



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

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

*Telephone (513) 695-1250
(513) 261-1250
(513) 925-1250
(937) 425-1250
Facsimile (513) 695-2054*

***C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG***

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

MINUTES: Regular Session – July 6, 2006

The Board met in regular session pursuant to adjournment of the June 29, 2006, meeting.

C. Michael Kilburn - present

Pat Arnold South - present

David G. Young - present

Tina Davis, Clerk – present

Minutes of the June 29, 2006 meeting were read and approved.

- 06-1100 A resolution was adopted to Waive Lodging Tax Late Filing Penalty for James Brewster, Brewster's Place Bed and Breakfast in the City of Lebanon.
Vote: Unanimous
- 06-1101 A resolution was adopted to Waive Sewer Connection Fee in the Morrow-Roachester Sewer District. Vote: Unanimous
- 06-1102 A resolution was adopted to approve and authorize the President of this Board to enter into a Loan Agreement with Teresa A. Isaacs relative to the Warren County Homebuyers Assistance Program. Vote: Unanimous
- 06-1103 A resolution was adopted to Declare Official Intent with Respect to Reimbursement of Temporary Advances made for Capital Expenditures to be made from Subsequent Borrowings (Miscellaneous Water Main Projects).
Vote: Unanimous
- 06-1104 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 06-1105 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 Abuse and Rape Crisis Shelter or Warren County. Vote: Unanimous
- 06-1106 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 Interfaith Hospitality Network of Warren County. Vote: Unanimous
- 06-1107 A resolution was adopted to enter into an Easement Agreement with Richard and Susan Spencer for an Exclusive and Permanent Highway Easement and a Temporary Construction Easement for the Utica Road and State Route 42 Realignment Project. Vote: Unanimous
- 06-1108 A resolution was adopted to approve Change Order #GC-001 with Better Built Construction Services, Inc. relevant to the East Street Building Renovation Project. Vote: Unanimous
- 06-1109 A resolution was adopted to enter into Contract with Okind Inc. d.b.a. Silverhawke Construction for the Public Improvements Project – McNK Subdivision, Phase 1. Vote: Unanimous
- 06-1110 A resolution was adopted to approve and authorize the President of this Board to sign two Subordination Agreements for Tandy E. Lyod. Vote: Unanimous
- 06-1111 A resolution was adopted to enter into Engineering Service Contract with Apex Engineering & Surveying, Inc. Vote: Unanimous
- 06-1112 A resolution was adopted to approve Engineering Agreement with Floyd Browne Group for the Sycamore Trails Wastewater Treatment Plant Feasibility Study. Vote: Unanimous
- 06-1113 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with the Brisben Family Limited Partnership for the Mason-Morrow-Millgrove Road Maintenance Project. Vote: Unanimous
- 06-1114 A resolution was adopted to enter into Contracts for the Re-Bid of the North Wellfield Expansion Project. Vote: Unanimous
- 06-1115 A resolution was adopted to approve and enter into Agreement with Mental Health and Recovery Centers of Warren County to provide Crisis Services to the inmates at the Warren County Sheriff’s Office. Vote: Unanimous

- 06-1116 A resolution was adopted to acknowledge receipt of June 2006 Financial Statement. Vote: Unanimous
- 06-1117 A resolution was adopted to enter into Street and Appurtenances Security Agreement with M/I Homes of Cincinnati, LLC. for installation of certain improvements in Regency Park, Section 6A, situated in Hamilton Township. Vote: Unanimous
- 06-1118 A resolution was adopted to enter into Sidewalk Security Agreement with M/I Homes of Cincinnati, LLC for installation of certain improvements in Regency Park, Section 6A situated in Hamilton Township. Vote: Unanimous
- 06-1119 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with M/I Homes of Cincinnati, LLC for installation of certain improvements in Regency Park, Section 6A, situated in Hamilton Township. Vote: Unanimous
- 06-1120 A resolution was adopted to enter into Erosion Control Bond Agreement with M/I Homes of Cincinnati, LLC. for completion of improvements in Regency Park, Section 6A, situated in Hamilton Township. Vote: Unanimous
- 06-1121 A resolution was adopted to approve the following Record Plats. Vote: Unanimous
- 06-1122 A resolution was adopted to approve an Appropriation Adjustment within Water Construction Project Fund No. 583. Vote: Unanimous
- 06-1123 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous
- 06-1124 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 06-1125 A resolution was adopted to accept Amended Certificate into Grants Administration Fund #298 and approve Supplemental Appropriation Adjustment into Fund #298. Vote: Unanimous
- 06-1126 A resolution was adopted to approve Appropriation Adjustment within Economic Development Fund #101-1116. Vote: Unanimous
- 06-1127 A resolution was adopted to approve Appropriation Adjustment within Human Services Fund #203. Vote: Unanimous
- 06-1128 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

- 06-1129 A resolution was adopted to approve a Sub Fund Adjustment within Fund #583 and approve Operational Transfers from Water Surplus Fund 510-3219 into Water Construction Projects Fund 583. Vote: Unanimous
- 06-1130 Due to clerical error this number was inadvertently omitted.
- 06-1131 A resolution was adopted to approve Supplemental Adjustment into Commissioners Grants Fund #101-1111. Vote: Unanimous

DISCUSSIONS

Neil Tunison, County Engineer, was present along with Richard Renneker, Sanitary Engineer, for a work session to discuss the Socialville Fosters water line relocation.

Mr. Renneker stated the need to relocate the water line due to the Engineer's project to lower the road and provide a turn lane at Duke Boulevard and construct a bike trail adjacent to White Blossom subdivision.

Mr. Tunison stated that the initial elevations showed that Warren County's water line would not need to be relocated. However, upon further investigation, it has been deemed necessary. He stated that the City of Mason had a water line relocation that was bid with the original project so unit prices are included for water line relocation in the original bid. He stated a change order would be necessary to complete the additional work.

Upon further discussion, the Board approved the water line relocation.

PUBLIC HEARING LODGING TAX LATE FILING FEE APPEAL OF JAMES BREWSTER, BREWSTER'S PLACE BED AND BREAKFAST

The public hearing to consider the appeal of the \$25 Lodging Tax late filing fee assessed to James Brewster, Brewster's Place Bed and Breakfast in the City of Lebanon was convened this 6th day of July 2006 in the Commissioners' Meeting Room.

Dave Gully, County Administrator, explained that the Bed and Breakfast was not being utilized due to his son staying in the rental room and therefore, he did not fill out the lodging tax form. He stated that it was an oversight on the owner's part and requested the Board to waive the penalty.

Commissioner Kilburn stated his concern that if the penalty is waived there would be no incentive to follow the rules.

Commissioner South stated she does not have a problem granting a one time waiver as well as setting a policy that would allow a one time penalty waiver.

Chris Watkins, Assistant Prosecutor, stated that the Board has total discretion to waive the penalty or not.

Commissioner Young stated he does not have a problem waiving this particular penalty but desires to consider any future fee waiver on its merits, not just a blanket one time waiver.

Upon further discussion, the Board resolved (Resolution #06-1100) to approve a one time Lodging Tax late filing penalty waiver for Brewster's Place Bed and Breakfast in the City of Lebanon.

Richard Renneker, Sanitary Engineer, was present along with Mr. Schneider, owner of 120 Main Street in the Village of Morrow.

Mr. Schneider presented a letter from the Village of Morrow in support of a waiver of the tap fee and reducing the capacity fee from \$1500 to \$1000.

Commissioner Kilburn stated he does not have a problem with waiving of tap fees due to the building being uninhabitable at the time of the sewer project.

Commissioner Young questioned if Mr. Schneider could make the project work if they only waived a portion of the fees.

Mr. Schneider requested that the entire request be approved.

Upon further discussion, the Board resolved (Resolution #06-1101) to waive the tap fee association with the property located at 120 Main Street in the Village of Morrow.

Neil Tunison, County Engineer, was present along with Bruce McGary, Chief Deputy Prosecutor, to discuss the drainage concern at the Shirley residence located at 5593 Union Road in Franklin Township.

The Board explained that the property owners feel the County should install a pipe onto their property to alleviate the swampy area and the washing out of the creek below their small bridge in the back yard.

Mr. McGary stated that this would set a dangerous precedent. He stated that this was a 25 year flood and to install a small pipe, more problems will happen and they will expect the County to continue to fix them.

Mr. Tunison stated he does not want to enter onto private property.

There was discussion relative to the road project completed by the County Engineer and Mr. McGary explained that the County did not change the flow of the water. He stated that they have taken steps to slow it down. He then recommended to the Board that they do not proceed with providing improvements on private property.

Upon further discussion, the Board requested Mr. McGary to prepare a letter for their signature with the appropriate response.

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 July 6, 2006, in compliance with Section 121.22 O.R.C.

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