



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

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***C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG***

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

MINUTES: Regular Session – October 14, 2008

The Board met in regular session pursuant to adjournment of the October 7, 2008, meeting.

Pat Arnold South - present

C. Michael Kilburn - absent

David G. Young - present

Tina Davis, Clerk – present

Minutes of the September 15, 16, 23, 25, and 30, 2008, and October 2, 2008, meetings were read and approved.

- 08-1534 A resolution was adopted to designate Family and Medical Leave of Absence to James Kilburn, Wastewater Treatment Plant Mechanic Operator, within the Water and Sewer Department. Vote: Unanimous
- 08-1535 A resolution was adopted to designate Family and Medical Leave of Absence to Scott Boschert, Mobile Data System Supervisor, within the Telecommunications Department. Vote: Unanimous
- 08-1536 A resolution was adopted to approve a Pay Increase for Karen Sears within the Warren County Department of Emergency Services. Vote: Unanimous
- 08-1537 A resolution was adopted to approve a Pay Increase for Brian Hotel within the Warren County Department of Emergency Services. Vote: Unanimous
- 08-1538 A resolution was adopted to authorize President of the Board to enter into Temporary Entrance and Work Agreement with Warren County Combined Health District relative to Forfeited Land located at 5723 Olive Road in Franklin Township. Vote: Unanimous

- 08-1539 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperative Agreement with Warren County Community Services, Inc. relative to the FY 2008 Community Development Block Grant Formula Program. Vote: Unanimous
- 08-1540 A resolution was adopted to approve Notice of Intent to Award Contract for the FY2007 Village of Pleasant Plain Storm Sewer CDBG Project. Vote: Unanimous
- 08-1541 A resolution was adopted to enter into Contract for the FY2007 Village of Harveysburg Street Improvements CDBG Project Re-Bid. Vote: Unanimous
- 08-1542 A resolution was adopted to Transfer Vehicle Title to Warren County Park Board. Vote: Unanimous
- 08-1543 A resolution was adopted to enter into Contract with Freeze Underground LLC for additional work for the FY2006 Village of Morrow Main Street CDBG Project. Vote: Unanimous
- 08-1544 A resolution was adopted to approve Reallocation of Funds within the FY 2006 Community Development Block Grant Program. Vote: Unanimous
- 08-1545 A resolution was adopted to approve Change Order No. 9 to the Contract with Danis Industrial Construction increasing Purchase Order No. 68560 for the Deerfield Hamilton WTP and Well Field Expansion & Upgrade Project, Fund 530 (Grandin Rd OWDA). Vote: Unanimous
- 08-1546 A resolution was adopted to approve Change Order No. 6 to the Contract with Lake Erie Electric Inc. increasing Purchase Order No. 68554 for the Deerfield Hamilton WTP and Well Field Expansion & Upgrade Project, Fund 530 (Grandin Rd OWDA). Vote: Unanimous
- 08-1547 A resolution was adopted to determine the necessity for the Old State Route 122 and Utica Road Water Improvement Area Project for Public Use. Vote: Unanimous
- 08-1548 A resolution was adopted to approve Revised General Plans for Waterworks Facilities in the Warren County Water District, to include water main extensions in the Old State Route 122 and Utica Road Water Improvement Area. Vote: Unanimous
- 08-1549 A resolution was adopted for declaration of Official Intent with respect to reimbursement of Temporary Advances made for Capital Expenditures to be made from Subsequent Borrowings for the Old State Route 122 and Utica Road Water Improvement Area. Vote: Unanimous

- 08-1550 A resolution was adopted to establish the Location, Route and Termini of the water mains, Tentative Assessments, Water Rates and Charges and the time with objects to or endorsements of the improvements will be heard for the Water Main Extension in the Old State Route 122 and Utica Road Water Improvement Area in the Warren County Water District. Vote: Unanimous
- 08-1551 A resolution was adopted to authorize the President and/or Vice President of this Board to sign a Satisfaction of Mortgage for Kimberly Barwick.
Vote: Unanimous
- 08-1552 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 08-1553 A resolution was adopted to Waive Building and Electrical Permit Fees associated with the renovation of 1055 Lytle-Five Points Road in Clearcreek Township to make the home handicap accessible. Vote: Unanimous
- 08-1554 A resolution was adopted to set Public Hearing for Rezoning Application of Heather Henderson (Case #08-07), to rezone 2.624 acres in Harlan Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 08-1555 A resolution was adopted to Advertise to Re-Bid for the Warren County Career Center Pump Station and Force Main. Vote: Unanimous
- 08-1556 A resolution was adopted to approve Notice of Intent to Award Contract for the FY2007 Village of Harveysburg Sidewalk Replacement CDBG Project.
Vote: Unanimous
- 08-1557 A resolution was adopted to Revise and Levy Final Special Assessments for construction of improvements to the Sewer System in the Caesar Creek Estates Sewer Improvement Area, Warren County Sewer District. Vote: Unanimous
- 08-1558 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperative Agreement with the Village of Pleasant Plain relative to the Community Development Block Grant Entitlement Program Years 2009-2011. Vote: Unanimous
- 08-1559 A resolution was adopted to acknowledge receipt of September 2008 Financial Statement. Vote: Unanimous
- 08-1560 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 08-1561 A resolution was adopted to approve a Sidewalk Bond Reduction for Hills Land & Development Company for completion of improvements in the Reserve at Heritage Pointe, Section 4, in Deerfield Township. Vote: Unanimous

- 08-1562 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with ZWK, LLC for the Woods-Section Nine in Deerfield Township. Vote: Unanimous
- 08-1563 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with B&K Enterprises Silver Lake, LLC for Silver Lake – Section Two in Clearcreek Township. Vote: Unanimous
- 08-1564 A resolution was adopted to approve Bond Reduction for Springboro Station, Phase II situated in Clearcreek Township. Vote: Unanimous
- 08-1565 A resolution was adopted to approve Bond Release for Rhein Interests, LLC for completion of improvements in Rosemont South Subdivision situated in Deerfield Township. Vote: Unanimous
- 08-1566 A resolution was adopted to enter into Erosion Control Bond Agreement with SASI, LLC for improvements in Hi Five Parcel ID 16322860141 situated in Deerfield Township. Vote: Unanimous
- 08-1567 A resolution was adopted to approve Operational Transfer from County Commissioners' Fund #101-1112 into Emergency Services Fund #264 and #290. Vote: Unanimous
- 08-1568 A resolution was adopted to approve Appropriation Decrease within Fund #262. Vote: Unanimous
- 08-1569 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund #272-1150. Vote: Unanimous
- 08-1570 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / Communications Center Fund #101-2850, Emergency Services / EMA Fund #264 and Emergency Services / Hazmat Fund #290. Vote: Unanimous
- 08-1571 A resolution was adopted to approve Appropriation Adjustment of Funds within the County Court Clerk General Fund #101-1282. Vote: Unanimous
- 08-1572 A resolution was adopted to approve Supplemental Appropriation Adjustment into Fund #265. Vote: Unanimous
- 08-1573 A resolution was adopted to approve Supplemental Appropriation Adjustment into Fund #265. Vote: Unanimous
- 08-1574 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

- 08-1575 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "Q", situated in Hamilton Township. Vote: Unanimous
- 08-1576 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "Q", situated in Hamilton Township. Vote: Unanimous
- 08-1577 A resolution was adopted to approve Waverly Park and Chelsea Court in Wedgwood, Block "Q" for public maintenance by Hamilton Township. Vote: Unanimous
- 08-1578 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd., for completion of improvements in Wedgwood, Block "R", situated in Hamilton Township. Vote: Unanimous
- 08-1579 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "R" situated in Hamilton Township. Vote: Unanimous
- 08-1580 A resolution was adopted to approve South Andover Way in Wedgwood, Block, "R" for public maintenance by Hamilton Township. Vote: Unanimous
- 08-1581 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "S" Nunner Road, situated in Hamilton Township. Vote: Unanimous
- 08-1582 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "T", situated in Hamilton Township. Vote: Unanimous
- 08-1583 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "T", situated in Hamilton Township. Vote: Unanimous
- 08-1584 A resolution was adopted to approve Essex Glenn in Wedgwood, Block "T" for public maintenance by Hamilton Township. Vote: Unanimous
- 08-1585 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "U", situated in Hamilton Township. Vote: Unanimous
- 08-1586 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd. for completion of improvements in Wedgwood, Block "U", situated in Hamilton Township. Vote: Unanimous

- 08-1587 A resolution was adopted to approve Wedgwood Drive in Wedgwood, Block "U" for public maintenance by Hamilton Township. Vote: Unanimous
- 08-1588 A resolution was adopted to Administrator Disciplinary Action Against Theresa Turner, Eligibility Referral Specialist II, within the Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 08-1589 A resolution was adopted to Administrator Disciplinary Action Against Emily Hittinger, Eligibility Referral Specialist I, within the Department of Job and Family Services, Human Services Division. Vote: Unanimous

DISCUSSIONS

Several students from Lebanon High School government class were present to shadow the County Commissioners and County Administrator for student government day.

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

Bruce McGary, Chief Deputy Prosecutor, was present along with Richard Renneker, Sanitary Engineer, and Chris Brausch, Deputy Sanitary Engineer, to discuss the easement acquisition process due to the recent change in the law.

Mr. McGary stated that when the legislature adopted policy outlining the use of eminent domain, they inadvertently changed the process in which the County must follow relative to acquisition of easement for water and sanitary sewer projects.

Mr. McGary stated that the Board has adopted a policy which exempts the process for easements which cost less than \$10,000 with the understanding that the W/S Department rarely acquires easements that are valued higher. He then stated that the Water and Sewer Department is in the beginning stages of constructing a waterline to accommodate Atrium Medical complex which requires the acquisition of easements along the front of commercial properties which are estimated to be valued at higher than \$10,000.

Mr. McGary then gave the background history relative to the law change and stated his opinion that the law can be interpreted two different ways:

1. Appraisal only applies if the property will be appropriated through the court or
2. Appraisal is required every time, whether the easement is donated and/or under \$10,000

There was much discussion relative to the proposed policy the Board desire to develop.

Upon further discussion, the Board directed Chris Brausch, Deputy Sanitary Engineer, to develop a draft policy in conjunction with the Prosecutor's Office and present it to the Board at a later date.

Representatives from Hamilton Township were present along with the representatives from the County Engineer's Office to discuss the performance bond releases and acceptance of streets and sidewalks within Wedgwood Subdivision Sections Q, R, S, T and U in Hamilton Township.

Gary Boerhes, Hamilton Township, requested the County to hold the performance bonds as additional 2 or 3 years to ensure sidewalks are constructed properly due to past experiences with this developer.

Bruce McGary, Chief Deputy Prosecutor, stated that what Mr. Boerhes is suggesting is not a bad idea, however, we are under a contractual obligation with the developer and that does not allow us to extend the bonding any further than the agreement.

Donna Miller, property owner within the development, stated that she is not the original homeowner but her neighbor is. She stated that they are having many problems with sidewalks, driveways and garage floors as they are falling apart within the subdivision. She stated her feeling that the builder has a moral obligation to correct the problems.

Becky Ehling, Hamilton Township Trustee, questioned if the Board can do anything to strengthen the standards of installation of sidewalks.

There was discussion relative to amending the regulations relative to the requirement of compaction to a certain standard or the use of "flash fill" under the sidewalks.

The Board stated their desire to consider amendments to the construction standards relative to sidewalks.

Upon further discussion, the Board approved the performance bond releases and accepted the roadways within Wedgwood Subdivision, Sections Q, R, S, T and U for public maintenance by Hamilton Township.

On motion, upon unanimous call of the roll, the Board entered into executive session at 12:00 p.m. to discuss matters required to be kept confidential per state or federal law pursuant to Ohio Revised Code Section 121.22 (G)(5) and exited at 1:12 p.m.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

David G. Young

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 14, 2008, in compliance with Section 121.22 O.R.C.

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