



**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 – June 29, 2010

The Board met in regular session pursuant to adjournment of the June 24, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the June 15, and June 24, 2010 meetings were read and approved.

- 10-0917 A resolution was adopted to authorize Public Advertisement of a Request for Proposals for Medical Services associated with the Warren County Employee and CDL Holder Drug Testing Programs and other Medical Services associated with employment. Vote: Unanimous
- 10-0918 A resolution was adopted to Advertise for Bids for the Columbia Road & Socialville-Fosters Road Intersection Improvement Project. Vote: Unanimous
- 10-0919 A resolution was adopted to approve and authorize the President of the Board to enter into Classroom Training Agreements on behalf of Workforce One of Warren County. Vote: Unanimous
- 10-0920 A resolution was adopted to approve Retail Power Sales Agreement with Duke Energy Retail Sales, LLC. Vote: Unanimous
- 10-0921 A resolution was adopted to Utica Road Water Improvement Area-establish non-participant charges. Vote: Unanimous
- 10-0922 A resolution was adopted to Clarksville Road Water Improvement Area - establish non-participant charges. Vote: Unanimous

- 10-0923 A resolution was adopted to accept the Petition, Statement and Waiver of the Hartz Mountain Corporation. Vote: Unanimous
- 10-0924 A resolution was adopted to issue Request for Engineering Qualifications/Proposals for the Hartz Mountain Sewer Improvements. Vote: Unanimous
- 10-0925 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 10-0926 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(d)(1). Vote: Unanimous
- 10-0927 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 10-0928 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 10-0929 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 10-0930 A resolution was adopted to approve Appropriation Adjustment within Common Pleas Probation Fund #101-1223. Vote: Unanimous
- 10-0931 A resolution was adopted to approve Appropriation Adjustment within Veteran's Funds #101-5220. Vote: Unanimous
- 10-0932 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Commissioners Fund #101-1111. Vote: Unanimous
- 10-0933 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous
- 10-0934 A resolution was adopted to approve Appropriation Adjustment within Building Regulations Dept. Fund #101-2300. Vote: Unanimous
- 10-0935 A resolution was adopted to approve Supplemental Appropriation in County Transit Fund #299. Vote: Unanimous
- 10-0936 A resolution was adopted to authorize payment of Bills. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - abstain

- 10-0937 A resolution was adopted to approve and authorize the Submittal of a Grant Application for the Community Oriented Policing Services (COPS) Child Sexual Predator Program (CSPP) on behalf of the Warren County Prosecutor's Office. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0938 A resolution was adopted to approve Annexation of 4.270 acres to the Village of South Lebanon, James D. Smith, Agent, pursuant to Ohio Revised Code Section 709.02 [a.k.a. Regular/Majority Owners Annexation]. Vote: Unanimous
- 10-0939 A resolution was adopted to approve and enter into Transportation Services Contract with Winton Transportation LLC the Operation of the Warren County Transit Service. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:00 a.m. to discuss pending and imminent litigation with legal counsel pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 10:37 a.m.

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

Bruce McGary, Chief Deputy Prosecutor, was present on behalf of Rachel Hutzel, Prosecutor, to explain the invitation to apply for the Community Oriented Policing Services (COPS) Child Sexual Predator Program (CSPP) Grant for the purchase of equipment and training, in partnership with the Adult Probation Department, the Child Advocacy Center, and Warren County Children Services to aid in the prevention of sexual abuse against children.

Mr. McGary explained that the would utilize the funds to purchase Mobile Data Computers, monitoring bracelets, a case tracking audio/video recording system, a vehicle for use by the Probation Department, and travel related to training. He then stated that Warren County now has approximately 278 registered sex offenders (Tier 3) with 22 of these predators having child victims.

Upon further discussion, the Board resolved (Resolution #10-0937) to authorize submittal of the grant application with Mr. Kilburn voting nay do to these funds being federal funds.

Margie Dunn, Balanced Housing Director, was present to discuss the Neighborhood Stabilization Program relative to the Board's concerns with the regulations which have been added which states that after a certain number of years, the down payment assistance portion of the funds are not required to be repaid.

Mrs. Dunn explained the three branches of the NSP Program:

1. Demolition to take down blighted properties
2. Purchase, rehabilitation and resale of foreclosed homes
3. Down payment assistance and rehabilitation of homes

There was much discussion relative to the fairness of the program and discussion relative to Commissioner Young's concern that "government" picks and chooses who gets assistance and who doesn't.

Mrs. Dunn explained that the program is a "first come, first serve" basis and they do not have people waiting in line for help. She also stated that this program is not advertised.

Dr. Charles Peckham, President of Balanced Housing Board, stated this is a good program and the Board does not have a problem with eliminating the down payment assistance portion of the program but requested the Board not terminate the entire program.

Upon discussion, Commissioner Young and South stated their desire to eliminate the down payment assistance portion that is now a grant rather than a loan but continue with the demolition and purchase program. They also stated they do not want Balanced Housing purchasing any foreclosed homes that have not been on the market for at least 90 days rather than 60 as it is not the Board's desire to compete with the "free market".

Commissioner Kilburn stated his opposition to the program in general as it utilizes Federal funds.

The Board met the 29th day of June 2010, to render a decision relative to the annexation petition of James D. Smith, Agent to annex 4.720 acres to the Village of South Lebanon (AKA General Annexation Petition).

On motion of Mr. Kilburn, being seconded by Mrs. South, the Board resolved (Resolution #10-0938) to approve the annexation petition with all three members voting yea.

Mike Yetter, Zoning Supervisor, was present for the site plan review application of Landtech/CelluSite LC and Emmor Baily for the construction of a 280' self supporting telecommunications tower with a 10' lighting rod on top for a total of 290' on the Baily property on Hatfield Road in Turtlecreek Township.

Mr. Yetter reviewed the comments and concerns from departments and officials including the Turtlecreek Township and Warren County Telecommunication's concern of interference with the E-911 tower next door and the Western Water Company's concern with interference with the radio signal at their adjacent water tower.

Mr. Yetter then stated that this application does not meet the setback requirement as it relates to the requirement of a clear fall zone that equals the height of the tower.

There was discussion relative to there being an adjacent property owner that includes an existing residential home that would be within the fall zone of the tower.


Derick McGrew, application, presented documentation to the Board stating that the tower is designed to fall upon itself rather than "over like a pencil". He then requested the Board to consider granting a variance of the setback requirement due to this documentation.

Commissioner Kilburn stated that the zoning code states clearly that the fall zone is required within the property line and he does not desire to deviate from the code.

There was additional discussion relative to the need for discussion with legal counsel relative to who has the authorization to grant a setback variance, if there would be a precedent set relative to if they granted said variance and what liability would they be assuming if they did grant a variance.

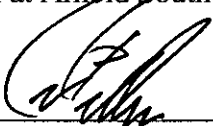
Upon further discussion, the Board continued this site plan review application until such time that a representative from the Prosecutor's Office could be present.

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 June 29, 2010, in compliance with Section 121.22 O.R.C.



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