



**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 10, 2010**

The Board met in regular session pursuant to adjournment of the August 3, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

- 10-1122      A resolution was adopted to approve Appropriation Adjustment within General Fund #101-1112 and an Operational Transfer from #101-1112 into Community Corrections Home Incarceration Fund #262. Vote: Unanimous  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - absent
- 10-1123      A resolution was adopted to Advertise for Bid for the Twenty-One Oaks/Providence Section 1 Subdivision Surface Course Project.  
Vote: Unanimous
- 10-1124      A resolution was adopted to declare an Emergency and Waive Competitive Bidding Process for emergency replacement of Compressor #1 on Rooftop Unit #2 at the Juvenile Justice Center. Vote: Unanimous
- 10-1125      A resolution was adopted to approve Change Order #4 with Progress Supply Inc. relevant to providing Temporary Cooling and Air Handling at 500 Justice Drive Common Pleas court Building. Vote: Unanimous
- 10-1126      A resolution was adopted to approve Change Order #1 with John R. Jurgensen for the Greentree Road Improvements - Phase 1. Vote: Unanimous

- 10-1127 A resolution was adopted to declare various items within Engineer's Office and Common Pleas Court as surplus and authorize the disposal of said items.  
Vote: Unanimous
- 10-1128 A resolution was adopted to enter into an Easement Agreement with Five Rivers Metroparks for a Permanent Drainage Easement and a Temporary Construction Easement for the Chamberlain Road Widening and Culvert Replacement Project.  
Vote: Unanimous
- 10-1129 A resolution was adopted to enter into an Agreement with Darrell and Margaret Sanders, for a Contract for Sale and Purchase of Real Property as Road Right-of-Way in connection with the Bethany Road Widening Project. Vote: Unanimous
- 10-1130 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Daniel and Carol Kamm for the Bethany Road Widening Project.  
Vote: Unanimous
- 10-1131 A resolution was adopted to enter into a Temporary Easement Agreement with Daniel and Carol Kamm for the Bethany Road Widening Project.  
Vote: Unanimous
- 10-1132 Due to clerical error this number was inadvertently omitted.
- 10-1133 A resolution was adopted to enter into a Temporary Easement Agreement with Brian and Christine Seidenman for the Bethany Road Widening Project.  
Vote: Unanimous
- 10-1134 A resolution was adopted to approve replacement of various culverts on Warren County Roads under Force Account. Vote: Unanimous
- 10-1135 A resolution was adopted to Advertise for Bids for the Butterworth Road Water Main Extension Project. Vote: Unanimous
- 10-1136 A resolution was adopted to enter into Contract with J. T Lohrer Construction Company for the US 22 & 3 and State Route 48 Water Main Relocation Project.  
Vote: Unanimous
- 10-1137 A resolution was adopted to Advertise for Request for Qualifications for a Special needs Plan for the Warren County All Hazards Emergency Operations Plan.  
Vote: Unanimous
- 10-1138 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 10-1139 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous

- 10-1140 A resolution was adopted to acknowledge receipt of July 2010 Financial Statement. Vote: Unanimous
- 10-1141 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 10-1142 A resolution was adopted to approve Bond Reduction for J. A. Development for completion of improvements in Fox Ridge situated in Franklin Township. Vote: Unanimous
- 10-1143 A resolution was adopted to approve a Sidewalk Bond Reduction for M/I Homes of Cincinnati, LLC, for completion of improvements in Regency Park Estates, Section 2 in Hamilton Township. Vote: Unanimous
- 10-1144 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for M/I Homes of Cincinnati, LLC for completion of improvements in Regency Park, Section 6A situated in Hamilton Township. Vote: Unanimous
- 10-1145 A resolution was adopted to approve a Sidewalk Bond Reduction for M/I Homes of Cincinnati, LLC, for completion of improvements in Regency Park, Section 6A in Hamilton Township. Vote: Unanimous
- 10-1146 A resolution was adopted to approve a Sidewalk Bond Reduction for M/I Homes of Cincinnati, LLC, for completion of improvements in Regency Park, Section 7, Block "A" in Hamilton Township. Vote: Unanimous
- 10-1147 A resolution was adopted to approve a Sidewalk Bond Reduction for M/I Homes of Cincinnati, LLC, for completion of improvements in Regency Park, Section 8A in Hamilton Township. Vote: Unanimous
- 10-1148 A resolution was adopted to approve a Sidewalk Bond Reduction for M/I Homes of Cincinnati, LLC, for completion of improvements in Regency Park, Section 10A in Hamilton Township. Vote: Unanimous
- 10-1149 A resolution was adopted to approve a Sidewalk Bond Reduction for M/I Homes of Cincinnati, LLC, for completion of improvements in Estates in Hawthorne Manor, Section 3 in Hamilton Township. Vote: Unanimous
- 10-1150 A resolution was adopted to accept Amended Certificate for WCBDD various Grants Fund #211. Vote: Unanimous
- 10-1151 A resolution was adopted to approve Supplemental Appropriation within Building Services Fund #494. Vote: Unanimous
- 10-1152 A resolution was adopted to approve Supplemental Appropriation into Telecommunications Outside Entity Fund #101-2811. Vote: Unanimous

- 10-1153 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Common Pleas Community Corrections Fund #101-1224. Vote: Unanimous
- 10-1154 A resolution was adopted to approve Appropriation Adjustment within County Court Fund #283. Vote: Unanimous
- 10-1155 A resolution was adopted to approve Appropriation Adjustment within County Court Fund #274. Vote: Unanimous
- 10-1156 A resolution was adopted to approve Appropriation Adjustment within Common Pleas Fund #101-1220. Vote: Unanimous
- 10-1157 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 10-1158 A resolution was adopted to approve Appropriation Adjustment within Commissioners' Fund #101-1110. Vote: Unanimous
- 10-1159 A resolution was adopted to approve Appropriation Adjustment within Commissioners' Fund #101-1110. Vote: Unanimous
- 10-1160 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273. Vote: Unanimous
- 10-1161 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-1162 A resolution was adopted to Waive Permit Fees associated with Permit #2010-1016 for the St. Augustine Roman Catholic Church in Wayne Township. Vote: Unanimous
- 10-1163 A resolution was adopted to Close Public Hearing to consider Variance and Appeal of Conditions required for an Access Permit of David Zyzak in Deerfield Township. Vote: Unanimous
- 10-1164 A resolution was adopted to authorize Publication of a Notice of Public Review for Warren County's Consolidated Annual Performance and Evaluation Report (CAPER) relative to the Warren County Community Development Block Grant Program Entitlement Program.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1165 A resolution was adopted to acknowledge payment of Bills.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

10-1166            A resolution was adopted to authorize payment of Bills.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

DISCUSSIONS

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Scott McVey, Common Pleas Court Administrator, was present to state the need for additional funding for Community Corrections Electronic Monitoring Program.

Mr. McVey stated that the program has exceeded all expectations with Warren County being ranked #2 relative to the number of participants in the program in the State of Ohio for 2009 are expected to be ranked #1 in 2010. He stated an increase in the number of participants that have been deemed indigent and therefore, not required to pay their cost to participate. He stated that revenue was anticipated in the amount of \$180,000 for 2010 but will more likely come in around \$120,000. He stated that he has re-negotiated a cheaper rate with the company that supplies the ankle bracelets and we will no longer be required to pay "rent" on the bracelets that are on the shelf and not in use. He then stated that they anticipate a shortfall of \$175,000.

Commissioner Young discussed the shortfall in relation to the amount of money the County would spend to incarcerate the offender vs. community control. He stated that the amount the fund is short equals about one month of incarceration cost in the jail.

Mr. McVey stated he has a meeting with County Court and the various Municipal Courts on August 25, 2010, to discuss their ability to help fund the program as it relates to the indigent offenders they sentence to community control.

There was discussion relative to the counts "special projects funds" which could possibly help with the shortfall.

Commissioner South stated her desire to wait until after the meeting with the courts prior to committing additional General Fund dollars to the program.

Tiffany Zindel, OMB Director, stated the need for approximately \$60,000 into the fund at this time to cover the cost of outstanding invoices.

Upon discussion, the Board resolved (Resolution #10-1122) to approve an operational transfer to cover the shortfall to the Community Corrections Fund 262.

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Commissioner Kilburn entered the meeting at 9:38 a.m.

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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  
CONSIDER VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS  
PERMIT OF DAVID ZYCAK IN DEERFIELD TOWNSHIP

The continuation of the public hearing to consider the variance and appeal of conditions required for an access permit of David Zycak for his property located on Butler-Warren Road in Deerfield Township was reconvened this 10<sup>th</sup> day of August 2010, in the Commissioners' Meeting Room.

Commissioner Young gave the background information relative to this appeal to those present including Dr. and Mrs. Truong, adjacent property owners.

Dave Mick, Assistant County Engineer, stated that they have discussed with the project engineer the possibility of building a berm to divide the highway and due to the drawing being completed as well as the cost of additional right-of-way that would be needed, it is not financially possible.

There was discussion relative to the possibility of placing a right in/right out curb on the Zyzak and Truong properties due to safety concerns once the road project is completed. There was also discussion relative to the need for a concrete box culvert that would be required, at the homeowners expense, if the appeal is approved and the driveway is placed in the location where Mr. Zyzak desires (with a right in/out only).

There was then discussion relative to moving the driveway 20 feet north of the southern property line, rather than on the property line, which would accommodate the gates Mr. Zyzak desires as well as not require the expensive box culvert.

Commissioner Kilburn stated that, as he sees the situation, the Board has three options:

1. Approve the change in location to move the driveway 20' from the southern property line.
2. Approve the appeal, with a right in/out only, in the location he desires requiring the installation of a concrete box culvert at his expense.
3. Deny the appeal.

Mr. Zyzak stated he desires the option to shift the driveway 20' from the property line.

Upon further discussion, the Board resolved (Resolution #10-1163) to close the public hearing and render a decision at a later date.

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Chris Brausch, Sanitary Engineer, was present for a work session and discussed the following matters:

1. Sewer Back-up on Fields Drive in Deerfield Twp.—Patti Solinski, Business Manager, stated there was a back-up over the weekend which resulted in a basement being flooded with raw sewage. She stated that the homeowners' insurance is capped at \$10,000 with a \$1400 deductible but did not cover reimbursement for lost contents. She stated the homeowners are requesting \$1050 for lost contents, along with their deductible, but are not requesting any funds for the amount of repairs that are above the insurance cap. The Board stated their desire to reimburse the homeowners for their lost contents as well as their deductible.
2. Turn on fee—Mrs. Solinski stated is has become an administrative nightmare to track which services has been turned off and which ones have not on shut off day. She requested the Board to call it an administrative fee and charge it regardless of whether the property has been shut off or not. She stated the property owners are given ample warning prior to shut off day. Upon discussion, the Board agreed to the request.
3. Mr. Brausch presented the ranking sheet for engineering firms relative to the Hartz Mountain, Inc. request for qualifications. Upon discussion, the Board agreed to interview the top three ranked firms.

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Jerry Spurling, Chief Building Official, was present to discuss the request of the City of Lebanon and the City of Monroe to contract building inspection services.

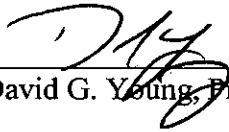
The Board stated they are open to the idea but requested an opinion from the Prosecutor whether we can legally provide inspection services outside of Warren County relative to Monroe's request.

Dave Gully, County Administrator, stated that the Prosecutor's Office believes we can provide inspection services to Butler County portion of Monroe as well.

Mr. Spurling will review the request with the Prosecutor's Office and report back to the Board.

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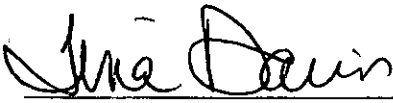
Upon motion the meeting was adjourned.

  
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David G. Young, President

  
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Pat Arnold South

  
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C. Michael Kitburn

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 3, 2010, in compliance with Section 121.22 O.R.C.

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