



**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--December 4, 2003

The Board met in regular session pursuant to adjournment of the November 25, 2003, meeting.

Larry Crisenbery - present

Pat Arnold South - absent

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 03-1804 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for Holly Toole, Deputy Clerk, within the Warren County Court. Vote: Unanimous
- 03-1805 A resolution was adopted to approve and authorize President of this Board to sign FY2002 Community Development Block Grant Formula Program Extension. Vote: Unanimous
- 03-1806 A resolution was adopted to approve and authorize the President of this Board to enter into Cooperation Agreements with Franklin Township, Village of Harveysburg and City of Franklin relative to the FY2003 Community Development Block Grant Formula Program. Vote: Unanimous
- 03-1807 A resolution was adopted to Award the Bid for the Sale of Two Tandem Dump Trucks. Vote: Unanimous
- 03-1808 A resolution was adopted to approve Notice of Intent to Award Contract for the Bonnie Lee Lane Sewer Improvement Project. Vote: Unanimous

- 03-1809 A resolution was adopted to authorize Emergency Procurement to repair the Domestic Hot Water Boiler located at 550 Justice Drive (Warren County Jail).
Vote: Unanimous
- 03-1810 A resolution was adopted to authorize Reimbursement to the Butler County Department of Environmental Services for System Capacity Charges for the Deerfield Area. Vote: Unanimous
- 03-1811 A resolution was adopted to authorize Reimbursement to Deerfield Township Trustees and the Butler County Department of Environmental Services for System Capacity Charges for the Northwest Deerfield Area. Vote: Unanimous
- 03-1812 A resolution was adopted to authorize Reimbursement to Deerfield Township Trustees and the Butler County Department of Environmental Services for System Capacity Charges for the Deerfield Area. Vote: Unanimous
- 03-1813 A resolution was adopted to approve a Supplemental Appropriation within various Water Assessment Projects Fund No. 439 and approve Change Order No. 1 to the Construction Contract with Miami-Western Contractors Inc., for the Mason - Montgomery Road Water Improvement Project No. 439-3205, increasing Purchase Order No. 55219. Vote: Unanimous
- 03-1814 A resolution was adopted to approve Bond Release for J.A. Development, P.L.L., for completion of improvements in Cobblestone Subdivision, Section 3, situated in Franklin Township. Vote: Unanimous
- 03-1815 A resolution was adopted to approve a Bond Release for J.A. Development P.L.L. for completion of improvements in Cobblestone Subdivision, Section 3, situated in Franklin Township. Vote: Unanimous
- 03-1816 A resolution was adopted to approve Pinewood Drive, Oakwood Place and Perry Avenue in Cobblestone Subdivision – Section 3, for public maintenance by Franklin Township. Vote: Unanimous
- 03-1817 A resolution was adopted to approve a Bond Release for Crossman Communities, Ohio, Inc., for completion of improvements in Kings Court, situated in Hamilton Township. Vote :Unanimous
- 03-1818 A resolution was adopted to approve a Bond Release for Crossman Communities Ohio, Inc., for completion of improvements in Kings Court in Hamilton Township. Vote: Unanimous
- 03-1819 A resolution was adopted to approve Kings Court and Kingsview Court in Kings Court for public maintenance by Hamilton Township. Vote: Unanimous

- 03-1820 A resolution was adopted to approve a Bond Release for Design Properties X for completion of improvements in Apple Creek Phase II in Clearcreek Township. Vote: Unanimous
- 03-1821 A resolution was adopted to approve Apple Creek Lane and Cider Court in Apple Creek Reserve Phase II for public maintenance by Clearcreek Township. Vote: Unanimous
- 03-1822 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with James Luers for completion of water and/or sewer improvements in Tara Estates situated in Franklin Township. Vote: Unanimous
- 03-1823 A resolution was adopted to approve a Bond Reduction for M/I Schottenstein Homes, for completion of improvements in The Landings at Willow Pond, Section Seven, situated in Hamilton Township. Vote: Unanimous
- 03-1824 A resolution was adopted to approve a Bond Reduction for M/I Schottenstein Homes, for completion of improvements in The Landings at Willow Pond, Section Six, situated in Hamilton Township. Vote: Unanimous
- 03-1825 A resolution was adopted to approve a Bond Release for Design Properties X for completion of improvements in Apple Creek Reserve, Phase I, in Clearcreek Township. Vote: Unanimous
- 03-1826 A resolution was adopted to approve Apple Creek Lane in Apple Creek Reserve Phase I for public maintenance by Clearcreek Township. Vote: Unanimous
- 03-1827 A resolution was adopted to approve Following Record Plats. Vote: Unanimous
- 03-1828 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 03-1828A A resolution was adopted to continue Public Hearing for Rezoning Application of John Phillips, Agent (Case #03-08), to rezone 10.0048 acres in Union Township from Rural Residence "R-1" to Rural Residence "R-1" as a Planned Unit Development. Vote: Unanimous
- 03-1829 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 03-1830 A resolution was adopted to approve Repayment of \$15,000 Cash Advance to the Warren County General Fund from Fund #284 (TASC Grant - CCPB). Vote: Unanimous
- 03-1831 A resolution was adopted to approve Appropriation Adjustments within Common Pleas Court Fund #101, Clerk of Courts Fund #101-1260, Coroner's Fund #101-

2100 and Child Support Enforcement Agency Fund #263-5500.
Vote: Unanimous

- 03-1832 A resolution was adopted to approve Appropriation Adjustments within Human Services Fund #203-5310, Prosecutor Fund #101-1150, Common Pleas Court Fund #101-1220, Garage Fund #101-1620 and Data Processing Fund #101-1400. Vote: Unanimous
- 03-1833 A resolution was adopted to approve Supplemental Appropriation within Fund #451. Vote: Unanimous
- 03-1834 A resolution was adopted to approve an Operating Transfer from Water Revenue Fund #510 into the Water Construction Projects Fund No. 583-3206 Cochran Road Water Line Extension. Vote: Unanimous
- 03-1835 A resolution was adopted to approve cash Advance for the Clarksville Road Water Main Extension Project Fund No. 439-3206. Vote: Unanimous
- 03-1836 A resolution was adopted to approve Appropriation Decreases within Various Funds. Vote: Unanimous
- 03-1837 A resolution was adopted to approve Supplemental Appropriation, an Appropriation Adjustment and an Operating Transfer within the 1999 Elevated Storage Tank Project, Fund No. 589. Vote: Unanimous
- 03-1838 A resolution was adopted to approve a Supplemental Appropriation within Water Revenue Fund No. 510. Vote: Unanimous
- 03-1839 A resolution was adopted to approve a Supplemental Appropriation within Sewer Revenue Fund #580. Vote: Unanimous
- 03-1840 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1600. Vote: Unanimous
- 03-1841 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Mason Municipal Fund #101-1273. Vote: Unanimous
- 03-1842 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Sheriff's Office Fund #101-2200. Vote: Unanimous
- 03-1843 A resolution was adopted to approve Appropriation Adjustment and approve Operating Transfers within Sewer Construction Projects Fund No. 575.

Vote: Unanimous

- 03-1844 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Sheriff's Office Fund #101-2200. Vote: Unanimous
- 03-1845 A resolution was adopted to approve an Appropriation Adjustment within Employment and Training Administration Fund #258. Vote: Unanimous
- 03-1846 A resolution was adopted to approve Appropriation Adjustment from Building Services Fund #101-1600. Vote: Unanimous
- 03-1847 A resolution was adopted to authorize the approval of the Labor Agreement negotiated pursuant to Ohio Revised Code Chapter 4117 between the Warren County Board of MR/DD and the Ohio Association of Public School Employees (OAPSE / AFSCME Local 4, AFL-CIO and its Local 302. Vote: Unanimous
- 03-1848 A resolution was adopted to Reappoint Amy Worley and Peggy Rising to the Warren County Board of Mental Retardation and Developmental Disabilities. Vote: Unanimous
- 03-1849 A resolution was adopted to approve Appointments and Reappointments to the Warren County Airport Authority. Vote: Unanimous
- 03-1850 A resolution was adopted to approve and enter into Agreement with Mental Health Recovery Services of Warren County on behalf of Warren County Juvenile Court to provide Crisis Services to Juveniles at the Warren County Juvenile Justice Canter and inmates at the Warren County Sheriff's Office. Vote: Unanimous

DISCUSSIONS

John Peck, Peck, Shaffer & Williams, was present to request the Board to issue bond obligations for the renovation of Robin Springs Apartments in the City of Middletown.

Mr. Peck explained how the issuance of bond obligations allows the property owner, Dan Gorman, to receive a lower financing rate through the government.

Dan Gorman stated he has purchased the 120 unit multi-family apartment complex and desires to use the funding to renovate and modernize the building.

Commissioner Kilburn stated he does not have enough information on the bonding of private enterprise within the City of Middletown's corporation limits and feels the City needs to be the ones to issue bonds, not Warren County.

Upon further discussion, the Board stated their desire to not participate in this project.

PUBLIC HEARING

REZONING APPLICATION OF JOHN PHILLIPS, AGENT
TO REZONE 10.0048 ACRES IN UNION TOWNSHIP
FROM RURAL RESIDENCE "R-1" TO
RURAL RESIDENCE "R-1" AS A PLANNED UNIT DEVELOPMENT

The continuation of the public hearing to consider the rezoning application of John Phillips, agent to rezone 10.0048 acres in Union Township from Rural Residence "R-1" to Rural Residence "R-1" as a Planned Unit Development was convened this 4th day of December 2003, in the Commissioners Meeting Room.

Robert Craig, Regional Planning Commission, reviewed the Executive Committee's recommendation to deny the rezoning application.

Barry Sullivan, Zoning Supervisor, reviewed the Rural Zoning Commission's recommendation to approve the rezoning application subject to conditions to be drafted by the Regional Planning Commission.

Mr. Craig then reviewed the following legal opinions from various legal counsel:

John Chambers – BFI will make a big issue but he does not see that this would harm our position in litigation with BFI.

Dick Brahm – this rezoning could be viewed as transitional but desire to investigate further before making a recommendation.

Follow up with Dick Brahm – suggested referring this matter to the Board of Zoning appeals but it was later determined that this is not an option pursuant to the Warren County Rural Zoning Code.

Commission Kilburn then read an anonymous letter in opposition to the rezoning.

There was discussion relative to how and why the barn was without a building permit.

The Board stated their desire to discuss this issue with the Assistant Prosecutor and upon further discussion, the Board resolved (Resolution #03-1828A) to continue the public hearing to December 18, 2003, at 5:30 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 December 4, 2003, in compliance with Section 121.22 O.R.C.

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