



**BOARD OF COUNTY COMMISSIONERS**  
**WARREN COUNTY, OHIO**  
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**TOM GROSSMANN**  
**PAT ARNOLD SOUTH**  
**DAVID G. YOUNG**

BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO

MINUTES: Regular Session – October 11, 2016

The Board met in regular session pursuant to adjournment of the October 4, 2016, meeting.

David G. Young – present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the September 27, 2016 meeting were read and approved.

- 16-1600 A resolution was adopted to approve modification of the Stage 2 PUD for Middletown Cardiovascular (AKA Glen McGraw PUD) in Franklin Township subject to certain conditions. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. South – yea
- 16-1601 A resolution was adopted to enter into agreement with OARnet on behalf of Warren County Telecommunications. Vote: Unanimous
- 16-1602 A resolution was adopted to erect stop signs on lower Springboro Road (CR22) at the intersection of Red Lion-Five Points Road (CR126) so that said intersection functions as a four (4) – way stop intersection. Vote: Unanimous
- 16-1603 A resolution was adopted to approve County Motor Vehicle Tax (CVT-352) for the Village of South Lebanon in the amount of \$20,476.20. Vote: Unanimous
- 16-1604 A resolution was adopted to adopt uniform guidance policies relative to 2CFR relative to Child Support Enforcement Agency, Human Services, Children Services, OhioMeansJobs Warren County, Office of Grants Administration and the Board of Developmental Disabilities. Vote: Unanimous
- 16-1605 A resolution was adopted to waive water tap-in fees and sewer connection fees for the Deerfield Township Carter Park. Vote: Unanimous

- 16-1606 A resolution was adopted to approve and authorize the President of the Board to sign an On-the-Job-Training Agreement. Vote: Unanimous
- 16-1607 A resolution was adopted to acknowledge receipt of September 2016 Financial Statement. Vote: Unanimous
- 16-1608 A resolution was adopted to approve various refunds. Vote: Unanimous
- 16-1609 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 16-1610 A resolution was adopted to approve bond release for Keever Creek, LLC for completion of improvements in Estates of Keever Creek, situated in Turtlecreek Township. Vote: Unanimous
- 16-1611 A resolution was adopted to approve the following record plats. Vote: Unanimous
- 16-1612 A resolution was adopted to approve appropriation decreases within various funds. Vote: Unanimous
- 16-1613 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Fund #101-1220. Vote: Unanimous
- 16-1614 A resolution was adopted to approve appropriation adjustment within Franklin Municipal Court Fund #101-1271. Vote: Unanimous
- 16-1615 A resolution was adopted to approve appropriation adjustments within Sheriff's Office Fund #101-2200. Vote: Unanimous
- 16-1616 A resolution was adopted to approve appropriation adjustments within Veterans Fund #101-5210. Vote: Unanimous
- 16-1617 A resolution was adopted to approve an appropriation adjustment within Prosecutor Fund #245. Vote: Unanimous
- 16-1618 A resolution was adopted to approve an appropriation adjustment within the JTPA Fund 259. Vote: Unanimous
- 16-1619 A resolution was adopted to approve appropriation adjustments within Data Processing Fund #101-1401 and Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 16-1620 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 16-1621 A resolution was adopted to cancel regularly scheduled Commissioners Meeting of Thursday, October 13, 2016. Vote: Unanimous

- 16-1622 A resolution was adopted to waive a portion of the Water and Sewer charges for 1407 Shawnee Run Drive Maineville Ohio. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. South – yea
- 16-1623 A resolution was adopted to waive a portion of the water chargers for 477 Forest Edge in South Lebanon Ohio. Vote: Mr. Grossmann – absent, Mr. Young – yea, Mrs. South – yea

## DISCUSSIONS

### ADMINISTRATIVE HEARING

#### STAGE 2 PUD FOR MIDDLETOWN CARDIOVASCULAR (AKA GLEN MCGRAW PUD) IN FRANKLIN TOWNSHIP

The Board met this 11<sup>th</sup> day of October, 2016, to reconvene the administrative hearing to consider the Stage 2 PUD for Middletown Cardiovascular (AKA Glen McGraw PUD) in Franklin Township.

Bruce McGary, Assistant Prosecutor, presented edits to the proposed condition #7 and informed the Board that the County Engineer's Office is in agreement with the revised condition. He stated that this condition does not grant an easement or indicate where it will be. He then stated that the revision does strike the timing issue that was a concern of the applicant.

Rick Fishbaugh, Applicant, presented a portion of the Traffic Impact Study completed by TEC Engineering. He stated that to place upon his plat that other parcels have access (an easement) isn't appropriate without the adjacent property owner completing their own Traffic Impact Study. He then stated his opinion that tying all parcels together without a study is wrong.

Todd Flegel, attorney for Dr. Najeed, adjacent property owner within the PUD, stated that his client does not know what will be required by ODOT but this property is one PUD. He stated that the proposed easement may be the only access granted and his client needs to ensure access down the road.

Commissioner Young stated that this is one PUD and this Board does not care who the owners are within the PUD. He stated it is not the desire to land lock anyone which is why the Zoning Inspector recommended the requirement of a cross easement.

Mr. McGary stated that the Board must determine if it is necessary to have a cross easement given the testimony given by the Engineer's Office that ODOT may not allow any additional access to the PUD.

Mr. McGary then stated that the Board has the decision to approve the Stage 2 PUD, approve a modification to the Stage 2 PUD or deny the application.

Commissioner Young that there is one PUD and the condition presented meets the zoning regulations. He then stated that the timing has been removed from the conditions (as requested by the applicant).

Commissioner South questioned if the Board needed to clarify in writing that if ODOT grants an access on Route 122 that they don't have to utilize the easement.

Mr. McGary stated that it was not necessary.

Upon further discussion, the Board resolved (Resolution #16-1600) to approve the Stage 2 PUD subject to 11 conditions with Commissioner Grossmann being absent.

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Commissioner Grossmann entered the meeting at 9:25 a.m.

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

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Brent Lawyer and Jeff Rhein, Mental Health and Recovery Services, were present to provide information in support of the upcoming levy.

Mr. Lawyer stated that the levy funds serve over 6,000 individuals and account for 53% of the funding of provided services. He then stated that the 1 mil levy is the same levy approved in 2002 and will not raise taxes.

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Susanne Mason, Program Manager, was present for a work session relative to Community Development Block Grant funds.

Mrs. Mason informed the Board that the project that was originally selected for funding has been determined to be ineligible. She then stated that the ineligibility has freed up \$50,000 which the Board has the decision to reallocate for use towards next year's funding.

Mrs. Mason stated that the Village of Morrow has applied for funding to go towards their Water Treatment Plant Upgrade if they choose to reallocate the funds.

Upon discussion, the Board stated they will take the matter under advisement and render a decision next week.

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Chris Brausch, Sanitary Engineer, was present for a work session and discussed the following matters:

1. Cross Creek Estates – A development at the corner of Snider Road and Fields Ertel is proposing 55 new homes. Mr. Brausch stated the need to update the water agreement with Greater Cincinnati Water Works to delineate the parcels that Warren County will serve and what they will provide water service to.
2. Waynesville WWTP –Mr. Brausch stated that there were 9 RFQ's received for the proposed upgrades. He then presented the rankings submitted by the reviewing committee and stated his desire to deviate from the interviewing process due to the unanimously high ranking received by one company.

Mr. McGary, Assistant Prosecutor, recommended against deviating from the policy.

Mr. Brausch informed Mr. McGary that the Ohio Revised Code allows for his request.

Mr. McGary then stated he was well aware of what the Ohio Revised Code allows but stated that the Warren County Procurement Policy requires interviews to be conducted.

Upon discussion, the Board stated their desire to conduct 10 minute interviews from the top three ranking companies and also their desire to amend the procurement policy by allowing the Board to waive the interview process if desired.

3. Miscellaneous customer account waiver - Mr. Brausch stated the discovery of a customer account that was inadvertently terminated and has been receiving water without receiving a computer generated bill. He stated that the amount owed is approximately \$800 of actual usage and the property owner is arguing that they are not at fault and should not have to pay a back bill. He then stated that the property owners have agreed to pay \$300 of the bill.

Mr. Brausch then stated that the Office Administrator has been in touch with IT and requested that a monthly report be generated to show any terminated account that is showing water usage.

Mr. Brausch stated that in running the report, a second account was discovered in the same situation.

Mr. Brausch stated his recommendation to waive all but \$300 of the first account and one-half of the second account.

Commissioner Young stated that the Water and Sewer Department is not accessing any fees or penalties but the owners did utilize the water. He then stated his desire to waive one-half of the usage from both accounts and allow them to pay the back bills over time.

Commissioner South stated her desire to stick with the 50% of both accounts due to Warren County's error.

4. Private Lift Stations for Residential Developers – Mr. Brausch stated his desire for the Board to develop a policy for private lift stations in fear of abandonment by an HOA and Warren County then being stuck with the cost to maintain.

There was discussion relative to a policy and the condition placed upon Aberlin Springs development stating that in the event that the HOA defaults, the homes on the system will be condemned.

Commissioner Young questioned the desire to make a policy or take each request on a case by case basis.

Upon discussion, the Board determined to take the matter under advisement.

5. Update on Water Master Plan – Mr. Brausch stated he has been in contact with Greater Cincinnati Water Works and they will have the answers to the questions by the end of October and the matter has been placed on the Board's agenda for November 1, 2016.
6. Morrow-Rochester Pump Stations – Mr. Brausch stated that the question was asked of Mr. McGary, Assistant Prosecutor, if the County is obligated to pay for maintenance and repair of the residential grinder pumps installed as part of the Morrow-Rochester Sewer Improvement Project.

Mr. McGary reviewed the findings in researching the minutes and documents relative to the project. He then discussed the policy, in writing, of the County not being responsible for improvements or repairs on private property.

Mr. Brausch stated that the Department has policy of replacing these pumps in the past at the direction of a prior Board of Commissioners.

Commissioner South stated her opinion that we are “on the hook” and need to obtain an easement from the original properties and continue the policy.

Mr. Brausch stated he does not feel that a decision from the past requires this Board to continue the practice of repairs and maintenance not within the right of way.

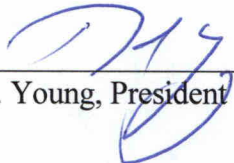
Commissioner Grossmann stated his opinion that the policy should be stopped.

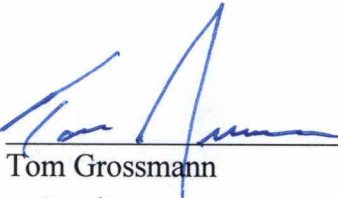
Commissioner Young stated that unless a property owner can provide documentation that the Board of Commissioners is responsible, then we will not continue the policy.

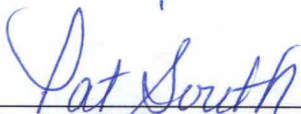
Commissioner South stated there are still several original property owners within the sewer improvement area and stated her hopes that they can find their original records.

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Upon motion the meeting was adjourned.

  
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David G. Young, President

  
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Tom Grossmann

  
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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 October 11, 2016, in compliance with Section 121.22 O.R.C.

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