



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

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***LARRY CRISENBERY***

***C. MICHAEL KILBURN***

***PAT ARNOLD SOUTH***

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

**MINUTES: Regular Session--May 27, 2003**

The Board met in regular session pursuant to adjournment of the May 20, 2003, meeting.

C. Michael Kilburn - present                      Larry Crisenbery - present

Pat Arnold South - present                      Tina Davis, Clerk - present

03-698                      A resolution was adopted to approve and enter into contract with the Ohio Kentucky Indiana Regional Council of Governments regarding the Southwest Warren County Transportation Study. Vote: Unanimous

03-699                      A resolution was adopted to Advertise for Request for Qualifications and Proposals for Professional Health Care Services for the Warren County Jail and the Warren County Juvenile Justice Facility (I.E. Juvenile Detention and Mary Haven Youth Treatment Center) Vote: Unanimous

03-700                      A resolution was adopted to approve Certification of Substantial Completion for G/C Contracting Corporation Electrical Contractor for the Convention and Visitors Remodeling Project and authorize the President of the Board to sign same. Vote: Unanimous

03-701                      A resolution was adopted to approve Certification of Substantial Completion for Planex Company Inc., General Trades and Plumbing Trades Contractor for the Convention and Visitors Remodeling Project and authorize the President of the Board to sign same. Vote: Unanimous

- 03-702 A resolution was adopted to Levy Final Special Assessments for construction of improvements to the Water System in the State Route 741 Water Improvement Area, Warren County Water District. Vote: Unanimous
- 03-703 A resolution was adopted to Levy Final Special Assessments for construction of improvements to the Water System in the Mason – Montgomery Road Water Improvement Area, Warren County Water District. Vote: Unanimous
- 03-704 A resolution was adopted to accept Resignation of Mike Dane, Building and Electrical Inspector, within the Building and Zoning Department, effective May 29, 2003. Vote: Unanimous
- 03-705 A resolution was adopted to authorize the Posting and Advertising of the “Building and Electrical Inspector I, II and III” positions within the Building and Zoning Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous
- 03-706 A resolution was adopted to appoint Neil Tunison and Robert Price to the District 10 Public Works Integrating Committee. Vote: Unanimous
- 03-707 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 03-708 A resolution was adopted to approve Notice of Intent to Award Contract for the FY2002 South Lebanon Claude Avenue CDBG Project. Vote: Unanimous
- 03-709 A resolution was adopted to Advertise for Bids for Old Warren County Administration Building Remodeling Project. Vote: Unanimous
- 03-710 A resolution was adopted to approve Emergency Repair to the Landen Water Tower and approve Purchase Order #56732. Vote: Unanimous
- 03-711 A resolution was adopted to approve a Bond Reduction for M/I Schottenstein Homes, Inc., for completion of improvements in Regency Park, Section 2, in Hamilton Township. Vote: Unanimous
- 03-712 A resolution was adopted to approve a Bond Reduction for M/I Schottenstein Homes, Inc., for completion of improvements in Regency Park, Section 1, in Hamilton Township. Vote: Unanimous
- 03-713 A resolution was adopted to approve the Replat of Country Brook, Section One, Lots No. 15 & 16. Vote: Unanimous
- 03-714 A resolution was adopted to approve various Final Plats. Vote: Unanimous
- 03-715 A resolution was adopted to accept Amended Certificate and Approve a Supplemental Appropriation into Fund #266 Community Development

Enterprise Zone Monitoring. Vote: Unanimous

- 03-716 A resolution was adopted to approve Supplemental Appropriation within Construction Fund #467. Vote: Unanimous
- 03-717 A resolution was adopted to approve a Cash Advance for the Shaker Road – Dicks Creek Water Improvement Area Project Fund No. 439-3210. Vote: Unanimous
- 03-718 A resolution was adopted to approve Supplemental Appropriation Adjustment within the Comprehensive Rehab – Downpayment Assistance Fund #296. Vote: Unanimous
- 03-719 A resolution was adopted to approve Expense Adjustments within the One-Stop Business and Employment Center Fund #258. Vote: Unanimous
- 03-720 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #101-1600. Vote: Unanimous
- 03-721 A resolution was adopted to approve Appropriation Adjustments within Data Processing Fund #101-1401 and #101-1400. Vote: Unanimous
- 03-722 A resolution was adopted to approve and enter into Contract with Architects Associated Inc., relative to 320 East Silver Street Lebanon, Ohio. Vote: Unanimous
- 03-723 A resolution was adopted to authorize payment of Bills. Vote: Mrs. South – yea; Mr. Kilburn – yea; Mr. Crisenbery – abstain
- 03-724 A resolution was adopted to authorize payment of Bills. Vote: Mrs. South – yea; Mr. Crisenbery – yea; Mr. Kilburn – abstain
- 03-725 A resolution was adopted to authorize payment of Bills. vote: Unanimous
- 03-726 A resolution was adopted to Amend Resolution 00-600 to Modify Boundaries of the Hunter Area of Dick’s Creek Sewer Improvement Area, Warren County Sewer District. Vote: Unanimous
- 03-727 A resolution was adopted to Amend Resolution 00-863 and approve revised General Plans for Sanitary Sewer Improvements in the Warren County Sewer District to include Sanitary Sewers in the Hunter Area of the Dick’s Creek Sewer Improvement Area. Vote: Unanimous
- 03-728 A resolution was adopted to Amend Resolution 00-864 and re-declaration of

Official intent with respect to reimbursement of Temporary Advances made for Capital Expenditures to be made from Subsequent Borrowings for the Hunter Area of the Dick's Creek Sewer Improvement Area. Vote: Unanimous

- 03-729 A resolution was adopted to Amend Resolution 00-1210 and ratify and confirm modified Tentative Assessments, declare the necessity for the construction of the Sanitary Sewer Improvements and determine to proceed with (in accordance with the petition of benefited Property Owners) the design and construction of sanitary sewer improvements in the Hunter Area of the Dick's Creek Sewer Improvement Area, Warren County Sewer District. Vote: Unanimous
- 03-730 A resolution was adopted to Hire Jeremy Miller as Service Worker I within the Warren County Building Services Department. Vote: Unanimous
- 03-731 A resolution was adopted to Hire Lester Kilburn as Service Worker I within the Warren County Building Services Department. Vote: Unanimous
- 03-732 A resolution was adopted to Acknowledge End of Probationary Period for Robert Stadler, Plans Examiner within the Warren County Building and Zoning Department. Vote: Unanimous
- 03-733 A resolution was adopted to Close Public Hearing to consider Text Amendments to Chapter 3 (definitions) and add Chapter 21.6 (Solid Waste Disposal Transition "SDT" Zone Regulation) to the Warren County Rural Zoning Code, and render a decision June 10, 2003, at 11:00 a.m. Vote: Unanimous

#### DISCUSSIONS

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Jake Jones, Building Services Director was present for a work session to explain the proposed architectural contract with Architects Associated, Inc. for the Old Warren County Administration Building located at 320 E. Silver Street, Lebanon, Ohio.

Upon discussion the Board resolved (Resolution 03-722) to approve the proposed contract with Mr. Kilburn voting "Pass".

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Bob Buffenbarger, Hamilton Road, Turtlecreek Township resident, was present and read and reviewed a newspaper article stating concerns for Mrs. South's comments and quotes stated in the Cincinnati Enquirer relative to how she will vote in reference to the proposed text amendments relative to larger lot sizes.

Mrs. South explained that the comments and quotes were taken out of context and misquoted. She stated that she has not made any decisions relative to the text amendments and plans to listen to all evidence presented prior to making any decisions.

Bruce McGary, Assistant Prosecutor, stated that, to his knowledge, there is no legislation, which would prevent Mrs. South from voting on the proposed text amendment. However, the perception does exist that a decision was made prior to the public hearing.

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Tom Girard, Wings as Eagles Church, was present along with June Creech to review the lease agreement for the Old Mary Haven Property due to people living in the building.

Bruce McGary, Assistant Prosecutor, suggested to the Board, the creation of a one-page addendum, which states exactly what the church can, and cannot do with the property.

Mr. Girard stated that his sister was staying there with her children while the building was being cleaned but there is no one living in the premises. He also stated that the church does not use the kerosene heaters, which are located on the property. He stated that church members to be given to needy families have donated them.

Upon further discussion, the Board directed Mr. McGary to prepare the one page addendum to the lease.

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Tom Ariss, Warren County Sheriff, was present at the request of the Board to discuss the costs associated with the 24-hour guarding of the attempted murder suspect placed in a hospital facility in Hamilton County.

Sheriff Ariss stated that to date, this prisoner has cost the County approximately \$100,000. It is anticipated that an additional \$200,000 will be needed prior to the placement of the inmate into the County Jail.

The Board also discussed the lack of beds available in the County Jail at this time and discussed the possibility of the need to rehabilitate the "B" Wing of the Jail.

Commissioner Kilburn stated his desire to see the Sheriff double bunk the prisoners rather than spend an enormous amount of money on construction.

The Sheriff stated that double bunking is against the minimum jail standards and also a safety issue to his staff.

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Richard Renneker, Sanitary Engineer, was present for a work session to discuss the following issues:

- The expenditure of \$50,000 towards Franklin's construction of a vector pumping station which would allow us unlimited usage of the facility rather than driving to the Lower Little Miami Wastewater Treatment Plant. Upon discussion, the Board agreed to the expenditure.
- The proposed sanitary sewer service to Renaissance Subdivision in Franklin Township by the City of Middletown rather than the construction of a pump station for the proposed 17 lots which are located within the Township. Upon discussion, the Board agreed contingent upon the developer reimbursing Warren County for expenses associated with the Hunter Sewer Project for this project.

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## PUBLIC HEARING

### PROPOSED AMENDMENTS TO CHAPTER 3 DEFINITIONS AND ADD CHAPTER 21.6 SOLID WASTE DISPOSAL TRANSITION ZONE "SDT" ZONE TO THE WARREN COUNTY RURAL ZONING CODE

The public hearing to consider the proposed text amendments to the Warren County Rural Zoning Code to amend Chapter 3 (Definitions) and add chapter 21.6 Solid Waste Disposal Transition "SDT" Zone was convened this 27<sup>th</sup> day of May 2003, in the Commissioners Meeting Room.

Robert Craig, Regional Planning Commission, stated that the purpose of the creation of this zone is to provide for a transition zone between and around a sanitary landfill. He then presented the Regional Planning Commission Executive Committee's recommendation to approve the amendments subject to the final determination of setbacks for permitted uses by the Warren County Prosecutor's Office.

Jerry Spurling, Chief Building Official, reviewed the changes made and recommended by the Rural Zoning Commission.

Richard Brahm, Attorney, gave the history on why this text change was initiated and is being considered.

C. Francis Barrett, Attorney for BFI, stated that the court did not order this Board to rezoning the property but rather gave the Board to option to rezone the property. He stated his opinion that the properties along Mason-Morrow-Millgrove Road would benefit from the zone. He then stated that the proposed text amendment should be given more thought and time by the Rural Zoning Commission. He also stated that incineration is a perfectly viable transition and should not have been deleted by the Rural Zoning Commission and his opinion that the current "SD" zone has a buffer built into it and therefore, there is not need for a "SDT" zone.

There was discussion relative to the addition of language relative to the Ohio Administrative Code taking precedence over language in the zoning code.

Upon discussion, the public hearing was closed and the Board resolved (Resolution #03-733) to render a decision June 10, 2003, at 11:00 a.m.

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Upon motion the meeting was adjourned.

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Larry Crisenbery, President

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C. Michael Kilburn

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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 May 27, 2003, in compliance with Section 121.22 O.R.C.

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