



**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 – June 13, 2006

The Board met in regular session pursuant to adjournment of the June 1, 2006, meeting.

C. Michael Kilburn - present

Pat Arnold South - present

David G. Young - present

Tina Davis, Clerk – present

- 06-915 A resolution was adopted to designate Family and Medical Leave of Absence to Mike Hurst, Deputy Dog Warden, within the Dog and Kennel Department. Vote: Unanimous
- 06-916 A resolution was adopted to designate Family and Medical Leave of Absence to Jon Campton, Sewer System Maintenance Worker II, within the Water and Sewer Department. Vote: Unanimous
- 06-917 A resolution was adopted to designate Family and Medical Leave of Absence to Martin Scott, MIS Specialist II, within the Department of Human Services. Vote: Unanimous
- 06-918 A resolution was adopted to designate Family and Medical Leave of Absence to Erica Gons, Eligibility Referral Specialist II, within the Department of Human Services. Vote: Unanimous
- 06-919 A resolution was adopted to designate Family and Medical Leave of Absence to Denise Fraley, Eligibility Referral Specialist II, within the Department of Human Services. Vote: Unanimous

- 06-920 A resolution was adopted to designate Family and Medical Leave of Absence to Nancy Machulskiy, Emergency Communications Trainer, within the Emergency Services Department. Vote: Unanimous
- 06-921 A resolution was adopted to designate Family and Medical Leave of Absence to Karen Kenneally Eligibility Referral Specialist II, within the Department of Human Services. Vote: Unanimous
- 06-922 A resolution was adopted to designate Family and Medical Leave of Absence to Brian Hughes, Water Sewer Repair Worker III, within the Department of Water and Sewer. Vote: Unanimous
- 06-923 A resolution was adopted to approve Notice of Intent to Award the Contract for the 2006 Striping Project. Vote: Unanimous
- 06-924 A resolution was adopted to approve and enter into a Software Maintenance Agreement with DMG Maximus for the QUIC/RMS Program on behalf of the Warren County Department of Human Services. Vote: Unanimous
- 06-925 A resolution was adopted to approve Amendment #1 to the Office Space Reimbursement Agreement with the Warren County Solid Waste Management District. Vote: Unanimous
- 06-926 A resolution was adopted to approve and authorize the President of this Board to enter into a Loan Agreement with Dawn Davis relative to the Warren County Homebuyer Assistance Program. Vote: Unanimous
- 06-927 A resolution was adopted to authorize the President of this Board to sign a Satisfaction of Mortgage for Hobart and Rae Short. Vote: Unanimous
- 06-928 A resolution was adopted to enter into an Easement Agreement with Kevin G. and Lisa R. Burke for a Permanent Drainage Easement and a Permanent Utility Easement for the Lytle-Five & Yankee/Crossley Road Intersection Project. Vote: Unanimous
- 06-929 A resolution was adopted to authorize the President of the Board to sign Second Amendment to Ohio Department of Development Grant Agreement. Vote: Unanimous
- 06-930 A resolution was adopted to enter into Engineering Service Contract with Fuller, Mossbarger, Scott & May. Vote: Unanimous

- 06-931 A resolution was adopted to approve and enter into a Group Rating Plan Agreement between County Commissioners Association of Ohio Service Corporation and the Warren County Board of Commissioners relative to Workers' Compensation Group Rating Plan. Vote: Unanimous
- 06-932 A resolution was adopted to enter into Contract with Barrett Paving Materials for the Mason-Montgomery Road Resurfacing Project. Vote: Unanimous
- 06-933 A resolution was adopted to authorize the President of this Board to sign a Satisfaction of Mortgage for David W. Barnes. Vote: Unanimous
- 06-934 A resolution was adopted to approve and enter into Office Space Reimbursement Agreement with the Warren County One-Stop Business and Employment Center. Vote: Unanimous
- 06-935 A resolution was adopted to Advertise for Bids for the FY05 Franklin Township Street Improvements CDBG Project. Vote: Unanimous
- 06-936 A resolution was adopted to declare various items within Drug Task Force as surplus and authorize the disposal of said items. Vote: Unanimous
- 06-937 A resolution was adopted to declare various items within Clerk of Courts Title Division as surplus and authorize the disposal of said items. Vote: Unanimous
- 06-938 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into a Contract for the 2006 Warren County Fair to Lease Booth Space on behalf of the Warren County Solid Waste Management District. Vote: Unanimous
- 06-939 A resolution was adopted to acknowledge Receipt of May 2006 Financial Statement. Vote: Unanimous
- 06-940 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 06-941 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Thomas L. Reagan for completion of improvements in Locust Grove at Country Brook North, Section Three, situated in Clearcreek Township. Vote: Unanimous
- 06-942 A resolution was adopted to approve a Sidewalk Bond Reduction for J.P.S. Development for completion of improvements in Saddlebrook, Section One in Hamilton Township. Vote: Unanimous

- 06-943 A resolution was adopted to approve a Sidewalk Bond Reduction for J.P.S. Development for completion of improvements in Saddlebrook, Section Two, situated in Hamilton Township. Vote: Unanimous
- 06-944 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for J.P.S. Development, LLC for completion of improvements in Saddlebrook, Section Three, situated in Hamilton Township. Vote: Unanimous
- 06-945 A resolution was adopted to approve Bond Release for J.A. Development, LLC for completion of improvements in Country Walk, Section Three situated in Franklin Township. Vote: Unanimous
- 06-946 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Reduction with Thomas L. Reagan for Locust Grove at Country Brook North Section Three in Clearcreek Township. Vote: Unanimous
- 06-947 A resolution was adopted to enter into Erosion Control Bond Agreement with Turning Leaf, LLC for improvements in Turning Leaf, Section 6 situated in Hamilton Township. Vote: Unanimous
- 06-948 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Turning Leaf, LLC for installation of certain improvements in Turning Leaf, Section 6 situated in Hamilton Township. Vote: Unanimous
- 06-949 A resolution was adopted to enter into Sidewalk Security Agreement with Turning Leaf, LLC for installation of certain improvements in Turning Leaf, Section 6, situated in Hamilton Township. Vote: Unanimous
- 06-950 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Turning Leaf, LLC for installation of certain improvements in Turning Leaf, Section 6, situated in Hamilton Township. Vote: Unanimous
- 06-951 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook, Sections Five & Eight, situated in Deerfield Township. Vote: Unanimous
- 06-952 A resolution was adopted to enter into Sidewalk Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook, Sections Five & Eight situated in Deerfield Township. Vote: Unanimous

- 06-953 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook Section Seven situated in Deerfield Township. Vote: Unanimous
- 06-954 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook, Sections Six & Seven, situated in Deerfield Township. Vote: Unanimous
- 06-955 A resolution was adopted to enter into Sidewalk Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook, Sections Six & Seven situated in Deerfield Township. Vote: Unanimous
- 06-956 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook, Section Six situated in Deerfield Township. Vote: Unanimous
- 06-957 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Cherrybrook, LLC for installation of certain improvements in Cherry Brook, Section Five situated in Deerfield Township. Vote: Unanimous
- 06-958 A resolution was adopted to approve the following Record Plats. Vote: Unanimous
- 06-959 A resolution was adopted to approve an Appropriation Adjustment within the One-Stop Business and Employment Center Fund #258. Vote: Unanimous
- 06-960 A resolution was adopted to approve Appropriation Adjustments within Water Revenue Fund 510 and Sewer Revenue Fund 580. Vote: Unanimous
- 06-961 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Common Pleas Court Fund #101-1220 and #101-1223. Vote: Unanimous
- 06-962 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 06-963 A resolution was adopted to approve Supplemental Adjustments within Common Pleas Court – Capital Case Fund #101-1221. Vote: Unanimous
- 06-964 A resolution was adopted to approve Supplemental Adjustment within Common Pleas Court Fund #270. Vote: Unanimous

- 06-965 A resolution was adopted to authorize Payment of Bills. Vote: Unanimous
- 06-966 Due to clerical error this number was inadvertently omitted.
- 06-967 A resolution was adopted to continue Public Hearing for Rezoning Application of Dirk Morgan, property owner with Lori Morgan, to Rezone 2.2113 acres in Washington Township from Resort Zone "H" to Resort Zone "H" as a Planned Unit Development. Vote: Unanimous
- 06-968 A resolution was adopted to Advertise for Bids for Two Mass Casualty Incident Response Trailers. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-969 A resolution was adopted to Advertise for Bids for Two Special Weapons Armored Response Vehicles.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-970 A resolution was adopted to approve Reclassification of Mark Johnson from the position of Maintenance Worker II to the position of Carpenter.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-971 A resolution was adopted to Appoint Karen Whittamore as Director of the One-Stop Department. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

DISCUSSIONS

Marie Bowling, Warren County Career Center, was present to request the Board's endorsement of a program being sponsored by the local business community called "Alive at 25" which is a defensive driving course for young drivers age 16 to 25.

On motion, upon unanimous call of the roll, the Board agreed to endorse the program.

On motion, bids were closed at 10:15 a.m. this 13th day of June and the following bids were received, opened and read aloud for the FY05 Village of Morrow Main Street Parking Lot Project – Re-bid for the Warren County Office of Grants Administration:

Trend Construction Cincinnati, OH	\$ 52,450.00 \$7,000.00 Alt. 1 \$7,000.00 Alt. 2
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Wm. Light Paving Co. Cincinnati, Ohio	\$ 56,985.00 \$ 9,950.00 Alt. 1 \$ 9,000.00 Alt. 2
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Jerry Haddix, Warren County Office of Grants Administration, will review bids for a recommendation at a later date.

On motion, bids were closed at 10:30 a.m. this 13th day of June and the following bids were received, opened and read aloud for the FY05 Village of Waynesville North Main Street Project for the Warren County Office of Grants Administration:

Melvin Asphalt Paving Co. Sabina, OH	\$ 47,850.00
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Jerry Haddix, Warren County Office of Grants Administration, will review bids for a recommendation at a later date.

Marilyn Haley, Warren County Foundation, was present to announce the Warren County Commissioners as the recipient of the Annual Preservation Award for the renovation project of the Convention and Visitor's Bureau building.

PUBLIC HEARING #1

ADOPTION OF THE 2004 RESIDENTIAL CODE OF OHIO

The public hearing to consider the adoption of the 2004 Residential Code of Ohio on behalf of the Warren County Building Department was convened this 13th day of June 2006, in the Commissioners' Meeting Room.

Jerry Spurling, Chief Building Official, explained the reason for the adoption of this new code due to a state mandate. He then stated that in the past, there has been no certification available for residential inspectors but with this new code, they are now available. He explained that there will be a 1% surcharge added to the permits as mandated by the State of Ohio in order to provide funding for training.

Upon further discussion, on motion, upon unanimous call of the roll, the public hearing was closed.

Richard Renneker, Sanitary Engineer, was present along with Peter Carroll, developer of Renaissance Subdivision in the Village of Harveysburg for a work session to discuss sewer access to Caesar Creek Lake Estates.

David Piazzoa, EMH&T, explained that they are having difficulty accessing a section of the proposed subdivision due to 30 feet of depth being required for gravity into sewer line. He requested the Board allow him to construct a pump station at a cost of \$15-20,000 verses \$200,000 for gravity.

The Board discussed the possibility of allowing a private pump station to be owned and operated by the homeowners association.

The Board then directed Mr. Renneker and Mr. Carroll to work with the Prosecutor's Office to find a way that the developer pays for upkeep and maintenance of the proposed pump station.

PUBLIC HEARING

REZONING APPLICATION OF DIRK AND LORI MORGAN
TO REZONE 2.2113 ACRES IN WASHINGTON TOWNSHIP
FROM RESORT ZONE "H" TO RESORT ZONE "H" AS A PLANNED UNIT
DEVELOPMENT

The public hearing to consider the rezoning application of Dirk and Lori Morgan, property owners, to rezone 2.2113 acres in Washington Township from Resort Zone "H" to Resort Zone "H" as a planned unit development was convened this 13th day of June 2006.

Robert Craig, Regional Planning Commission, explained the location of the property and the surrounding zoning and stated the RPC Executive Committee recommendation to approve the rezoning application subject to eight conditions.

Mike Yetter, Zoning Inspector, stated the events of the Rural Zoning Commission meeting and the recommendation to approve the rezoning application subject to eight conditions.

Dirk Morgan, property owner, spoke in support of the rezoning application and stated his desire to improve the property as well as the Little Miami River.

There was discussion relative the need for rezoning the property in order to place 200 sq. foot cottages for rental units. Mr. Kilburn read aloud the section of the zoning code as it relates to Resort Zone "H" and stated his opinion that a rezoning is not required.

The Board stated the need to discuss this application with legal counsel.

John Woolery, Ohio Department of Natural Resources, stated that ODNR is a neutral party in the rezoning but stated the following recommendations:

- Prefer to see cabins set back – not right on edge of river bank
Riparian zone or forested buffer maintained along the river as much as possible for 2 reasons:
- Tree roots aid in stabilization of river bank
- Tree canopy aids in regulating water temperature of the river which in turn benefits aquatic life in the river
- Parking Lot(s) or parking areas
Surface should be permeable rather than impermeable – i.e. – gravel rather than asphalt

- Sewage Issues
Prefer not to have port-a-lets or port-a-johns in the flood plain. Prefer to have those facilities located above the 100 yr. flood plain so we don't have a port-a-john floating down the river in the event of a flood or high water event.

- Evacuation Plan
In the event of a flood or high water event.

Upon further discussion, the Board resolved (Resolution #06-967) to continue the public hearing to June 27, 2006 at 3:00 p.m.

Mrs. Byrd, Whalen Drive resident, was present along with several adjacent property owners to speak in opposition to an extension of Whalen Drive being proposed to connect with Regency Park Subdivision through Salt Run Meadows in Hamilton Township.

Neil Tunison, County Engineer, stated that the Thoroughfare Plan states that the roadways are to be connected but stated he does not absolutely need the connection and stated if the Board desires to not connect he would not be concerned.

Upon further discussion, the Board requested Mr. Tunison to contact the developer and inform them they do not need to provide the road connection as proposed.

Commissioner Kilburn exited the meeting at 12:38 p.m.

Frank Young, Emergency Services Director, was present along with members of the Terrorism Advisory Committee to discuss the acquisition of two mass casualty incident trailers and two armored personnel carriers.

Frank Young, Emergency Services Director, stated that the two mass casualty incident trailers can be utilized in all types of emergencies other than terrorism activities and the proposed cost for both trailers is estimated to be \$60,000. Upon discussion, the Board agreed to approve the purchase of the trailers.

Ron Ferrell, Mason Police Chief, along with Sheriff Tom Ariss, explained the need for the armored personnel carriers and stated the vehicles will be utilized in meth lab raids and other incidents such as those. They then stated the estimated cost of both vehicles to be \$250,000. Upon discussion, the Board agreed to approve the purchase of the vehicles.

On motion, upon unanimous call of the roll, the Board entered into executive session at 2:20 p.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 3:25 p.m.

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 June 13, 2006, in compliance with Section 121.22 O.R.C.

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