



**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 – November 26, 2013

The Board met in regular session pursuant to adjournment of the November 21, 2013, meeting.

Tom Ariss - present

David G. Young - present

Pat Arnold South - present

Tina Osborne, Clerk - present

- 13-1764 A resolution was adopted to approve Reappointment of Jeff Harris as Warren County Apiary Inspector. Vote: Unanimous
- 13-1765 A resolution was adopted to approve an Emergency replacement of the furnace at the Lower Little Miami wastewater Treatment Plant. Vote: Unanimous
- 13-1766 A resolution was adopted to Modify Section 7.05d of the rules and Regulations of the Warren County Water and Sewer Department. Vote: Unanimous
- 13-1767 A resolution was adopted to approve and enter into Agreement between the Warren County Commissioners and the City of Mason, Ohio regarding reimbursement for Public defender Expenditures for 2014. Vote: Unanimous
- 13-1768 A resolution was adopted to approve Repayment of a Cash Advance from Step Grant Fund #292 into County General Fund #101 and approve a New Cash Advance from General Fund #101 into Step Grant Fund #292. Vote: Unanimous
- 13-1769 A resolution was adopted to approve Expense Adjustments within the Workforce Investment Act Fund #258. Vote: Unanimous
- 13-1770 A resolution was adopted to approve Expense Adjustments within the Workforce Investment Act Fund #258. Vote: Unanimous

MINUTES
NOVEMBER 26, 2013
PAGE 2

- 13-1771 A resolution was adopted to approve Expense Adjustments within the Workforce Investment Act Fund #258. Vote: Unanimous
- 13-1772 A resolution was adopted to approve a Supplemental Appropriation within Sewer Assessment Projects Fund #449. Vote: Unanimous
- 13-1773 A resolution was adopted to approve Appropriation Adjustments within Emergency Services/EMA Fund #264. Vote: Unanimous
- 13-1774 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Funds #101-2200 and #101-2210. Vote: Unanimous
- 13-1775 A resolution was adopted to approve Appropriation Adjustments within Commissioners Fund #101-1110 and OMB Fund #101-1115. Vote: Unanimous
- 13-1776 A resolution was adopted to approve Appropriation Adjustment within Warren County Board of Developmental Disabilities Fund #205. Vote: Unanimous
- 13-1777 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 13-1778 A resolution was adopted to approve Vacation of a Portion of Water Main and Appurtenances Easement and Slope and Temporary Construction Easement for Parcel Number 16-33-300-016 in Deerfield Township, Warren County, Ohio. Vote: Unanimous
- 13-1779 A resolution was adopted to approve Vacation of a Portion of Public Utilities Easement for Freedom Farms Section 2 in Deerfield Township, Warren County, Ohio. Vote: Unanimous
- 13-1780 A resolution was adopted to approve an Emergency Replacement of Damaged Irrigation on TPC Golf Course. Vote: Unanimous
- 13-1781 A resolution was adopted to enter into an Agreement with ComPsych for services relative to the employee Assistance Program effective January 1, 2014. Vote: Unanimous
- 13-1782 A resolution was adopted to approve Appropriation Adjustments within County Garage Fund #101-1620. Vote: Unanimous
- 13-1783 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Telecommunications Fund #101-2810. Vote: Unanimous
- 13-1784 A resolution was adopted to approve an Appropriation Adjustment within Prosecutor Fund #271. Vote: Unanimous

- 13-1785 A resolution was adopted to approve Appropriation Adjustments within Emergency Services/ Communications Fund #101-2850. Vote: Unanimous
- 13-1786 A resolution was adopted to approve Appropriation Adjustment from Telecom Fund #101-2812 into #101-2810. Vote: Unanimous
- 13-1787 A resolution was adopted to approve Appropriation Adjustment within Telecom Fund #492. Vote: Unanimous
- 13-1788 A resolution was adopted to declare various items within Developmental Disabilities, Engineer's Office, Facilities Management, Recovery Services, Water & Sewer and Sheriff's Office as surplus and authorize the disposal of said items. Vote: Unanimous

DISCUSSIONS

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

Jerry Spurling, Chief Building Official and Floodplain Administrator, was present for a work session along with State Representative Ron Maag to discuss the corrected actions being required by the Ohio Department of Natural Resources (ODNR) relative to a Community Assistance Visit (CAVS).

Mr. Spurling presented the attached PowerPoint presentation reviewing the nine (9) original complaints from ODNR. He then stated that the concerns have been narrowed down to the following four (4) complaints:

1. Browning Property—He explained that this property is used to mine top soil. He stated that the property owner has moved the storage as requested and now ODNR is requiring the siding to be removed from the existing pole barn and a hydrological study at a cost of anywhere from \$20,000 to \$60,000.
2. Miami View Mining along Mason Morrow Millgrove Road in Union Township—The property owners are in violation for a mount created during the gravel mining operation. ODNR is requiring a hydrological study at a cost of anywhere from \$20,000 to \$60,000 is they desire to keep the mount.—The Board requested Mr. Spurling to contact ODNR to inquire if the mount being removed would eliminate the violation and need for a study.

3. Franklin Township along Twin Creek—A building permit was issued based upon a site plan showing the construction out of the floodway. ODNR is questioning the site plan and is requiring a hydrological study at a cost of anywhere from \$20,000 to \$60,000.
4. Franklin Township along Twin Creek—Two (2) detached buildings were construction twenty-four (24) years ago and ODNR wants them relocated or torn down or the property owner can choose to have a hydrological study at a cost of anywhere from \$20,000 to \$60,000 to provide that the buildings will not interfere with water flow.

There was discussion relative to the discussed violations.

Mr. Spurling informed the Board that if ODNR were just threatening the individual property owners with the cancellation of floor insurance due to their individual violations that he would not have requested the work session. He informed the Board that ODNR is threatening to call all of Warren County's citizens flood insurance if the four violations are not corrected.

Commissioner Young stated that he does not believe that Warren County State and Federal Representatives will allow ODNR to threaten to cancel all Warren County Flood Insurance Policies. He then requested Mr. Spurling to respond to ODNR that Warren County is willing to fight for its residents.

Representative Maag stated that it is interesting that ODNR cannot afford to provide an update of accurate maps, therefore requiring the hydrological study, but has the personnel to spot a small pile of gravel that is located 300' from any major roadway.

Upon discussion, Representative Maag stated he will contact ODNR for an update on the situation and inform the Director of the threats being made against the citizens of Warren County.

On motion, upon unanimous call of the roll, the Board entered into executive session at 10:25 a.m. to discuss compensation for specific personnel with Facilities Management pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited 10:50 in order to attend a Thanksgiving Lunch at the Warren County Alternative School. The Board reconvened their executive session at 12:50 p.m. following lunch and exited at 1:20 p.m.

Commissioner Young exited the meeting at 1:20 p.m.

The Board entered into executive session at 1:20 p.m. to discuss pending litigation with legal counsel pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 3:10 p.m.

Upon motion the meeting was adjourned.




Tom Ariss, President



Pat Arnold South

David G. Young

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 November 26, 2013, in compliance with Section 121.22 O.R.C.



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

CAVS

To ensure that the National Flood Insurance Program (NFIP) is being conscientiously administered, Community Assisted Visits are periodically conducted with local officials in “participating” communities.

9 Original ODNR Complaints

- 1) A large area near or in the Little Miami River floodway was being excavated on Corwin Road, south of Waynesville.
(Rockies Express Pipeline)
- 2) A bridge was being replaced over the Little Miami River on Wilmington Road.
- 3) Equipment was being stored in the floodway the Little Miami River at 2765 Senior Road

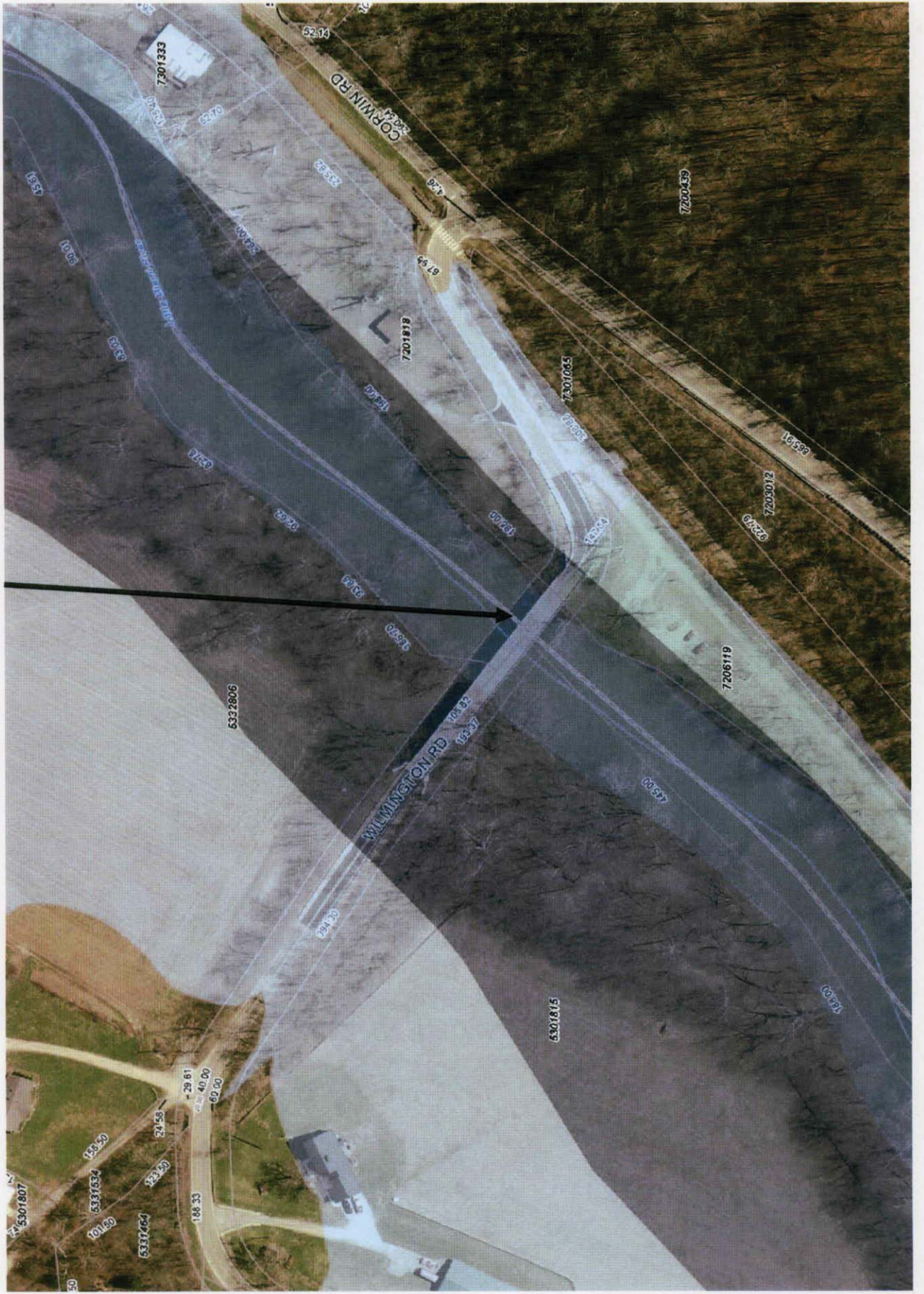
9 Original ODNR Complaints

- 4) Soil piles were being stored in the floodway of the Little Miami River on Riverside Lane northeast of Morrow.
- 5) A gravel quarry was noted as altering the floodway of the Little Miami River at 912 E. Mason-Morrow-Millgrove Road.
- 6) Two new stream crossings were noted at 9336 Butler Warren Road that crossed Lake Chetac Creek

9 Original ODNR Complaints

- 7) One residential and two accessory structures were noted in the floodway of Twin Creek at 7991 Todd Drive.
- 8) A garage was located in the floodway of Twin Creek near 7991 Todd Drive.
(Separate issue from item # 7)
- 9) Multiple residential structures were noted in the fringe of Twin Creek on east side of Martz-Paulin Road.

ODNR COMPLAINT ITEM # 2



ODNR COMPLAINT # 2



ODNR COMPLAINT # 6



ODNR COMPLAINT # 6



ODNR COMPLAINT # 4



ODNR COMPLAINT # 4



ODNR COMPLAINT # 5



ODNR COMPLAINT # 5



ODNR COMPLAINT # 5



ODNR COMPLAINT # 7





**ODNR
COMPLAINT # 7**

ODNR COMPLAINT # 8



ODNR COMPLAINT # 8



RUPPERT, BRONSON & RUPPERT CO., L.P.A.

Attorneys at Law

1063 East Second Street, P.O. Box 369
Franklin, Ohio 45005

James D. Ruppert
Barbara J. Bronson
Rupert E. Ruppert
Ronald W. Ruppert
Rachel A. Ruppert

Telephone: (937) 746-2832
Facsimile: (937) 746-2855
E-MAIL: info@rbrco.com

April 18, 2013

Mr. Jerry Spurling
Warren County Chief Building Official
Warren County Floodplain Administrator
406 Justice Drive
Lebanon, Ohio 45036

RE: MICHAEL BRUNS
8170 Travis Court
Franklin, Ohio 45005
and
DOUGLAS LOUGHNER
8150 Travis Court
Franklin, Ohio 45005

Dear Mr. Spurling:

Please be advised the undersigned represents both Mr. Bruns and Mr. Loughner in regard to your letter dated February 27, 2013.

Both Mr. Bruns and Mr. Loughner regret that their outbuildings were placed in the flood zone. They were unaware of that at the time they erected the sheds approximately 24 years ago.

During those 24 years there has never been a flood in the area that even touched the buildings and they don't believe that it is a significant issue. Neither of them have the funds at the present time to tear the sheds down and remove them. Therefore, they intend to keep the sheds where they are at the present time. If the Ohio Department of Natural Resources wishes to proceed with a lawsuit, we will vigorously defend their right to keep the sheds there on equitable and legal grounds, given the fact that more than 24 years have passed since the erection of the sheds.

LETTER FROM ATTORNEY
REPRESENTING
8170 TRAVIS COURT

INFORMATION REQUESTED	Examples of documents containing information requested
<input checked="" type="checkbox"/> Verification of address	Development permit application
<input checked="" type="checkbox"/> Date of construction (or installation if manufactured home)	Development permit application
<input checked="" type="checkbox"/> Manufactured home - evidence of anchoring	Site plan / inspection report
<input checked="" type="checkbox"/> As-built lowest floor elevation for residential or non-residential structure	Elevation certificate
<input checked="" type="checkbox"/> Floodproofed elevation for non-residential structures only	Floodproofing certificate
<input checked="" type="checkbox"/> As-built lowest floor elevation (feet above grade) for structures in approximate A zones	Elevation certificate
<input checked="" type="checkbox"/> Evidence of openings in enclosures below lowest floor or in accessory structures	Site plan / inspection report
<input checked="" type="checkbox"/> Determination if development is located in the floodway	Various
<input checked="" type="checkbox"/> Square footage of accessory structure	Development permit application or site plan
<input type="checkbox"/> Improvements to existing structures - Cost of improvements and market value of the structure prior to being improved	Development permit application
<input checked="" type="checkbox"/> Hydrologic and hydraulic analysis for floodway developments showing no rise in the base flood elevation	Hydrologic and hydraulic analysis
<input type="checkbox"/> Base flood elevation data for subdivisions and large scale developments	Hydrologic and hydraulic analysis
<input type="checkbox"/> Verification of no decrease in flood carrying capacity in instances of alteration of a watercourse	Engineering calculations
<input type="checkbox"/> Verification of maintenance of alteration of a watercourse	Various documents acceptable
<input checked="" type="checkbox"/> Dimensions and location of fill	Site plan
<input type="checkbox"/> Other:	

Please attach the appropriate documents marked with and "X" containing the information requested.

Note:

- 1) If the development has been determined to be out of the identified Special Flood Hazard Area by the floodplain administrator, please attach documentation supporting this decision.
- 16) If none of the information requested above is on file in the community, the floodplain administrator must obtain it and submit it.
- 17) If you do not understand any part of this form, or need assistance with floodplain management, please contact: Jonathan Sorg at (614) 265-6780.

ODNR REQUIRES
\$20,000 STUDY