



**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 2, 2004

The Board met in regular session pursuant to adjournment of the November 23, 2004, meeting.

Pat Arnold South - present Larry Crisenbery - present

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

- 04-1770 A resolution was adopted to approve Payback of Cash Advances within the Shaker Road/Dicks Creek Water Improvement Area Fund No. 439-3210. Vote: Unanimous
- 04-1771 A resolution was adopted to approve and enter into Maintenance Agreement with IKON Office Solutions. Vote: Unanimous
- 04-1772 A resolution was adopted to approve Change Order No. 1 to the Construction Contract with Bronco Excavating Inc increasing Purchase Order No. 56992 for the Snook/Sunny/Lebanon Road Sewer Project. Vote: Unanimous
- 04-1773 A resolution was adopted to approve Change Order No. 1 to the Construction Contract with Armrel Byrnes Company increasing Purchase Order No. 60812 for the State Route 741 Water Main & Fire Hydrant Relocation Project and approve an Appropriation Adjustment in Fund #510. Vote: Unanimous
- 04-1774 A resolution was adopted to approve Emergency Repair of the Pump at the Simpson Creek Lift Station and an Appropriation Adjustment in Fund # 580. Vote: Unanimous

- 04-1775 A resolution was adopted to enter into Contract with Reynolds, Inc., for the North Wellfield Well Development Project. Vote: Unanimous
- 04-1776 A resolution was adopted to approve and authorize the Submittal of a Grant Application to the Ohio Emergency Management Agency for funding through the Hazard Mitigation Grant Program and authorize the President of this Board to sign documents relative thereto. Vote: Unanimous
- 04-1777 A resolution was adopted to adopt Drug and Alcohol Testing Policy on behalf of the Warren County Transit Service. Vote: Unanimous
- 04-1778 A resolution was adopted to Appropriate Permanent Drainage Easement and Temporary Construction Easements in, on over and through the property of Joseph A. Shirley and Angie Barker Shirley, Union Road, Franklin Township for the construction, maintenance and operation of road improvements to serve the Union Road and Manchester Road Intersection Improvement Project in Warren County. Vote: Unanimous
- 04-1779 A resolution was adopted to approve and enter into Amendment to Management Operation Agreement with Aramark Correctional Services Inc., on behalf of the Warren County Juvenile Detention Center and Mary Haven Youth Center aka Juvenile Treatment Center for Meal Pricing. Vote: Unanimous
- 04-1780 A resolution was adopted to Advertise for Bids for the Utica Road Water Main Extension Project – 2005. Vote: Unanimous
- 04-1781 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 04-1782 A resolution was adopted to approve a Bond Reduction for Delmar L. & Jean S. Ring for completion of improvements in Foxdale Farms, Section Four, in Clearcreek Township. Vote: Unanimous
- 04-1783 A resolution was adopted to approve a Bond Release for Red Bird Construction for completion of improvements in Deerfield Reserve, in Clearcreek Township. Vote: Unanimous
- 04-1784 A resolution was adopted to enter into Erosion Control Bond Agreement with Lonnie Lisle for improvements in Lisle Estates, situated in Washington Township. Vote: Unanimous
- 04-1785 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Lonnie Lisle for installation of certain improvements in Lisle Estates, situated in Washington Township. Vote: Unanimous
- 04-1786 A resolution was adopted to enter into Erosion Control Bond Agreement with

Arabian Run, LLC., for completion of improvements in Arabian Run, situated in Washington Township. Vote: Unanimous

- 04-1787 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Arabian Run, LLC., for installation of certain improvements in Arabian Run, situated in Washington Township. Vote: Unanimous
- 04-1788 A resolution was adopted to approve the following record Plats. Vote: Unanimous
- 04-1789 A resolution was adopted to approve Appropriation Decreases within Various Funds. Vote: Unanimous
- 04-1790 A resolution was adopted to approve a Supplemental Appropriation within the Water Construction Project, Fund No. 583. Vote: Unanimous
- 04-1791 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 04-1792 A resolution was adopted to approve Appropriation Adjustments within Warren County TASC Grant Fund #284. Vote: Unanimous
- 04-1793 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / Emergency Management Fund #264 and Emergency Services Communications Center Fund #101-2850. Vote: Unanimous
- 04-1794 A resolution was adopted to approve Appropriation Adjustments within Veterans Fund #101-5220, Record Center Fund #101-1500, Building Department Fund #101-1700 and #101-2300, child Support Fund #263-5500, Coroner's Fund #101-2100, Sheriff's Office Fund #101-2200. Clerk of Courts Fund #101-1260, #282 & #284. Vote: Unanimous
- 04-1795 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 04-1796 A resolution was adopted to approve Supplemental Appropriation within Construction Fund #467. Vote: Unanimous

DISCUSSIONS

Jerry Spurling, Chief Building Official, was present along with David McElroy, Soil and Water Conservation District, to request the Board to consider an increase to the fees for Building and Zoning as well as the fees associated with erosion and sediment control regulations.

Mr. Spurling presented his proposal to increase the commercial fees from \$150 to \$200 which is consistent with the State of Ohio Building Code fees. He stated, if approved, would result in \$50,032 addition income.

He then suggested increase the temporary electric bond to \$200 with the understanding that all but \$50 would be returned at the time of final occupancy permit.

There was discussion relative to the increase in zoning permit fees from \$35 to \$50.

Mr. Spurling presented a comparison of surrounding fees for zoning permits.

Upon review of the surrounding area fees, Mr. Kilburn suggested increasing the fee to \$100 to allow Warren County to be in the middle range of surrounding areas.

There was discussion on the proposed increase in the electric/HVAC bond from \$20 per year to \$50 per year.

The Board stated their desire for the need of clarification on what the surety bond can be used for.

Dave McElroy, Soil and Water Conservation District, stated the fees currently in place from 1990 and stated his desire for a new fee structure.

Upon further discussion, the Board stated they will consider the fee requests.

Victor Kidd and Tony Bradburn, Mason City Council, were present to discuss the financial burden that Mason Municipal Court is placing on the City of Mason and stated that proposal to eliminate the Municipal Court and begin a Mayor's Court.

There was discussion relative to the significant increase in cases this would cause on County Court.

Upon further discussion, it was determined that the City of Mason will collect additional information and forward to the Clerk of Commissioners. The Board then directed the clerk to schedule a work session upon receipt of the information.

Bernard Eichholz, Chairman of the Elderly Services Board, was present along with Board members to give an update on levy funds and how the Board is planning to deal with the tremendous increase in services due to the increase in population.

Representatives from the Village of Corwin were present along with Richard Renneker, Sanitary Engineer, for a work session to discuss the Village's request for Warren County to take over their water and sanitary sewer system

Mr. Purkey, Mayor of Corwin, stated their desire for the Board to take over their system with the stipulation that Warren County honor their agreement with Nick Peth, developer, to charge no more than \$1075 for a water tap-in fee and \$1300 for a sewer tap-in fee for lots within Furnas Forge Subdivision.

Mr. Kilburn stated he cannot support treating any one developer differently than any other.

Mr. Renneker stated that the Village of Corwin owes Warren County approximately \$65,000, which would be forgiven if the County takes over their system. He also stated that the increase in tap-in fees for Mr. Peth can be justified as the cost of doing business.

Upon further discussion, the Board stated they would wait for an official request from the Village of Corwin.

PUBLIC HEARING
PROPOSED MODIFICATION OF THE BOUNDARIES OF THE LOWER LITTLE MIAMI
SEWER IMPROVEMENT AREA

The public hearing to consider a modification of the boundaries of the Lower Little Miami Sewer Improvement Area to make the improvement area within Hamilton Township identical to the

Urban Service Area of the Hamilton Township Land Use Plan dated April 11, 2001 was convened this 2nd day of December 2004.

Commissioner South read comments from the Health Department, Economic Development and the Regional Planning Commission.

Bob Craig, Regional Planning Commission, reviewed the RPC comments recommending the modification of the boundaries.

Richard Renneker, Sanitary Engineer, recommended increasing the lot sizes rather than modifying the sewer improvement area.

Clyde Baston, Hamilton Township Trustee, discussed the planning assessment paid by some of the residents and stated that the Township has always planned on two units per acre. He stated they did not plan on subdivision such as Classicway Farms, Saddlebrook, etc. along Route 22-3 in Hamilton Township.

Becky Ehling, Hamilton Township Trustee, stated her feeling that the residents who were promised sanitary sewer should be allowed to have sanitary sewer.

O.T. Bishop, Hamilton Township Trustee, stated that early planning of the sanitary sewer proposed sewers all the way to Shamrock Drive in Hamilton Township.

There was discussion on the history of the sewer improvement area.

Russ Alford, Hamilton Township resident, stated that for years he has opposed development, which is against the adopted land use plan. He the stated his opposition to sanitary sewers being expanded beyond the urban service area of the land use plan.

David Stocker, Hamilton Township resident, spoke in favor of the modification and stated the need for a common sense approach on growth.

Joe Trauth, attorney, clarified that we are not here to consider an expansion of the sewer improvement area but rather a reduction in size. He then read a letter to Bruce McGary, Chief Deputy Prosecutor, threatening a personal lawsuit against the Board if modifications to the boundaries are approved.

Rich Paelo, attorney, spoke in opposition to the modification of the boundaries.

John Foster and Cathy McCoin, Hamilton Township residents, both spoke in favor of the modification.

Bruce Ingram, Attorney for the Hildebrandt family, present five exhibits in opposition to the modification of the boundaries.

Roger Abbott, Frank Colon, Tim Schoellman, Linda Middle Bev Massey Steve Rothwell, Jeff Carey, Lynn Carey and Bill Jones, Hamilton Township residents, all spoke in favor of the modification of the sanitary sewer improvement area boundaries.

Holly Coil, Carl Oeder and Fred Oeder, Hamilton Township property owners, all spoke in opposition to the modification of the sanitary sewer improvement area boundaries.

Upon further discussion, the public hearing was closed and the Board stated their desire to render a decision at a later date.

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 December 2, 2004, in compliance with Section 121.22 O.R.C.

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