



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

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TOM ARISS

PAT ARNOLD SOUTH

DAVID G. YOUNG

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

MINUTES: Regular Session – January 11, 2011

The Board met in regular session pursuant to adjournment of the January 10, 2011, meeting.

David G. Young - present

Pat Arnold South - present

Tom Ariss - present

Tina Davis, Clerk - present

Minutes of the January 6, 2011, and January 10, 2011, meetings were read and approved.

- 11-0052 A resolution was adopted to accept Resignation, due to Retirement, for Douglas Wilson, Sewer System Maintenance Worker II, within the Water and Sewer Department, effective March 31, 2011. Vote: Unanimous
- 11-0053 A resolution was adopted to approve hiring of Casey L. Lukemire as a Data Technician within the Telecommunications Department. Vote: Unanimous
- 11-0054 A resolution was adopted to hire Charity Imfeld as Emergency Communications Operator, within the Warren County Emergency Services Department. Vote: Unanimous
- 11-0055 A resolution was adopted to Amend Classification Specification of Foster Care/Adoption Caseworker II within the Warren county Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 11-0056 A resolution was adopted to Amend Classification Specification of Foster Care/Adoption Caseworker I within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous

- 11-0057 A resolution was adopted to authorize the posting of the "Foster Care/Adoption Caseworker I" position, within the Department of Job and Family Services, Children Services Division, in accordance with Warren County Personnel Policy Manual, Section 2.02(a). Vote: Unanimous
- 11-0058 A resolution was adopted to Rescind Resolution #10-1945 approving a Transfer Intoxilyzer 8000 to Village of Waynesville. Vote: Unanimous
- 11-0059 A resolution was adopted to Transfer BAC DataMaster Breathalyzer to Village of Waynesville. Vote: Unanimous
- 11-0060 A resolution was adopted to approve the destruction of the following Warren County Sheriff's Equipment. Vote: Unanimous
- 11-0061 A resolution was adopted to Transfer the following listed equipment to the following listed Sheriff Offices. Vote: Unanimous
- 11-0062 A resolution was adopted to enter into a Permanent Drainage Easement Agreement with Warren and Gladys Harcourt, in connection with the Stephens Road Right Turn Lane Improvement Project. Vote: Unanimous
- 11-0063 A resolution was adopted to enter into Engineering Service Agreement, on behalf of the Warren County Engineer's Office, with LJB, Inc. Vote: Unanimous
- 11-0064 A resolution was adopted to acknowledge receipt of December 2010 Financial Statement. Vote: Unanimous
- 11-0065 A resolution was adopted to Affirm "Then and Now" Requests pursuant to Ohio Revised Code 5705.41(d) (1). Vote: Unanimous
- 11-0066 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 11-0067 A resolution was adopted to approve Bond Reduction for Miami Striker, LLC, for Partial Completion of improvements in Miami Bluffs, Section 12, situated in Hamilton Township. Vote: Unanimous
- 11-0068 A resolution was adopted to approve Bond Release for Miami Striker, LLC, for completion of improvements in Miami Bluffs, Section 13, situated in Hamilton Township. Vote: Unanimous
- 11-0069 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into Bethany Road Widening Project Fund 490. Vote: Unanimous

- 11-0070 A resolution was adopted to approve a Cash Advance from Sewer Revenue Fund 580 (Surplus) into the Lower Little Miami Wastewater Treatment Plant Expansion Project, Fund No. 574. Vote: Unanimous
- 11-0071 A resolution was adopted to approve Supplemental Appropriation into Courts Building Energy Conservation Grant Fund #495. Vote: Unanimous
- 11-0072 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Juvenile Court Fund #101-1240. Vote: Unanimous
- 11-0073 A resolution was adopted to approve Appropriation Adjustment within Community Corrections Fund #284. Vote: Unanimous
- 11-0074 A resolution was adopted to approve Appropriation Adjustment within Motor Vehicle Fund #202. Vote: Unanimous
- 11-0075 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 11-0076 A resolution was adopted to approve Amendment to the Work Rules of the Warren County Water/Sewer Department. Vote: Unanimous
- 11-0077 A resolution was adopted to approve Rezoning Application of John Entwisle to rezone approximately 1.5 acres from Heavy Industry "M-2" to Rural Residence "R-1". Vote: Unanimous

DISCUSSIONS

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

BID OPENING

January 11, 2011

BID OPENING – COLUMBIA RD & MASON MORROW MILLGROVE

Bids were closed at 9:15 a.m. this 11th day of January and the following bids were received, opened and read aloud for Columbia Rd and Mason Morrow Millgrove for the Warren County Engineer's Office:

Sunesis Construction West Chester, Ohio	\$ 1,379,052.90
Prus Construction Cincinnati, Ohio	\$ 1,706,761.45
Barrett Paving - Cincinnati Cincinnati, Ohio	\$ 1,272,224.65
Brumbaugh Construction Arcanum, Ohio	\$ 1,425,266.00
Trend Construction Cincinnati, Ohio	\$ 1,348,071.80
Double Z Construction Columbus, Ohio	\$ 1,356,313.50
John R. Jurgenson Co. Cincinnati, Ohio	\$ 1,334,996.80
Eagle Bridge Sidney, Ohio	\$ 1,438,798.34

Neil Tunison, Warren County Engineer will review bids for a recommendation at a later date.

PUBLIC HEARING
REZONING APPLICATION OF JOHN ENTWISLE
TO REZONE APPROXIMATELY 1.5 ACRES IN UNION TOWNSHIP
FROM HEAVY INDUSTRY "M-2" TO RURAL RESIDENCE "R-1"

The public hearing to consider the rezoning application of John Entwisle, agent for owner of record, to rezone approximately 1.5 acres located at 3490 Bunnell Road in Union Township from Heavy Industry "M-2" to Rural Residence "R-1" was convened this 11th day of January 2011, in the Commissioners' Meeting Room.

Mike Yetter, Zoning Supervisor, reviewed the recommendation from the Rural Zoning Commission and the Regional Planning Commission to approve the rezoning application. He stated that this is a straight rezoning request and not a planned unit development so therefore, there are no conditions of approved required.

Stan Williams, Regional Planning Commission, stated that this rezoning application is consistent with both the Warren County Land Use Plan as well as the City of Mason's land use plan which is adjacent to the property.

Eric Entwisle, property owner, stated that the purpose of the rezoning application is to refinance the property. He stated that this request will also bring the zoning current with the actual use.

Upon further discussion, the Board resolved (Resolution #11-0077) to approve the rezoning application.

J. William Duning, Agent to annex 25.3142 acres to the Village of South Lebanon pursuant to Ohio Revised Code Section 709.023 (Expedited Type 2 Annexation) was present along with representatives from the Village of South Lebanon, representatives from Hamilton Township, Bruce McGary, Chief Deputy Prosecutor, and interested citizens, for the Board to discuss the annexation petition.

Mr. McGary stated that it is the requirement of the Board of Commissioners to determine whether the seven conditions required for approval of the annexation have been met. He then reminded the Board that this is not a public hearing and is administrative in nature. He then discussed the review comments from the Tax Map Department as well as the items listed in the Objection Resolution from Hamilton Township.

There was discussion relative to the number of owners being included in the petition not including the School Board or ODOT. There was also discussion relative to the signatures on the petition not including a date.

Mr. Duning stated that 100% of the property owners according top law have signed and been included in the petition. He then pointed out the statement in the petition that authorizes him, on behalf of the property owners, to make any amendments, corrections or alterations to the petition as required.

Mr. Duning stated that the property owners signed the petition approximately one week prior to the filing with the Board of Commissioners. He stated his opinion that he can legally date the signatures on their behalf. He then stated that the petition for annexation contains all matters required by law and requested the Board to approve the annexation petition.

Jim Smith, Mayor of South Lebanon, stated that the Village of South Lebanon has had a school presence for over 200 years. He stated that South Lebanon had a school prior to Warren County even becoming a county. He then stated that he was on the review committee which sited the new elementary school and that the only reason it was sited in Hamilton Township was because there was no suitable land available within the Village at the time. He stated that the School District is neutral to the annexation and then stated the presence of two (2) retired school teachers to show their support for the annexation of the school.

Commissioner Young stated his concern relative to a new tax being required on the employees within this school building without any say in the matter.

Commissioner Young exited the meeting at 10:30 a.m. due to a prior obligation.

Commissioner South acknowledged a telephone call of Township Trustee Becky Ehling stating his inability to be at the meeting today and stating her opposition to the annexation.

Warren Ritchie, attorney for Hamilton Township, reviewed the objections on behalf of Hamilton Township. He then stated that due to time constraints, the township must adopt an objection resolution prior to the any resolution for services being filed by the municipality.

Mr. Ritchie stated his opinion that even through a governmental entity does not have a vote in the annexation; they are still an owner and should be included in the notices. He then stated that no one from the school district was notified of the public hearing and that it is grossly unfair to the school district. He then requested the Board to reject the annexation petition.

Mr. McGary read aloud the section of the Ohio Revised Code relative to ownership and it was determined that governmental entities are not counted in the petition nor considered owners.

Commissioner South acknowledged the need for legislation that includes notice to all property owners, including governmental entities, to provide the fairness discussed by Mr. Ritchie.

There was discussion relative to the fact that since this is not a public hearing, nothing discussed today is part of the record of proceedings. It was determined that Mr. Duning will file an affidavit relative to the date of signing of the petition by the property owners.

Upon further discussion, on motion, upon unanimous call of the roll, the Board continued this discussion to January 18, 2011, at which time the Board intends to render a decision upon the annexation petition.

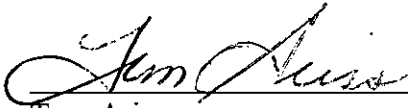
Upon motion the meeting was adjourned.



Pat Arnold South, President

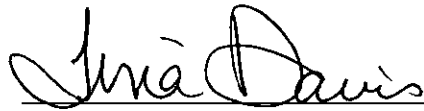


David G. Young



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 January 11, 2011, in compliance with Section 121.22 O.R.C.



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