



**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--May 18, 2004

The Board met in regular session pursuant to adjournment of the May 13, 2004, meeting.

Pat Arnold South - present Larry Crisenbery - present

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

04-664 A resolution was adopted to Waive Building and Electrical Permit Fees associated with the Salvation Army – Camp Swoneky. Vote: Unanimous

04-665 A resolution was adopted to approve and enter into Agreement with Kevin Konz on behalf of the Warren County Juvenile Court for Mary Haven Youth Center for the Summer School Program. Vote: Unanimous

04-666 A resolution was adopted to approve and enter into Agreement with Irvin Kenerly on behalf of the Warren County Juvenile Court for Mary Haven Youth Center for the Summer School Program. Vote: Unanimous

04-667 A resolution was adopted to approve Notice of Intent to Award Bid for Enhanced Medicaid Transportation Services to Winton Transportation Inc., dba U.T.S. Vote: Unanimous

04-668 A resolution was adopted to approve and authorize the President of the Board to enter into a Host Agency Community Service and Training Agreement on behalf of the Warren County One Stop Business and Employment Center. Vote: Unanimous

- 04-669 A resolution was adopted to approve Hiring Temporary Employee for the Water and Sewer Department for a period not to exceed Twelve Weeks per employee, actual days worked. Vote: Unanimous
- 04-670 A resolution was adopted to approve End of 270-day Probationary Period and approve a Pay Increase for Dianna Thomas within the Warren County Department of Emergency Services. Vote: Unanimous
- 04-671 A resolution was adopted to approve a Pay Increase for Joshua Buxton within the Warren County Emergency Services. Vote: Unanimous
- 04-672 A resolution was adopted to approve Bond Release for Monogram Communities Inc., for completion of improvements in Charleston Park, Phase Nine, in Deerfield Township. Vote: Unanimous
- 04-673 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Nine, in Deerfield Township. Vote: Unanimous
- 04-674 A resolution was adopted to approve Charleston Ridge and Charleston Meadows in Charleston Park, Phase Nine, for public maintenance by Deerfield Township. Vote: Unanimous
- 04-675 A resolution was adopted to approve a bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Eight, in Deerfield Township. Vote: Unanimous
- 04-676 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Eight, in Deerfield Township. Vote: Unanimous
- 04-677 A resolution was adopted to approve Charleston View Drive in Charleston Park, Phase Eight, for public maintenance by Deerfield Township. Vote: Unanimous
- 04-678 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Seven, in Deerfield Township. Vote: Unanimous
- 04-679 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Seven, in Deerfield Township. Vote: Unanimous
- 04-680 A resolution was adopted to approve Charleston Park Drive, Charleston Ridge, Charleston Meadows and Charleston Run in Charleston Park, Phase Seven, for public maintenance by Deerfield Township. Vote: Unanimous

- 04-681 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Five, in Deerfield Township. Vote: Unanimous
- 04-682 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Five in Deerfield Township. Vote: Unanimous
- 04-683 A resolution was adopted to approve Charleston Drive, Charleston Court and Charleston Valley Drive in Charleston Park, Phase Five for public maintenance by Deerfield Township. Vote: Unanimous
- 04-684 A resolution was adopted to approve a Bond Release for Monogram Communities, Inc., for completion of improvements in Charleston Park, Phase Four in Deerfield Township. Vote: Unanimous
- 04-685 A resolution was adopted to approve Charleston Knoll and Charleston Valley Drive in Charleston Park, Phase Four for public maintenance by Deerfield Township. Vote: Unanimous
- 04-686 A resolution was adopted to approve a Bond Release for Classic Properties, Inc., for completion of improvements in the Meadows at Mason – Phase Three in Deerfield Township. Vote: Unanimous
- 04-687 A resolution was adopted to approve a Bond Release for Classic Properties, Inc., for completion of improvements in the Meadows at Mason – Phase Three in Deerfield Township. Vote: Unanimous
- 04-688 A resolution was adopted to approve Golden Meadow Drive and Eagle Crest Court in the Meadows at Mason for public maintenance by Deerfield Township. Vote: Unanimous
- 04-689 A resolution was adopted to approve Grandin Road in the Shoppes at Grandin for public maintenance by Hamilton Township. Vote: Unanimous
- 04-690 A resolution was adopted to approve Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with Gallenstein Bros., Inc., for completion of water and/or sewer improvements in Indian Lake Section 6 situated I Hamilton Township. Vote: Unanimous
- 04-691 A resolution was adopted to approve Final Release of Subdivision Public Improvement Performance and Maintenance Security Agreement with J.A. Development, P.L.L. for completion of water and/or sewer improvements in Country Walk, Section Two, situated in Franklin Township. Vote: Unanimous

- 04-692 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 04-693 A resolution was adopted to approve an Expense Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 04-694 A resolution was adopted to approve Appropriation Adjustment within Sewer Revenue Fund #580. Vote: Unanimous
- 04-695 A resolution was adopted to approve Operating Transfer from Water Revenue Fund #510 into the Deerfield – Hamilton Water System Phase II Project, Fund No. 588. Vote: Unanimous
- 04-696 A resolution was adopted to approve Appropriation Adjustments within Data Processing Fund #101-1400, Human Services Fund #203, Building Department Fund #101-1113 and a Supplemental Appropriation into Auditor Fund #327. Vote: Unanimous
- 04-697 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Sheriff's Office Fund #101-2200. Vote: Unanimous
- 04-698 A resolution was adopted to begin Thursday May 20, 2004, Commissioners' Meeting at 4:00 p.m. Vote: Unanimous
- 04-699 A resolution was adopted to Set Public Hearing for Zoning Application of Richard Clifton (Case #04-01) to Rezone 2.3 acres in Washington Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 04-700 A resolution was adopted to Set Public Hearing for Rezoning Application of Associate Construction, inc., c/o – Rodney Morris (Case #04-02), to rezone 9.0098 acres in Franklin Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 04-701 A resolution was adopted to Set Public Hearing for Rezoning Application of Rodney Dalrymple (Case #04-03) to Rezone 4.18 acres in Franklin Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 04-702 A resolution was adopted to approve Hunter's Green, Lake Field, Fox Field and Bugle Court in Hunter's Green, Section One for public maintenance by Deerfield Township. Vote: Unanimous
- 04-703 A resolution was adopted to approve a Bond Release for Classic Properties for Completion of improvements in Hunter's Green, Section One, in Deerfield Township. Vote: Unanimous

- 04-704 A resolution was adopted to approve a Bond Release for Classic Properties for completion of improvements in Hunter's Green, Section 1, Deerfield Township. Vote: Unanimous
- 04-705 A resolution was adopted to approve Hunter's Green, Trailwood Court, Fox & Hound Court, North Trail Court and South Trail Court in Hunter's Green, Section Two for public maintenance by Deerfield Township. Vote: Unanimous
- 04-706 A resolution was adopted to approve a Bond Release for Classic Properties for completion of improvements in Hunters Green, Section Two in Deerfield Township. Vote: Unanimous
- 04-707 A resolution was adopted to approve a Bond Release for Classic Properties for completion of improvements in Hunter's Green, Section Two in Deerfield Township. Vote: Unanimous
- 04-708 A resolution was adopted to approve Hunter's Green, Hunt Club Drive, Hunters Trail and Split Rail Court in Hunters Green, Section Three for public maintenance by Deerfield Township. Vote: Unanimous
- 04-709 A resolution was adopted to approve a Bond Release for Classic Properties for completion of improvements in Hunters Green, Section Three in Deerfield Township. Vote: Unanimous
- 04-710 A resolution was adopted to approve a Bond Release for Classic Properties for completion of improvements in Hunters Green, Section Three in Deerfield Township. Vote: Unanimous
- 04-711 A resolution was adopted to approve Hunt Club Drive and Edgewood Court in Hunter's Green, Section Five for public maintenance by Deerfield Township. Vote: Unanimous
- 04-712 A resolution was adopted to approve a Bond Release for Classic Properties for completion of improvements in Hunters Green, Section Five in Deerfield Township. Vote: Unanimous
- 04-713 A resolution was adopted to approve a Bond Release for Classic Properties for Completion of improvements in Hunter's Green, Section Five in Deerfield Township. Vote: Unanimous
- 04-714 A resolution was adopted to approve following Record Plat. Vote: Unanimous
- 04-715 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

On motion, bids were closed at 10:15 a.m. this 18th day of May and the following bids were received, opened and read aloud for Drug Testing System for the Warren County Juvenile Court:

Dade Behring, Inc.
Cupertino, Ohio

\$ 32,608.62

Ron Lewis, Court Administrator, Warren County Juvenile Court will review bids for a recommendation at a later date.

PUBLIC HEARING #2
COMMUNITY HOUSING IMPROVEMENT STRATEGY

The public hearing for the Community Housing Improvement Strategy was convened this 18th day of May 2004, in the Commissioners' Meeting Room.

Jerry Haddix, Grants Coordinator, explained the three objectives within the grant application and funding in the amount of \$555,000 to be used as follows:

- \$75,000 to be used for emergency home report for ten units
- \$325,000 to be used for new construction to build eleven units
- \$50,000 to be used by Habitat for Humanity to construct two homes
- \$5,000 for administrative costs

He then stated that the grant application proposes to help a total of twenty-three families in Warren County.

Upon further discussion, on motion, the public hearing was closed.

Shari Goldsmith and Steve Kelhoffer, Coordinated Care Clinical Committee, was present to give an update on the activities of the Clinical Committee.

Ms. Goldsmith stated that the efforts of the Juvenile Court together with the Clinical Committee have saved Warren County a total of \$658,000 in the last three years.

The Board thanked the individuals for their efforts and encouraged them to continue with their dedication to the program.

Barbara Reed, Deerfield Township Trustee, was present along with the County Engineer, Joe Farruggia and James Noyse, Classic Properties, and Bruce McGary, Assistant Prosecutor, to discuss improvements to Hunter's Green Subdivision in Deerfield Township.

Mrs. Reed stated that three years ago, Classic Properties turned the management of the Homeowners' Association over to the residents. She stated that since that time, they have found over \$55,000 worth of improvements that needs to be completed by the developer. She requested the Board to not release any performance bonds and accept any roadways for maintenance until the work has been completed to the satisfaction of the Homeowners' Association.

Commissioner Crisenbery questioned how the Board could not release bonds and accept streets if the County Engineer states they have been completed correctly.

Bruce McGary, Assistant County Prosecutor, stated that the Board must release the bonds and accept the streets as the improvements the Homeowners' Association desires is not within the scope of the bond and also not within the road right-of-way. He stated it is a private matter involving private property.

Paul Swartz, Homeowners' Association Manager, spoke in favor of Classic Properties making the necessary improvements.

Commissioner Kilburn stated that the Board must approve the performance bond releases and accept the streets as directed by the Assistant Prosecutor.

Upon further discussion, the Board approved the bond releases and accepted the streets for public maintenance by Deerfield Township.

The Board then requested the developers to meet with the Homeowners' Association and discuss a remedy to their problems.

The Board met with various township officials, the Little Miami School Board representatives as well as various residents within Hamilton Township to discuss the rapid growth and development of Warren County and ways to help control growth.

Bruce McGary, Assistant Prosecutor, stated that he has spoken with Warren Ritchey, attorney for Hamilton Township, who stated he does not agree with the Attorney General opinion. He stated that the township that received the opinion never implemented the moratorium. However, the City of Pickerington imposed a one year moratorium and they are currently in litigation.

There was discussion relative to finding a way for the schools to “sign off” on the final plat.

Mr. McGary stated that they can find no authority in the Ohio Revised Code that allows the capacity of schools to become a factor in the approval of final plats.

Mr. McGary discussed Ohio Revised Code Section 711.10 which states the items that a county planning commission has the authority to regulate as well as what a Board of County Commissioners can regulate when a county planning commission does not exist.

Nancy Jackson, Hamilton Township resident, read a statement relative to life in Warren County as a child verses life today and stated the problems caused by the tremendous growth, including her concern that adequate water supplies are being jeopardized.

Becky Ehling, Hamilton Township Trustee, questioned if the Regional Planning Commission has the authority to no approve a final plat.

Mr. McGary stated that if the plan meets the requirements stated in the subdivision regulation, they must approve it. He then read a portion of the Ohio Revised Code which states:

A county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to and provide for the proper arrangement of streets or other highway in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for their modification by the county or regional planning commission in specific cases where unusual topographical and other exception conditions require the modification. The rules may require the county department of health to review and comment on a plan before the county or regional planning commission acts upon it and may also require proof of compliance with any applicable zoning resolutions as a basis for approval of a plat.

Commissioner Kilburn stated his desire to allow the residents of Warren County the ability to control the future of Warren County.

There was much discussion relative to the statement read from the Ohio Revised Code relative to “the avoidance of congestion of population”.

On motion of Mr. Kilburn, being seconded by Mrs. South, the Board requested the Regional Planning Commission to begin the process to amend the Warren County Subdivision Regulations to include a condition which will address the avoidance of congestion of population which will thereby control the population increases within Warren County pursuant to Ohio Revised Code Section 711.10. A unanimous voice vote resulted from the motion.

Mary Beth Hamburg, Little Miami School Board, questioned why the school board should bother to comment on final plats if the Regional Planning Commission doesn't take any action to reflect their comments.

Robert Craig, Regional Planning Commission, stated that all comments are placed on the official record, however, the Planning Commission can only make recommendations on items allowed to be addressed in the subdivision regulations.

Richard Renneker, Sanitary Engineer, discussed the sanitary sewer capacity available in the Deerfield-Hamilton Sanitary Sewer Plant and discussion ensued relative to the need to reserve capacity for future commercial/industrial growth.

There was discussion relative to land use plans and their effectiveness as a tool for managing growth. Mr. Craig stated that all township land use plans have been completed within the last ten years and that Clearcreek Township is beginning the process to update their land use plan and that Deerfield Township has already completed an update on their plan.

Much discussion ensued relative to the proposed increase in housing in Turtlecreek Township as well as Hamilton Township.

Upon further discussion, the Board continued the discussion to May 25, 2004, at 11:15 a.m. when Sandra McKew, an expert in growth management, will be present for a work session with the Board.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

Larry Crisenbery

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 May 18, 2004, in compliance with Section 121.22 O.R.C.

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