



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

**406 Justice Drive, Lebanon, Ohio 45036**

***www.co.warren.oh.us***

***commissioners@co.warren.oh.us***

***Telephone (513) 695-1250***

***(513) 261-1250***

***(513) 925-1250***

***(937) 783-4993***

***(937) 425-1250***

***Facsimile (513) 695-2054***

***C. MICHAEL KILBURN***

***PAT ARNOLD SOUTH***

***DAVID G. YOUNG***

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

**MINUTES: Regular Session – November 16, 2010**

The Board met in regular session pursuant to adjournment of the November 9, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the November 9, 2010, meeting were read and approved.

- 10-1673      A resolution was adopted to deny the site plan review application of CelluSite LLC Landtech/CelluSite LLC and Emmor T. Baily and refund the site plan review application fee of the applicant. Vote: Unanimous
- 10-1674      A resolution was adopted to approve a Pay Increase for Chris Dill within the Warren County Department of Emergency Services. Vote: Unanimous
- 10-1675      A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Lindsey May, Investigative Caseworker II, within the Department of Job and Family Services, Children Services Division.  
Vote: Unanimous
- 10-1676      A resolution was adopted to approve Amendment to the Warren County Employee Health Care Plan Document Effective January 1, 2011.  
Vote: Unanimous
- 10-1677      A resolution was adopted to approve Notice of Intent to Award Tag Williams, Inc. for the Aluminum Structural Plate (ALSP) for Harlan Township Salt Storage Facility Project. Vote: Unanimous

- 10-1678 A resolution was adopted to approve Engineering Agreement with CDS Associates Inc. for the Hartz Mountain Sewer Improvement Project and approve Purchase Order No. 82666. Vote: Unanimous
- 10-1679 A resolution was adopted to approve Extension to Service Agreement with the Humane Association of Warren County, Inc. Vote: Unanimous
- 10-1680 A resolution was adopted to affirm "Then and Now" Requests pursuant to Ohio Revised Code 5705.41(D)(1). Vote: Unanimous
- 10-1681 A resolution was adopted to approve Engineering Agreement with KZF Design, Inc. for the Bethany Road Utility Relocation Project and approve Purchase Order No. 82773 in the amount of \$40,460.00. Vote: Unanimous
- 10-1682 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 10-1683 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 10-1684 A resolution was adopted to approve repayment of a Cash Advance within Water Assessment Project Fund 439-3235 State Route 122 & Utica Road. Vote: Unanimous
- 10-1685 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund 202 into Fund 450 Various Assessment Road Projects - Estates of Kever and Approve Repayment of Cash Advance from Fund 450 various Assessment Road Projects - Estates of Kever to Fund 202 Motor Vehicle. Vote: Unanimous
- 10-1686 A resolution was adopted to accept an Amended Certificate, approve a Supplemental Appropriation and approve a Cash Advance within the Hartz Mountain Sewer Improvement Project Fund 449-3319. Vote: Unanimous
- 10-1687 A resolution was adopted to approve Supplemental Appropriation into Common Pleas Court Computer Fund #280. Vote: Unanimous
- 10-1688 A resolution was adopted to approve Supplemental Appropriation Adjustment into Sheriff Grants Fund #293-2201 and an Appropriation Adjustment within Sheriff Grants Fund #293-2201. Vote: Unanimous
- 10-1689 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 10-1690 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous

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- 10-1691 A resolution was adopted to approve an Expense Adjustment from Building Services Revenue Fund 650 to Water Revenue Fund 510. Vote: Unanimous
- 10-1692 A resolution was adopted to approve Appropriation Adjustment from Commissioners Grants Fund #101-1112 into Tax Map Department Fund #101-1750. Vote: Unanimous
- 10-1693 A resolution was adopted to approve Appropriation Adjustment within Data Processing - GIS Fund #101-1401. Vote: Unanimous
- 10-1694 A resolution was adopted to approve Appropriation Adjustment within Coroner's Fund #101-2100. Vote: Unanimous
- 10-1695 A resolution was adopted to approve Appropriation Adjustment within Juvenile Court Fund #101-1240. Vote: Unanimous
- 10-1696 A resolution was adopted to approve Appropriation Adjustment within Juvenile Detention Center Fund #101-2600. Vote: Unanimous
- 10-1697 A resolution was adopted to approve Appropriation Adjustment within Tax Map Department Fund #101-1750. Vote: Unanimous
- 10-1698 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273. Vote: Unanimous
- 10-1699 A resolution was adopted to approve an Appropriation Adjustment within Data Processing/GIS Fund #101-1401. Vote: Unanimous
- 10-1700 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-1701 A resolution was adopted to authorize payment of Bills.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1702 A resolution was adopted to approve Amendment #5 to the Warren County FY 2008 Neighborhood Stabilization Program and authorize the President or Vice President of this Board to sign documents relative thereto.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - abstain
- 10-1703 A resolution was adopted to enter into an Agreement to Grant an Exclusive Revocable License to Landen Community Service Association, Deerfield Township for Landscaping along Landen Drive. Vote: Unanimous
- 10-1704 A resolution was adopted to approve and authorize County Administrator to sign Warren County, Ohio Storm Water Management Plan. Vote: Unanimous

- 10-1705        A resolution was adopted to approve an Appropriation Decrease within the Workforce Investment Act Fund #258.  
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-1706        A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

#### DISCUSSIONS

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The Board met this 16<sup>th</sup> day of November 2010, to further consider the site plan review application of Landtech/CelluSite LLC and Emmor T. Baily for the construction of a telecommunications tower in Turtlecreek Township.

Mike Yetter, Zoning Supervisor, explained to the Board that the Prosecutor's Office has determined that the Zoning Board of Appeals does not have the authority to consider a setback variance relative to telecommunications towers per the Warren County Rural Zoning Code.

The Board stated their concern relative to the approval of the site plan review stating it could be problematic in setting a precedent for future site plan review.

Derick McGrew, Landtech/CelluSite LLC representative, stated that the Warren County Rural Zoning Code relative to telecommunications towers is outdated relative to setback requirements for self-supporting towers. He then stated the opinion of their legal counsel that the section of the Warren County Rural Zoning Code that states the Zoning Board of Appeals does not have the authority to grant a variance relative to setback requirements for telecommunications towers is not legal. He then presented to the Board the most up to date technical specifications relative to tower failures.

There was much discussion relative to the desire of the Board to update the section of the Rural Zoning Code relative to telecommunications towers.

Matt Nolan, Assistant Prosecutor, stated his recommendation to deny this site plan review applications due to non-compliance with the Warren County Rural Zoning Code.

Upon discussion, the Board resolved (Resolution #10-1673) to deny the site plan review application and refund the application fee.

Upon further discussion, the Board requested the Zoning Supervisor work with the Regional Planning Commission to present a text amendment to address the outdated section of the Zoning Code relative to telecommunications towers.

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

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Michael Scheppers, Warren County United Way, was present along with staff and representatives from the Lebanon Food Pantry and members of the Lebanon Area Young Professionals for the proclamation to begin the 5<sup>th</sup> Annual Food Drive Challenge in Warren County.

There was discussion relative to the greater need for donations relative to the economy and the Board stated their desire to donate \$30,000 towards the \$65,000 shortfall from last years food drive. The Board also issued a challenge to area businesses to help cover the remaining shortfall of \$35,000.

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On motion, upon unanimous call of the roll, the Board entered into executive session at 10:20 a.m. to discuss union negotiations pursuant to Ohio Revised Code Section 121.22 (G)(4) and exited at 12:23 p.m.

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The Board conducted a budget work session relative to the 2011 appropriations with Tiffany Zindel, Director of OMB.

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There was discussion relative to the appropriation adjustment necessary to accommodate the sick and vacation payout for two employees who recently retired and was re-hired.

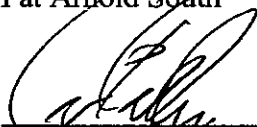
The Board stated their desire to for the County Administrator to request a Prosecutor's opinion relative to the hire dates and the effect if has on the unused sick and vacation time payout.

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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 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 November 16, 2010, in compliance with Section 121.22 O.R.C.

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