



**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 – August 3, 2010

The Board met in regular session pursuant to adjournment of the July 27, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

- 10-1085 A resolution was adopted to hire Wilma Grace as a Part-Time Business Advocate within Workforce One of Warren County. Vote: Unanimous
- 10-1086 A resolution was adopted to approve County Motor Vehicle Tax (CVT-311) for the City of Springboro in the amount of \$50,000.00. Vote: Unanimous
- 10-1087 A resolution was adopted to enter into a Temporary Easement Agreement with Trinity Reformed Episcopal Church for the Butler-Warren Road Improvement Project. Vote: Unanimous
- 10-1088 A resolution was adopted to enter into a Temporary Easement Agreement with General Electric Evendale Employees Federal Credit Union for the Butler-Warren Road Improvement Project. Vote: Unanimous
- 10-1089 A resolution was adopted to Enter into a Temporary Easement Agreement with Garvin and Laura Nickell for the Butler-Warren Road Improvements Project. Vote: Unanimous
- 10-1090 A resolution was adopted to enter into a Temporary Easement Agreement with Janite Hamilton, Trustee of the Janite Hamilton Trust for the Butler-Warren Road Improvements Project. Vote: Unanimous

- 10-1091 A resolution was adopted to enter into a Temporary Easement Agreement with Michael and Kimberly Asbrock for the Butler-Warren Road Improvement Project. Vote: Unanimous
- 10-1092 A resolution was adopted to enter into a Storm Sewer Easement Agreement with Betty Lou Detherage for the Butler-Warren Road Improvement Project. Vote: Unanimous
- 10-1093 A resolution was adopted to enter into a Storm Sewer Easement Agreement with Harold L. Howard for the Butler-Warren Road Improvement Project. Vote: Unanimous
- 10-1094 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Jack and Cynthia Swagler for the Drake Road and State Route 122 Intersection Improvement Project. Vote: Unanimous
- 10-1095 A resolution was adopted to approve Engineering Agreement with Ohio Valley Environmental Engineering Service, Inc (dba Environmental Engineering Service) for the 2010 Upgrades to Sewage Lift Stations Project and approve Purchase Order No. 79137. Vote: Unanimous
- 10-1096 A resolution was adopted to approve Extension of Service Agreement with Hobart Service for 60 Quart Floor Mixer at the Warren County Jail. Vote: Unanimous
- 10-1097 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign the FY 2011 Elderly and Disabled Transit Fare Assistance Grant Contract by and between the Ohio Department of Transportation and the Warren County Board of Commissioners. Vote: Unanimous
- 10-1098 A resolution was adopted to enter into an Agreement that would grant the Permanent Standard Highway Easement (War-42-0.00 Project Parcel No. 47-SH) and the Permanent Drainage Easement (WAR-42-0.00 Project Parcel No. 47-DE) requested by the City of Mason for their Planned Improvements to SR 42 along the frontage of a County-Owned Parcel (Sidwell No. 15-05-200-024). Vote: Unanimous
- 10-1099 A resolution was adopted to approve Notice of Intent to Award enter Barrett Paving Materials, Inc. for the Columbia Road & Socialville-Fosters Road Intersection Improvement Project. Vote: Unanimous
- 10-1100 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 10-1101 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous

- 10-1102 A resolution was adopted to approve a Sidewalk Bond Release for D.J. Kahmann, Developer, Inc., for completion of improvements in Crown Point, Section 5 situated in Clearcreek Township. Vote: Unanimous
- 10-1103 A resolution was adopted to approve a Street and Appurtenance Bond Release for D. J. Kahmann, Developer, Inc. for completion of improvements in Crown Point, Section 5 situated in Clearcreek Township. Vote: Unanimous
- 10-1104 A resolution was adopted to approve Crown Point Drive at Crown Point, Section 5 for Public Maintenance by Clearcreek Township. Vote: Unanimous
- 10-1105 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 10-1106 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 10-1107 A resolution was adopted to approve Expense Adjustments within the One-Stop Business and Employment Center Fund #258. Vote: Unanimous
- 10-1108 A resolution was adopted to approve Supplemental Appropriation into Vehicle Maintenance Fund #619. Vote: Unanimous
- 10-1109 A resolution was adopted to approve Supplemental Appropriation into Probate Court Clerk Fund #277. Vote: Unanimous
- 10-1110 A resolution was adopted to approve Appropriation Adjustment within OMB Fund #101-1115. Vote: Unanimous
- 10-1111 A resolution was adopted to approve Appropriation Adjustments within the Workforce Investment Act Fund 258-5800. Vote: Unanimous
- 10-1112 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #101-1600. Vote: Unanimous
- 10-1113 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-1114 A resolution was adopted to acknowledge payment of Bills.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1115 A resolution was adopted to Award Bid and enter into Contracts for the Warren County Common Pleas Court Building Energy Efficiency Improvements Project.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

- 10-1116 A resolution was adopted to accept payment from the Surety for the Spartan Meadows Subdivision in Wayne Township for Uncompleted Construction and Maintenance items and Release the Surety of any further obligation outlined in Security Agreement No. 05-050(P). Vote: Unanimous
- 10-1117 A resolution was adopted to acknowledge the filing of required documents pursuant to Section 715.76 of the Ohio Revised Code and approving an Amendment to the Liberty Township Joint Economic Development District I. Vote: Unanimous
- 10-1118 A resolution was adopted to authorize payment of Bills.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1119 A resolution was adopted to approve Rezoning Application of Delorma Ltd (Case #10-04), to Rezone 3.4958 acres in Turtlecreek Township from General Business "B-2" to General Industry "I-1". Vote: Unanimous
- 10-1120 A resolution was adopted to Continue Public Hearing to consider Variance and Appeal of Conditions required for an Access Permit of David Zyzak in Deerfield Township. Vote: Unanimous
- 10-1121 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous

DISCUSSIONS

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

PUBLIC HEARING

REZONING APPLICATION OF DELORMA LTD TO REZONE 3.4958 ACRES
IN TURTLECREEK TOWNSHIP
FROM GENERAL BUSINESS "B-2" TO GENERAL INDUSTRY "I-1"

The public hearing to consider the rezoning application Delorma LTD, Kim Coomer, Agent, to rezone 3.4958 acres located at 962 S. US 42, Lebanon, at the northwest corner of the intersection of US Route 42 and McClure Road in Turtlecreek Township, from General Business "B-2" to General Industry "I-1" was convened this 3rd day of August 2010, in the Commissioners' Meeting Room.

Mike Yetter, Zoning Supervisor, stated that the Regional Planning Commission and the Rural Zoning Commission both recommended approval of the rezoning application. He stated that the business is relocating from a few doors down onto this property. He then stated that the property they currently operate on is zoned Heavy Industry "M-1" but due to the incidental welding, both the Planning Department and Zoning Department felt that General Industry "I-1" was a more appropriate zone.

There was discussion relative to the need for a planned unit development overlay.

Mr. Yetter stated his opinion that this operation is straight zoning and a PUD is not necessary.

Upon further discussion, the Board resolved (Resolution #10-1119) to approve the rezoning application.

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:41 a.m. to discuss personnel matters within Building Services 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 10:43 a.m.

On motion, bids were closed at 10:00 a.m. this 3rd day of August and the following bids were received, opened and read aloud for Scrap Metal for the Warren County Water and Sewer Department:

<u>BIDDER</u>	<u>FIRE HYDRANTS, CAST IRON (\$/TON)</u>	<u>COPPER & BRASS (\$/TON)</u>	<u>METERS (\$/METER)</u>
Cohen Brother's Inc. Middletown, Ohio	\$200.00	\$ 500.00	\$ 200.00 / ton
David Hirschberg Company Lockland, Ohio	\$ 160.00	\$ 3,000.00	\$ 1.90 per meter

Neil Tunison, Engineer, will review bids for a recommendation at a later date.

PUBLIC HEARING

CONSIDER VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS PERMIT OF DAVID ZYCAK IN DEERFIELD TOWNSHIP

The public hearing to consider the variance and appeal of conditions required for an access permit of David Zycak for his property located on Butler-Warren Road in Deerfield Township.

Kurt Weber, Chief Deputy Engineer, explained the location of the property and stated that the application has approved for a driveway permit 90' north of the south property line (1/3 of the way up). The Access Management Regulations state that accesses must be no closer than 150' from a turn lane. The application complies right now but when the road improvements are completed along Butler-Warren Road which are scheduled for next year, it will not comply.

Mr. Weber stated he has approved a temporary permit for the driveway but once the road improvements were completed, the permanent driveway should be moved to the southern most area of the property.

Commissioner Kilburn stated his opinion that if we know a road improvement is in process and we know the safest location for the driveway, then we should not be approving anything temporary.

David Zyzak, property owner, introduced himself to the Board and gave background of why he wants this appeal granted. . He stated his desire to construct brick columns with an iron gate as his entrance into the property and if he places it where the County Engineer desires, he cannot do that due to the proximity to the adjacent property and existing telephone pole.

Commissioner Kilburn stated that Mr. Zyzak purchased two parcels and had he not combined into one, the County could not have denied access to the second lot.

Commissioner Young questioned if there is a compromise possible to locate the driveway somewhere in between so that both the County Engineer and Mr. Zyzak are happy.

It was determined that, due to the proposed location of a concrete box culvert, a compromise is not possible.

Mr. Zyzak then questioned the possibility of constructing the proposed Butler-Warren Road Improvements to include a landscape berm or concrete divider so that you can only access his property with a right in/right out. He stated that he too is only interested in the safety of his family.

Mr. Weber stated that a divider would definitely solve the safety problem.

There was discussion relative to the possibility of amending the roadway improvement project and at what cost as well as the discussion of the adjacent property owner also being effected by this proposal.

Upon further discussion, the Board resolved (Resolution #10-1120) to continue the public hearing to August 10, 2010, at 9:30 a.m.

Kelly Kuhbander and Jeff Hieman, Strand Associates, Inc., were present to introduce their engineering firm.

Hank Holden, property owner adjacent to the Warren County Airport, was present to request the Board to intervene on his behalf with the Warren County Airport Authority to grant permission for the corn being grown within the Aviation Easement to be permitted to stay within the easement until on or around September 15th when it is scheduled to be harvested.


Mr. Holden stated that the corn was planted outside of the staked area and he thought he was within the area permitted to grown corn. He stated receipt of a letter from the Chairman of the Airport Authority directing him to remove the corn. He then asked the Board to allow the corn to remain for this season and to have the location staked so this cannot happen again.

Upon discussion, the Board agreed to discuss this matter with the Airport Authority on behalf of Mr. Holden.


Chris Brausch, Sanitary Engineer, was present and discussed the following matters:

1. Mr. and Mrs. Forste's water tap has been relocated and it has helped with the discolored water. They are still working and will continue to monitor the situation.
2. Easement Acquisition—There was discussion relative to the process of obtaining easements taking longer due to the new regulations re: eminent domain. The Prosecutor's Office has determined that a subordination agreement with the mortgage company is necessary in order to any recorded easement to remain viably if the property is foreclosed upon. The Board stated their desire for the establishment of a policy relative to a specific dollar amount (\$5000 or more) which would require a subordination agreement.
3. The Water Department has received 19 RFQ's for Hartz Mountain, Inc.


Upon motion the meeting was adjourned.



David G. Young, President

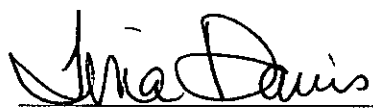


Pat Arnold South



C. Michael Kilburn

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 August 3, 2010, in compliance with Section 121.22 O.R.C.



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