



**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 – November 17, 2009**

The Board met in regular session pursuant to adjournment of the November 10, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk - present

Minutes of the October 20, 22, 27, 29, 2009, and November 3, 5 and 10, 2009, meetings were read and approved.

- 09-1573      A resolution was adopted to approve Leave Donation for Adela Dingman, Telephone Operations Supervisor, within the Warren County Telecommunications Department. Vote: Unanimous
- 09-1574      A resolution was adopted to approve Reclassification for Kenneth Cole from Warehouse Utility Worker to Water Sewer Repair Worker I within the Water and Sewer Department. Vote: Unanimous
- 09-1575      A resolution was adopted to extend the Bid Opening date for the FY2009 Lebanon Early Learning Center HVAC CDBG Project. Vote: Unanimous
- 09-1576      A resolution was adopted to establish Water and Sewer Connection Fees for Emeritus at Long Cove Pointe. Vote: Unanimous
- 09-1577      A resolution was adopted to appoint David G. Young to the Ohio-Kentucky-Indiana Regional Council of Governments Board of Trustees and Kimm Coyner as alternate. Vote: Unanimous

- 09-1578 A resolution was adopted to declare various items within Building Services, Engineer, Water/Sewer, and Common Pleas General as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-1579 A resolution was adopted to approve and authorize the Board to enter into an Amended Agreement with Nextel Operations, Inc. on behalf of Warren County Telecommunications. Vote: Unanimous
- 09-1580 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-1581 A resolution was adopted to approve an Emergency Repair to the Control Panel at the Lower Little Miami Lift Station. Vote: Unanimous
- 09-1582 A resolution was adopted to declare an Emergency and waive competitive Bidding Process for Emergency Repair of the Elevator located at 416 South East Street. Vote: Unanimous
- 09-1583 A resolution was adopted to enter into Engineering Service Contract with O.R. Colan Associates of Florida, LLC on behalf of the Warren County Engineer. Vote: Unanimous
- 09-1584 A resolution was adopted to approve and enter into an Agreement with Cintas Corporation for Document Management Services on behalf of Warren County Department of Human Services. Vote: Unanimous
- 09-1585 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 09-1586 A resolution was adopted to enter into a New Sidewalk Security Agreement with Shaker Run Investment Co., LLC. for Shaker Run, Section Two in Turtlecreek Township, replacing the current Sidewalk Security Agreement #06-039(S). Vote: Unanimous
- 09-1587 A resolution was adopted to enter into a New Streets and Appurtenances Security Agreement with the Shaker Run Investment Company, LLC. for Shaker Run, Section Two, in Turtlecreek Township, replacing the current Street and Appurtenances Security Agreement #06-039(P). Vote: Unanimous
- 09-1588 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Grand Communities, Ltd., for installation of certain improvements in Wynstead Section Two, Phase B situated in Hamilton Township. Vote: Unanimous
- 09-1589 A resolution was adopted to approve a Sidewalk Bond Reduction for VWC Holdings, Ltd., for completion of improvements the Villages of Winding Creek, the Falls, in Clearcreek Township. Vote: Unanimous

- 09-1590 A resolution was adopted to approve a Sidewalk Bond Reduction for VWC Holdings, Ltd., for completion of improvements the Villages of Winding Creek, The Legacy, in Clearcreek Township. Vote: Unanimous
- 09-1591 A resolution was adopted to approve a Sidewalk Bond Reduction for VWC Holdings, Ltd., for completion of improvements the Villages of Winding Creek, The Meadows, in Clearcreek Township. Vote: Unanimous
- 09-1592 A resolution was adopted to approve a Sidewalk Bond Reduction for VWC Holdings, Ltd., for completion of improvements the Villages of Winding Creek, Winding Run & Stone Creek Blvds., in Clearcreek Township.  
Vote: Unanimous
- 09-1593 A resolution was adopted to approve a Sidewalk Bond Reduction for Soraya Farms, LLC, for completion of improvements Soraya Farms, Section 1, in Clearcreek Township. Vote: Unanimous
- 09-1594 A resolution was adopted to approve a Street and Appurtenances Bond Release for J.P.S. Development, LLC, for completion of improvements in Saddlebrook, Section 2, situated in Hamilton Township. Vote: Unanimous
- 09-1595 A resolution was adopted to approve a Sidewalk Bond Release for J.P.S. Development, LLC, for completion of improvements in Saddlebrook, Section 2, situated in Hamilton Township. Vote: Unanimous
- 09-1596 A resolution was adopted to approve Appaloosa Circle and Morgan Drive in Saddlebrook, Section 2, for public maintenance by Hamilton Township.  
Vote: Unanimous
- 09-1597 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 09-1598 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-1599 A resolution was adopted to approve a Cash Advance Repayment and a Cash Advance within the Columbia Road at Mason-Morrow-Millgrove Bridge Replacement Project Fund #427. Vote: Unanimous
- 09-1600 A resolution was adopted to approve a Cash Advance Repayment and a Cash Advance within the Drake Road at Old 122 intersection Project Fund #428.  
Vote: Unanimous
- 09-1601 A resolution was adopted to approve a Cash Advance from Fund 202 into Fund 431 and a Cash Advance Repayment from Fund 431 into Fund 202.  
Vote: Unanimous

- 09-1602 A resolution was adopted to approve a Cash Advance from Fund 202 into Fund 450 and a Cash Advance Repayment from Fund 450 into Fund 202.  
Vote: Unanimous
- 09-1603 A resolution was adopted to approve a Cash Advance from Fund 202 into Fund 458 and a Cash Advance Repayment from Fund 458 into Fund 202.  
Vote: Unanimous
- 09-1604 A resolution was adopted to approve a Cash Advance from Fund 202 into Fund 463 and approve Repayment of a Cash Advance from Fund 463 into Fund 202.  
Vote: Unanimous
- 09-1605 A resolution was adopted to approve a Cash Advance from Fund 202 into Fund 490 and a Cash Advance Repayment from Fund 490 into Fund 202.  
Vote: Unanimous
- 09-1606 A resolution was adopted to approve a Cash Advance Repayment and a Cash Advance within the Lytle Five Points Road at Springboro School Fund 454.  
Vote: Unanimous
- 09-1607 A resolution was adopted to approve a Cash Advance Repayment and a Cash Advance within the Mason-Montgomery Road widening Project Fund 426.  
Vote: Unanimous
- 09-1608 A resolution was adopted to accept an Amended Certificate and approve a Supplemental Appropriation within Fund #462. Vote: Unanimous
- 09-1609 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 09-1610 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Juvenile Probation Fund #101-2500.  
Vote: Unanimous
- 09-1611 A resolution was adopted to approve Appropriation Adjustment within the Sewer Revenue Fund No. 580. Vote: Unanimous
- 09-1612 A resolution was adopted to approve an Appropriation Adjustment within the Clerk of Courts Computer Fund #282-1410. Vote: Unanimous
- 09-1613 A resolution was adopted to approve Appropriation Adjustment from Sewer Surplus Account 580-3319 into the Sewer Replacement Improvement Account Fund 580-3309. Vote: Unanimous

- 09-1614 A resolution was adopted to approve Appropriation Adjustments within Human Services Fund #203, Coroner's Office Fund #101-2100, Common Pleas Court Fund #101-1220 and Building/Zoning Fund #101-2300. Vote: Unanimous
- 09-1615 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-1616 A resolution was adopted to approve the Site Plan Review Application of YMCA of Greater Dayton, Camp Kern, Turtlecreek Township. Vote: Unanimous
- 09-1617 A resolution was adopted to approve the Site Plan Review Application of TEPPCO Partners LLP, in Turtlecreek Township. Vote: Unanimous
- 09-1618 A resolution was adopted to accept Disability Retirement of Anita L. Powell, Unit Support Worker II, within the Department of Job and Family Services, Human Services Division, effective November 30, 2009. Vote: Unanimous
- 09-1619 A resolution was adopted to authorize the Posting and Advertising of a "Part-Time Customer Advocate I" position, within the Warren County Workforce One Department, in accordance with Warren County Personnel Policy Manual, Section 2.02(A).  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

#### DISCUSSIONS

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On motion, upon unanimous call of the roll, the Board entered into executive session at 9:24 a.m. to discuss personnel matters within the Emergency Services Department pursuant to Ohio Revised Code Section 121.22 (G)(1) and Imminent Litigation pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 11:26 a.m.

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On motion, bids were closed at 10:30 a.m. this 17<sup>th</sup> day of November and the following bids were received, opened and read aloud for FY 2009 Deerfield Township Street Improvement Project for the Office of Grants Administration:

Normac Company LLC Middletown, Ohio	\$ 96,618.72
John R. Jurgenson Cincinnati, Ohio	\$ 95,700.45
Cox Paving Leesburg, Ohio	\$ 79,960.33
JK Meurer Loveland, Ohio	\$ 86,787.39
Mt. Pleasant Blacktopping Fairfield, Ohio	\$ 108,021.80
Barrett Paving Marerials, Inc. Cincinnati, Ohio	\$ 106,271.50

Jerry Haddix, Coordinator, will review bids for a recommendation at a later date.

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

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Mike Yetter, Zoning Supervisor, was present for the site plan review application of YMCA Camp Kern in Turtlecreek Township.

Mr. Yetter reviewed the comments from all departments and officials concerned and stated his recommendation to approve the site plan review subject to three conditions which includes signage, lighting and parking. He stated that the YMCA has filed for a variance for approval of the existing signs which do not meet zoning requirements.

There was discussion relative to a concern of Little Miami, Inc. relative to a conservation easement which they feel would be infringed upon if the Phase 2 of the zipline crosses the Little Miami River as proposed.

Shannon Costello, YMCA attorney, stated that the matter relative to the conservation easement is separate from any site plan being considered by this Board. She stated that the issue would be a matter for the courts to decide.

Bruce McGary, Chief Deputy Prosecutor, stated his agreement with Ms. Costello.

Upon further discussion, the Board resolved (Resolution #09-1616) to approve the site plan review application subject to three conditions.

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Mike Yetter, Zoning Supervisor, was present for the site plan review application of TEPPCO in Turtlecreek Township.

Mr. Yetter explained the proposed plan to add to the existing truck loading rack, construct an eve canopy 80' x 54' x 16' and construct a free standing power equipment control building 12' x 30' x 10'.

Mr. Yetter reviewed the comments from departments and officials concerned and stated he and received three citizen concerns as follows:

1. The staging of trucks on Hart Road that are waiting to be filled.
2. Potential noise from the power equipment building.
3. Gas fume smell within the area.

Mr. Yetter then stated his recommendation to approve the site plan review application subject to four conditions.

Rolonda Codina, Global Engineering, explained their proposed project which will enable them to bring an ethanol blend to the facility making the fuel more "green".

Doug Fox, Hart Road resident, stated his concern relative to vapor recovery. He stated that if they are filling more trucks, then the smell is going to get worse. he stated that his garage fills with diesel fumes already.

Commissioner Kilburn stated that the vapor recovery is not a matter under this Boards' jurisdiction as that is regulated by the Ohio EPA.

The representative from TEPPCO stated that the improvement proposed in this site plan review is to correct safety concerns as well as bring ethanol to this plant.

Upon further discussion, the Board resolved (Resolution #09-1617) to approve the site plan review application subject to four conditions.

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Chris Brausch, Sanitary Engineer, was present along with Bruce McGary, Chief Deputy Prosecutor, to discuss the assessment project relative to the construction of an elevated storage town on SR 122 in Clearcreek Township being requested by the liquid gas suppliers at the Texas Eastern Plant.

Mr. Brausch stated that the vapor gas suppliers have objected to the project and the assessment with an overall vote of 7 property owners opposed to the project and 3 in favor.

Upon further discussion, it was determined that a defect in the process of the assessment has occurred and, upon recommendation of Mr. McGary, the Board chose to begin the three elements of the assessment project over, those three elements being:

1. Necessity of the improvements
2. Boundaries of the project
3. Apportionment of the assessment

The Board then directed the Sanitary Engineer and the Clerk to schedule a public hearing relative to the necessity of the project.

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Upon motion the meeting was adjourned.

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C. Michael Kilburn, President

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David G. Young

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Pat Arnold South



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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 November 17, 2009, in compliance with Section 121.22 O.R.C.

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