



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

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TOM ARISS

PAT ARNOLD SOUTH

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

MINUTES: Regular Session – April 1, 2014

The Board met in regular session pursuant to adjournment of the March 25, 2014, meeting.

Pat Arnold South - absent

Tom Ariss - present

David G. Young - present

Tina Osborne, Clerk - present

Minutes of the March 25, 2014 meeting were read and approved.

- 14-0464 A resolution was adopted to Rescind Resolution #14-0416 which authorized the hiring of Janice Ruis as Emergency Communications Operator within Warren County Emergency Services. Vote: Unanimous
- 14-0465 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Laura Dickey, Social Service Worker II, within the Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 14-0466 A resolution was adopted to transfer Vehicle Title to the Warren County Agricultural Society. Vote: Unanimous
- 14-0467 A resolution was adopted to authorize United Healthcare to reissue outstanding check. Vote: Unanimous
- 14-0468 A resolution was adopted to Set and Advertise for a Public Hearing to increase fares for the Warren County Transit System. Vote: Unanimous

- 14-0469 A resolution was adopted to Set and Advertise Public Hearing #3 to designate projects Warren County intends to fund for the FY 2014 Community Development Block Grant (CDBG) Urban Entitlement Program and Amend Funds from the FY 2012 and 2013 Action Plan. Vote: Unanimous
- 14-0470 A resolution was adopted to Waive Fees associated with the renovation of 3728 Shaker Road in Franklin Township on behalf of Warren County Balanced Housing. Vote: Unanimous
- 14-0471 A resolution was adopted to Waive Permit Fees associated with the Butterfly Walk for Cancerfree Kids Event in Deerfield Township. Vote: Unanimous
- 14-0472 A resolution was adopted to approve and authorize Amendment #1 for Fiscal Year 2014 Reclaim Ohio Program on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 14-0473 A resolution was adopted to approve and enter into Lease Agreement with Pitney Bowes. Vote: Unanimous
- 14-0474 A resolution was adopted to enter into Agreement with Matt McConville to revise the Warren County all Hazards Emergency Operations Plan, on behalf of Warren County Emergency Services. Vote: Unanimous
- 14-0475 A resolution was adopted to approve and authorize the Vice President of the Board to enter into a Youth Worksite Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 14-0476 A resolution was adopted to authorize Vice President of Board to sign the Milestone Acceptance Certification between Motorola Solutions, Inc. and Warren County Commissioners in regards to Project 2687 – WarrencoOH_11-0410_CAD-IF. Vote: Unanimous
- 14-0477 A resolution was adopted to Amend the Administrative Service Agreement by and between United Healthcare and the Warren County Commissioners relative to the addition of Advance Analytics and Recovery Services. Vote: Unanimous
- 14-0478 A resolution was adopted to approve and authorize the Vice President of the Board to enter into a Youth Worksite Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 14-0479 A resolution was adopted to approve and authorize the Vice President of this Board to enter into Contract with Jones-Warner Consultants, Inc. for engineering services relative to the FY 2013 Village of Harveysburg Safety Community Development Block Grant (CDBG) Project. Vote: Unanimous

- 14-0480 A resolution was adopted to approve Notice of Intent to Award the Contract to Lake Erie Electric Inc. for the 2014 sewage Lift Station Upgrade Project. Vote: Unanimous
- 14-0481 A resolution was adopted to approve Notice of Intent to Award Bid to GM Pipeline, Inc. for the FY2012 Village of Pleasant Plain State Route 132 Storm Sewer Improvements CDBG Project. Vote: Unanimous
- 14-0482 A resolution was adopted to approve and enter into an Agreement with Henschen and Associates, Inc. on behalf of Warren County Probate Court to provide Case Management Software and Hardware Systems Support. Vote: Unanimous
- 14-0483 A resolution was adopted to declare various items within County Court, Clerk of Courts, Coroner's Office, CSEA, Engineer's Office, Health Department, Prosecutor's Office, Water & Sewer, Sheriff's Office and Telecom as surplus and authorize the disposal of said items. Vote: Unanimous
- 14-0484 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 14-0485 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 14-0486 A resolution was adopted to approve Bond Release for Heathwood Development Corp. for completion of improvements in Hampton Village situated in Deerfield Township. Vote: Unanimous
- 14-0487 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Trails of Shaker Run Holdings LLC for installation of certain improvements in Trails of Shaker – Section Four A, situated in Turtlecreek Township. Vote: Unanimous
- 14-0488 A resolution was adopted to enter into Erosion Control Bond Agreement with Trails of Shaker Run Holdings, LLC for improvements in Trails of Shaker Run, Section 4, situated in Turtlecreek Township. Vote: Unanimous
- 14-0489 A resolution was adopted to enter into a Street and Appurtenances (including sidewalks) Security Agreement with Trails of Shaker Run Holdings, LLC for installation of certain improvements in the Trails of Shaker Run, Section Four A, situated in Turtlecreek Township. Vote: Unanimous
- 14-0490 A resolution was adopted to approve the following Record Plats. Vote: Unanimous
- 14-0491 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous

- 14-0492 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Children Services Fund #273. Vote: Unanimous
- 14-0493 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 14-0494 A resolution was adopted to approve Supplemental Appropriation within Facilities Management Fund #467. Vote: Unanimous
- 14-0495 A resolution was adopted to Rescind Resolution #14-0436 approving an Appropriation Adjustment within Prosecutor Fund #101-1150. Vote: Unanimous
- 14-0496 A resolution was adopted to approve Appropriation Adjustments from Commissioners Grant Fund #101-1112 into Treasurer's Fund #101-1130. Vote: Unanimous
- 14-0497 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Communications Center – Dispatch Fund #101-2850. Vote: Unanimous
- 14-0498 A resolution was adopted to approve Appropriation Adjustment in County Transit Fund #299. Vote: Unanimous
- 14-0499 A resolution was adopted to approve Appropriation Adjustments within Pretrial Services Fund #101-1222 and Tasc Fund #284-(2014)-2910. Vote: Unanimous
- 14-0500 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273 and Domestic Relations Fund #101-1230. Vote: Unanimous
- 14-0501 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 14-0502 A resolution was adopted to Initiate the Rezoning of .88 Acres of Property currently Zoned Rural Residence “RU” to Community Commercial Business Zone “B2” (Parcel #1818102003) located on State Route 132 and Middleboro Road in Harlan Township (Joseph F. Benza, Jr. et al, owners of record). Vote: Unanimous
- 14-0503 A resolution was adopted to accept \$1,427.76 as payment from Tandy Loyd for First Time Home Buyer/Home Repair Loan. Vote: Unanimous
- 14-0504 A resolution was adopted to hire Lisa Walton as an Eligibility Referral Specialist II, within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous

DISCUSSIONS

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

Jerry Spurling, Chief Building Official, was present for a work session along with Bruce McGary, Assistant Prosecutor, to discuss the three remaining Community Assistance Visit (CAV) violations identified by ODNR on their site visit.

Mr. Spurling presented the attached executive summary relative to the remaining violations.

Mr. Spurling stated that ODNR is requesting an "as built" drawing relative to the Bruns property located at 8170 Travis Court, Franklin. He explained that at the time the building permit was issued, a plot plan, certified by an engineer, was required in order to ensure the proposed structure was not in the floodway. He stated that the property owner provided the required documentation and a building permit was issued.

Mr. Spurling explained that, due to the possibility of the plot plan differing from the actual construction, ODNR is requiring an "as built" drawing of the structures and the property owners stated their refusal to incur the expense as their feeling is they have already complied with all requirements of construction back in 2006 when the permit was issued.

Upon discussion, the Board stated their willingness to authorize the expenditure of up to \$1200 for an as-built drawing in order to remove this violation from the list.

Mr. Spurling stated that the other two violations will require additional meetings with ODNR and he would provide an update at a later date.

Chris Brausch, Sanitary Engineer, was present along with Dave Walling, Deputy Sanitary Engineer, and Chris Wojnicz, Assistant Engineer, to discuss the following matters:

1. Lower Little Miami Waste Water Treatment Plant (LLMWWTP) Complaint—Mr. Walling updated the Board relative to the three (3) property owners adjacent to the LLMWWTP that had issued complaints relative to the expansion of the plant as it pertains to visual screening from their property. Mr. Walling stated that the Board had authorized to pay the Homeowners Association \$15,000 to provide trees to be planted in answer to their complaints. He then stated that only two of the three property owners

agreed to sign the required release in order to authorize payment for the trees and therefore, only those two properties acquired the requested trees. Mr. Walling stated that the third property owner, Denise Farag, is requesting the Board plant approximately \$6500 in bamboo at the rear of her property for screening.

Upon discussion, the Board stated they are neither required nor willing to expend additional funds as the home was purchased knowing it was adjacent to a sewage treatment plant.

2. Sewer Lateral Repairs at Antietan in Maineville—Mr. Wojnicz reported that the sewer lateral has now been videotaped up to the house and it shows that the majority of the problem is within the sanitary sewer easement. He stated that the quote to repair the lateral is \$4850 and the homeowners have agreed to pay the pro-rated amount of whatever the cost for repair would be outside of the easement area. Upon discussion, the Board agreed to the repair.
3. Sewer Lateral Repairs within Cherry Brook Subdivision in Deerfield Township—there is a sanitary sewer lateral failure within Cherry Brook Subdivision that was initially believed to be entirely outside of the easement area. Upon further investigation, it is believed that 90 – 95% of the failure is within the easement. The homeowner would like to authorize a contractor to repair the damaged lateral and upon the signing of a release, the County would reimburse the homeowner the pro-rated amount of the cost that is within the easement. Upon discussion, the Board agreed to the repair.
4. Request for Proposals Electric Generation for the Warren County Water and Sewer Facilities—Staff has reviewed the proposals and is talking with DP&L and GDF Suez as they have been determined to be the most responsive proposals. Duke Energy Retail, the current provider, did not submit a proposal. Upon discussion, Mr. Wojnicz stated they will continue their due diligence and are estimating presenting a two year agreement for the Board's consideration next week.

Mike Yetter, Zoning Supervisor, was present for a work session to discuss the Benza property in Harlan Township.

Mr. Yetter explained that during the zoning re-write and map amendment process, Mr. Benza's .88 acres located on the corner of SR 132 and Middleboro Road in Harlan Township was rezoned from General Business "B-2" to Rural Residence "RU". He stated that this is in a very rural location and the parcel is surrounded by residential property.

Mr. Yetter stated that Mr. Benza has been in contact with his office and stated he did not realize or want his property rezoning to RU and that he had contemplated opening a gas station at the location.

There was discussion relative to the zoning matter and upon further discussion, the Board resolved (Resolution #14-0502) to initiate the rezoning of .88 acres of property currently zoned Rural Residence "RU" to Community Commercial Business Zone "B2" (Parcel #1818102003) located on State Route 132 and Middleboro Road in Harlan Township (Joseph F. Benza, Jr. et al, owners of record).

Vicky Perry, Grants Coordinator, was present to discuss the request of a property owner to forgive a portion of the debt associated with a home repair on her home in South Lebanon.

Ms. Perry stated that the homeowner can no longer keep the residence due to medical issues and the home is being sold. She stated that the home has sold above the value established by the County Auditor but \$6394.00 of Warren County's second mortgage would need to be forgiven in order for the closing to occur. She then stated that both realtors involved in the deal have waived 100% of the commission associated with this sale.

Upon discussion, the Board resolved (Resolution #14-0503) to accept \$1,427.76 as payment from Tandy Loyd for First Time Home Buyer/Home Repair Loan.

On motion, upon unanimous call of the roll, the Board entered into executive session at 10:18 a.m. to discuss personnel matters relative to the hiring of summer help and summer interns within various departments and an employee within Human Services pursuant to Ohio Revised Code Section 121.22 (G) (1) and exited at 10:45 a.m.

Upon motion the meeting was adjourned.

Pat Arnold South, President

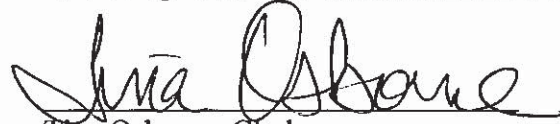


David G. Young



Tom Ariss

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 April 1, 2014, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink, appearing to read "Tina Osborne". The signature is written in a cursive style with a large initial "T" and "O".

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

EXECUTIVE SUMMARY

In 2009, ODNR (as state agency/agent for FEMA) audited local Flood Plain/Way Administrators throughout Ohio as to how well Flood Plain/Way Administrators were enforcing flood regs in their respective County. As you are aware, the audit is called a Community Assistance Visit (CAV). If violations are discovered the local Flood Plain/Way Administrator must cause such violations to be abated. If not, ODNR, as FEMA's agent, threatens that any County with violations will no longer qualify for flood plain insurance. Accordingly, a few violators may cause an entire County to be penalized. ODNR opposes any violation being cured through a variance. ODNR's acceptable remedies include: i) elevating a structure above the flood elevation, or, ii) the owner to obtain a hydrologic and hydraulic study/report from a civil engineer that opines a structure's placement will NOT contribute to increasing the flood elevation up stream.

For Warren County, there were 9 or 10 CAV violations cited by ODNR relating to structures located in the floodway regardless of whether there had been a building permit issued by the County. Jerry was successful in having all but 3 violations abated. Those 3 violations are as follows:

- 1) CAV #5, Miami View Mining Co, 912 E. Mason Morrow Milgrove (MMM) Rd, Morrow, OH 45152, Parcel #13-31-200-009-2, Acct # 6608752 – the earth mounding/berms along MMM Rd are in the floodway (part of the Earth mounding/berms run in a northerly direction (perpendicular to the river). Bruce contacted Bill Schroeder who talked with David Oeder and the owners are not interested in voluntarily cooperating if doing so would cause the owners to incur any costs. ODNR is requesting a hydrologic and/or hydraulic study/report which would require the Owner to incur substantial costs (as defined below).
- 2) CAV #7, Tim & Stephanie Parker, 7991 Todd Drive, Franklin, OH 45005, Parcel # 02-06-227-004, Acct #1620172 – the dwelling and detached garage were built in 2006 based on an engineered plot plan showing they were not in the floodway. The Owner himself thought the dwelling and detached garage was in the floodway and the matter was set for a hearing before the Flood Regulations Variance Board. During the variance hearing, the Owner used the same Plot Plan attached to the Building Permit Application. The Flood Regulations Variance Board determined based on the [same] Plot Plan that no variance was needed. Accordingly, the Bldg Dept issued a building permit. However, there still remains an issue whether the dwelling and detached garage were actually built per the Plot Plan. ODNR wants an as-built drawing to verify accuracy of the original Plot Plan referenced above. Jerry has been in contact with the Owner who is unwilling to pay for it himself but will consent to the County hiring someone and authorizing entry on his property, but this would be at the County's sole cost. The costs is defined below.
- 3) CAV #8, Michael & Gwinn Bruns, 8170 Travis Ct, Franklin, OH 45005, Parcel # 02-06-226-004, Acct #1613081 – an accessory bldg was built in floodway (it is a 3 car garage with 3 overhead doors, but no driveway to it, garage has concrete foundation with slab). Unknown builder. It was built without a zoning or building permit. Owners are represented by Ruppert Ruppert per letter indicating they will vigorously defend any action to force abatement on equitable grounds as these structures have been in place for 24 years with no flooding events causing damage to such structures. The two acceptable remedies to ODNR (as outline above) are cost prohibitive as the cost of each prospective remedy (as defined below) would exceed the costs/value of the 3 car garage.

Definitions:

Hydrology is the study of the water cycle. It studies how water moves through the Earth system, including precipitation, evaporation, transpiration, percolation, runoff, groundwater flow, snowpack accumulation, snowmelt, etc.

Hydraulics is the study of the mechanics of the flow of a fluid. If you're comparing hydraulics and hydrology, you are referring to hydraulics in terms of the flow of water. In terms of water, hydraulics generally examines the flow in terms of open channel flow, pipe flow, pressurized flow, etc.

For example, a hydrologic study might tell you what the total volumetric flow for a river is based on certain conditions, but a hydraulics study might tell you the velocity, depth, flow regime and turbulence of that flow through a culvert.

Notes:

a) the costs for hydrologic and hydraulic studies/reports are estimated to range from \$20,000 - \$80,000;

b) the costs for an as-built drawing is estimated to range from \$600 - \$1,200.

Status:

a) Jerry and Dave Gully met with Ron Maag and Shannon Jones to discuss the inequities of ODNR's position. Shannon Jones was not supportive of assisting in a resolution for any property owner that had failed to obtain required permits.

b) Chris Thoms from ODNR, Water Division, suggested a meeting between ODNR and Warren County Bldg Dept and Prosecutor's office to discuss status and resolutions.

The meeting was postponed until an as-built drawing could be obtained relating to the Parker property. The estimated costs for an as-built drawing for Parker's property would range from \$600 - \$1,200.