements to the Water System in the Bellbrook and Chenoweth Road Water Improvement Area, Warren County Water District. Vote: Unanimous

- 13-1147 A resolution was adopted to create Rates and Charges for the County Storm Water Management District No. 1 in accordance with Section 6117 of Ohio Revised Code. Vote: Unanimous
- 13-1148 A resolution was adopted to authorize Request for Proposal for Recording Software for the Warren County Recorder's Office. Vote: Unanimous
- 13-1149 A resolution was adopted to enter into Contract with Brunk Excavating, Inc. for the FY2013 Village of Morrow Welch Road Rehabilitation CDBG Project. Vote: Unanimous
- 13-1150 A resolution was adopted to enter into Contract with Brunk Excavating, Inc. for the FY2012 Village of Morrow Highlawn Ave. Road Rehabilitation CDBG Project. Vote: Unanimous
- 13-1151 A resolution was adopted to enter into Contract with Danis Industrial Construction Company for the North Water System – Water Booster Pump Station Improvements Project. Vote: Unanimous
- 13-1152 A resolution was adopted to enter into Contract with Barrett Paving Materials, Inc. for the FY2012 Village of South Lebanon Mason-Morrow-Millgrove Road Rehabilitation CDBG Project. Vote: Unanimous
- 13-1153 A resolution was adopted to approve and enter into Contract between the Warren County Commissioners, for and on behalf of Warren County Children Services with the Warren County Board of Developmental Disabilities, Recovery Services of Warren and Clinton Counties, Warren County Juvenile Court, and the Warren County Educational Service Center for the purpose of Pooling Funds to provide Clinical Committee Services to Multi-need Children in Warren County. Vote: Unanimous
- 13-1154 A resolution was adopted to Rescind Resolution #13-1072 adopted July 23, 2013, to Reaffirm Established Fee Schedule and set Multi-year Registration Fees for the Warren County Dog Warden. Vote: Unanimous
- 13-1155 A resolution was adopted to establish Dog Registration and Kennel Fees. Vote: Unanimous
- 13-1156 A resolution was adopted to declare various items within Drug Task Force, Domestic Relations and Facilities Management as surplus and authorize the disposal of said items. Vote: Unanimous
- 13-1157 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 13-1158 A resolution was adopted to affirm "Then and Now" Requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous
- 13-1159 A resolution was adopted to acknowledge receipt of July 2013 Financial Statement. Vote: Unanimous
- 13-1160 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 13-1161 A resolution was adopted to approve a Street and Appurtenances (including sidewalks) Bond Reduction for VWC Holdings, Ltd for completion of improvements in the Villages of Winding Creek, the Boulevards at Winding Creek, Section One situated in Clearcreek Township. Vote: Unanimous
- 13-1162 A resolution was adopted to approve a Sidewalk Bond Release for Walnut Homes, Inc., for completion of improvements Edges of Landen, in Deerfield Township. Vote: Unanimous
- 13-1163 A resolution was adopted to approve a Street and Appurtenances Bond Release for Walnut Homes, Inc., for completion of improvements in Edges of Landen, in Deerfield Township. Vote: Unanimous
- 13-1164 A resolution was adopted to enter into Erosion Control Bond Agreement with VWC Holdings, Ltd for improvements in Turning Leaf Section 3 situated in Clearcreek Township. Vote: Unanimous
- 13-1165 A resolution was adopted to enter into Erosion Control Bond Agreement with VWC Holdings, Ltd for improvements in Boulevards Section 3 situated in Clearcreek Township. Vote: Unanimous
- 13-1166 A resolution was adopted to enter into Erosion Control Bond Agreement with Soraya Farms, LLC for improvements in Soraya Farms Phase III situated in Clearcreek Township. Vote: Unanimous
- 13-1167 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Glenridge III, LLC for Glenridge Section 4 in Clearcreek Township. Vote: Unanimous
- 13-1168 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Stoneridge Development, Ltd for installation of certain improvements in Country Brook North, Section Seven situated in Clearcreek Township. Vote: Unanimous

- 13-1169 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Stoneridge Development, Ltd. for installation of certain improvements in Country Brook North Section Seven situated in Clearcreek Township. Vote: Unanimous
- 13-1170 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Glenridge II, LLC for Glenridge Section 2 in Clearcreek Township. Vote: Unanimous
- 13-1171 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance security Agreement Release for Glenridge II, LLC for Glenridge Section 3A in Clearcreek Township. Vote: Unanimous
- 13-1172 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Glenridge III, LLC for Glenridge Section 3B in Clearcreek Township. Vote: Unanimous
- 13-1173 A resolution was adopted to approve the following record Plat.  
Vote: Unanimous
- 13-1174 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 13-1175 A resolution was adopted to approve a Cash Advance, Operational Transfer and Supplemental Appropriations into Fund #479 Airport Construction.  
Vote: Unanimous
- 13-1176 A resolution was adopted to accept an Amended Certificate, approve a Cash Advance and a Supplemental Appropriation from County Motor Vehicle Fund #202 into Foster Maineville & Butterworth Road Improvement Project Fund #458. Vote: Unanimous
- 13-1177 A resolution was adopted to accept an Amended Certificate and approve a Supplemental Appropriation for Children Services Fund #273. Vote: Unanimous
- 13-1178 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 13-1179 A resolution was adopted to approve Operating Transfer from Commissioners Fund #101 into County Court Probation Fund #253. Vote: Unanimous
- 13-1180 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263.  
Vote: Unanimous

- 13-1181 A resolution was adopted to approve Supplemental Appropriation into Community Development Fund #265. Vote: Unanimous
- 13-1182 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Veteran's Fund #101-5210. Vote: Unanimous
- 13-1183 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Communications Center – Dispatch Fund #101-2850. Vote: Unanimous
- 13-1184 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Data Processing Fund #101-1400. Vote: Unanimous
- 13-1185 A resolution was adopted to approve Appropriation Adjustments from Commissioners' General Fund #101-1110 into Recorder's Fund #101-1160. Vote: Unanimous
- 13-1186 A resolution was adopted to approve an Appropriation Adjustment within Facilities Management Fund #101-1600. Vote: Unanimous
- 13-1187 A resolution was adopted to approve Appropriation Adjustments within Probate Court Fund #101-1250. Vote: Unanimous
- 13-1188 A resolution was adopted to approve Appropriation Adjustments within Probate Court Fund #101-1250, Probation 101-2500, Juvenile Detention 101-2600 and Mary Haven #270. Vote: Unanimous
- 13-1189 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 13-1190 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Funds #101-2210 and #630. Vote: Unanimous
- 13-1191 A resolution was adopted to approve Appropriation Adjustments within Emergency Services / Communications Center Fund #101-2850 and Emergency Services / EMA Fund #264. Vote: Unanimous
- 13-1192 A resolution was adopted to approve an Appropriation Adjustment within the Clerk of Courts Certificate of Title Administration Fund #250. Vote: Unanimous
- 13-1193 A resolution was adopted to approve Appropriation Adjustment within the Workforce Investment Act Fund #258-5800. Vote: Unanimous

- 13-1194 A resolution was adopted to approve Appropriation Adjustment within the Sewer Revenue Fund No. 580. Vote: Unanimous
- 13-1195 A resolution was adopted to approve Appropriation Adjustments within Data Processing/GIS Fund #101-1400 and Motor Vehicle Fund #202. Vote: Unanimous
- 13-1196 A resolution was adopted to approve Appropriation Adjustments within Warren County Pretrial Services Fund #101-1222, Adult Probation Fund #101-1223 and Community Corrections Fund #101-1224. Vote: Unanimous
- 13-1197 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 13-1198 A resolution was adopted to approve Sixty Day Extension to the Reimbursement Provisions to W. O. Brisben Corporation, Inc. for private construction of the Salt Run Trunk Sewer, Pump Station and Forcemain to services the Village on the Green Subdivision in Hamilton Township, Warren County Sewer District. Vote: Unanimous
- 13-1199 A resolution was adopted to continue Public Hearing to consider Variance and Appeal of Conditions required for an Access Permit of George Scott Kerr in Turtlecreek Township. Vote: Unanimous
- 13-1200 A resolution was adopted to approve Amendment #1 to the Action Plan for FY 2013 Community Development Block Grant (CDBG) Urban Entitlement Program. Vote: Mrs. South – yea; Mr. Ariss – yea; Mr. Young – absent
- 13-1201 A resolution was adopted to accept an Amended Certificate for Fund #494 Courts Building Construction and approve a Supplemental Appropriation for Fund #494. Vote: Mrs. South – yea; Mr. Ariss – yea; Mr. Young – absent
- 13-1202 A resolution was adopted to Award Design-Build Contract for the Warren County Justice Drive Office Building Project to Ferguson Construction Company, approve Design-Build Guaranteed Maximum Price and authorize President of the Board to sign documents relative thereto. Vote: Mrs. South – yea; Mr. Ariss – yea; Mr. Young – absent
- 13-1203 A resolution was adopted to hire Karla Mack as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 13-1204 A resolution was adopted to approve an Appropriation Adjustment within Motor Vehicle Fund #202. Vote: Unanimous

13-1205      A resolution was adopted to approve Appropriation Adjustment within County  
Count Fund #101-1280. Vote: Unanimous

#### DISCUSSIONS

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

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Steve Hunt, attorney for W. O. Brisben Corporation, was present to request the Board to consider the extension of the reimbursement provision resolution for private construction of the Salt Run Trunk Sewer, Pump Station and Forcemain to service the Village on the Green Subdivision in Hamilton Township, Warren County Sewer District.

Mr. Hunt stated that, due to the downturn in the housing market, the seven year reimbursement approved in 2006 has left his client with little connections to the system. He also stated that the reimbursement was established on a per acre amount but all of the reimbursements have been collected by the County on a per lot.

Mr. Hunt requested the Board to consider a seven (7) year extension of the reimbursement provisions as well as a payment audit.

Upon discussion, the Board resolved (Resolution #13-1198) to approve a sixty (60) day extension to the Reimbursement Provisions to W. O. Brisben Corporation, Inc. for private construction of the Salt Run Trunk Sewer, Pump Station and Forcemain to service the Village on the Green Subdivision in Hamilton Township, Warren County Sewer District, in order for a new reimbursement provision resolution to be completed that addresses a per lot reimbursement rather than a per acre reimbursement as well as the payment audit.

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On motion, bids were closed at 9:15 a.m. this 13<sup>th</sup> day of August and no bids were received, opened and read aloud for the Sale of Property located at 903 N. Broadway, Lebanon, Ohio for the Warren County Commissioners Office:

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PUBLIC HEARING  
CONSIDER VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS  
PERMIT OF GEORGE SCOTT KERR IN TURTLECREEK TOWNSHIP

The public hearing to consider the variance and appeal of conditions required for an access permit filed by George Scott Kerr, owner of record, for access to 5694 Brewer Road in Turtlecreek Township was convened this 13<sup>th</sup> day of August 2013, in the Commissioners' Meeting Room.

Commissioner Ariss read into the record the process that would be followed for this public hearing and requested the Clerk to read into the record whether this public hearing was advertised by stating the date, time and purpose of the public hearing listed in the advertisement, when the advertisement was published and the date written notices was given to the applicant. He also requested the Clerk list every item that has been filed by the applicant.

Tina Osborne, Clerk of Commissioners, stated the following:

1. Advertised in Today's Pulse -- Warren County on July 28, 2013, and August 4, 2013.
2. Notices mailed to applicant and neighbors on July 24, 2013
3. The following items have been received to date:
  - a. Request for variance and appeal of conditions form along with a check for \$85.00 and "parcel cut up" plat received on July 16, 2013
  - b. Received from Engineer's Office via email on July 16, 2013 a copy of preliminary access permit, access permit application, Letter from J. Timothy King along with plat
  - c. Received from Engineer's Office via email on August 12, 2013, various photos and aerial views of the property as well as a plat of existing parcels and final parcels after the lot split

Commissioner Ariss read the instructions and requirements of the public hearing process and swore those present desiring to give testimony at today's hearing.

George Scott Kerr, 5694 Brewer Road, stated that two property owners have collaborated to change property lines and in the process were informed that the existing driveway to his property that has been in existence for 29 years will no longer be permitted if the lot split is completed due to the non-compliance with the Warren County Access Regulations.

Kurt Weber, Chief Deputy Auditor, pointed out the property exchange on the map for clarification purposes.

Mr. Kerr stated that this is a private transaction between neighbors and because the site line distance is not in compliance, the Engineer's Office is requiring a shared access with the adjacent property owner and the elimination of the current access. He stated that the requirement is 305'

and he has approximately 236'. He then presented photographs of the view from his current access (Marked Petitioner's Exhibit 1, 2, and 3). He then stated that nothing with the driveways has changed, only a land swap with his neighbor.

Commissioner Ariss swore Dan Flohn, adjacent property owner.

Mr. Flohn, 5758 Brewer Road, stated that if this variance is not granted, they may not follow through with the land swap and the Engineer's Office will have the same issue with site distance. He then stated he does not want someone else's headlights shining into his bedroom window.

Mr. Weber stated that the Engineer's Office views this as an opportunity to correct an existing safety concern.

Commissioner Young stated he can understand the concept of government not interfering with a private business transaction between neighbors but also stated his concern relative to a sixteen year old driver visiting the property and having an accident due to site distance problems.

There was much discussion relative to a way for the property to have access in compliance with the regulations without an easement from the adjacent property owner.

Upon further discussion, the Board resolved (Resolution #13-1199) to continue this public hearing to September 17, 2013, at 9:30 a.m.

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Commissioners Young exited the meeting at 10:30 a.m. and returned at 11:30 a.m.

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PUBLIC HEARING #3

AMENDMENT TO THE ACTION PLAN FOR THE FY 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT URBAN ENTITLEMENT PROGRAM

The public hearing to consider an amendment to the Action Plan for the FY 2013 Community Development Block Grant Urban Entitlement Program was convened this 13<sup>th</sup> day of August 2013.

Susanne Mason, Program Manager, presented the following amendment for consideration due to the additional funds being available for allocation:

\$ 90,700	30% increase to Harveysburg / Massie Township – Caution Signs & Paving
\$ 100,000	25% increase to Morrow – Welch Road catch basin, curb, gutter, paving
\$ 50,023	25% increase to Interfaith Hospitality Network – Assistance to homeless
\$ 21,620	8% increase to Warren County Community Services – Freezer / Slab
\$ 75,000	50% increase to Carlisle – Rail Project
\$ 152,457	14% increase to Administration

The Board stated their concurrence with the proposed amendment and upon further discussion, the Board closed the public hearing and resolved (Resolution #13-1200) to approve Amendment #1 to the Action Plan for FY 2013 Community Development Block Grant (CDBG) Urban Entitlement Program with Commissioner Young being absent.

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Michael Shadoan, Facilities Management Director, was present to present the Design-Build contract with Ferguson Construction Company for approval relative to the Warren County Justice Drive Office Building Project.

Mr. Shadoan presented a brief timeline as well as the schedule of improvement and stated that the aggressive building schedule still includes a July, 2014 completion date.

Mr. Shadoan presented the guaranteed maximum price (GMP) for the Office Building construction of \$6,451,658.00 and the Fiber relocation project GMP of \$158,209.00 for a total design-building project scope/GMP of \$6,609,867.00

Upon discussion, the Board resolved (Resolution #13-1202) to award the Design-Build Contract for the Warren County Justice Drive Office Building Project to Ferguson Construction Company, approve the Design-Build Guaranteed Maximum Price and authorize President of the Board to sign documents relative thereto with Mr. Young being absent.

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On motion, upon unanimous call of the roll, the Board entered into executive session at 10:47 a.m. to discuss personnel matters within Children Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 11:34 p.m.

Members of the Warren County Park Board were present along with staff for a work session to discuss budget as it relates to various projects and operations.

There was discussion relative to the proposed list of improvements presented at the work session last fall and the Park Board Commissioners stated the following update regarding the \$500,000 allocation given for 2013:

1. The erosion project will be completed in 2014 due to the EPA requirements and permits.
2. The pump house bid opening is scheduled for August 16, 2013, and should be completed this year.
3. The purchase of mowers and equipment has been completed.

There was discussion relative to safety concern with two tennis courts at Armco Park. It was stated that one court has been closed due to the condition and that repairs to two tennis courts three years ago cost \$24,000.

The Board reviewed the remaining list of items on the previous list and also discussed the possibility of a park levy being placed on the ballot for consideration by the residents.


There was discussion relative to the need to hiring a consultant to help with "branding" of the Warren County Parks.

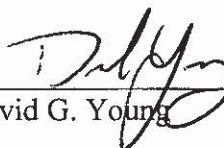
Upon discussion, the Board requested the Park Board Commissioners to obtain updated estimates for the top ranked projects on the list for further discussion at a later date.

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Upon motion the meeting was adjourned.

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Tom Ariss, President

  
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Pat Arnold South

  
\_\_\_\_\_  
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 August 13, 2013, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink that reads "Tina Osborne". The signature is written in a cursive style with a horizontal line underneath the name.

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