



**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 9, 2011

The Board met in regular session pursuant to adjournment of the August 2, 2011, meeting.

David G. Young - present

Pat Arnold South - present

Tom Ariss - present

Tina Davis, Clerk - present

Minutes of the July 26, 2011 and August 2, 2011 meetings were read and approved.

- 11-1074 A resolution was adopted to approve Permanent Employment for Jennifer Parrett, as Eligibility Referral Specialist II within the Warren County Job and Family Services, Human Services Division. Vote: Unanimous
- 11-1075 A resolution was adopted to enter into Contract with Barrett Paving Materials, Inc. for the FY2010 Wayne Township Street Improvements CDBG Project. Vote: Unanimous
- 11-1076 A resolution was adopted to accept Union Contract between the Warren County Board of Developmental Disabilities and the Ohio Association of Public School Employees (OAPSE/AFSCME) Local 4, AFL-CIO and its Local 302. Vote: Unanimous
- 11-1077 A resolution was adopted to authorize the Transfer of Surplus Radio Equipment to Brown County from Warren County Telecommunications. Vote: Unanimous
- 11-1078 A resolution was adopted to enter into an Easement Agreement with Kevin and Deidra White, for an Exclusive and Permanent Drainage Easement for the Stubbs Mill Road Culvert Replacement Project. Vote: Unanimous

- 11-1079 A resolution was adopted to compensate Brian L. and Shanda Harris, Husband and Wife, 9395 Snider Road, Mason, Ohio 45040, for the attached Temporary Drainage Easement for an additional five (5) year period. Vote: Unanimous
- 11-1080 A resolution was adopted to establish Tap-in Charges/Bi-Monthly Water Billings for properties within the Bertha Drive Water Improvement Area, Warren County Water District. Vote: Unanimous
- 11-1081 A resolution was adopted to establish Tap-in Charges/Bi-Monthly Water Billings for Properties within the Old 122/Utica Road Water Improvement Area, Warren County Water District. Vote: Unanimous
- 11-1082 A resolution was adopted to Release to Western Water Company One Parcel along Pekin Road in Wayne Township for Water Service. Vote: Unanimous
- 11-1083 A resolution was adopted to approve Amendment #10 to the Current Home Incarceration Agreement with BI Incorporated for Electronic Monitoring Equipment/Services on behalf of Warren County Common Pleas Court, Community Corrections Division. Vote: Unanimous
- 11-1084 A resolution was adopted to approve and authorize the President of the Board to enter into a Classroom Training Agreement on behalf of Workforce One of Warren County. Vote: Unanimous
- 11-1085 A resolution was adopted to approve Notices of Intent to Award Bid to Howell Contractors, Inc. and G.M. Pipeline for the Lebanon Area - Deerfield Hamilton Interconnecting Waterline Project. Vote: Unanimous
- 11-1086 A resolution was adopted to enter into an Agreement with Valter Ritosa, for a Contract for Sale and purchase of Real Property as Road Right-of-Way in connection with the Butler-Warren Road Improvements. Vote: Unanimous
- 11-1087 A resolution was adopted to authorize President of the Board to enter into Agreement with the Village of Harveysburg relative to the Ohio Public Works Commission Harveysburg Road Widening Project. Vote: Unanimous
- 11-1088 A resolution was adopted to declare an Emergency and Waive Competitive Bidding Process for Emergency Repair of RTU - 3 at Juvenile Court Building. Vote: Unanimous
- 11-1089 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 11-1090 A resolution was adopted to acknowledge receipt of July 2011 Financial Statement. Vote: Unanimous

- 11-1091 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous
- 11-1092 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 11-1093 A resolution was adopted to declare various items within Building Services, Prosecutor's Office, Garage, Water & Sewer, OMB and Engineer's Office as surplus and authorize the disposal of said items. Vote: Unanimous
- 11-1094 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Cypress Ridge, LLC for completion of improvements in Cypress Ridge, Phase VI situated in Clearcreek Township. Vote: Unanimous
- 11-1095 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Sunrise Group, LLC. for completion of improvements in Sunrise Ridge Subdivision, Block "A" situated in Hamilton Township. Vote: Unanimous
- 11-1096 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release Welsh Development Company, Inc. for Trails of Shaker Run, Section 5-A in Turtlecreek Township. Vote: Unanimous
- 11-1097 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Hills Land & Development Company for the Reserve at Heritage Pointe Section Five in Deerfield Township. Vote: Unanimous
- 11-1098 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 11-1099 A resolution was adopted to approve an Expense Adjustment from Sewer Revenue Fund 580 and Purchase Order 82669 to Water Revenue Fund 510 and Purchase Order 82756. Vote: Unanimous
- 11-1100 A resolution was adopted to approve Sub-Fund Adjustments within Warren County Community Corrections Grant Fund #289. Vote: Unanimous
- 11-1101 A resolution was adopted to accept an Amended Certificate, approve Appropriation Adjustment within Commissioners Fund #101-1112, an Operational Transfer from #101 into #496 Juvenile Court Addition/Renovation Construction Fund and approve a Supplemental into #496 Juvenile Court Addition/Renovation Construction Fund. Vote: Unanimous
- 11-1102 A resolution was adopted to approve Supplemental Appropriation within Building Services Fund #494. Vote: Unanimous

- 11-1103 A resolution was adopted to approve Supplemental Appropriation into Health Insurance Fund #632. Vote: Unanimous
- 11-1104 A resolution was adopted to approve Supplemental Appropriations into Community Corrections Grant Fund #289. Vote: Unanimous
- 11-1105 A resolution was adopted to approve Supplemental Appropriation within the Water Construction Projects Fund No. 583. Vote: Unanimous
- 11-1106 A resolution was adopted to approve Supplemental Appropriation into Engineer's Fund #484. Vote: Unanimous
- 11-1107 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Communications Center - Dispatch Fund #101-2850. Vote: Unanimous
- 11-1108 A resolution was adopted to approve Appropriation Adjustment within Emergency Services/EMA Fund #264. Vote: Unanimous
- 11-1109 A resolution was adopted to approve Appropriation Adjustment from Veterans' Funds #101-5220 to Fund #101-5210. Vote: Unanimous
- 11-1110 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Fund #288 and Probate/Juvenile Funds #101-1250, #247-0111 and #101-1240. Vote: Unanimous
- 11-1111 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 11-1112 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

DISCUSSIONS

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

David Swigert, Chief Deputy Treasurer, was present along with Jim Spaeth, Clerk of Courts, for a meeting of the Investment Advisory Board and presented the following information:

Total Agency Securities	\$ 72,111,778
Total Bank CD's	\$ 17,000,000
Total LCNB Asset Management	\$ 23,485,778
Total 5/3 Asses Management	\$ 24,382,833
Total STAR Ohio/PNC money market	\$ 27,737,528
Total Various Purpose Special Assessment GO Bonds	\$ 2,530,025
Total Accounts	\$167,248,353
Total year to date interest to General Fund	\$ 1,296,237

Commissioner Young questioned if the Ohio Revised Code allows us to invest in US Treasury Bonds now that the United States has a lower than AAA bond rating.

Mr. Swigert stated he will research that questions and get back to the Board with an answer.

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 9th 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 swore those desiring to give testimony during today's public hearing. She then read into the record the conditions that the application must meet in order to receive approval of the access management appeal.

Rob Sweet, McBride Dale Clarion, stated his presence on behalf of Anne McBride, Agent, who is out of town on vacation. He then reviewed their request to relocate the access closer to the intersection and reviewed the proposed project.

Kurt Weber, Chief Deputy Engineer, reviewed the distances from an intersection that are required pursuant to the Access Management Regulations.

Nick Hershburger, Speedway representative, stated they are excited about the new location and the ability to generate revenue for the County. He then stated that to continue this location as a successful restaurant would generate more traffic than a Speedway.

Jeff Tibbits, WD partners, stated that he has used the comments from the previous public hearing and performed a revised traffic count using the numbers from comparable sit down restaurants. He then presented a revised traffic study for the Board's consideration. He stated that the use of this property as a Speedway Gas Station would generate 195 vehicles which is 30% less than operating as a successful sit down restaurant. He then presented a DVD showing the proposed traffic patterns prior to and after the addition of a right turn lane on Columbia Road.

There was discussion relative to truck traffic into the Speedway.

Mr. Tibbits stated that all deliver truck traffic will be required to utilize the US RT 22-3 access, not Columbia Road.

Mr. Weber reviewed the Access Management Regulation requirements that are not met that caused the original denial of their Access Management Permit. He then stated that moving the access even closer to US 22-3/Columbia Road intersection creates a safety hazard.

Mr. Tibbits stated that with the right turn lane being added, it improves the intersection one full grade level.

Lois McKnight, Deerfield Township representative, stated that the property is zoned appropriately for the Speedway and the Township Trustees support the decision of the County Engineer to deny the access relocation.

Mr. Tibbits questioned if another restaurant located on their site, if they would be required to construct a turn lane.

Mr. Weber replied that they would not.

Rodger Wade, owner of adjacent strip center, reiterated his desire for the 20 Mile House to be removed. He stated that restaurant patrons utilized his parking lot, filling up his spaces and that restaurant delivery trucks utilized the Columbia Road entrance. He then stated that moving the driveway and constructing a turn lane will improve traffic flow in the area.

Jeff Black, owner of the 20 Mile House property, stated that it is a good idea to have a business that works for the community. He then stated that it is not realistic to not allow the moving of the driveway due to the age of the intersection. He stated that the relocation aligns with the adjacent Goodwill. He then stated his opinion that this project is a good compromise that allows private industry to make much needed traffic improvements and create jobs within the County.

Diana Halipen, Deerfield Township resident, gave the historical data for this area, stated her concern with the traffic and stated her support for the Board to deny the request for a variance.

Mr. Sweet then respectfully requested the Board to only consider the matter and hand which is the access relocation.

Mel Hinsey, Deerfield Township resident, stated he sympathizes with the adjacent business owners but questions the need for another gas station when there is a traffic nightmare at BP directly across the street and an abandoned Shell gas station 1.5 miles south.

Commissioner South stated the options that the Board has relative to closing the public hearing and rendering a written decision within 30 days or continuing the public hearing.

Commissioner Ariss stated he is a firm believer in backing the recommendations of staff and elected officials.

Commissioner Young stated he does not have an absolute clear decision after hearing all the facts in this case. He stated the following top matters:

1. private property owner rights
2. regulations are put in place for a specific reason
3. he dislikes being put in a win/lose situation. He questioned if there is any room for compromise between the Engineer and applicants.

There was discussion relative to the desire to continue the public hearing.

Bruce McGary, Assistant Prosecutor, suggested that the Board get the consent of the applicant prior to any continuance.

The applicant consented to the continuance.

Upon further discussion, the Board resolved (Resolution # 11-1112) to continue the public hearing to August 23, 2011, at 11:00 a.m.

On motion, upon unanimous call of the roll, the Board entered into executive session at 11:14 a.m. to discuss imminent litigation pursuant to Ohio Revised Code Section 121.22 (G)3) and personnel matters pursuant to Ohio Revised Code Section 121.22 (G)1) and exited at 12:20 p.m.

The Board conducted a work session to discuss the proposed Warren County Rural Zoning Code Re-write.

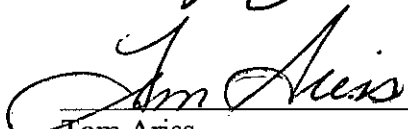
Upon motion the meeting was adjourned.



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 August 9, 2011, in compliance with Section 121.22 O.R.C.



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