



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

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***LARRY CRISENBERY
C. MICHAEL KILBURN
PAT ARNOLD SOUTH***

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

MINUTES: Regular Session--July 1, 2003

The Board met in regular session pursuant to adjournment of the June 26, 2003, meeting.

Larry Crisenbery - present Pat Arnold South - present

C. Michael Kilburn - present Tina Davis, Clerk - present

03-934 A resolution was adopted to approve replacement of Bridge WA 40-0.02 under Force Account.

Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent

03-935 A resolution was adopted to advertise for Bids for the Purchase of 4000 tons of Bulk Ice Control Salt with the option to purchase up to an additional 4000 tons.

Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent

03-936 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 for the Plainview Sewer Improvement Area.

Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent

03-937 A resolution was adopted to enter into Agreement for a Permanent Right-of-way Easement and a Temporary Construction Easement with Heartland, Ltd., 1030 Foster-Maineville Road, Maineville, Ohio 45039 for the Foster-Maineville Bridge replacement project (County Bridge No.23-2.51).

Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent

- 03-938 A resolution was adopted to enter into contract with John R. Jurgensen Company for the 2003 Resurfacing Project, Phase I.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent
- 03-939 A resolution was adopted to approve a Bond Reduction for J.A. Development P.L.L. for completion of improvements in Country Walk, Section Two, in Franklin Township.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent
- 03-940 A resolution was adopted to approve various Final Plats.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent
- 03-941 A resolution was adopted to approve Operating Transfer from Sewer Revenue Fund #580 to the Sewage Lift Station Improvement Project Fund #578.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent
- 03-942 A resolution was adopted to authorize payment of Bills.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent
- 03-943 A resolution was adopted to accept recommendation of the Rural Zoning Commission to approve the rezoning application initiated by the Board of County Commissioners (Richard M. Clarke, Trustee and Browning Ferris Industries of Ohio, Inc., Owners of Record) to rezone 131.6909 acres in Union Township from Rural Residence "R-1" to Solid Waste Disposal Transition "SDT" Zone. Vote: Unanimous
- 03-944 A resolution was adopted to accept Group Term Life Insurance Policy, with Accidental Death and Dismemberment Benefits and Optional Voluntary Benefits from Colonial Life Insurance Company.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent
- 03-945 A resolution was adopted to approve Appropriation Adjustment within Warren County Court Fund #101-1280.
Vote: Mrs. South - yea; Mr. Crisenbery - yea; Mr. Kilburn - absent

DISCUSSIONS

On motion, bids were closed at 10:15 a.m. this 1st day of July and the following bids were received, opened and read aloud for RFQ - Healthcare for the Warren Sheriff:

	<u>Jail</u>	<u>Juvenile</u>	<u>Total</u>
Hugh Clark Midwest Health Care West Chester, OH			\$ 588,150.00
Phy America Correctional Healthcare Inc. Durham, NC	\$ 504,446.50	\$ 63,802.00	\$ 568,249.50
Southern Health Partners Chattanooga, TN	\$ 378,600.00	\$ 69,720.00	\$ 448,320.00
NAPH Care, Inc. Birmingham, AL	\$ 632,258.52	\$ 73,795.56	\$ 706,054.08

Robert Price, County Administrator, will review bids for a recommendation at a later date.

On motion, bids were closed at 10:30 a.m. this 1st day of July and the following bids were received, opened and read aloud for 2003 Bridge and Spot Paving for the Warren Engineer:

Queen City Blacktop Company Cincinnati, Ohio	\$ 74,200.00
Wm. Light Paving Company Amelia, Ohio	\$ 55,945.00
C.W. Walker Loveland, Ohio	\$ 62,775.00

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

Jake Jones, Building Services Director, was present to discuss the results of the architectural engineering request for qualifications for the East Street Building.

PUBLIC HEARING #1

AMENDMENTS TO THE RULES AND REGULATIONS FOR THE DESIGN OF STORM
SEWER AND STORMWATER MANAGEMENT SYSTEMS

The first public hearing to consider amendments to the rules and regulations for the design of storm sewer and storm water management systems was convened this 1st day of July 2003, in the Commissioners Meeting Room.

Neil Tunison, County Engineer, stated his desire to make changes to the rainfall intensity sections of the rules. He stated the proposed amendments make changes to the spacing of curb inlets to minimize street flooding. He stated that the proposed amendments also change the

process for having a retention pond requirement waived. He then stated that a drainage recommendation Board was established consisting of various consultants and Engineer's Office staff and they have reviewed and are in concurrence with the proposed amendments.

Commissioner Crisenbery stated his concern with Section 204 of the proposed regulations stated the possibility of the County assuming liability in a case where drainage problems arise. He then stated his desire for Bruce McGary, Assistant Prosecutor, to review the proposed regulations prior to any adoption by this Board.

There was then much discussion relative to the need for Warren County to work together with surrounding jurisdictions to ensure that small creeks don't exceed capacity and cause erosion onto private properties.

There was discussion relative to the need for the creation of storm water districts.

Chuck Petty, Engineer's Office, stated that the proposed changes are to accommodate the recent amendments to the subdivision regulations approved by the Regional Planning Commission.

Upon further discussion, the public hearing was closed.

John Lazares, Director of Warren County MR/DD, was present and stated that MR/DD was recently given the CAFR accreditation.

PUBLIC HEARING

REZONING APPLICATION INITIATED BY THE BOARD OF COMMISSIONERS TO REZONE 131.6909 ACRES IN UNION TOWNSHIP FROM RURAL RESIDENCE "R-1" TO SOLID WASTE DISPOSAL TRANSITION "SDT" ZONE

The public hearing to consider the rezoning application initiated by the Board of County Commissioners to rezone 131.6909 acres (Richard M. Clarke, Trustee and Browning Ferris Industries of Ohio, Inc., owners of record) in Union Township from Rural Residence "R-1" to Solid Waste Disposal Transition "SDT" Zone was convened this 1st day of July 2003, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission (RPC), reviewed the location and surrounding zones and presented the history of this property and then stated the RPC Executive Committee's recommendation to approve the rezoning application.

Commissioner Kilburn requested Mr. Craig to review the approved uses within the SDT zone.

George Agricola, Trovillo Road resident, questioned if incineration is a permitted use within the zone as Mr. Craig stated. He also requested clarification and confirmation that the 100 + foot driveway along Trovillo Road is not included in the rezoning petition.

Barry Sullivan, Zoning Department, stated that the Board of Commissioners removed incineration from the SDT prior to the establishment of the zone.

Mr. Craig stated that the Board initiated the exact acreage, which BFI had applied for in 1998, which did not include the driveway portion of the property.

Bill Brausch, Trovillo Road resident, stated he has presented an offer to purchase the Clarke property for a business use. He stated his desire to split the parcels into two separate pieces with the part with the big "pit" to be rezoned SDT and the Clarke property (82 acres) zoned business. He stated his purchase offer is open until December 31, 2003, and can be extended.

Commissioner Kilburn stated that his offer is not something this Board can consider due to time constraints placed by the court system.

Michelle Fleming, Barrett & Weber, presented a packet in information in opposition to the proposed rezoning application. She then confirmed the Board's receipt of a letter from Little Miami Inc. in favor of a landfill on the site.

Commissioner Crisenbery read excerpts from a letter from ODNR stated by Little Miami Inc. is in favor of a landfill.

Ruth McKenzie, MEPA, stated her desire to clarify that the 27 acres being donated by BFI is useless property.

On motion, upon unanimous call of the roll, the Board recessed in order to review the packet on information presented by Ms. Fleming.

The Board reconvened at 3:01 p.m.

Bruce McGary, Assistant Prosecutor, stated that the Board has appropriately taken the opportunity to review and consider the packet from Barrett & Weber and the court has confirmed that the Board has until July 31, 2003, to rezone the property.

Commissioner Kilburn questioned the need to provide findings from the packet of information presented by Ms. Fleming.

Mr. McGary stated it was not a requirement.

C. Francis Barrett, Barrett & Weber, stated that rezoning the property to SDT does not protect the area residents. He also stated there are many problems in the process of this rezoning.

Catherine Nolte, Little Miami Schools, stated that the schools are opposed to a landfill on this site.

Upon further discussion, on motion, upon unanimous call of the roll, the public hearing was closed.

Mrs. South moved to approve the rezoning application. The motion died for the lack of a second.

Mrs. South moved to adopt the recommendation of the Rural Zoning Commission to approve the amendment to the zoning map from Rural Residence "R-1" to Solid Waste Disposal Transition "SDT" Zone as initiated by the Board of County Commissioners thereby rezoning 131.6909 acres in Union Township, Warren County, Ohio, owned by Richard M. Clarke, Trustee and Browning Ferris Industries of Ohio, Inc. to Solid Waste Disposal Transition "SDT" Zone. Mr. Kilburn seconded the motion and a unanimous vote resulted.

On motion, upon unanimous call of the roll, the Board entered into executive session to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G) (1) at 3:12 p.m. and exited at 4:00 p.m.

Beth Deckard, Recorder, was present and stated the need for additional funding for employees. She stated that the receipts to date are up 40% over land years and would like an additional \$30,000 for overtime and new hires.

Upon discussion, the Board approved her request.

On motion, upon unanimous call of the roll, the Board entered into executive session at 4:05 p.m. to discuss homeland security pursuant to Ohio Revised Code 121.22 (G) (5) and exited at 4:25 p.m.

Upon motion the meeting was adjourned.

Larry Crisenbery, President

C. Michael Kilburn

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 1, 2003, in compliance with Section 121.22 O.R.C.

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