



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

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TOM ARISS

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

MINUTES: Regular Session – July 26, 2011

The Board met in regular session pursuant to adjournment of the July 19, 2011, meeting.

David G. Young - absent

Pat Arnold South - present

Tom Ariss - present

Tina Davis, Clerk - present

Minutes of the July 12, 2011 and July 19, 2011 meetings were read and approved.

- 11-1009 A resolution was adopted to accept the Resignation of William A. Becker, Director, within the Warren County Emergency Services Department, effective July 29, 2011. Vote: Unanimous
- 11-1010 A resolution was adopted to hire Rebecca Roop, as a Part-Time Case Aide, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 11-1011 A resolution was adopted to hire Pamela Suldovsky, as a Temporary Eligibility Referral Specialist II, within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 11-1012 A resolution was adopted to approve Reclassification of Kathy Hartsook from the position of Unit Support Worker II to the position of Eligibility Referral Specialist II. Vote: Unanimous
- 11-1013 A resolution was adopted to accept Resignation of Farley Baker, Service Worker II, within the Warren County Building Services Department, effective July 22, 2011. Vote: Unanimous

- 11-1014 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Nakia Bedgood, Foster Case/Adoption Supervisor, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 11-1015 A resolution was adopted to approve a Pay Increase for Sarah Robers within the Warren County Department of Emergency Services. Vote: Unanimous
- 11-1016 A resolution was adopted to approve end of 180-day Probationary Period and approve a Pay Increase for Casey Lukemire, Data Technician, within the Telecommunications Department. Vote: Unanimous
- 11-1017 A resolution was adopted to authorize the issuance of a County Credit Card for use by the Office of the County Prosecuting Attorney. Vote: Unanimous
- 11-1018 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Julie Hamilton for the Lebanon Road Bridge Replacement Project. Vote: Unanimous
- 11-1019 A resolution was adopted to enter into an Easement Agreement with Julie Hamilton for a Permanent Drainage Easement for the Lebanon Road Bridge Replacement Project. Vote: Unanimous
- 11-1020 A resolution was adopted to approve and enter into an Agreement with Lance Runion on behalf of the Warren County Juvenile Court for a Summer School Teacher for Mary Haven Youth Center. Vote: Unanimous
- 11-1021 A resolution was adopted to approve and enter into an Agreement with Carletta Jacobs on behalf of the Warren County Juvenile Court for a Summer School Teacher for Mary Haven Youth Center. Vote: Unanimous
- 11-1022 A resolution was adopted to appoint Art Harden to Represent the Warren County Board of Commissioners on the ODNR Design Team Relative to Caesar Creek Marina. Vote: Unanimous
- 11-1023 A resolution was adopted to declare an Emergency and Waive Competitive Bidding Process for Emergency Repair to the Lower Little Miami Wastewater Treatment Plant Fuel Pump. Vote: Unanimous
- 11-1024 A resolution was adopted to approve an Emergency Repair of the Variable Frequency Drives (VFDs) at the Dearth Water Booster Station. Vote: Unanimous
- 11-1025 A resolution was adopted to approve an Emergency Service to Pump Number One at the Dearth Water Booster Station. Vote: Unanimous

- 11-1026 A resolution was adopted to Advertise and Set Public Hearing for Calendar Year 2012 Transit Operating and Capital Assistance Application. Vote: Unanimous
- 11-1027 A resolution was adopted to Set Public Hearing to consider the Road Name Change of Ross Street to Townsley Drive and Everett Avenue in Deerfield Township. Vote: Unanimous
- 11-1028 A resolution was adopted to Waive Fees associated with the Installation of a New Baseball Dugout at Mount Station Park for the Hamilton Township Trustees. Vote: Unanimous
- 11-1029 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 11-1030 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous
- 11-1031 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 11-1032 A resolution was adopted to approve Bond Release for Thomas & Marker Construction Co., for completion of improvements in Chase Bank (Section 20, Town 4, Range 2, Lot 2), situated in Deerfield Township. Vote: Unanimous
- 11-1033 A resolution was adopted to approve Supplemental Appropriation into the Real Estate Assessment Fund 237 to pay Gasoline Expenses. Vote: Unanimous
- 11-1034 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Sheriff's Fund #101-2200. Vote: Unanimous
- 11-1035 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Court of Common Pleas - Pretrial Services Fund #101-1222. Vote: Unanimous
- 11-1036 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 11-1037 A resolution was adopted to approve Appropriation Adjustment within Emergency Services / EMA Fund #264-2800. Vote: Unanimous
- 11-1038 A resolution was adopted to approve Appropriation Adjustments within Telecommunications Department Funds #492, #101-2812 and #101-2810. Vote: Unanimous
- 11-1039 A resolution was adopted to approve an Appropriation Adjustment within Telecommunications Department Fund #101-2810. Vote: Unanimous

- 11-1040 A resolution was adopted to approve Appropriation Adjustment within Coroner's Fund #101-2100. Vote: Unanimous
- 11-1041 A resolution was adopted to approve Appropriation Adjustment within Warren County Common Pleas Court Fund #101-1220. Vote: Unanimous
- 11-1042 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund #272-1150. Vote: Unanimous
- 11-1043 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Fund #101-2200, Children Services Fund #273, Data Processing/GIS Fund #101-1401, Motor Vehicle Fund #202 and Treasurer's Fund #101-1130. Vote: Unanimous
- 11-1044 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 11-1045 A resolution was adopted to approve Annexation of 14.2020 acres to the Village of Maineville, Richard Paolo, agent, pursuant to Ohio Revised Code Section 709.023 [a.k.a. Expedited Type 2 Annexation]. Vote: Unanimous
- 11-1046 A resolution was adopted to Continue Public Hearing to consider Variance and Appeal of Conditions required for an Access Permit of Anne F. McBride, Agent for Speedway, LLC and Julian MacKenzie II Ltd and Rodger Wade, Owners of Record. Vote: Unanimous
- 11-1047 A resolution was adopted to determine to proceed with submitting the question of a renewal of a Tax Levy for Senior Citizens Services. Vote: Unanimous
- 11-1048 A resolution was adopted to approve Amendment to Lease Agreement with State of Ohio Bureau of Motor Vehicles/Ohio State Highway Patrol Relative to 19 Dave Avenue, Lebanon, Ohio. Vote: Unanimous

DISCUSSIONS

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

The Board met this 26th day of July 2011, in the Commissioners Meeting Room to consider the annexation petition of Richard A. Paolo, Agent to annex 14.2020 acres to the Village of Maineville.

Steve Hunt, co-agent to the annexation petition, stated that all matters required by law have been met and he stated his willingness to answer any questions relative to the annexation.

Warren Ritchie, Law Director for Hamilton Township, stated that the township is consistent with their objection to annexation. He explained that the township must begin the objection process prior to the final filing of documents from the Agent with the Clerk relative to the annexation. He then stated that this annexation is a “serial” annexation. He explained that, although they are not prohibited in the law, it is a loop hole that allows municipalities to “ram through” this type of annexation that would otherwise require a general annexation petition and not an expedited. He then reminded the Board of their commitment to the residents along the adjacent Walen Lane that they would not support a connection from their dead end road into the adjacent residential subdivision. He filed with the Clerk a petition from the Walen Lane residents in opposition to any extension of their road.

Becky Ehling, Hamilton Township Trustee, stated her objection to their “serial” annexation and stated that, although it does not create an island, it does create a peninsula that requires travel through a township road to obtain access.

Upon discussion, it was determined that all matters required by law have been complied with and the law requires the Board to approve the annexation petition.

The Board resolved (Resolution #11-1045) to approve the annexation petition.

PUBLIC HEARING

REQUEST FOR A VARIANCE AND APPEAL OF CONDITIONS FOR THE ACCESS PERMIT OF ANNE F. MCBRIDE, AGENT FOR PROPERTY OWNERS

The Board met this 26th day of July 2011, in the Commissioners’ Meeting Room, to consider request for a variance and appeal of conditions for the access permit of Anne F. McBride, Agent for property owners, along Columbia Road in Deerfield Township (AKA Speedway Gas Station).

The Clerk read into the record that the notice of the public hearing has been advertised in The Western Star and listed all documents received in the public hearing file.

Commissioner South read into the record the process that would be followed for the public hearing and stated the factors the Board would consider relative to the approval or denial of the access permit.

Anne McBride, Agent, presented the reasoning for their desire to shift the access 35 ft. north towards the intersection of Columbia Road and US RT 22-3 in Deerfield Township. She explained that Speedway would like to purchase the old "20 Mile House" and tear it down. She then explained that the owners of the "20 Mile House" parcel and the adjacent strip center have banded together to allow cross access from their properties with a combined access point.

Nick Herschberger, Speedway Representative, stated their desire to redevelop the old "20 Mile House" due to the many unsuccessful businesses that have located on this parcel. He stated their willingness to provide a complete turn lane onto US 22-3 as suggested by the County Engineer.

Jeff Tibbits, WD Partners, stated the following:

1. The variance requested would not be contrary to the public interest.
2. There is not enough roadway frontage to meet the current Access Management Regulations and they would only be moving the access 35' closer.
3. The proposed new access point aligns with the adjacent Goodwill property. The proposed right turn lane to be constructed improves traffic flow one grade level.
4. Substantial justice is done with the access being granted because if another restaurant is located in the current building and is a successful business, no improvements would be required and traffic would become substantially worse.

George Flynn, Anchor Associated, stated he represents the property owner. He stated that the current owner cannot continue to locate unsuccessful businesses in this location. He stated that this has been a hardship for the property owner and he needs to discontinue this financial hardship through the sale of the property to Speedway.

Jeff Black, property owner of current "20 Mile House" property, requested that the Board please review this application carefully. He stated that he needs this property sold and that this change in use will be additional jobs, sales taxes and property taxes to the County. He stated that it will also eliminate the "eyesore" of a building and improve the access that is currently there.

Rodger Wade, owner of the adjacent strip center, requested the Board approve this appeal. He stated that this will help provide better visibility to his property and also provide better traffic flow internally.

Kurt Weber, Chief Deputy Engineer, stated that when he scaled the distance that they are proposing to relocate to, he measured 50' not 35'. He then stated that this request does not meet Section 401.6 and 401.8.2-d of the Access Management Regulations detailed as follows:

401.6 – prohibits full access driveways within 150 feet of turn lanes

401.8.2 – d – requires 360 feet of spacing (360 feet of spacing (corner clearance) between the proposed driveways.

Mr. Weber stated that if the driveway is moved closer to the intersection, you get blocked viability and when traffic backs up, you cannot turn.

Commissioners South questioned Mr. Weber if, in his opinion, the benefits of the added turn lane being construction justify and keep safety in place in exchange for the moving of the access closer to the intersection.

Mr. Weber stated this it does not.

There was discussion relative to the various ways to relocate the driveway and still maintain safety.

Upon discussion, the Board stated their desire to continue the public hearing in order to obtain input from the Deerfield Township Trustees.

Upon further discussion, the Board resolved (Resolution #11-1046) to continue this public hearing to August 9, 2011, at 9:30 a.m.

David Wolfson, CFO of Council on Aging, gave a brief overview of the need for the renewal of the Senior Citizens Services Levy.

Upon discussion, the Board resolved (Resolution #11-1047) to determine to proceed with submitting the question of a renewal of a Tax Levy for Senior Citizens Services.

Chris Brausch, Sanitary Engineer, was present to discuss the following matters:

1. RFQ for Twin Creek Stream Bank Stabilization Project—Mr. Brausch presented the ranking sheet from the submitted engineering firms. Upon discussion, the Board stated their desire to interview the top 4 ranking firms and requested Mr. Brausch and Ms. Davis to schedule the interviews.
2. Landen Station Retain Center—Mr. Brausch explained that this is the location of the collapsed sewer line under what used to be Pizza Hut. He stated that Kroger is proposing a new lateral to accommodate the new fueling station along US 22-3 in Deerfield Township. He suggested that Warren County pay the difference in cost to upsize the line which will bypass the collapsed sanitary sewer and abandon the old line. The Board agreed to proceed with the upsize of the line.

Mike Yetter, Zoning Supervisor, was present with Stan Williams and Robert Ware, Regional Planning Commission, Fred Grimm, Rural Zoning Commission member, and Keith Anderson, Prosecutor's Office, for a work session to discuss the proposed Warren County Rural Zoning Code Re-Write.

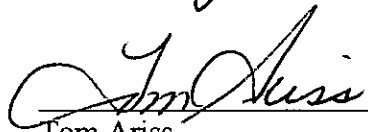
Upon motion the meeting was adjourned.



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 July 26, 2011, in compliance with Section 121.22 O.R.C.



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