



BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

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DAVID G. YOUNG

BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

MINUTES: Regular Session – January 12, 2010

The Board met in regular session pursuant to adjournment of the January 11, 2009, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the June 23, 2009, July 28, 2009, October 1, 2009, December 8, 10, 15, 17 and 22, 2009, meetings were read and approved.

- 10-0027 A resolution was adopted to enter into an Easement Agreement with Miranda Sue Jackson, Trustee of the Coomer Family Trust, for an Exclusive and Permanent Highway Easement and a Temporary Construction Easement for the Drake Road and Old SR 122 Road Intersection Improvement Project. Vote: Unanimous
- 10-0028 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Richard B. Freeman for the Irwin-Simpson Road West Realignment Project. Vote: Unanimous
- 10-0029 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into a Professional Service Agreement by and between Environmental Educators Inc. and the Board of Warren County Commissioners relevant to the Warren County Water and Sewer Department's Source Water Protection Program. Vote: Unanimous
- 10-0030 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into a Professional Service Agreement by and between Environmental Educators Inc. and the Board of Warren County Commissioners relevant to the Warren County Solid Waste Management District's Educational Program. Vote: Unanimous

- 10-0031 A resolution was adopted to approve and authorize the Board to enter into a Youth Money Management Training Agreement on behalf of the Warren County One-Stop Business and Employment Center. Vote: Unanimous
- 10-0032 A resolution was adopted to enter into an Amendment to the Engineering Contract with Henderson and Bodwell, L.L.P. Vote: Unanimous
- 10-0033 A resolution was adopted to approve and authorize the processing of various Purchase Orders. Vote: Unanimous
- 10-0034 A resolution was adopted to enter into Lease Agreement with the Warren County Career Center. Vote: Unanimous
- 10-0035 A resolution was adopted to set Public Hearing for Rezoning Application of Tony and Mindy Moore (Case #09-06), to rezone 1.428 acres in Turtlecreek Township from Rural Residence "R-1" to General Business "B-2" as a Planned Unit Development. Vote: Unanimous
- 10-0036 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 10-0037 A resolution was adopted to declare various items within Property Room and Building & Zoning as Surplus and authorize the disposal of said items.
Vote: Unanimous
- 10-0038 A resolution was adopted to acknowledge receipt of December 2009 Financial Statement. Vote: Unanimous
- 10-0039 A resolution was adopted to approve 2010 Budget correction by approving Appropriation Decreases in Veterans Memorial Fund #215, CDBG Fund #265, Mary Haven Fund #270, Sheriff Traffic Safety Grant Fund #292, Rehab Inc Fund #298 and Engineer's Office Drake Road Construction Fund #428.
Vote: Unanimous
- 10-0040 A resolution was adopted to approve Appropriation adjustment from Commissioners Fund #101-1110 into Domestic Relations Fund #101-1230.
Vote: Unanimous
- 10-0041 A resolution was adopted to approve an Appropriation Adjustment within the Law Library Fund to account for Expenditures for Legal Publications.
Vote: Unanimous
- 10-0042 A resolution was adopted to approve Appropriation Adjustment within Garage Fund #619-1110. Vote: Unanimous

- 10-0043 A resolution was adopted to approve Supplemental Appropriation into Engineer's Fund #458. Vote: Unanimous
- 10-0044 A resolution was adopted to approve Supplemental Appropriation into Engineer's Fund #451. Vote: Unanimous
- 10-0045 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous
- 10-0046 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101-1112 into Cybercrime Task Force Fund #252. Vote: Unanimous
- 10-0047 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101-1112 into Crime Victim/Witness Fund #245. Vote: Unanimous
- 10-0048 A resolution was adopted to approve Operating Transfer from Commissioners Fund #101 into County Court Probation Fund #253. Vote: Unanimous
- 10-0049 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-0050 A resolution was adopted to approve Rezoning Application of Jeremy Flege (Case #09-07), to rezone .64 acres in Union Township from General Business "B-2" to General Business "B-2" as a Planned Unit Development subject to certain conditions. Vote: Unanimous
- 10-0051 A resolution was adopted Vacating Resolution 09-1244 to establish the location, route and termini of the Water Mains, Tentative Assessments, Water Rates and Charges and the time when objections to or endorsements of the improvements will be heard for the Water Main Extension and Elevated Water Storage Tank in the State Route 122 and Hart Road Water Improvement Area in the Warren County Water District. Vote: Unanimous
- 10-0052 A resolution was adopted to close Public Hearing of Necessity and determine to not proceed with improvements relative to the Water Main Extension and Elevated Water Storage Tank in the State Route 122 and Hart Road Water Improvement Area in the Warren County Water District. Vote: Unanimous
- 10-0053 A resolution was adopted to enter into a Water Pollution Control Loan Fund (WPCLF) Agreement including assistance from the American Recovery and Reinvestment Act (ARRA). Vote: Unanimous
- 10-0054 A resolution was adopted to approve a Cash Advance for the Career Center Pump Station and Forcemain Project Fund No. 449-3318. Vote: Unanimous

- 10-0055 A resolution was adopted to hire Robert Vandenburg, Eligibility Referral Specialist II, within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous

- 10-0056 A resolution was adopted to hire Rhianna Fincher as Emergency Communications Operator, within the Warren County Emergency Services Department. Vote: Unanimous

- 10-0057 A resolution was adopted to authorize the posting of the "Investigative Caseworker I, II and III" positions, within the Department of Job and Family Services, Children Services Division, in accordance with the Warren County Personnel Policy Manual, Section 2.02(a). Vote: Unanimous

- 10-0058 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into Contract with Jones Warner Consultants, Inc. for Engineering Services relative to the FY 2009 Village of Butlerville Community Development Block Grant (CDBG) Project. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

- 10-0059 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund 258. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session to discuss personnel matters within Children Services and Emergency Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:20 a.m.

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

Neil Tunison, County Engineer, was present for a work session to discuss the I-71/Western Row Road Interchange Project.

Mr. Tunison stated that there are at step 5 of a 14 step process which is at the design services funding step.

There was discussion relative to the Mason-Montgomery/Fields-Ertel Road Improvement Project being the Board's #1 priority relative to the goals that they established as follows:

1. Safety
2. Take care of the business we already have
3. New Job Creation

The Board stated they do not want to take any chances away from the Mason-Montgomery/Fields-Ertel Road Project and would not commit any County funds to the Western Row Road Interchange Project at this time.

Upon discussion, Mr. Tunison stated he will meet with Mason officials relative to the project and give the Board an update at a later date.

PUBLIC HEARING
REZONING APPLICATION OF JEREMY FLEGE TO REZONE .64 ACRES
IN UNION TOWNSHIP FROM GENERAL BUSINESS "B-2" TO
GENERAL BUSINESS "B-2" AS A PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Jeremy Flege, owner of record, to rezone .64 acres in Union Township from General Business "B-2" to General Business "B-2" as a planned unit development was convened this 12th day of January 2010, in the Commissioners' Meeting Room.

Kim Lapensee, Regional Planning Commission, stated that the Regional Planning Commission Executive Committee approved the rezoning application as submitted subject to 13 conditions.

Mike Yetter, Zoning Supervisor, stated that the Rural Zoning Commission approved the rezoning application subject to 13 conditions. He then stated that the property, located on Shawhan Road near Stubbs Mill Road, is zoned General Business but has a non-conforming residential home constructed on it. He stated that the property owner desires to rezone to a planned unit development overlay because they was to construct an accessory building on the back of the property.

Upon further discussion, the Board resolved (Resolution #10-0050) to approve the rezoning application subject to the following 13 conditions:

1. Approval of a planned unit development (PUD) overlay shall only mean approval of land uses and shall not include approval of a site plan, as this is for Stages 2 and 3 of the PUD, except for purposes of continuing the residential use on the site.
2. Mr. Jared Flege, as agent, shall be the spokesperson for the PUD in all dealings with Warren County. Mr. Fledge may delegate his role as spokesperson to another individual and shall notify the Zoning Inspector of such event. In any case, one spokesperson will be recognized by Warren County as representing the PUD.
3. Final detailed site plan approval in accordance with the procedure set forth in Section 18.06 and 18.07 of the Warren County Zoning Code, except for purposes of continuing or improving the single family residential use on the site.
4. Compliance with all of the conditions and requirements that may be set forth by resolution granting the PUD overlay and compliance with the requirements of Chapter 18 of the Warren County Zoning Code, for any use purpose of the site other than for continuing the single family residential dwelling use and related improvements and additions in conjunction with that use.
5. Limitations on land use allowance, as determined by the Warren County Commissioners.
6. The applicant must come to the Warren County Health Department and comply with all requirements.
7. Compliance with all requirements of the Western Water Company regarding water service.
8. Compliance with the Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with any future construction for non-residential use.
9. Compliance with all requirements of the Warren County Engineer's Office and Union Township Fire Department as it pertains to access and internal circulation.
10. Compliance with Chapter 20 (Parking and Loading Regulations) of the Warren County Zoning Code, when and if proposed for non-residential use.
11. Compliance with Section 27.05 (Outdoor Lighting) of the Warren County Zoning Code.

12. Final detailed site plan approval in accordance with the procedure set forth in Section 18.07 of the Warren County Rural Zoning Code, except that improvements and additions for purpose of continuing the single family dwelling use of the site shall only be subject to review per requirements of the R-1 Zone and permitting by the Zoning Inspector.
13. Any alterations or changes to the single family residential use for some other purpose shall be processed for approval consideration per Chapter 18 (Planned Unit Development Regulations) of the Warren County Rural Zoning Code.

PUBLIC HEARING OF NECESSITY RELATIVE TO A WATER MAIN EXTENSION AND
ELEVATED WATER STORAGE TANK IN THE STATE ROUTE 122 AND HART ROAD
WATER IMPROVEMENT AREA IN THE WARREN COUNTY WATER DISTRICT

The public hearing of necessity relative to a Water Main Extension and Elevated Water Storage Tank in the State Route 122 and Hart Road Water Improvement Area in the Warren County Water District was convened this 12th day of January 2010, in the Commissioners' Meeting Room.

Commissioner Young opened the public hearing by requesting the Clerk state the purpose of the public hearing and the dates in which this hearing was advertised in The Western Star newspaper.

Tina Davis, Clerk of Commissioners, stated the purpose of the public hearing is related to the construction of water lines and a 2 million gallon elevated water storage tank within the State Route 122/Hart Road Water Improvement Area of the Warren County Water District. She then stated that the legal advertisement relative to this public hear was published on December 10, 2010 and December 17, 2010 in The Western Star newspaper.

Chris Brausch, Sanitary Engineer, gave background information relative to how we got to this point to the Board and those present.

Commissioner Kilburn stated his observation that there is very little property owner support for this project.

Captain Jeff Prass, Clearcreek Township Fire Department, stated that both the bas and liquid petroleum companies will benefit in safety if they can get an adequate water supply to the site in the event of an emergency.

Captain Lautman, Clearcreek Township Fire Department, stated that water is needed to this site in order to prevent further devastation in the event of an emergency.

Dwayne Stout, TEPPCO, property owner within the project, stated that if everyone is on board with the project they are willing to pay their fair share. He then stated that if the cost is not distributed evenly, they are not willing to pay the entire cost of the project.

Commissioner Young questioned if the liquid petroleum property owners would like to consider a scaled down version of the project just to protect their products.

Brian Miller, Marathon, property owner within the project, stated that the majority of these type of facilities are in remote areas with very little population surrounding them. He then stated their desire to be a good corporate citizen, but not at an unaffordable cost.

Will Weisenfelder, Attorney for Texas Gas, stated that the safety regulations for liquid petroleum is totally different than gas. He stated there is no benefit of a water tower to Texas Gas. Mr. Weisenfelder then questioned Rick Ashley, Area Vice-President of Texas Gas, relative to what is needed from the local fire and police department in the event of a gas line fire. Mr. Ashley stated that they would utilize the fire and police departments for crowd control only.

Tracy Huffman, Columbia Gas, Steve Dimon, Trans-Canada, Alan Foreman, Rockies Express and A.J. Landis, Dominion Transmission and Jerry Robinson, Spectra Energy, all stated the proposed project provides no benefit to their property.

Commissioner Young stated it is evident that the cost of the improvement clearly exceeds the benefit to the property.

Commissioner Kilburn stated his agreement with Commissioner Young.

Acting Chief Tom Morrison, Clearcreek Township, stated that at no time in the past two years has anyone from the gas line industries met with the Clearcreek Fire Department relative to a safety plan.

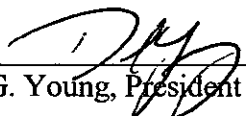
Upon further discussion, the Board resolved (Resolution #10-0052) to close the public hearing and determine to not proceed with the Water Main Extension and Elevated Water Storage Tank in the State Route 122 and Hart Road Water Improvement Area in the Warren County Water District.

Chris Brausch, Sanitary Engineer, was present with the loan agreement between Warren County and the Ohio EPA relative to the expansion of the Lower Little Miami Waste Water Treatment Plant.

Mr. Brausch presented the agreement to the Board from the Water Pollution Control Loan Fund (WPCLF) that includes \$5 million assistance from the American Recovery and Reinvestment Act (ARRA).

Upon discussion, the Board resolved (Resolution #10-53) to enter into a Water Pollution Control Loan Fund (WPCLF) Agreement including assistance from the American Recovery and Reinvestment Act (ARRA) with Commissioner Kilburn voting nay.

Upon motion the meeting was adjourned.




David G. Young, President



Pat Arnold South

C. Michael Kilburn

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 January 12, 2010, in compliance with Section 121.22 O.R.C.



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