



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

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

MINUTES: Regular Session – October 17, 2017

The Board met in regular session pursuant to adjournment of the October 12, 2017, meeting.

Tom Grossmann – present

Shannon Jones – present

David G. Young – present

Tina Osborne, Clerk – present

- 17-1637 A resolution was adopted to approve and authorize Warren County Transit Service Program Manager to sign the Elderly and Disabled Transit Fare Assistance Grant Contract by and between the Ohio Department of Transportation and the Warren County Board of Commissioners. Vote: Unanimous
- 17-1638 A resolution was adopted to approve Change Order #2 with W.G. Stang, LLC for the Butterworth Road Bridge #156-0.68 Replacement Project. Vote: Unanimous
- 17-1639 A resolution was adopted to enter into termination agreement with Trane US, Inc for cancellation of 2016 Service Agreement on behalf of Facilities Management. Vote: Unanimous
- 17-1640 A resolution was adopted to approve and enter into a three year scheduled service agreement with Trane US Inc. Vote: Unanimous
- 17-1641 A resolution was adopted to approve various refunds. Vote: Unanimous
- 17-1642 A resolution was adopted to approve bond release for M/I Homes of Cincinnati, LLC for completion of Improvements in Rivercrest, Section 2 situated in Hamilton Township. Vote: Unanimous

- 17-1643 A resolution was adopted to approve appropriation decreases within various funds. Vote: Unanimous
- 17-1644 A resolution was adopted to approve a new cash advance from General Fund #101 into STEP/IDEP Grant Fund #292. Vote: Unanimous
- 17-1645 A resolution was adopted to approve a supplemental appropriation into the Motor Vehicle Fund #202. Vote: Unanimous
- 17-1646 A resolution was adopted to approve supplemental adjustment into Common Pleas Court Computer Fund #280. Vote: Unanimous
- 17-1647 A resolution was adopted to approve appropriation adjustment from Common Pleas Court Probation Services fund #101-1223 into Common Pleas Court Fund #101-1220. Vote: Unanimous
- 17-1648 A resolution was adopted to approve appropriation adjustment from the Clerk County Court Fund #101-1282 to the Clerk of Court of Common Pleas Fund #101-1260. Vote: Unanimous
- 17-1649 A resolution was adopted to approve appropriation adjustment within Sheriff's Office fund #101-2210. Vote: Unanimous
- 17-1650 A resolution was adopted to approve appropriation adjustments within the Certificate of Title Administration Fund #250-1260. Vote: Unanimous
- 17-1651 A resolution was adopted to approve appropriation adjustments within Common Pleas Court Community Based Corrections Fund #289. Vote: Unanimous
- 17-1652 A resolution was adopted to approve appropriation adjustments within the Water Revenue Fund No. 510. Vote: Unanimous
- 17-1653 A resolution was adopted to approve appropriation adjustment within Treasurer's Office Fund #101-1130. Vote: Unanimous
- 17-1654 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 17-1655 A resolution was adopted to rescind Resolution #17-1630 approving an appropriation adjustment into County Court Fund #253-1280-102. Vote: Unanimous
- 17-1656 A resolution was adopted to grant variance to John Candle Homes, LLC required for an Access Permit for Parcel ID #16-33-151-002 and 16-33-151-004 on Snider Road in Deerfield Township, Warren County, Ohio. Vote: Unanimous

DISCUSSIONS

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

ADMINISTRATIVE HEARING
CONSIDER REQUEST FOR VARIANCE REQUIRED FOR AN ACCESS PERMIT FILED
BY JOHN CANDLE HOMES IN DEERFIELD TOWNSHIP

The administrative hearing to consider the Request for Variance of Conditions Required for an Access Permit due to its Application for an Access/Driveway Culvert Permit for Parcel ID # 16-33-151-004 and 16-33-151-002 to access Snider Road in Deerfield Township, Warren County, Ohio, filed by John Candle Homes, LLC on September 15, 2017, was convened this 17th day of October 2017, in the Commissioners' Meeting Room.

Commissioner Grossmann convened the hearing by requesting the Clerk to identify:

- i) The name and address of the Owner
- ii) Identify the Owner's attorney, if any
- iii) Identify each document filed with you in support of THE REQUEST
- iv) The Resolution # and Date setting THE REQUEST for an Administrative Hearing
- v) How and When was this Administrative Hearing was advertised

Tina Osborne, Clerk of Commissioner, stated the property owner as John Candle Homes, LLC, 7556 Central Park Boulevard, Mason, Ohio, 45040, and that the owner is not represented by an attorney. She then stated that they owner has filed an application for appeal along with a map showing the proposed access. She then stated that on September 19, 2017, this Board adopted Resolution # 17-1442 setting the matter for an administrative hearing (the "hearing") on October 17, 2017, and, notice was published in the Journal - News Pulse of Lebanon and Mason newspaper on October 1, 2017, and written notice was mailed on September 19, 2017, to the Applicant's engineering firm, the Applicant, the Deerfield Township Board of Trustees, and the Warren County Engineer.

Commissioner Grossmann administered the oath to those desiring to testify during today's hearing.

Kurt Weber, Deputy County Engineer, presented the report of findings and reviewed the location of the parcels requesting access to Snider Road.

Mr. Weber stated that the access permit was required to be denied because the spacing for the new street is not 750 feet away from the intersection of Socialville-Foster Road as the Access Management Regulations require. He testified that the spacing is only 535 feet from the intersection but the proposed location has been chosen in conjunction with the Engineer's Office and is in a safe and visible location. He then stated support of the variance being approved due to denial would be denying all reasonable access to the property.

Richard Arnold, McGill Smith Punshon, confirmed that the access has been placed in the best possible location in conjunction with the County Engineer's Office.

The owners of John Candle Homes, LLC, Chad and Rick Seitz, and the applicant's engineer testified that the Board did not: i) deny the Applicant the opportunity to present its position, arguments, and contentions, ii) deny Applicant the Right to offer and examine witnesses and present evidence into the record; iii) deny Applicant the right to cross-examine witnesses in opposition; iv) deny Applicant the opportunity to offer evidence to refute evidence or testimony offered in opposition; or, v) refuse or fail to compel the appearance of any witnesses or evidence at Applicant's request.

After applying the applicable law, including without limitation the factors in Section 601.4, et seq. of the Access Management Regulations, to the testimony and evidence presented during the hearing, the Board voted unanimously (Resolution #17-1656) to grant the variance thereby allowing the County Engineer to grant a Permit for the access point as shown on Drawing Sheet dated 07/11/17 File No. 16546.00.

Tiffany Zindel, County Administrator, updated the Board on the information she received from Village Administrator, Jerry Haddix, relative to their request for a sanitary sewer easement associated with the development of the property along US RT 22-3 in Hamilton Township that was annexed to the Village of South Lebanon.

Mrs. Zindel reported that if the adjacent properties are required by the Warren County Combined Health District to connect to the sanitary sewers due to their proximity, the Village will not grant access without annexation. She then stated that the Village will waive all tap-in fees associated with the connections upon annexation.

There was discussion relative to the adjacent property owners being forced into annexation if the easement is granted.

There was discussion relative to the ability of the Village of South Lebanon to run the sanitary sewers within the road right-of-way without the easement from Warren County which will require the adjacent property owners to connect.

Upon discussion, the Board requested the County Administrator to request that the Village of South Lebanon contact the adjacent residential properties, advise them of the situation and present their feedback to this Board.

Martin Russell, Deputy County Administrator, presented an update on the Warren County Sports Complex Project.

Mr. Russell stated that the Warren County Port Authority now owns the property and has issued the debt associated with its development. He then questioned the desire of the Board relative to any excess funds after the debt payment is made that are received monthly from the additional 1% lodgings tax collection.

Mr. Russell stated that the Warren County Convention and Visitor's Bureau (CVB) has requested any excess be given to them in order to fund future operations.

There was discussion request to the following three options:

1. Give any excess funds to the CVB as they requested
2. Warren County Port Authority retain any excess funds in case a shortfall in collections would exist in the future
3. Hold any excess funds as a reserve and create a request form for the CVB to submit when funds are needed

Commissioner Young stated his desire for a hybrid of the three options. He stated his desire to create a reserve of approximately three months of debt service to cover any shortfall and also utilize as a reserve for future improvements that would bring additional revenue such as AstroTurf on additional fields.

Mr. Russell suggested the Board review the reserve account balance on a yearly basis.

Upon discussion, it was determined to proceed with the option presented by Commissioner Young.

The Board discussed the room reservation policy as it pertains to requests for quasi-departments.

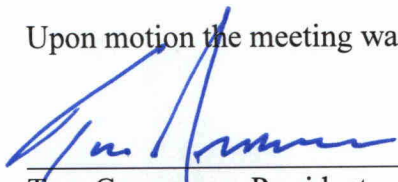
Upon discussion, the Board determined to designate any non-profit agency receiving funding from Warren County to meet the criteria as serving a governmental purpose as it relates to the room reservation policy and therefore, be exempt from the fee requirement.

There was discussion relative to the possibility of creating a general policy as it relates to vehicles left in the county parking lot for an extended period of time.

Upon discussion, the Board stated they do not desire to get involved in the policing of county parking lots.

The Board convened into the Commissioners' Conference Room for a work session to discuss the 2018 budget.

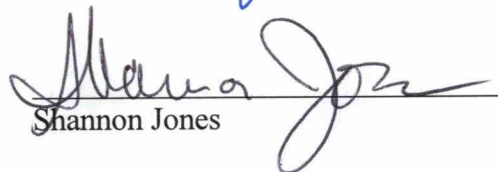
Upon motion the meeting was adjourned.



Tom Grossmann, President

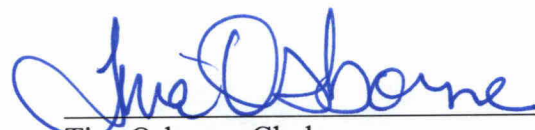


David G. Young



Shannon Jones

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 17, 2017, in compliance with Section 121.22 O.R.C.



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