



**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 – December 18, 2007

The Board met in regular session pursuant to adjournment of the December 13, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 07-2105 A resolution was adopted to approve Reappointment of Dr. Steven C. Miller to the Warren County Board of Mental Retardation and Developmental Disabilities. Vote: Unanimous
- 07-2106 A resolution was adopted to request that the Ohio General Assembly and the Ohio Congressional Delegation continue to strive to improve the quality of life for families of Ohio and promote good Stewardship of our Country's Energy Supplies and Natural Resources by taking swift and responsive actions supporting Recycling and Recovery of invested energy stored in recyclable materials. Vote: Unanimous
- 07-2107 A resolution was adopted to enter into Contract with Pac-Van, Inc. for the Warren County Modular Office Pods Project. Vote: Unanimous
- 07-2108 A resolution was adopted to approve and enter into Contract between the Warren County Commissioner, for and on behalf of Warren County Children Services with Father Flanagan's Boys Home for Placement Costs. Vote: Unanimous

- 07-2109 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Gate Interests, LLC for installation of certain improvements in River's Bend Commercial Center situated in Hamilton Township. Vote: Unanimous
- 07-2110 A resolution was adopted to enter into an Erosion Control Bond Agreement with Gate Interests, LLC for completion of improvements in River's Bend Commercial Center, situated in Hamilton Township. Vote: Unanimous
- 07-2111 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Providence 1, LLC for installation of certain improvements in Providence Section I, Phase II, situated in Hamilton Township. Vote: Unanimous
- 07-2112 A resolution was adopted to enter into Sidewalk Security Agreement with Providence 1, LLC for installation of certain improvements in Providence, Section 1, Phase II, situated in Hamilton Township. Vote: Unanimous
- 07-2113 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Providence 1, LLC for installation of certain improvements in Providence, Section I, Phase II, situated in Hamilton Township. Vote: Unanimous
- 07-2114 A resolution was adopted to enter into an Erosion Control Bond Agreement with Providence 1, LLC for completion of improvements in Providence, Section 1, Phase II, situated in Hamilton Township. Vote: Unanimous
- 07-2115 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Providence 1, LLC for installation of certain improvements in Providence Section II, Phase I, situated in Hamilton Township. Vote: Unanimous
- 07-2116 A resolution was adopted to enter into an Erosion Control Bond Agreement with Providence 1, LLC for completion of improvements in Providence, Section II, Phase I, situated in Hamilton Township. Vote: Unanimous
- 07-2117 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Providence 1, LLC for installation of certain improvements in Providence, Section II, Phase I, situated in Hamilton Township. Vote: Unanimous
- 07-2118 A resolution was adopted to enter into Sidewalk Security Agreement with Providence 1, LLC for installation of certain improvements in Providence, Section II, Phase I, situated in Hamilton Township. Vote: Unanimous

- 07-2119 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Providence 1, LLC for installation of certain improvements in Providence, Stephens Road Improvements situated in Hamilton Township. Vote: Unanimous
- 07-2120 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 07-2121 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 07-2122 A resolution was adopted to accept Amended Certificate for County General Fund #101. Vote: Unanimous
- 07-2123 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 07-2124 A resolution was adopted to approve Appropriation Adjustments within CCPB – TASC Grant Fund #284. Vote: Unanimous
- 07-2125 A resolution was adopted to approve Appropriation Adjustment within Telecommunications Fund #101-2812. Vote: Unanimous
- 07-2126 A resolution was adopted to approve Appropriation Adjustments within County Court Clerk Computer ORC 1907.261B Fund #275. Vote: Unanimous
- 07-2127 A resolution was adopted to approve Appropriation Adjustments within Engineer’s Office Fund #590. Vote: Unanimous
- 07-2128 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 07-2129 A resolution was adopted to approve and enter into a Cooperative Agreement by and between the Warren County Board of Commissioners and Warren County Port Authority. Vote: Unanimous
- 07-2130 A resolution was adopted to continue Public Hearing concerning the Annexation Petition of T. Shawn Campbell, agent, to annex 18.883 acres to the Village of Waynesville. Vote: Unanimous
- 07-2131 A resolution was adopted to approve Modification of the rezoning application of Phil Callahan, agent (Case #07-03), to rezone 0.7890 acres from Heavy Industry “M-2” to Office “O” and 1.2894 acres from Heavy Industry “M-2” to Rural Residence “R-1” in Franklin Township. Vote: Unanimous
- 07-2132 A resolution was adopted to modify Rules and Regulations - Warren County

Water and Sewer Department. Vote: Unanimous

07-2133 A resolution was adopted to approve Appropriation Adjustment within Data Processing General Fund Equipment #101-1403. Vote: Unanimous

07-2134 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Sheriff's Fund #101-2210.
Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:36 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:38 a.m.

Tiffany Zindel, Office of Management and Budget Director, was present for a work session to discuss the 2008 annual appropriations.

Judge Oda, County Court Judge, was present for a work session to discuss the court order issued by the Judge to direct the County Auditor to process purchase orders in the amount of approximately \$60,000 for the purchase of carpet and stadium seating in the County Court Courtroom after the Board denied approval of said purchases stating that the items were not needed due to the impending relocation of the Court to the Common Pleas Court Building.

Judge Oda stated that the purchase of these items were from a set aside special projects fund and not taxpayer's dollars. He stated that he has scaled back the project from the original proposal to delete the purchase of office furniture and a new bench. He then stated that he has received complaints from officers and patrons of the court relative to the conditions of the courtroom.

The Board stated their concern with this purchase and they "take issue" with the issuance of a court order.

Judge Oda explained that the Ohio Revised Code stated that in order to expend funds from the special projects fund he is required to issue an order of the court.

The Board then discussed their desire and request for Judge Oda to delay his court order until such time as he has reviewed the proposed concept plan for the County Court to be relocated within the Common Pleas Court Building.

Upon discussion, Judge Oda stated he is willing to stay the court order for sixty (60) days and also stated his willingness to help pay for portions of the renovation of the existing Common Pleas Court Building for the relocation of County Court from his special projects fund.

Commissioner Kilburn exited the meeting at 11:09 a.m.

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

PUBLIC HEARING
CONTINUATION OF THE ANNEXATION PETITION OF T. SHAWN CAMPBELL,
AGENT,
TO ANNEX 18.883 ACRES TO THE VILLAGE OF WAYNESVILLE

The continuation of the public hearing to consider the general annexation of T. Shawn Campbell, Agent to annex 18.883 acres to the Village of Waynesville was reconvened this 18th day of December 2007, in the Commissioners' Meeting Room.

Commissioner Young reviewed the procedure to be followed pursuant to the Ohio Revised Code and requested the Clerk to read into the record the documents that have been filed to date.

The Clerk stated the following:

1. Petition was filed June 28, 2007 and included the petition with John and Sherry Federle's signature, the property owners, adjacent property owners, legal description and plat.
2. Received review comments from the Tax Map Department on July 3, 2007.

3. Received amended list of adjacent property owners and a list of parcels included in the annexation petition on July 5, 2007.
4. The resolution to set the time and date of the public hearing was adopted on July 24, 2007, hearing set for September 25, 2007, at 10:30 a.m.
5. Received legal notice of filing with the Clerk of Wayne Township and Clerk of the Village of Waynesville on July 31, 2007, consisting of a copy of the annexation petition, resolution that set the public hearing, adjacent property owners, parcels within the annexation and copy of plat.
6. Received affidavit of certificate of mailing of property notice on July 31, 2007.
7. Received amended list of adjacent property owners due to property being transferred on August 1, 2007.
8. Received photocopies of certified mail receipts of proof of service to the Village of Waynesville and the Board of Commissioners on August 13, 2007.
9. Received clarification of annexation petition due to incorrect acreage listed to affected property owners on August 22, 2007.
10. Received photocopy of certified mail receipt of proof of service to Wayne Township Trustees on September 7, 2007.
11. Received review comments from the County Engineer on September 13, 2007.
12. Received request to continue the September 25, 2007, public hearing from agent on September 21, 2007.
13. Resolution to continue the public hearing adopted on September 25, 2007, public hearing continued to December 18, 2007, at 10:30 a.m.
14. Received proof of publication in the Western Star on October 19, 2007.
15. Received ordinance of services from the Village of Waynesville on November 6, 2007.

T. Shawn Campbell, Agent, presented opening statements in the support of the annexation.

Commissioner South questioned if the entire parcel is being annexed that Mr. Federle owns.

Mr. Campbell stated that it is only the portion of the property on the east side of the roadway and not the west. He then stated that 100% property owners have signed the annexation petition.

Commissioner Young swore John Federle, property owner.

Bruce McGary, Chief Deputy Prosecutor, stated that the County Engineer has raised an issue relative to road maintenance if the annexation is approved. He then stated the following non fatal defects in the petition for annexation:

- The notice from the agent to the Township was addressed to the Clerk of the Township and there is no longer a Clerk. It is now titled a Fiscal Officer.
- The stated to the adjacent property owners did not include the language on the procedure for the removal of signatures from the petition for annexation.
- The Village of Waynesville was serviced in a timely matter but the Township was not.

Mr. Campbell stated that the property owner desires to annex in order to provide municipal utilities to the property for the development of residential lots and homes with a value of \$370,000 and higher.

There was discuss with Neil Tunison, County Engineer, relative to the need for a road maintenance agreement between the County and the Village relative to Lytle Road prior to any annexation petition being approved. He then entered Exhibit 1 – The map of the territory relative to roadway maintenance if the entire parcel is annexed and Exhibit 2 – The map of the territory relative to roadway maintenance if only the east side of the property is annexed. He then stated if the Board desire to approve the annexation petition, a condition of approval should be the requirement of a road maintenance agreement with the Village of Waynesville.

Mr. McGary then stated that the Ohio Revised Code requires a roadway maintenance agreement due to Lytle Road being segmented by the boundary lines between the Township and the Village.

Commissioner Young then swore William and Linda Fenlon, adjacent property owners, who then spoke in opposition to the annexation stating their desire to see no more residential property be developed in the area. They stated that the development of residential puts a drain on the schools as well as the fire department with little tax increase to pay for the services.

Mr. Federle stated the proposal is to develop 1 – 3 acre lots with very slow growth. He then stated that the Village of Waynesville has limited the number of lots on this parcel to 15 lots. He stated he does not propose to construct homes on the sloped area other than some homes may include a walkout basement and does not intend to disturb the wooded areas.

The Board then entered Exhibit 3 – The plat of the proposed subdivision with the layout of the lots, into the record.

Upon further discussion, the Board resolved (Resolution #07-2130) to continue the public hearing to January 22, 2008, at 10:30 a.m. in order for the agent to obtain a roadway maintenance agreement between the Village of Waynesville and the County Engineer.

PUBLIC HEARING
REZONING APPLICATION OF PHIL CALLAHAN, AGENT, TO REZONE 0.7890 ACRES
FROM HEAVY INDUSTRY “M-2” TO GENERAL BUSINESS “B-2” AND 1.2894 ACRES
FROM HEAVY INDUSTRY “M-2” TO RURAL RESIDENCE “R-1” IN FRANKLIN
TOWNSHIP

The public hearing to consider the rezoning application of Phil Callahan, Agent for property owners, to rezone 0.7890 acres from Heavy Industry “M-2” to General Business “B-2” and

1.2894 acres from Heavy Industry "M-2" to Rural Residence "R-1" in Franklin Township was convened this 18th day of December 2007, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, reviewed the location of the property and the surrounding zoning. He then stated that the Regional Planning Commission Executive Committee recommended that the 0.7890 acres parcel be rezoning to Office "O" Zone rather than General Business "B-2" as the tax service the property owners desire to relocate to that parcel will fit within that zoning classification but eliminate the ability to place businesses such as a convenience store. He stated that a portion of the property located within the rezoning application includes road right-of-way within the City of Carlisle and therefore, the acreage should be amended to exclude said property.

Mr. Craig stated that the Agent requested the amendment to the petition to rezone the 0.7890 acre parcel to Office "O" Zone during the Regional Planning Commission Executive Committee meeting. He then reviewed the Regional Planning Commission Executive Committee's recommendation to approve a modification of the rezoning application to rezone 0.7890 acres from Heavy Industry "M-2" to Office "O" Zone and 1.2894 acres from Heavy Industry "M-2" to Rural Residence "R-1".

Michael Yetter, Rural Zoning Commission, stated that the Rural Zoning Commission voted to approve a modification of the rezoning application to rezone 0.7890 acres from Heavy Industry "M-2" to Office "O" Zone and 1.2894 acres from Heavy Industry "M-2" to Rural Residence "R-1".

Phil Callahan, Agent for property owners, stated that the original rezoning application stated the desire to rezone a portion of the property to General Business "B-2" because that is what they thought was necessary for the tax service business. He then stated that if Office "O" Zone will allow said business, there are no concerns with the modification.

Upon further discussion, the Board resolved (Resolution #07-2131) to approve a modification of the rezoning application to rezone 0.7890 acres from Heavy Industry "M-2" to Office "O" Zone and 1.2894 acres from Heavy Industry "M-2" to Rural Residence "R-1" subject to the removal of the road right-of-way within the City of Carlisle from the application.

PUBLIC HEARING
CONTINUATION OF THE PUBLIC HEARING TO CONSIDER MODIFICATIONS TO THE
RULES AND REGULATIONS OF THE WARREN COUNTY WATER AND SEWER
DEPARTMENT RELATIVE TO AN INCREASE IN THE USER RATE AND TAP-IN FEES

The continuation of the public hearing to consider modifications to the Rules and Regulations of the Warren County Water and Sewer Department relative to an increase in the user rate and tap in fees was convened this 18th day of December 2007, in the Commissioners' Meeting Room.

Commissioner Young stated that the purpose of the continuation of the public hearing originally held on the 27th day of November 2007, was to allow additional time for representatives from the Cincinnati Homebuilders Association to review the proposed changes with the Sanitary Engineer. He then stated that no one from the Homebuilders' Association but stated he received a telephone call yesterday from Dan Hendricks, Executive Director of the HBA, which proceeded into a philosophical discussion relative to fees and charges within the Water and Sewer Department.

Commissioner South stated it is timely that this Board is considering a 3-4% increase rather than the 40% increase being considered in Hamilton County.

Patti Solinski, Business Manager within the Water and Sewer Department, reviewed with the Board the results of the tap-in fee survey she conducted in order to give the Board a comparison of Warren County's fees relative to surrounding political subdivisions.

Dan Hendricks, Cincinnati Homebuilders' Association, entered the meeting.

Lynn Carey, Hamilton Township resident, stated her desire to clarify that the increase in the capacity proposed in the expansion of the Lower Little Miami Wastewater Treatment Plant to from 12 mgd to 14 mgd is solely due to the relocation of flow from the Polk Run District from the Metropolitan Sewer District to the Lower Little Miami Wastewater Treatment Plan.

Commissioner Young confirmed that statement.

Mr. Hendricks stated his support of the project to increase capacity at the Lower Little Miami Wastewater Treatment Plan but requested the Board only consider half of the proposed increases at this time. He stated that the construction industry is hurting and feels it is not timely that the Board increase fees so dramatically at this time. He then requested the Board to consider a one year increase at this time rather than the proposed three year increase.

Mr. Renneker, Sanitary Engineer, stated he has no problem with only increasing the fees for 2008 at this time as long as the Board understands they will need to repeat this entire process prior to December 31, 2008.

Commissioner Young questioned if the % increase proposed is justifiable.

Mr. Renneker stated that Mrs. Solinski has reviewed the numbers and also stated that the sooner the Board can begin collecting the higher fees, the lower the amount necessary to be financed when it is time to borrow for the expansion of the wastewater treatment plant.

Mr. South stated she appreciates the concerns of the Homebuilders' Association and prior to 2009, will review hard numbers relative to fees.

Upon further discussion, the Board resolved (Resolution #07-2132) to adopt the modification of the rules and regulation of the Water and Sewer Department as presented by the Sanitary Engineer.

Representatives from the City of Mason, Deerfield Township, and Cincinnati Metro were present along with representatives from Warren County Transit to discuss the 2008 funding for the bus services from Kings Island to Cincinnati.

Ted Burg, Chief Financial Officer for Cincinnati Metro, reviewed a powerpoint presentation relative to benefits of the bus services as well as the financial statistics.

Commissioner Young stated his belief that public transit is for the public good but stated the need to define what role the government should play.

They then reviewed the funding pool relative to this service.

Mike Setzer, General Manager of Metro, stated that half of the funding for this route is from riding customers. The other half is government subsidy. He then stated the need for a long term plan in order to provide future planning, stating perhaps a three to five year contract rather than a one year.

Todd Wultzbacher, Mason Council member, stated that the City of Mason will not fund the Metro subsidy in 2008. He stated that the City has heard from less than 10 city residents in favor of the funding.

Chris Ramono, Deerfield Township Trustee, stated that the township is making a large contribution for a few people. He stated their belief in public transportation but stated they cannot afford to pick up Mason's share of the subsidy. He then suggested the creation of a work group to review the options and make recommendations with the work group having a recommendation prior to the end of the first quarter of 2008.

The Board discussed their agreement to fund the contract through the first quarter of 2008 in order to review the level of services relative to the cost to government. Their Board then stated their desire to raise the fare by 50 cents in order to cover the cost of Mason's withdrawal from the funding pool.

Upon discussion, the Board stated their desire to increase the fare by 50 cents and directed the County Administrator organize and chair a work group and provide a recommendation prior to the end of the first quarter of 2008.

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 December 18, 2007, in compliance with Section 121.22 O.R.C.

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