



**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 – May 8, 2012

The Board met in regular session pursuant to adjournment of the May 3, 2012, meeting.

David G. Young - present

Pat Arnold South - present

Tom Ariss - present

Tina Davis, Clerk - present

- 12-0628 A resolution was adopted to approve Engineering Agreement with Burgess & Niple, Inc. for the North Water System – Water Booster Pump Station Improvements Project and approve Purchase Order No. 88482.
Vote: Unanimous
- 12-0629 A resolution was adopted to approve Reappointments to Ohio Public Works Commission District 10 Integrating Committee. Vote: Unanimous
- 12-0630 A resolution was adopted to approve Appointments to the Southwestern Ohio, Southeastern Indiana and Northern Kentucky (SOSINK) Steering Committee.
Vote: Unanimous
- 12-0631 A resolution was adopted to Reappoint Bernard Wright to the Sinclair Community College Board of Trustees. Vote: Unanimous
- 12-0632 A resolution was adopted to authorize Publication of a Notice for Early Public Review of a Proposal to Support Activities in a 100-year Floodplain and/or Wetland relative to the Fiscal Year 2012 Community Development Block Grant Entitlement Program. Vote: Unanimous

- 12-0633 A resolution was adopted to appoint Jerry Haddix to the Intermodal Coordinating Committee of the Ohio-Kentucky-Indiana Regional Council of Governments. Vote: Unanimous
- 12-0634 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 12-0635 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41(D) (1). Vote: Unanimous
- 12-0636 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 12-0637 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 into Common Pleas Court Pre-Trial Services Fund #101-1222. Vote: Unanimous
- 12-0638 A resolution was adopted to approve Appropriation Adjustment within Veterans Fund #101-5220. Vote: Unanimous
- 12-0639 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 12-0640 A resolution was adopted to approve Annexation of 23.054 acres to the Village of South Lebanon, J. William Duning, agent, pursuant to Ohio Revised Code Section 709.023 [a.k.a. Expedited Type 2 Annexation]. Vote: Unanimous
- 12-0641 A resolution was adopted to approve and authorize the Submission of the Warren County Analysis of Impediments to Fair Housing Choice. Vote: Unanimous
- 12-0642 A resolution was adopted to cancel regularly scheduled Commissioners' Meeting of Thursday, May 10, 2012. Vote: Unanimous

DISCUSSIONS

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

A representative from the Franklin Food Pantry was present for the Board to proclaim Saturday, May 12, 2012, as "National Letter Carriers Association Stamp Out Hunger Food Drive Day" in Warren County.

On motion, bids were closed at 9:05 a.m. this 8th day of May and the following bids were received, opened and read aloud for Transportation Services for the Warren County Human Services:

LeFleur Transportation Ridgeland, MS	\$ 2.00 live mile \$ 24.00 minimum one-way charge w/exceptions
Winton Transportation / U.T.S. Fairfield, Ohio	\$ 1.89 live mile \$ 20.50 minimum one-way charge w/exceptions

Doris Bishop, Director, Warren County Human Services will review bids for a recommendation at a later date.

On motion, bids were closed at 9:15 a.m. this 8th day of May and the following bids were received, opened and read aloud for 2012 Pavement Marking Project for the Warren County Engineer's Office:

Aero-Mark Inc. Streetsboro, Ohio	\$ 237,883.67
Oglesby Construction Inc. Norwalk, Ohio	\$ 249,228.09

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

J. William Duning, agent to annex 23.054 acres to the Village of South Lebanon, was present along with Mr. Books, property owner within the annexation petition, representatives from the Village of South Lebanon, Catherine Cunningham, attorney representing the Village of South Lebanon, Becky Ehling, Hamilton Township Trustee, Jacqueline Terwilleger, Hamilton Township Fiscal Officer, Gary Boerhes, Township Administrator, and Keith Anderson, Assistant Prosecutor, for the Board to consider the annexation of 23.054 acres to the Village of South Lebanon.

Mr. Duning stated that the Books property is for sale. He stated that it is zoned residential and he desires to have the ability to develop as a commercial property. He stated that Mr. Books has signed a pre-annexation agreement with the Village of South Lebanon and desires to be annexed.

Mrs. Ehling stated that this is not a typical annexation. She stated that the Books property is only 1.8 acres and the remainder of property within the petition is public land being annexed to make the Books property contiguous to South Lebanon.

Mrs. Cunningham stated that the courts have concluded that the public land is not counted as an owner and this matter has been resolved within the court system and the Board has a copy of the agreed entry. She then stated that all of the criteria have been met for the Board to approve this expedited type 2 annexation petition.

Mr. Anderson stated that while this was being litigated within the Common Pleas Court, the County took a neutral position even though we were a named defendant. He then stated that if all seven factors required within the statute are met, then the Board must approve the annexation.

Commissioner Ariss stated that the Board must follow the law and therefore, must approve this petition.

Commissioner South stated her opinion that this annexation is an unintended consequence of the definition of ownership within the annexation law. She stated her opinion that all required conditions have been met and therefore, the Board must approve the petition.

Commissioner Young stated his concern relative to the definition of owners as it applies to public land. He stated his concern and objection to the annexation of public land (such as the South Lebanon Elementary School) where the annexation will result in taxation without representation (due to the employment tax being charged once annexed). He then stated that in this particular annexation, there are no employees involved and therefore, he will not object due to all the criteria within the law being met.

Mrs. Terwilleger informed the Board that there is pending legislation that would allow for changes within the annexation law.

Upon further discussion, the Board resolved (Resolution #12-0640) to approve the annexation petition.

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:55 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G) (1) and exited at 11:24 a.m.

Stan Williams, Regional Planning Commission, was present along with Vicky Perry, Fair Housing Coordinator, for a work session to discuss the need and requirement for the submission of an analysis of impediments relative to Fair Housing and the receipt of grant funding.

Mrs. Perry stated that she has solicited recommendations from all those concerned relative to what should be in the analysis and presented a draft to the Board.

Mr. Williams reviewed the summary report and stated the recommendations.

Upon further discussion, the Board resolved (Resolution #12-1641) to approve and authorize the Submission of the Warren County Analysis of Impediments to Fair Housing Choice.

Mike Yetter, Zoning Supervisor, was present along with Stan Williams, Regional Planning Commission, to discuss the need for amendments to the Warren County Rural Zoning Code relative to Stream Protection and if the consensus of the Board is to begin that process.

Mr. Yetter stated his desire to “throw out” the current standards that are in place as voluntary and start over. He presented an outline of the process he desire to follow which consists of five work sessions and the suggested participants of each.

Commissioner Young questioned the need for the regulations and the ability of staff to devote that many hours into a project that would be voluntary.

Commissioner South stated the need to ensure that developments are designed so that individual property owners do not get stuck with an expensive repair to a drainage system that is on their private property but benefits the entire development.

Mr. Williams stated that the first few work sessions are designed to determine if the need for the regulation even exists.

Commissioner Young stated his opinion that the purchase of a property with existing drainage infrastructure is a free market decision and not a matter that government should be involved.

Commissioner South she appreciates Commissioner Young's opinion but feels the need does exist to explore the necessity of protecting private citizens from future costly water problems.

Commissioner Ariss stated his agreement with Commissioner South to explore if the need is there.

Mr. Yetter stated his desire to require all new development to comply with the new regulations with all existing development to remain voluntary.

Upon further discussion, it was determined that the consensus of a majority of the Board is to begin the process of amending the Warren County Rural Zoning Code relative to a Stream Protection Overlay.


On motion, upon unanimous call of the roll, the Board entered into executive session at 11:50 a.m. to discuss pending litigation pursuant to Ohio Revised Code Section 121.22(G)(3) and exited at 12:32 p.m.

Upon motion the meeting was adjourned.



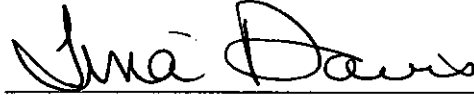
David G. Young, President

Tom Ariss



Pat Arnold South

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 May 8, 2012, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink, appearing to read "Tina Davis", written over a horizontal line.

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