



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

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***TOM ARISS
PAT ARNOLD SOUTH
DAVID G. YOUNG***

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

MINUTES: Regular Session – September 23, 2014

The Board met in regular session pursuant to adjournment of the September 16, 2014, meeting.

Pat Arnold South - present

Tom Ariss - present

David G. Young - present

Tina Osborne, Clerk - present

Minutes of the August 28, 2014 and September 16, 2014 meeting were read and approved.

- 14-1454 A resolution was adopted to approve County Motor Vehicle Tax (CVT-341) for the Village of Morrow in the Amount of \$7,500.00. Vote: Unanimous
- 14-1455 A resolution was adopted to approve Change Order No. 1 to the Contract with Danis Industrial Construction Company for the Construction of the North Water System – Water Booster Pump Station Improvements Project, Purchase Order No. 91803. Vote: Unanimous
- 14-1456 A resolution was adopted to authorize Release of Retainage in the Lake Erie Electric, Inc. Escrow Account for the fields-Ertel Booster Pump Station Replacement Project. Vote: Unanimous
- 14-1457 A resolution was adopted to declare an Emergency and Waive competitive bidding process for the immediate repair to the Fire Alarm Panel at the Warren County Jail. Vote: Unanimous
- 14-1458 A resolution was adopted to Amend Monthly Health Insurance Rates charged to department and offices effective January 1, 2015. Vote: Unanimous

- 14-1459 A resolution was adopted to approve Change Order No. 1 to the Contract with JK Meurer Corp. for the FY2013 Village of Harveysburg Fire & Safety CDBG Project, Purchase Order #98729. Vote: Unanimous
- 14-1460 A resolution was adopted to approve Change Order No. 1 to the Contract with Jones-Warner Consultants, Inc. for the FY2013 Village of Harveysburg Fire & Safety CDBG Project, Purchase Order #98278. Vote: Unanimous
- 14-1461 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into an Agreement with Networkfleet, Inc., a Service Partner with Verizon, for the purchase of GPS Hardware and Monthly Service for the GPS Monitoring System. Vote: Unanimous
- 14-1462 A resolution was adopted to approve and enter into a TANF SubGrant Agreement between the Warren County Commissioners on behalf of the Warren county Department of Human Services and Warren County Children Services. Vote: Unanimous
- 14-1463 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(d) (1). Vote: Unanimous
- 14-1464 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 14-1465 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 14-1466 A resolution was adopted to approve Bond Release for Robert Abernathy for completion of improvements in Country Brook North, Section 7 situated in Clearcreek Township. Vote: Unanimous
- 14-1467 A resolution was adopted to approve Bond Reduction for Soraya Farms, Inc. for completion of improvements in Soraya Farms Phase III situated in Clearcreek Township. Vote: Unanimous
- 14-1468 A resolution was adopted to enter into Erosion Control Bond Agreement with Chad Ellis – Twin Creek Estates, LLC for improvements in Hidden Trails situated in Wayne Township. Vote: Unanimous
- 14-1469 A resolution was adopted to enter into Erosion Control Bond Agreement with M/I Homes of Cincinnati LLC for improvements in Rivercrest, Section 1, situated in Hamilton Township. Vote: Unanimous
- 14-1470 A resolution was adopted to enter into Erosion Control Bond Agreement with Menard Inc. for improvements in Menard Commercial Development situated in Deerfield Township. Vote: Unanimous

- 14-1471 A resolution was adopted to approve the following Record Plat:
Vote: Unanimous
- 14-1472 A resolution was adopted to approve Appropriation Decreases within various
Funds. Vote: Unanimous
- 14-1473 A resolution was adopted to approve Expense Adjustment within the Workforce
Investment act Fund #258. Vote: Unanimous
- 14-1474 A resolution was adopted to approve a New Cash Advance from General Fund
#101 into Step Grant Fund #292. Vote: Unanimous
- 14-1475 A resolution was adopted to approve an Operational Transfer from
Commissioners Fund #101 into Human Services Fund #203. Vote: Unanimous
- 14-1476 A resolution was adopted to approve Supplemental Appropriation into Human
Services Fund #203. Vote: Unanimous
- 14-1477 A resolution was adopted to approve Supplemental Appropriation within
Facilities Management Fund #467. Vote: Unanimous
- 14-1478 A resolution was adopted to approve a Supplemental Appropriation into Juvenile
Court Fund #279. Vote: Unanimous
- 14-1479 A resolution was adopted to approve Appropriation Adjustment within Sheriff's
Office Fund #101-2200. Vote: Unanimous
- 14-1480 A resolution was adopted to approve Appropriation Adjustments within Juvenile
Court #101-1240, Juvenile Probation Fund #101-2500 and Juvenile Detention
Fund #101-2600. Vote: Unanimous
- 14-1481 A resolution was adopted to approve Appropriation Adjustment within Common
Pleas Court Mental Health Grant Fund #228. Vote: Unanimous
- 14-1482 A resolution was adopted to approve Appropriation Adjustment within Juvenile
Court Computer Fund #279. Vote: Unanimous
- 14-1483 A resolution was adopted to approve Appropriation Adjustment within Warren
County TASC Fund #284. Vote: Unanimous
- 14-1484 A resolution was adopted to approve Appropriation Adjustment within
Telecommunications Fund #492. Vote: Unanimous
- 14-1485 A resolution was adopted to approve Appropriation Adjustment within
Telecommunications Fund #492. Vote: Unanimous

- 14-1486 A resolution was adopted to approve Appropriation Adjustment within Developmental Disabilities Fund #205. Vote: Unanimous
- 14-1487 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous
- 14-1488 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 14-1489 A resolution was adopted to deny the Rezoning Application of David J. Brausch (Case #2014-05), to rezone 95.68 acres from Rural Residence "R-1" to Rural Residence "R-1" with a Planned Unit Development in Washington Township. Vote: Unanimous
- 14-1490 A resolution was adopted to approve Amendment #3 to the Action Plan for the FY 2013 Community Development Block Grant (CDBG) Urban Entitlement Program). Vote: Unanimous
- 14-1491 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign a Grant Agreement by and between the Federal Aviation Administration and the Warren County Board of Commissioners relative to the Warren County/John Lane Field Airport. Vote: Unanimous
- 14-1492 A resolution was adopted to accept Resignation of Lindsey Perrin, Protective Services Supervisor, within the Warren County Job and Family Services Department, Children Services Division, effective October 3, 2014. Vote: Unanimous
- 14-1493 A resolution was adopted to authorize the posting of the "Protective Services Supervisor" position, within the Department of Job and Family Services, Children Services Division, in accordance with the Warren County Personnel Policy Manual, Section 2.02(a). Vote: Unanimous
- 14-1494 A resolution was adopted to continue Public Hearing for Rezoning Application of Otterbein Homes Inc. (Union Village) (Case # 2014-02), to rezone approximately 1,430 acres in Turtlecreek Township from "PDP" Planned Development Project, "R-3" PUD Multi-Family Residential Planned Unit Development, "R-1" Rural Residential, "B-1" Neighborhood Commercial Businesses Zone, "B-2" Community Commercial Businesses Zone to "PUD" Planned Unit Development. Vote: Unanimous
- 14-1495 A resolution was adopted to approve the creation of the Turtlecreek-Monroe Raceway Joint Economic Development District. Vote: Unanimous
- 14-1496 A resolution was adopted to approve Appropriation Adjustment within Veteran's Funds #101-5220 and #101-5210. Vote: Unanimous

- 14-1497 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Common Pleas Probation Department Fund #101-1223. Vote: Unanimous

DISCUSSIONS

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

The Board met this 23rd day of September 2014, in the Commissioners' Meeting Room to render a decision relative to the rezoning application of David Brausch to rezone 95.68 acres in Washington Township from Rural Residence "R1" to Rural Residence "R1" as a planned unit development.

Commissioner South gave a brief background relative to the request for rezoning.

Commissioner Ariss stated his appreciation for the turnout of interested residents in the matter and all of the information presented both in favor of and in opposition to the rezoning. Mr. Ariss then stated his opinion that the nature of the business being requested in this rezoning application is not compatible with the current surrounding zoning. He then stated his desire to deny the rezoning application.

Commissioner Young stated that zonings are always tough decisions and while there were compelling arguments on both sides of this request, he concurs with Commission Ariss' desire to deny the rezoning application.

Commission South stated that this was not a cut and dry decision and stated she recognizes contributions and desire to be a good neighbor. She stated her opinion that the requested rezoning is an industrial use and no compatible with the current agricultural environment. She then stated that the land use map is clear that the land should be agricultural use and not industrial and she stated her opinion that the Class II Composting permit is detrimental to the health and welfare of the area.

Upon further discussion, the Board resolved (Resolution #14-1489) to deny the rezoning application.

PUBLIC HEARING

CONSIDER AMENDMENT #3 TO THE ACTION PLAN FOR FY 2013
COMMUNITY DEVELOPMENT BLOCK GRANT URBAN ENTITLEMENT PROGRAM

The public hearing to consider an amendment to the FY 2013 Community Development Block Grant (CDBG) Action Plan was convened this 23rd day of September 2014, in the Commissioners' Meeting Room.

Susanne Mason, Program Manager, stated that Martz Paulin Road is in immediate need of repairs due to road slippage and desire to amend their project to eliminate the proposed improvements to Deardoff Road and spend the \$103,317 to repair Martz Paulin Road.

Upon further discussion, the Board resolved (Resolution #14-1490) to approve Amendment #3 to the Action Plan for FY 2013 Community Development Block Grant (CDBG) Urban Entitlement Program

The Clerk presented a request to approve appropriation adjustments within the Veterans Administration Fund to accommodate pay increases for their employees.

Upon discussion, the Board requested the Clerk arrange a time on the agenda for the Veterans Commissioners to discuss this request.

PUBLIC HEARING

CONTINUATION OF THE REZONING APPLICATION OF OTTERBEIN HOMES INC. (UNION VILLAGE) (CASE # 2014-02), TO REZONE APPROXIMATELY 1,430 ACRES IN TURTLECREEK TOWNSHIP FROM "PDP" PLANNED DEVELOPMENT PROJECT, "R3" PUD MULTI-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT, "R1" RURAL RESIDENTIAL, "B1" NEIGHBORHOOD COMMERCIAL BUSINESSES ZONE, "B2" COMMUNITY COMMERCIAL BUSINESSES ZONE TO "PUD" PLANNED UNIT DEVELOPMENT

The public hearing to consider the rezoning application of Otterbein Homes Inc. (Case # 2014-02), to rezone approximately 1,430 acres (parcel numbers: 12-23-100-014-0; 08-19-400-005-0; 12-24-200-010-2; 12-18-100-001-0; 12-24-200-010-1; 12-24-200-011-1; 12-30-200-011-2; 12-24-200-010-3; 08-13-300-003-0; 12-30-200-003-2; 12-30-200-003-1; 12-30-200-003-3; 12-30-200-003-4; 12-30-200-003-5) located at 580 North State Route 741 in Turtlecreek Township, from "PDP" Planned Development Project, "R3" PUD Multi-Family Residential Planned Unit Development, "R1" Rural Residential, "B1" Neighborhood Commercial Businesses Zone, "B2" Community Commercial Businesses Zone to "PUD" Planned Unit Development was reconvened this 23rd day of September 2014, in the Commissioners' Meeting Room.

Commissioner South stated that the applicant has requested the Board to consider continuing this public hearing to October 28, 2014.

Upon further discussion, the Board resolved (Resolution #14-0494) to continue this public hearing to October 28, 2014, at 9:30 a.m.

Martin Russell, Economic Development Director, was present along with Caleb Bell, legal counsel, to present legislation to approve the Turtlecreek – Monroe Raceway Joint Economic Development District (JEDD).

Mr. Russell presented the highlights of the agreement which includes the following:

1. Miami Valley Gaming's 120 acres are within the JEDD
2. Miami Valley employees pay a 1.5% income tax (they receive a 1.5% pay increase to offset income tax effective when the income tax is implemented)
3. 99 year JEDD
4. \$670,500 yearly income to be divided as follows:
 - a. \$270,000 to city
 - b. \$275,000 to township
 - c. \$ 80,000 to city for infrastructure improvements
 - d. \$ 20,000 for guardrail
 - e. \$ 13,500 to city for administration of income tax
 - f. \$ 27,000 for administration of JEDD
5. Increase in JEDD tied to CPI index
6. Miami Valley Gaming does not fund pay business income tax to JEDD unless the payroll tax does not meet the budget retirement
7. Township to construct a fire station in proximity within 99 years
8. City provides mutual aid for police services
9. No annexation to city

Commissioner Young thanked Mr. Martin and Mr. Bell for their many hours spent spearheading this enormous project and pointed out the uniqueness of Warren County in creating a win/win scenario for all parties, most importantly the Warren County taxpayers.

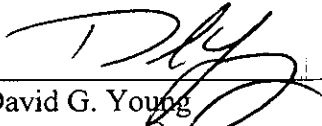
Upon further discussion, the Board resolved (Resolution #14-1495) to approve the creation of the Turtlecreek-Monroe Raceway Joint Economic Development District.

On motion, upon unanimous call of the roll, the Board entered into executive session at 10:10 a.m. to discuss acquisition of property pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 1:05 p.m.

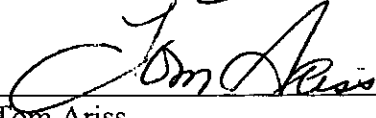
Upon motion the meeting was adjourned.



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 September 23, 2014, in compliance with Section 121.22 O.R.C.



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