



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

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LARRY CRISENBERY

C. MICHAEL KILBURN

PAT ARNOLD SOUTH

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

MINUTES: Regular Session--October 16, 2003

The Board met in regular session pursuant to adjournment of the October 14, 2003, meeting.

Larry Crisenbery - present

Pat Arnold South - present

C. Michael Kilburn - absent

Tina Davis, Clerk – present

- 03-1537 A resolution was adopted to approve End of 120-day Probationary Period and approve a Pay Increase for Amanda Harrison, Billing Clerk I, within the Water and Sewer Department. Vote: Unanimous
- 03-1538 A resolution was adopted to designate Extended Illness Leave of Absence for Carman Crase, Custodial Worker I, within the Building Services Department. Vote: Unanimous
- 03-1539 A resolution was adopted to approve State of Ohio Easements for Shaker Creek Sewer. Vote: Unanimous
- 03-1540 A resolution was adopted to cancel various County Commissioners regularly scheduled meetings. Vote: Unanimous
- 03-1541 A resolution was adopted to approve an Appropriation Adjustment and authorize Amendment No. 2 to the Engineering Agreement with Henderson & Bodwell, for the Socialville Elevated Storage Tank Replacement Project, increasing Purchase Order No. 47646. Vote: Unanimous
- 03-1542 A resolution was adopted to approve Notice of Intent to Award Contract for

Cochran Road Water Line Extension to J.R. Herdman Excavating.
Vote: Unanimous

- 03-1543 A resolution was adopted to approve Notice of Intent to Award Contract for Shaker Road Water main Extension to J.R. Herdman Excavating.
Vote: Unanimous
- 03-1544 A resolution was adopted to authorize Transfer of 1990 Ford Tandem Truck to Wayne Township, Warren County. Vote: Unanimous
- 03-1545 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Michels Farm, LLC., for installation of certain improvements in Michels Farm, Section 5, situated in Hamilton Township. Vote: Unanimous
- 03-1546 A resolution was adopted to enter into Sidewalk Security Agreement with Michels Farm LLC., for installation of certain improvements in Michels Farm, Section 5, situated in Hamilton Township. Vote: Unanimous
- 03-1547 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Michels Farm, LLC., to install certain water and/or sanitary sewer improvements in Michels Farm, Section 5, situated in Hamilton Township. Vote: Unanimous
- 03-1548 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 03-1549 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 03-1550 A resolution was adopted to approve Supplemental Adjustment within Construction Fund #467. Vote: Unanimous
- 03-1551 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #101. Vote: Unanimous
- 03-1552 A resolution was adopted to approve Supplemental Appropriations and a Cash Advance for the Shaker Road – Dicks Creek Water Improvement Area Project Fund No. 439-3210. Vote: Unanimous
- 03-1553 A resolution was adopted to approve Appropriation Adjustment within Sewer Revenue Fund #580. Vote: Unanimous
- 03-1554 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Common Pleas Court Fund #101-1220.
Vote: Unanimous
- 03-1555 A resolution was adopted to approve Appropriation Adjustment within

- Commissioners Fund and Appropriation Adjustments from Commissioners Fund #101-1110 into Sheriff's Office Fund #101-2200. Vote: Unanimous
- 03-1556 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Juvenile Detention Center Fund #101-2600. Vote: Unanimous
- 03-1557 A resolution was adopted to approve Appropriation Adjustment Transfer within the Clerk of Court of Common Pleas Fund #101-1260. Vote: Unanimous
- 03-1558 A resolution was adopted to approve Appropriation Adjustments within Engineer's Fund #202, Sheriff Fund #101-2200, Probate/Juvenile Fund #101-1240 and #241 and Building Department Fund #101-2300. Vote: Unanimous
- 03-1559 A resolution was adopted to approve Supplemental Appropriation Adjustments within Sheriff's Fund #630 and Probate / Juvenile Fund #247. Vote: Unanimous
- 03-1560 A resolution was adopted to approve pay Increase for Scott Carlisle within the Warren County Emergency Services. Vote: Unanimous
- 03-1561 A resolution was adopted to Waive Site Plan Review Application Fee for the Warren County Park Board. Vote: Unanimous
- 03-1562 A resolution was adopted to enter into agreement with Joyce Alene Harris on behalf of Warren County Emergency Services Department. Vote: Unanimous
- 03-1563 A resolution was adopted to approve Supplemental Appropriation into Domestic Preparedness Fund #260-2800. Vote: Unanimous
- 03-1564 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 4:02 p.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G) (1) and exited at 5:14 p.m.

Gary Bock, Calloway Farms resident in Turtlecreek Township, was present along with various other Calloway Farms residents, Neil Tunison, County Engineer, Robert Craig, Planning Commission and Jerry Spurling, Building and Zoning Superintendent, and Barry Sullivan, Zoning Supervisor, to discuss drainage concerns and lack of compliance with covenants and restrictions within their subdivision.

Mr. Tunison stated he has not had time to investigate the concerns but would do so as soon as possible.

Nancy Fitzpatrick, Lot 53 Calloway Farms, stated that she is adjacent to where the subdivision floods and also presented pictures of the drainage ditch in her front yard that is big enough to drown her children.

There was discussion relative to the lack of enforcement in covenants and restrictions by the developer.

Mr. Sullivan stated he has been in contact with the developer and that she denies granting approval for the construction of a barn.

Mr. Gimmer, resident of Calloway Farms and owner of the barn, stated that the developer asked them to change the pitch of the roof and reduce the size of the barn and gave verbal approval to construct it. He then stated that when he asked for written approval, the developer refused on the basis that construction had already begun.

Commissioner South stated her desire for the Building Department to review covenants and restriction and not issue building permits unless they comply with the regulations.

There was discussion relative to the inability to enforce covenants and restrictions for subdivisions.

David Dickerson, Calloway Farms resident, stated his concerns relative to enforcement of covenants and restrictions and also drainage.

Stephanie Haley, Calloway Farms resident, stated concerns with developer and drainage.

John Wispen, Calloway Farms resident, stated his concern relative to the recommendations for a "temporary fix" of placing metal grates over culverts to keep children from being swept away.

Upon further discussion, the Board determined to schedule a work session for October 30, 2003, at 5:30 p.m. with the developer and Township Trustees to discuss drainage concerns.

David Crisenbery, Mayor of the Village of Harveysburg, was present along with other representatives from the Village to discuss the possibilities of Warren County providing Building and Zoning Inspection and enforcement for the Village.

Bruce McGary, Assistant Prosecuting Attorney, stated his lack of concern with the enforcement of the uniform building code. He stated he could find no instance where zoning inspection has been done by a county on behalf of the Village. He did state that it would be possible through a cooperative agreement but the County would have to enforce the Village of Harveysburg Zoning Code, not the Warren County Rural Zoning Code. He then questioned what the Prosecutor's Office role would be in enforcement and stated the need to include his office on any decision which is made relative to the request.

Jerry Spurling, Chief Building and Zoning Official, stated his agreement to take on building inspection. He then stated a concern relative to enforcing a code that is different from Warren County's Code.

Upon further discussion, the Board directed all appropriate staff to hold a work session with the Village of Harveysburg to further discuss the zoning inspection and enforcement issues.

Upon motion the meeting was adjourned.

Larry Crisenbery, President

C. Michael Kilburn

Pat Arnold South

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 October 16, 2003, in compliance with Section 121.22 O.R.C.

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