



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

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250

(513) 261-1250

(513) 925-1250

(937) 425-1250

Facsimile (513) 695-2054

TOM ARISS

PAT ARNOLD SOUTH

DAVID G. YOUNG

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

MINUTES: Regular Session – August 23, 2011

The Board met in regular session pursuant to adjournment of the August 16, 2011, meeting.

David G. Young - present

Pat Arnold South - present

Tom Ariss - present

Tina Davis, Clerk - present

Minutes of the August 9, 2011, August 11, 2011 and August 16, 2011 meetings were read and approved.

- 11-1156 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Dale Corwin, Clerical Specialist, within the Department of Job and Family Services, Human Services Division.
Vote: Unanimous
- 11-1157 A resolution was adopted to hire Bryan R. Converse as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 11-1158 A resolution was adopted to hire Ashley Warnock, as a Temporary Eligibility Referral Specialist II, within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 11-1159 A resolution was adopted to hire Keith Fudge as Emergency Communications Operator, within the Warren County Emergency Services Department.
Vote: Unanimous
- 11-1160 A resolution was adopted to hire Elizabeth M. Labelle as Foster Care/Adoption Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous

- 11-1161 A resolution was adopted to declare an Emergency and Waive Competitive Bidding Process for Emergency Servicing to Generators. Vote: Unanimous
- 11-1162 A resolution was adopted to recommend Members to the Local Emergency Planning Committee. Vote: Unanimous
- 11-1163 A resolution was adopted to enter into Contract with Howell Contractors, Inc. for the Lebanon Area - Deerfield Hamilton Interconnecting Waterline Project, Contract A. Vote: Unanimous
- 11-1164 A resolution was adopted to enter into Contract with GM Pipeline for the Lebanon Area - Deerfield Hamilton Interconnecting Waterline Project, Contract B. Vote: Unanimous
- 11-1165 A resolution was adopted to authorize President of the Board to enter into Agreement with the City of Springboro relative to the Ohio Public Works Commission Red Lion Five Points Road Improvement Project.
Vote: Unanimous
- 11-1166 A resolution was adopted to approve and authorize the President of the Board to enter into a Youth Worksite Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 11-1167 A resolution was adopted to authorize the Transfer of a surplus Savin Copier to Massie Township from Warren County Records Center & Archives.
Vote: Unanimous
- 11-1168 A resolution was adopted to enter into a Temporary Entrance and Work Agreement with YKCW Property Management for the Mason-Montgomery Road Widening Project. Vote: Unanimous
- 11-1169 A resolution was adopted to declare various items within Building & Zoning, Emergency Services and Telecommunications as surplus and authorize the disposal of said items. Vote: Unanimous
- 11-1170 A resolution was adopted to declare various items within Engineer's Office, Building Services, Health Department, Clerk of Courts, and Sheriff's Office as surplus and authorize the disposal of said items. Vote: Unanimous
- 11-1171 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 11-1172 A resolution was adopted to affirm "Then and Now" Requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous
- 11-1173 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous

- 11-1174 A resolution was adopted to approve Bond Release for Laurel Glen Developments, LLC, for completion of improvements in Laurel Glen, situated in Hamilton Township. Vote: Unanimous
- 11-1175 A resolution was adopted to approve Bond Release for Arabian Run, LLC, for completion of improvements in Arabian Run, situated in Washington Township. Vote: Unanimous
- 11-1176 A resolution was adopted to approve Bond Release for Kings Court Shoppes, LLC for completion of improvements in Lot 14 Kings Island Commercial Center 18 situated in Deerfield Township. Vote: Unanimous
- 11-1177 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release J.P.S. Development, LLC for Saddlebrook Section Three in Hamilton Township. Vote: Unanimous
- 11-1178 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release J.P.S. Development, LLC for Saddlebrook Section Four in Hamilton Township. Vote: Unanimous
- 11-1179 A resolution was adopted to approve the following Replat. Vote: Unanimous
- 11-1180 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 11-1181 A resolution was adopted to approve Sub-Fund Adjustment for Common Pleas Court ISP/Diversion Grant Fund #289. Vote: Unanimous
- 11-1182 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into the Columbia Road at Mason-Morrow-Millgrove Road Bridge Project Fund #427. Vote: Unanimous
- 11-1183 A resolution was adopted to approve Supplemental Appropriation within the Water Construction Projects Fund No. 583. Vote: Unanimous
- 11-1184 A resolution was adopted to approve Supplemental Appropriation into Workers Comp Self Insured Fund #636. Vote: Unanimous
- 11-1185 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Building Services Fund #101-1600. Vote: Unanimous
- 11-1186 A resolution was adopted to approve Appropriation Adjustment from Building Services Warehouse Fund #467-3726 into Admin Building - Justice Drive Fund #467-3730. Vote: Unanimous

- 11-1187 A resolution was adopted to approve Appropriation Adjustments within Community Corrections Fund #101-1224. Vote: Unanimous
- 11-1188 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund #272. Vote: Unanimous
- 11-1189 A resolution was adopted to approve Appropriation Adjustments within Human Services Fund #203 and Children Services Fund #273. Vote: Unanimous
- 11-1190 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 11-1191 A resolution was adopted to approve the Road Name Change of Ross Street to Townsley Drive and Everett Avenue in Deerfield Township. Vote: Unanimous
- 11-1192 A resolution was adopted to authorize the Posting of the "Director of Emergency Services" position, within the Emergency Services Department, in accordance with Warren County Personnel Policy Manual, Section 2.02(A).
Vote: Unanimous
- 11-1193 A resolution was adopted to Deny 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

DISCUSSIONS

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

PUBLIC HEARING
ROAD NAME CHANGE REQUEST OF THE DEERFIELD TOWNSHIP TRUSTEES
TO RENAME A PORTION OF ROSS STREET TO TOWNSLEY DRIVE AND THE
REMAINING PORTION OF ROSS STREET TO EVERETT AVENUE

The Board met this 23rd day of August 2011, in the Commissioners' Meeting Room for the public hearing to consider the road name change request of the Deerfield Township Trustees to rename a portion of Ross Street to Townsley Drive and the remaining portion of Ross Street to Everett Avenue.

Bob Fox, Tax Map Department, showed the location of the area and explained how the Trustees would like the road name change configured. He then stated there are no homes that have a Ross Street address.

Upon further discussion, the Board resolved (Resolution #11-1191) to approve the road name change of Ross Street to Townsley Drive and Everett Avenue in Deerfield Township.

Dave Gully, County Administrator, was present along with Larry Hilbert and Jim Volkerding, Building Services, and representatives from the Garland Company and Kelly and Carpenter Co. to discuss the various building roof issues that need repair and maintenance.

Brian Hogan, Garland Company, explained the newly approved design/build concept that county government is now approved to utilize.

There was discussion relative to how design/build could save Warren County money.

There was then discussion relative to the individual buildings and the immediate repairs required.

Upon discussion, the Board agreed to begin the necessary roof repairs.

PUBLIC HEARING

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

The Board met this 23rd day of August 2011, in the Commissioners' Meeting Room, for the continuation of the public hearing to consider the 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).

Commissioner South reviewed the case and events prior to this continuation and swore those desiring to give testimony during today's public hearing.

Commissioner Young explained the role of the Board of Commissioners in this processing and informed those present that this Board has no say in whether the Old 20 Mile House is torn down. He stated that this Board only has the authority to determine if an appeal to the access management permit denial should be granted or denied.

Commissioner South acknowledged receipt of numerous emails from residents in opposition to the granting of a variance and appeal of conditions for the access permit.

Bruce McGary, Prosecutor's Office, informed the Board that emails are not permitted to be considered into evidence. He stated that if the residents desire to have their opinion considered, they must be present to testify.

Kurt Weber, Chief Deputy Engineer, stated that, upon further consideration from the last public hearing, a right in/right out only will not work at this location. He stated his concern relative to the "weave" a vehicle must make across traffic when turning left onto US 22-3. He stated that the Engineer's Office is still recommending denial. He then stated his office would allow the existing driveway to be expanded at the current location an additional 10 feet with the addition of a right turn lane being constructed all the way to US 22-3. He stated that even with the additional right turn lane being constructed, traffic will back up.

Commissioner Young iterated that the goal of the Access Management Regulations is public safety.

Ann McBride, applicant, stated she does not understand how shifting the access 35 feet, adding a turn lane and making it a right in/right out only can be any more dangerous that leaving it as it is now.

Jeff Tibbits, WD Partners, clarified the backup analysis as follows:

10% of the vehicles heading North on Columbia Road turn left onto 22-3 = the equivalent of 2 cars turning left out of the strip center and left onto 22-3 relative to the short weave Mr. Weber is concerned about.

Nick Herschberger, Speedway representative, stated that the current location of the driveway is not acceptable to speedway. He stated he had a meeting yesterday with the County Engineer and felt they had agreed on a solution. He then stated he received an email last night from the County Engineer stating they do not support the moving of the access.

Commissioner Young stated that the Board depends on our experts for advice. He stated that when our experts are recommending denial of moving an entrance, we must rely on their expertise.

Jeff Black, property owner, stated that common sense is not being applied in this situation. He stated that the county keeps "moving the goal line".

Colleen Schietter, area resident, questioned if the traffic studies show what the future traffic patterns will be and when the traffic study was completed.

Mr. Tibbits stated the current study was completed in May of this year.

Hayfaa Wadih, Deerfield Township Planning Manager, stated that the land is properly zoned for this use. She then stated that the Township relies on the County Engineer for decisions on access and they recommend following the County Engineer's recommendation.

Del Landis, area property owner, stated that traffic at the intersection is crazy and opposes the proposed curb cut even with a right turn only option.

Kim Grant, area resident, stated she agrees with the County Engineer that this appeal should be denied. She then presented a petition from concerned residents stating their opposition to the variance due to safety concerns.

Mr. Black stated he is at the end with this property. He stated he has a buyer and a solution that will improve the existing traffic.

Tom Lindy, area resident, stated that from Fields Ertel Road North there are six gas stations and one is shuttered.

Diane Hannigan, area resident, stated that the Access Management Regulations were created to increase safety and improve traffic. She requested the Board to look at the accident count and stated his concern with a precedent being set if the Board allows individuals to begin changing the rules. She requested the Board to deny the appeal.

Richard Higgins, area resident, presented a petition with over 500 signatures in opposition to the access management appeal that were collected over two business days. They then stated his strong opposition to the variance.

Colleen Schieter, area resident, stated his opposition to the variance.

There was discussion relative to the failure of the previous restaurants.

Mr. Everett stated that at the two previous restaurants, the food was no good and the one before that was too expensive.


Commissioner South re-read into the record the process and procedures the Board must follow relative to the rendering of a decision on this variance. She also read what criteria must be determined when making the decision.

Upon further discussion, the Board resolved (Resolution #11-1193) to Deny 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.

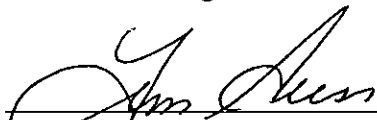
Upon motion the meeting was adjourned.



Pat Arnold South, President

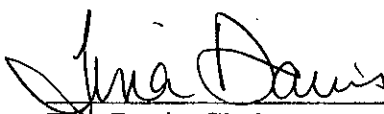


David G. Young



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 August 23, 2011, in compliance with Section 121.22 O.R.C.



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