



**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 – August 19, 2008**

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

Pat Arnold South - present

C. Michael Kilburn - present

David G. Young - present

Tina Davis, Clerk – present

- 08-1199      A resolution was adopted to approve and authorize the President and/or Vice President of this Board to execute a Fiscal Year 2009 Ohio Department of Youth Services Grant Application update on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 08-1200      A resolution was adopted to declare various items within Health Dept, Sheriff's Office, Emergency Services and MRDD as surplus and authorize the disposal of said items. Vote: Unanimous
- 08-1201      A resolution was adopted to approve and enter into an Agreement with Mental Health Recover Centers of Warren County on behalf of Warren County Juvenile Court to provide Crisis Services to Juveniles at the Warren County Juvenile Justice Center. Vote: Unanimous
- 08-1202      A resolution was adopted to approve and authorize the Board to extend the attached Maintenance and Support Agreement with Motorola on behalf of Warren County Telecommunications. Vote: Unanimous
- 08-1203      A resolution was adopted to acknowledge receipt of July 2008 Financial Statement. Vote: Unanimous

- 08-1204 A resolution was adopted to approve County Motor Vehicle Tax (CVT-300) for the City of Lebanon in the amount of \$96,130.00. Vote: Unanimous
- 08-1205 A resolution was adopted to approve Change Order No. 8 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
- 08-1206 A resolution was adopted to approve Notice of Intent to Award the Contract for the Gustin Rider Road Concrete Box Beams Removal Project.  
Vote: Unanimous
- 08-1207 A resolution was adopted to approve Notice of Intent to Award the Contract for the Gustin Rider Road – Prestressed Concrete Box Beams Project.  
Vote: Unanimous
- 08-1208 A resolution was adopted to approve and enter into a Software Maintenance Agreement with DMG Maximus for the QuiC/RMS Program on behalf of the Warren County Department of Human Services. Vote: Unanimous
- 08-1209 A resolution was adopted to designate Family and Medical Leave of Absence to Viveka Ross, Foster Care Adoption Supervisor, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 08-1210 A resolution was adopted to set Public Hearing for Rezoning Application of Woodward Farms, Ltd., owner of record (Case #08-05) to rezone 8 acres in Turtlecreek Township from Rural Residence “R-1” to Rural Residence “R-1” as a Planned Unit Development. Vote: Unanimous
- 08-1211 A resolution was adopted to authorize Neil Tunison, Warren County Engineer, to prepare and submit an application to participate in the Ohio Public Works Commission Local Transportation Improvement Program and to execute contracts as required. Vote: Unanimous
- 08-1212 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for Jason Green, Mechanic II, within the Warren County Garage. Vote: Unanimous
- 08-1213 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for Ryan Noe, Wastewater Treatment Plant Operator I, within the Water and Sewer Department. Vote: Unanimous

- 08-1214 A resolution was adopted to authorize Dave Gully, County Administrator and Tiffany Zindel, Director of the Office of Management and Budget to sign all accounting and payroll forms for all departments under the Board of Commissioners authority. Vote: Unanimous
- 08-1215 A resolution was adopted for the Appointment of Warren County Members to the Area 12 Workforce Investment Board with term to be effective upon adoption of this resolution. Vote: Unanimous
- 08-1216 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 08-1217 A resolution was adopted to authorize Amendment No. 1 to the Engineering Agreement with Camp Dresser and McKee, Inc. increasing Purchase Order No. 68553 for the Warren County Career Center Pump Station and Force Main Improvements, Project Fund No. 449-3318. Vote: Unanimous
- 08-1218 A resolution was adopted to declare various items within DTF, Telecom, Water & Sewer, Juvenile, Human Services and MRDD as surplus and authorize the disposal of said items. Vote: Unanimous
- 08-1219 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 08-1220 A resolution was adopted to enter into Erosion Control Bond Agreement with Corporate Way Partners LLC for improvements in Commons at Landen Situated in Deerfield Township. Vote: Unanimous
- 08-1221 A resolution was adopted to enter into a New Streets and Appurtenances Security Agreement with the Greens of Kings Meadow, LLC for King's Meadow Subdivision, in Deerfield Township, replacing the current Streets and Appurtenances Security Agreement #07-001 (P). Vote: Unanimous
- 08-1222 A resolution was adopted to approve a Street and Appurtenances Bond Release for the Greens of Kings Meadow, LLC for completion of improvements for King's Meadow, situated in Deerfield Township. Vote: Unanimous
- 08-1223 A resolution was adopted to enter into a New Sidewalk Security Agreement with the Greens of Kings Meadow, LLC. for King's Meadow Subdivision, in Deerfield Township, replacing the current Sidewalk Security Agreement #07-001 (S).  
Vote: Unanimous
- 08-1224 A resolution was adopted to approve a Sidewalk Bond Release for the Greens of Kings Meadow, LLC for completion of improvements for King's Meadow, situated in Deerfield Township. Vote: Unanimous

- 08-1225 A resolution was adopted to enter into Erosion Control Bond Agreement with the Greens of Kings Meadow, LLC for improvements in King's Meadow situated in Deerfield Township. Vote: Unanimous
- 08-1226 A resolution was adopted to approve a Sidewalk Bond Reduction for Turning Leaf, LLC for completion of improvements in Turning Leaf, Section 2, located in Hamilton Township. Vote: Unanimous
- 08-1227 A resolution was adopted to approve a Sidewalk Bond Reduction for Shaker Run Investment Company, LLC for completion of improvements in Shaker Run, Section One, Phase "B", in Turtlecreek Township. Vote: Unanimous
- 08-1228 A resolution was adopted to approve a Sidewalk Bond Reduction for Shaker Run Investment Company, LLC for completion of improvements in Shaker Run, Section One, Phase "C", in Turtlecreek Township. Vote: Unanimous
- 08-1229 A resolution was adopted to approve a Sidewalk Bond Reduction for Shaker Run Investment Company, LLC for completion of improvements in Shaker Run, Section One, Phase "D" in Turtlecreek Township. Vote: Unanimous
- 08-1230 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Warren County Development, LLC for completion of improvements in Wilson Farms, Section Three, situated in Franklin Township. Vote: Unanimous
- 08-1231 A resolution was adopted to approve a Street and Appurtenances Bond Release for Timbercreek Associates, Inc. for completion of improvements in Timbercreek III, Section Four, situated in Turtlecreek Township. Vote: Unanimous
- 08-1232 A resolution was adopted to approve Golden Fox trail and Pheasant Run Trail in Timbercreek III, Section Four for public maintenance by Turtlecreek Township. Vote: Unanimous
- 08-1233 A resolution was adopted to enter into Erosion Control Bond Agreement with Miami Striker, LLC for improvements in Miami Bluffs, Section 13, situated in Hamilton Township. Vote: Unanimous
- 08-1234 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 08-1235 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 08-1236 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous

- 08-1237 A resolution was adopted to approve Supplemental Appropriation within Fund #467. Vote: Unanimous
- 08-1238 A resolution was adopted to approve Supplemental Appropriation into Worker's Comp Self Insured Fund #636. Vote: Unanimous
- 08-1239 A resolution was adopted to approve Supplemental Appropriation into Sheriff's Office Funds #295, #293 and #630 and into Data Processing Fund #101-1400. Vote: Unanimous
- 08-1240 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund #255-1150. Vote: Unanimous
- 08-1241 A resolution was adopted to approve Appropriation Adjustments within the Sewer Revenue Fund No. 449. Vote: Unanimous
- 08-1242 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1600. Vote: Unanimous
- 08-1243 A resolution was adopted to approve Appropriation Adjustments within the Sewer Revenue Fund No. 580. Vote: Unanimous
- 08-1244 A resolution was adopted to approve Appropriation Adjustments within the Water Revenue Fund No. 510. Vote: Unanimous
- 08-1245 A resolution was adopted to approve Appropriation Adjustments within Common Pleas Court Funds #101-1223 & #101-1220, Data Processing Fund #101-1401 and Children Services Fund #273. Vote: Unanimous
- 08-1246 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 08-1247 A resolution was adopted to approve Rezoning Application of Michael Ash (Case #08-04) to rezone 1.087 acres in Washington Township from General Business "B-2" to Rural Residence "R-1". Vote: Unanimous
- 08-1248 A resolution was adopted to accept Resignation of Thomas E. Bennett, Sr., Custodial Worker I, within the Warren County Building Services Department, effective August 13, 2008. Vote: Unanimous
- 08-1249 A resolution was adopted to hire Aaron C. Lamb as Custodial Worker I, within the Warren County Building Services Department. Vote: Unanimous
- 08-1250 A resolution was adopted to approve Reclassification of William David from the position of Custodial Worker I, to the position of Custodial Worker II.

Vote: Unanimous

08-1251 A resolution was adopted to approve Reclassification of Carolyn Jones from the position of Custodial Worker I, to the position of Custodial Worker II.

Vote: Unanimous

08-1252 A resolution was adopted to accept Resignation due to Retirement of Jim Hill, Permits/Plans/Safety Coordinator, within the Warren County Water and Sewer Department, effective August 29, 2008. Vote: Unanimous

08-1253 A resolution was adopted to hire Christian Wilkins as Emergency Communications Operator, within the Warren County Emergency Services Department. Vote: Unanimous

08-1254 A resolution was adopted to hire Heather Dankovick as Protective Services Casework I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous

08-1255 A resolution was adopted to hire Leighanne Fountain Butler as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous

08-1256 A resolution was adopted to approve Promotion of Travis Allen to the position of Water/Sewer Repair Worker III within the Water and Sewer Department. Vote: Unanimous

#### DISCUSSIONS

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On motion, upon unanimous call of the roll, the Board entered into executive session at 9:05 a.m. to discuss personnel matters relative to resignations and hiring within Children Services, Human Services, Emergency Services and Water and Sewer Department pursuant to Ohio Revised Code Section 121.22 (G)(1) and pending litigation relative to the Paige lawsuit pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 10:45 a.m.

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On motion, bids were closed at 10:15 a.m. this 19<sup>th</sup> day of August and the following bids were received, opened and read aloud for the Warren County Career Center Pump Station for the Warren County Water and Sewer Department:

	<u>CONTRACT A</u>	<u>CONTRACT B</u>	<u>COMBINED</u>
ICS Electric Cincinnati, Ohio	NO BID	\$ 29,278.00	NO BID
Lake Erie Electric Franklin, Ohio	NO BID	\$ 30,889.00	NO BID
Smith & Brown Contractors Harrison, Ohio	\$ 727,500.00	NO BID	NO BID
Sunesis Construction West Chester, Ohio	\$ 695,068.50	NO BID	\$ 727,132.90
Trend Construction Cincinnati, Ohio	\$ 707,396.00	\$ 33,000.00	\$ 736,396.00
York Electric Dayton, Ohio	NO BID	\$ 54,211.00	NO BID

Richard Renneker, Sanitary Engineer, Warren County Water and Sewer Department, will review bids for a recommendation at a later date.

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

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PUBLIC HEARING

REZONING APPLICATION OF MICHAEL ASH TO REZONE 1.087 ACRES  
IN WASHINGTON TOWNSHIP FROM GENERAL BUSINESS "B-2" TO  
RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of Michael Ash, property owner, to rezone 1.087 acres in Washington Township from General Business "B-2" to Rural Residence "R-1" was convened this 19<sup>th</sup> day of August 2008, in the Commissioners' Meeting Room.

Robert Ware, Regional Planning Commission, stated that this is a down zoning and brings the property in compliance with the Land Use Plan of Washington Township. He then stated that the Regional Planning Commission Executive Committee recommended approval of the rezoning application.

Michael Yetter, Rural Zoning Department, stated that this property was used many years ago as a carryout but has been converted to residential use. He then stated that the property owner desires to sell this property to his daughter but the daughter cannot get financing due to the property being zoning improperly. He then stated the Rural Zoning Commission's unanimous decision to approve the rezoning application.

Upon further discussion, the Board resolved (Resolution #08-1247) to approve the rezoning application.

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Dave Mick, Assistant County Engineer, was present along with Gary Boeres and Dave Philbin, Hamilton Township, to discuss the proposed release of sidewalk and performance bonds within Wedgwood Subdivision, Section T & U in Hamilton Township.

Mr. Mick explained that Sections T & U have been inspected and deemed ready for the performance bonds to be released and the roadways to be accepted by Hamilton Township; however, Hamilton Township has sidewalk problems with previously accepted sections of that subdivision which the developer is refusing to correct. He then stated the Hamilton Township Trustees' desire to not inspect nor accept any sections of roadways within Wedgwood Subdivision until such time as the previous accepted sidewalk issues are corrected by the developer.

Commissioner Kilburn questioned whether the maintenance bonding is kept in place an adequate amount of time so that these problems are prevented.



Mr. Mick stated that the average time subdivisions remain under performance and maintenance bonds is between five and eight years which is ample time.

There was discussion relative to the problems within the previous sections.

Upon further discussion, the Board requested Dave Gully, County Administrator, to contact the developer to discuss the sidewalk issues.

Mr. Gully stated that if the issues are not addressed by the developer, the matter will be set for discussion at a public meeting and the residents within the subdivision will be invited prior to any legislation being adopted to release the bonds and accept the roadways for public maintenance by the Township.

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Richard Renneker, Sanitary Engineer, was present along with Kathy Schwab, Neyer, Inc. to discuss their need for sanitary sewer services to their property adjacent to Atrium Medical Center in the City of Middletown.

Ms. Schwab explained their request to temporarily tap into the Warren County Sewers due to the City of Middletown not being able to provide services in a timely manner to accommodate the 130 employer company moving into the building in February. She stated their willingness to pay all required expenses and tap in fees required by Warren County with the understanding they could be partially reimbursed once they vacate our system. She then stated they would anticipate utilizing Warren County sewer service for approximately six months. She then stated the proposed cost to construct the temporary services and applicable fees would be approximately \$35,000.

Upon discussion, the Board stated their anticipation of the 130 + jobs being created in Warren County and stated their desire to work with Neyer, Inc. by allowing the temporary connection.

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On motion, upon unanimous call of the roll, the Board entered into executive session at 11:40 a.m. to discuss pending litigation relative to Martha Paige vs. Warren County pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 12:18 p.m.

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Upon motion the meeting was adjourned.

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Pat Arnold South, President

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C. Michael Kilburn

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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 August 19, 2008, in compliance with Section 121.22 O.R.C.

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