



**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--July 18, 2002

The Board met in regular session pursuant to adjournment of the July 16, 2002, meeting.

C. Michael Kilburn - present Larry Crisenbery - present

Pat Arnold South - present Tina Davis, Clerk - present

- 02-1099 A resolution was adopted to Deny Annexation of Clyde Lamb, agent, to annex 51.587 acres to the Village of Harveysburg.
Vote: Mrs. South – yea; Mr. Kilburn – yea; Mr. Crisenbery - abstain
- 02-1100 A resolution was adopted to authorize the Hiring of an Independent Engineering Firm to evaluate and make recommendations for Drainage Issues within the Forest of Heritage Green Subdivision in Deerfield Township. Vote: Unanimous
- 02-1101 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for Elizabeth Kolker, Cashier / Receptionist, within the Water and Sewer Department. Vote: Unanimous
- 02-1102 A resolution was adopted to enter into Contract to purchase Real Estate with Marshall N. and Joyce A. Miller for the Stubbs Mill and Shawhan Roads Improvement Project. Vote: Unanimous
- 02-1103 A resolution was adopted to designate Family and Medical Leave of Absence to Carman Crase, Custodial Worker I, within the Building Services Department.
Vote: Unanimous

- 02-1104 A resolution was adopted to enter into Contract with C.A. Stempfley Contractor, Inc., for the City of Franklin Lynn Street CDBG Project. Vote: Unanimous
- 02-1105 A resolution was adopted to approve and authorize the President of the Board to enter into a Software License Agreement for software mandated by the State of Ohio Department of Job and Family Services on behalf of the Warren County One Stop Business and Employment Administration. Vote: Unanimous
- 02-1106 A resolution was adopted to amend the contract between the Warren County Commissioners on behalf of the Warren County Department of Human services and James L. Weller, Financial Consultant. Vote: Unanimous
- 02-1107 A resolution was adopted to enter into Contract with Adams Robinson Enterprise, Inc., d.b.a. Adams Robinson Construction Company for the Foster Sewage Lift Station Improvement Project. Vote: Unanimous
- 02-1108 A resolution was adopted to enter into Contract for a Temporary Construction Easement from Phil and Rebecca E. Gilbert, for the Stubbs Mill and Shawhan Roads Improvement Project. Vote: Unanimous
- 02-1109 A resolution was adopted to approve various Final Plats. Vote: Unanimous
- 02-1110 A resolution was adopted to enter into Sidewalk Bond Agreement with Hills Land & Development Company, for installation of certain improvements in the Reserve at Heritage Pointe, Section Two, situated in Deerfield Township. Vote: Unanimous
- 02-1111 A resolution was adopted to enter into Performance Bond Agreement with Hills Communities, Inc., for installation of certain improvements to Bethany Road associated with the Reserve at Heritage Pointe Subdivision, situated in Deerfield Township. Vote: Unanimous
- 02-1112 A resolution was adopted to enter into Performance Bond Agreement with Hills Land & Development Company, for installation of certain improvements in the Reserve at Heritage Pointe, Section Two, situated in Deerfield Township. Vote: Unanimous
- 02-1113 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Hills Land & Development Company to install certain water and/or sanitary sewer improvements in the Reserve at Heritage Pointe, Section Two, situated in Deerfield Township. Vote: Unanimous

- 02-1114 A resolution was adopted to enter into Performance Bond Agreement with Shoppes at Grandin LLC., for installation of certain improvements in the Shoppes at Grandin, situated in Hamilton Township. Vote: Unanimous
- 02-1115 A resolution was adopted to enter into Erosion Control Bond Agreement with Shoppes at Grandin LLC., for improvements in the Shoppes at Grandin, situated in Hamilton Township. Vote: Unanimous
- 02-1116 A resolution was adopted to enter into Subdivision Public Improvement Performance and Maintenance Security Agreement with Shoppes at Grandin, LLC., to install certain water and/or sanitary sewer improvements in the Shoppes at Grandin situated in Hamilton Township. Vote: Unanimous
- 02-1117 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 02-1118 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Telecommunications Construction project Fund #492. Vote: Unanimous
- 02-1119 A resolution was adopted to approve Supplemental Appropriation within Dog and Kennel Fund #206. Vote: Unanimous
- 02-1120 A resolution was adopted to approve Appropriation Adjustment within Building Services Fund #467. Vote: Unanimous
- 02-1121 A resolution was adopted to approve Appropriation Adjustment from Garage Fund #101-1620-940 (travel) into Fund #101-1620-485 (vehicle repair-parts). Vote: Unanimous
- 02-1122 A resolution was adopted to approve Appropriation Adjustments within Probate-Juvenile Court Fund #270, Emergency Services Fund #101-2850, Telecommunications Fund #101-2810 and Data Processing Fund #101-1401. Vote: Unanimous
- 02-1123 A resolution was adopted to accept De Facto Resignation of Sandra Gambill, Business Administrator within the Department of Human services, effective May 31, 2002. Vote: Unanimous
- 02-1124 A resolution was adopted to Set Viewing and Hearing Date – Vacation of a Portion of Dawn Avenue in Franklin Township. Vote: Unanimous
- 02-1125 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

The Board met this 18th day of July 2002, in the Commissioners' Meeting Room to render a decision relative to the annexation petition of Clyde Lamb, Agent to annex 51.587 acres to the Village of Harveysburg.

Commissioner Kilburn stated that the Board will not approve the annexation with the road right-of-way included in the annexation.

Mr. Peterson, attorney for the Lamb family, stated they will not delete the road right-of-way from the annexation petition.

Upon further discussion, the Board resolved (Resolution #02-1099) to deny the annexation petition with Mr. Crisenbery abstaining from the vote.

Mrs. Sherry Wright, 2295 Pinebrook Lane, Clearcreek Township, was present to discuss a Building Department problem relative to the banisters being installed in her home not meeting the building code.

Upon further discussion with Jerry Spurling, Chief Building Official, it was determined that the problem has already been corrected by her homebuilder.

Neil Tunison, County Engineer, was present along with residents within the Forest of Heritage Green to present a report relative to drainage issues within the subdivision.

Mr. Tunison presented the report from Chuck Petty relative to problems and possible solutions to the drainage issues within the subdivision.

Commissioner Crisenbery questioned how the situation can be fixed so that no house plans with walkout basements can be permitted in the floodway.

The Board determined to place the burden on the developer's engineer.

Chuck Petty, Engineer's Office, stated that the lots within the subdivision were designed properly. He then stated that the builder's did not build the houses to the specifications of the subdivision relative to drainage (swales between houses).

Bruce McGary, Assistant Prosecutor, stated that if the specifications of the approved drainage plan have been met, the issue is a civil matter between the homeowner and builder.

Commissioner Kilburn stated that the County Engineer should have hired an independent engineer as the Board had directed him in order to eliminate potential liability to the County.

Upon further discussion, the Board resolved (Resolution#02-1100) to hire an independent engineer to study and make recommendations relative to drainage issues within the Forest of Heritage Green in Deerfield Township and directed the County Administrator to prepare all necessary documents relative to same.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

Larry Crisenbery

Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on July 18, 2002, in compliance with Section 121.22 O.R.C.

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