



**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

C. MICHAEL KILBURN

PAT ARNOLD SOUTH

DAVID G. YOUNG

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

MINUTES: Regular Session – July 14, 2009

The Board met in regular session pursuant to adjournment of the July 9, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk – present

- 09-0939 A resolution was adopted to retain Kelly Babcock as Special Legal Counsel relative to pending litigation. Vote: Unanimous
- 09-0940 A resolution was adopted to approve and authorize the Board to enter into a Mentoring Services Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 09-0941 A resolution was adopted to enter into Engineering Service Contract with Jones Warner Consultants, Inc. Vote: Unanimous
- 09-0942 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-0943 A resolution was adopted to approve and enter into agreement with Ohio-Kentucky-Indiana Regional Council of Governments. Vote: Unanimous
- 09-0944 A resolution was adopted to acknowledge the contract between Warren County MRDD, Children Services, Juvenile Court, Recovery Services and Educational Service Center relative to Coordinated Care Pooled Funding. Vote: Unanimous
- 09-0945 A resolution was adopted to approve Appropriation Adjustment within TASC fund 284. Vote: Unanimous

- 09-0946 A resolution was adopted to approve Supplemental Appropriation into Workers Comp Self Insured fund #636. Vote: Unanimous
- 09-0947 A resolution was adopted to approve Appropriation Decreases within fund #202. Vote: Unanimous
- 09-0948 A resolution was adopted to approve Appropriation Decreases within various funds. Vote: Unanimous
- 09-0949 A resolution was adopted to approve an Expense Adjustment from Water Revenue Fund 510 to Sewer Revenue Fund 580. Vote: Unanimous
- 09-0950 A resolution was adopted to approve an Appropriation Adjustment within the Workforce Investment Act fund #258. Vote: Unanimous
- 09-0951 A resolution was adopted to approve Appropriation Adjustment within Domestic Relations Court fund #101-1230. Vote: Unanimous
- 09-0952 A resolution was adopted to authorize Payment of Bills. Vote: Unanimous
- 09-0953 A resolution was adopted to adopt Warren County Tax Budget for Year 2010. Vote: Unanimous
- 09-0954 A resolution was adopted to approve request for 2 Mill Reduction in the levy collected for the Warren County Board of Developmental Disabilities. Vote: Unanimous
- 09-0955 A resolution was adopted to approve and authorize the submittal of a Grant Application and Agreement to the Ohio Emergency Management Agency for funding through the FY2009 Emergency Management Performance Grant Program and authorize the Director of the Emergency Services Department to sign documents relative thereto. Vote: Mr. Kilburn – nay; Mr. Young – yea; Mrs. South – yea
- 09-0956 A resolution was adopted to approve Annexation of .108 acres to the Village of South Lebanon, Andrew George, Agent, pursuant to Ohio Revised Code Section 709.023 [A.K.A. Expedited Type 2 Annexation]. Vote: Unanimous
- 09-0957 A resolution was adopted to approve the submission of a Grant Application and authorize the President and/or Vice President of the Board to sign the application for the Homeless Prevention and Rapid Re-Housing program (HRRP) on behalf of the Interfaith Hospitality Network of Warren County. Vote: Mr. Kilburn – absent; Mr. Young – yea; Mrs. South – yea

09-0958 A resolution was adopted to cancel regularly scheduled Commissioners' Meeting of Thursday, July 16, 2009. Vote: Mr. Kilburn – absent; Mr. Young – yea; Mrs. South – yea

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:08 a.m. relative to personnel matters within various department relative to salaries pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:35 a.m.

On motion, bids were closed at 10:15 a.m. this 14th day of July and the following bids were received, opened and read aloud for the 2009 Striping Project for the Warren County Engineer's Office:

| | |
|--|--------------|
| Interstate Road Management Oak Harbor, Ohio | \$ 91,452.75 |
| Oglesby Construction, Inc. Norwalk, Ohio | \$ 83,929.80 |
| Aero-Mark, Inc. Streetsboro, Ohio | \$ 85,446.31 |

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

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

PUBLIC HEARING
2010 TAX BUDGET

The Board met this 14th day of July 2009, in the Commissioners' Meeting Room, to consider the 2010 Tax Budget.

Commissioner Kilburn explained to those present the purpose and requirement of the tax budget.

Tiffany Zindel, Director of the Office of Management and Budget, stated that the tax budget is a "wish list" from the county departments and elected officials. She then stated that she fully anticipates the 2010 annual appropriation to more resemble the 2007 or 2008 approved budget.

Commissioner Kilburn stated that the proposed tax budget is based on the collection of the millage by the Board of Commissioners that has not been collected for the past few years. He also stated that it includes the reduced millage collection by the Warren County MR/DD Board.

Upon further discussion, the Board resolved (Resolution #09-953) to approve and adopt the 2010 Tax Budget.

Dave Mick, Deputy Engineer, was present along with Bruce McGary, Chief Deputy Prosecutor, for the consideration of declaring default within four subdivisions within Warren County.

Mr. Mick stated that Hopewell Meadows, Section 4 in Washington Township has inadequate drainage as well as numerous other issues in default. He then stated that, after many conversations with the developer, the needed work remains incomplete and residents within the subdivision continue to complain about inadequate drainage and numerous other issues.

Tim Kramer, Villa Mortgage, bonding company as well as developer, was present to request the Board for additional time to complete the improvements. He then stated that Villa Mortgage does not have the funds to back up the letter of credit it provided as performance of the improvement.

Commissioner Kilburn stated his displeasure with the letter of credit not being valid. He also stated his opinion that the matter is a criminal issue and the developers should be prosecuted. He then stated his desire to pull the bond and not provide any additional time to the developer.

Mr. Mick stated that if the developer is able to complete the necessary work this construction season, he would recommend to the Board that they hold off on declaring default on the performance bond.

Wayne Peters, Deer Meadows Subdivision, stated that his development is also one of the subdivisions being considered for default in performance and stated that there is only one minor

issue not completed within the subdivision. He stated it will be completed within two weeks. He then requested the Board to table the matter.

Mr. Mick again stated that if the developer is able to complete the necessary work this construction season, he would recommend to the Board that they hold off on declaring default on the performance bond.

Upon discussion, the Board agreed to table the declaration of default in performance for Deer Meadows subdivision in Harlan Township.

Commissioner Kilburn exited the meeting at 12:15 p.m.

Commissioner Young stated there are two separate issues relative to Hopewell Meadows, Section 4 subdivision. The first issue being the need to fix/complete the many construction issues deficient within the subdivision to alleviate the many property owners' concerns. The second being the issue of the possibility of bank fraud.

Denver Williams, Washington Township Trustee, stated that the snow and ice removal invoice has never been paid which is over \$5000.

The Board stated their willingness to continue this discussion for approximately 30 days to give the developer the opportunity to make a good faith effort on completing improvement.

Mr. McGary suggested that one of the conditions for not declaring default in 30 days be that the Washington Township Trustees be made whole for the snow and ice removal.

The Board agreed to that condition and upon discussion, the Board continued the discussion to August 13, 2009, at 5:05 p.m.

A representative from Countrytyme Lebanon, Ltd., developer of The Woods of Middleboro in Washington Township, was present to request the Board to grant a 60 day extension before declaring default in sections one and two of the subdivision. He stated that he can have the improvements completed to the satisfaction of the Township and Engineer by the end of this construction season.

Denver Williams, Washington Township Trustee, requested another walk through of the subdivision prior to signing off on any completion of improvements.

Upon discussion, the Board stated their desire to continue this discussion for 60 days from the date of the walk through with the Township Trustees.

Mr. Mick then discussed his concerns relative to Spring Haven, First Addition in Washington Township. He stated that the performance bond is not enough to cover the cost of final pavement (approximately \$60,000) which is badly needed. He also stated that the developer does not have an agreement with the township for snow and ice removal and at times during the winter, residents are not able to receive mail.

There was discussion with Charles “Gus” Connelly, Spring Haven, First Addition resident, relative to the need for final pavement and snow and ice removal as well as the fact that this subdivision is over ten years old and should have already been completed and accepted by the township for public maintenance long before now.

Upon discussion, the Board requested Mr. Mick to contact the developers, Scott and Diane Fornshell, to inquire as to their intentions and report back to the Board. The Board also requested the Clerk to notify Mr. Connelly of the progress of this development.

On motion, upon unanimous call of the roll, the Board entered into executive session at 1:03 p.m. to discuss personnel matters within Children Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 1:55 p.m.

Chris Brausch, Sanitary Engineer, was present along with Patty Solinski, Business Manager, to discuss the following matters:

1. The request of the Village of South Lebanon for the sale of bulk water—The Board agreed to consider an agreement to sell water to the Village at \$1.60 / 1000 gallons.
2. Sewer Rate Increase – Mrs. Solinski presented information relative to rates and the need for a 10% increase to accommodate the loss of Sumco as well as the sewer treatment plant upgrade.
3. LLMWWTP Expansion – Mr. Brausch reviewed the pros and cons relative to proceeding with the proposed expansion (Powerpoint presentation attached). Upon discussion, it was determined to proceed with the bid process and include the discussed items as add/alternates to the bid which will allow the Board which items to include once the bids have been received.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

David G. Young

Pat Arnold South

MINUTES
JULY 14, 2009
PAGE 7

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 14, 2009, in compliance with Section 121.22 O.R.C.

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