



**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 28, 2009

The Board met in regular session pursuant to adjournment of the July 23, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Laura Lander, Deputy Clerk – present

- 09-1003 A resolution was adopted to approve and authorize a Grant Application for Victims Assistance Funds on behalf of the Warren County Prosecutor's Office. Vote: Unanimous
- 09-1004 A resolution was adopted to approve and authorize the President of the Board to enter into a Youth Worksite Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 09-1005 A resolution was adopted to Set Public Hearing for Rezoning Application of Herbert Terry and Paula Erwin to rezone 1.25 acres in Harlan Township from General Business "B-2" to General Business "B-2" as a Planned Unit Development. Vote: Unanimous
- 09-1006 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-1007 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-1008 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / Communications Center Fund #101-2850. Vote: Unanimous

- 09-1009 A resolution was adopted to approve Appropriation Adjustment of Funds within the Certificate of Title Administration Fund #250-1260. Vote: Unanimous
- 09-1010 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-1011 A resolution was adopted to declare the necessity to Levy a Tax in excess of the Ten Mill Limitation. Vote: Unanimous
- 09-1012 A resolution was adopted to request that the County Auditor Certify to the Board of Commissioners the total current Tax Valuation of Warren County Combined Health District and the dollar amount of Revenue that would be generated by a specified number of Mills. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:14 a.m. to discuss personnel matters relative to specific personnel within CSEA and Human Services pursuant to Ohio Revised Code Section 121.22 (G) (1) and exited at 10:44 a.m.

On motion, bids were closed at 10:15 a.m. this 28th day of July and the following bids were received, opened and read aloud for the FY 2008 Village of Morrow Street Improvement Project for the Office of Grants Administration:

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| Strawser Const. dba Terry Industries Hamilton, Ohio | \$ 78,072.50 |
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Jerry Haddix, Coordinator, 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 28th day of July and the following bids were received, opened and read aloud for the Robinson Vail Shaker Rd Contract I for the Water and Sewer Department:

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|---|-----------------|
| Adleta Excavating Cincinnati, Ohio | \$ 2,160,492.92 |
| Atlas Excavating West Lafayette, Indiana | \$ 1,442,803.00 |

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|--|-----------------|
| Associated Excavating Inc. Brookville, Ohio | \$ 1,770,063.00 |
| Brackney Inc. Brookville, Indiana | \$ 1,388,846.00 |
| GM Pipeline West Chester, Ohio | \$ 1,349,630.84 |
| Charles Hamilton Co. Maineville, Ohio | \$ 1,340,957.58 |
| Howell Contractors Ft. Wright, Kentucky | \$ 1,387,419.00 |
| Larry Smith Construction Cleves, Ohio | \$ 1,537,339.50 |
| Lykins Contracting Sunman, Indiana | \$ 1,549,566.00 |
| The Nelson Stark Company Cincinnati, Ohio | \$ 1,917,419.56 |
| Rack & Ballauer Excavating Hamilton, Ohio | \$ 1,349,369.93 |
| Welsh Excavating Co., Inc. Cleves, Ohio | \$ 1,305,373.50 |

Chris Brausch, Sanitary Engineer, will review bids for a recommendation at a later date.

The Board met to consider default of the Streets and Appurtenances bond for Buckeye Fields, LLC in Turtlecreek Township.

Upon discussion, the Board was informed that the lender has extended the bond for an additional four months.

Chris Brausch, Sanitary Engineer, was present to discuss the State Route 122 Elevated Storage Tank Project. The first public hearing was held on July 14, 2009. He stated that some of the parties involved are opposed to the project and some are in favor of it. He asked the Board for direction on how he should proceed.

The Board stated their desire to proceed with the hearing process and directed Mr. Brausch to schedule the next hearing date with the Clerk.

Duane Stansbury, Warren County Health Commissioner, was present to further discuss his request for the Board to approve the placement of a replacement levy on the November ballot for the Warren County Combined Health District. Mr. Stansbury presented the figures requested by the Commissioners at the July 21, 2009 meeting.

Upon discussion the Board resolved (Resolution #09-1011) to declare the necessity to Levy a Tax in excess of the Ten Mill Limitation.

The Board also resolved (Resolution #09-1012) to request that the County Auditor Certify to the Board of Commissioners the total current Tax Valuation of Warren County Combined Health District and the dollar amount of Revenue that would be generated by a specified number of Mills.

Commissioner Kilburn stated that the Board, and Nick Nelson, County Auditor, have received an order from County Court Judge Oda to pay a bill for out of state travel that the Commissioners did not authorize.

Mr. Nelson explained that County Court has a special project fund and the statute states that expenses paid out of that fund are to be paid on order of the Court. It does not say that the Board does not have appropriation authority over that fund. The Court Order directs the Auditor to pay the expense out of Special Account 283 and if no appropriation exists in that line item account the Auditor is ordered to pay out of the General Fund, County Court, Other Expense where there are funds available to pay it.

Commissioner Young stated that it seems that Judge Oda has used his discretionary authority to circumvent the Board's policy on out of state travel. The Board had previously reviewed the travel request and determined that the training was not necessary.

Commissioner South stated that she would not approve payment of a bill out of the General Fund for a travel expense that the Board had denied.

Upon discussion it was determined that the bill would be submitted to the Board for payment and a final decision would be made upon advice from the Prosecutor's Office.

The Board extended its condolences to Judge Flannery on the death of his father.

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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 28 2009, in compliance with Section 121.22 O.R.C.

Laura Lander, Deputy Clerk
Board of County Commissioners
Warren County, Ohio