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C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

MINUTES: Regular Session – September 29, 2009

The Board met in regular session pursuant to adjournment of the September 24, 2009, meeting.

C. Michael Kilburn - absent

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk – present

- 09-1290 A resolution was adopted to Waive all Fees Associated with the installation of new sign at Armco Park for the Warren County Park Board in Turtlecreek Township. Vote: Unanimous
- 09-1291 A resolution was adopted to Advertise for Bids for the Foster - Maineville to Acorn Trail Water Main Project. Vote: Unanimous
- 09-1292 A resolution was adopted to approve Notice of Intent to Award Kalkreuth Roofing and Sheet Metal, Inc. for the Common Pleas Court Building Re-Roofing Project. Vote: Unanimous
- 09-1293 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 09-1294 A resolution was adopted to approve Appropriation Adjustment within Engineer's Office Fund #590 (Stormwater Tier I). Vote: Unanimous
- 09-1295 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-1296 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

- 09-1297 A resolution was adopted to begin Thursday, October 1, 2009, Commissioners Meeting at 4:00 p.m. Vote: Unanimous
- 09-1298 A resolution was adopted to authorize the execution of an Agreement with respect to improvements to the Warren County Juvenile Detention Center. Vote: Unanimous
- 09-1299 A resolution was adopted to approve a Grant Application and a Subsidy Grant Agreement on behalf of the Warren County Common Pleas Court. Vote: Unanimous
- 09-1300 A resolution was adopted to approve Notice of Intent to Earth and Pipe Contracting, Inc. for the FY2008 Village of Corwin Street Improvements Project. Vote: Unanimous
- 09-1301 A resolution was adopted to Modify Rules and Regulations - Warren County Water and Sewer Department. Vote: Unanimous

DISCUSSIONS

BID OPENING – LOWER LITTLE MIAMI WWTP HAULING

Bids were closed at 10:00 a.m. this 29th day of September and the following bids were received, opened and read aloud for the Lower Little Miami WWTP Hauling for the Water and Sewer Department:

Waste Management Fairborn, Ohio	\$ 351,900.00
AST Enterprises, Inc. Springboro, Ohio	\$ 394,300.00
Rumpke Consolidated Cos., Inc. Cincinnati, Ohio	\$ 403,450.00
Synagro Technologies, Inc. Miamisburg, Ohio	\$ 395,250.00
	\$ 295,375.00 Alt.

Chris Brausch, Sanitary 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.

Tony Brigano, Juvenile Court Administrator, was present along with Tony Miller, Juvenile Detention Center, to request the Board's consideration of a grant application from the Ohio Department of Youth Services in the amount of \$20,000 being provided to each Juvenile Detention Center within the State of Ohio pursuant to HB 562 which will be used to secure the mezzanine area of the Detention Center with railing to prevent juveniles from harming themselves by jumping as this has been a problem throughout the State of Ohio.

Upon further discussion, the Board resolved (Resolution #09-1298) to approve and enter into the grant agreement relative to the mezzanine project.

Scott McVey, Court Administrator, was present along with representatives from the Child Support Enforcement Agency and the Prosecutor's Office to discuss a revised grant application relative to the Prison Diversion Program.

Mr. McVey explained that the TASC program took a \$50,000 reduction and that this grant would replace the personnel that is planned to be eliminated. He then stated the program to be funded by this grant application would include approximately 115 eligible individuals to complete a diversion program, approved by the Judge, rather than jail or prison.

Commissioner Young stated he is fairly conflicted on this grant application. He stated his concern relative to the financial situation of the state but also supports alternative sentencing to make more room at the jail and also continue to allow the individual to work and support their children.

Commissioner South stated her concern relative to redundancy in this program as compared to what Community Corrections is responsible for. She stated she does not want to see a new division within the Court and questioned who would be responsible for reviewing the overall success of this program.

Mr. McVey stated it would be his responsibility to track numbers. He also stated they would not be creating a new division of the court and that he would utilize the grant funds to place an employee where he felt they were most needed within program. He also stated that they will

begin charging a supervision fee to each person on probation similar to what County Court currently does.

Commissioner South stated her desire to try this program for a two year cycle with the the employee being classified as a full-time, temporary position with the understanding that if this funding is eliminated, their employment will also be eliminated. She also stated her desire to receive updates relative to the effectiveness of the program as well as recidivism and the number of jail beds reduced due to the program.

Upon further discussion, the Board resolved (Resolution #09-1299) to approve a Grant Application and a Subsidy Grant Agreement on behalf of the Warren County Common Pleas Court.

Jerry Haddix, Grants Coordinator, was present along with representatives from Earth and Pipe Contracting, Inc. and the labor union to discuss the FY2008 Village of Corwin Street Improvements Project bid.

Mr. Haddix reviewed the two lowest bid proposals with the Board.

Dave Gully, County Administrator, stated that there are five pending violations against Earth and Pipe Contracting, Inc. He stated that they has talked with the Wage and Hour Investigator and the violations are currently at the Attorney General for review.

Steve Watrey, attorney for Earth and Pipe Contracting, Inc., stated that are no violations, only accusations. He stated that there are no judgments against his client and they have not been found guilty of anything. He stated there is a set procedure that includes due process and that process has not happened.

Darin Dodge, Earth and Pipe Contracting, Inc., stated that he was told by Marc Dann, attorney for the union, that is he became a union company he would make all of his Wage and Hour programs go away. His employees chose not to form a union. He stated that he treats his employees fairly and they do not want to unionize. He then explained that the two findings again him were due to a business practice that benefited his employees and he was not aware there was anything wrong with it. He then stated that when he was alerted to the problem, it was corrected.

Mr. Watrey stated that the two concluded findings of Wage and Hour have been paid.

Bruce McGary, Chief Deputy Prosecutor, stated that in awarding on the standard of lowest and best bid, the Board has a lot of discretion. He stated that the courts will not substitute their discretion for the Boards' unless it is abused. He then reviewed the statute which gives guidance relative to a responsible bidder.

Chris Brausch, Sanitary Engineer, stated that Earth and Pipe Contracting, Inc. did a good job on the Caesar Creek Project. He also stated that he had discussion with Wage and Hour to inquire if it was necessary to retain the final payment to the contractor and was authorized to release the final payment.

Commissioner Young stated he does not like these issues. He stated that this contractor is not on any debarred list and his number one obligation is to the taxpayers. He then stated that the bid submitted by Earth and Pipe Contracting, Inc. is \$2500.00 lower than the next bidder.

Commissioner South stated her support of small business and the knowledge of how small business can get "eaten up" by government.

Upon further discussion, the Board resolved (Resolution #09-1300) to approve a Notice of Intent to award the bid to Earth and Pipe Contracting, Inc. for the FY2008 Village of Corwin Street Improvements Project.

PUBLIC HEARING

CONSIDER MODIFICATIONS TO THE RULES AND REGULATIONS OF THE
WATER AND SEWER DEPARTMENT RELATIVE TO RATE INCREASES

This Board met this 29th day of September 2009, to consider modifications to the rules and regulations within the Water and Sewer Department relative to rate increases.

Patti Solinski, Business Manager, stated that the proposed legislation includes a 1% increase in the water rate for 2010 and a 3% increase in 2011. She then stated that the proposed increase of the sewer rate includes a 5% increase for 2010 and a 5% increase in 2011. She then stated that even with the proposed increases in rates, Warren County is still on the lower end of the scale relative to comparison of rates for Southwest Ohio. She then stated that the proposed increase in water does not even cover the lost revenue proposed when SUMCO closes in 2010.

Commissioner Young stated that these rate increases show the importance of balanced growth between business and residential. He then pointed out that, even at the higher rate, Warren County remains almost 40% cheaper than what Butler County charges.

Upon further discussion, the Board resolved (Resolution #09-1301) to modify the Rules and Regulations of the Warren County Water and Sewer Department.

Sheriff Larry Sims was present for a work session to discuss the Warren County Jail.

Sheriff Sims stated that the per diem cost of housing prisoners with in the Warren County Jail is \$86.70 per day.

Tiffany Zindel, OMB Director, stated that if you remove the amount of money being spent to house prisoners with Butler County, the per diem cost is approximately \$86.00 per day.

Commissioner Young questioned Sheriff Sims if he has the same philosophical position on double bunking at the jail as the former sheriff.

Sheriff Sims stated that it is not a philosophical position, it is the law. He stated that if the jail was built to double bunk prisoners and if it was legal, he would be the first to do it.

Upon discussion, the Sheriff stated he will forward to the Board a copy of the law relative to jail standards.

Andrew Jones, Franklin resident, was present to state that he was disturbed by Commissioner Kilburn's comments relative to his opinion on accepting stimulus moneys as well as his opinion on Marc Dann's action while in public office.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

David G. Young

Pat Arnold South

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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 29, 2009, in compliance with Section 121.22 O.R.C.

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