



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

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***TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG***

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

MINUTES: Regular Session – November 28, 2017

The Board met in regular session pursuant to adjournment of the November 21, 2017, meeting.

Tom Grossmann – present

Shannon Jones – present

David G. Young – present

Tina Osborne, Clerk – present

Minutes of the November 16, 2017 and November 21, 2017 meetings were read and approved.

- 17-1865 A resolution was adopted to accept resignation of Rob Wilson, Emergency Communications Supervisor, within the Warren County Emergency Services Department, effective November 23, 2017. Vote: Unanimous
- 17-1866 A resolution was adopted to authorize the posting of “Commissioners’ Aide” position, within the Warren County Commissioners Department. Vote: Unanimous
- 17-1867 A resolution was adopted to hire Janet VanNuland as a Unit Support Worker II, within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 17-1868 A resolution was adopted to hire Abbie Hewitt, Alternative Response Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 17-1869 A resolution was adopted to authorize plan change with Optum RX effective February 1, 2018. Vote: Unanimous
- 17-1870 A resolution was adopted to establish January 4, 2018 at 5:00 P.M. as the time and date for the Annual Organization Meeting. Vote: Unanimous

- 17-1871 A resolution was adopted to cancel regularly scheduled Commissioners' Meeting of Thursday, December 21, 2017. Vote: Unanimous
- 17-1872 A resolution was adopted to establish the committee for the selection of a Construction Manager at Risk that will implement improvements to the Franklin Regional Wastewater Treatment Plant. Vote: Unanimous
- 17-1873 A resolution was adopted to approve Subsidy Grant Agreement for the FY 2018-2019 Justice Reinvestment and Incentive Funding through the Ohio Department of Rehabilitation and Correction on behalf of the Warren County Common Pleas Court. Vote: Unanimous
- 17-1874 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign a Subgrant Award Agreement on behalf of the Greater Warren County Drug Task Force. Vote: Unanimous
- 17-1875 A resolution was adopted to authorize President of Board to sign the Task Completion Reports 48 and 49 with TriTech Software Systems on behalf of Warren County Telecommunications. Vote: Unanimous
- 17-1876 A resolution was adopted to approve Change Order No. 1 to the contract with National Water Services, LLC for the rehabilitation of five water production wells under the 2017 Well Redevelopment Project, Purchase Order No. 21902. Vote: Unanimous
- 17-1877 A resolution was adopted to approve an emergency repair of the HVAC System in the Maintenance Building at the Richard A. Renneker Water Treatment Plant. Vote: Unanimous
- 17-1878 A resolution was adopted to approve various refunds. Vote: Unanimous
- 17-1879 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41 (D) (1). Vote: Unanimous
- 17-1880 A resolution was adopted to approve appropriation decreases within various funds. Vote: Unanimous
- 17-1881 A resolution was adopted to approve a cash advance from the County Motor Vehicle Fund #202 into the Estates of Keever Creek Road Project Fund #450. Vote: Unanimous
- 17-1882 A resolution was adopted to approve supplemental appropriation into Mason Municipal Court Fund #101-1273. Vote: Unanimous

- 17-1883 A resolution was adopted to approve supplemental appropriation into County Wide Financial Software Fund 401. Vote: Unanimous
- 17-1884 A resolution was adopted to approve supplemental appropriation into Property and Casualty Insurance Fund #632. Vote: Unanimous
- 17-1885 A resolution was adopted to approve appropriation adjustments from Board of Elections Fund #101-1301 into #101-1300. Vote: Unanimous
- 17-1886 A resolution was adopted to approve appropriation adjustment within Juvenile Probation Fund #101-2500. Vote: Unanimous
- 17-1887 A resolution was adopted to approve appropriation adjustments within the Clerk of Court of Common Pleas General Fund #101-1260 and the Certificate of Title Administration Fund #250-1260. Vote: Unanimous
- 17-1888 A resolution was adopted to approve appropriation adjustments within Dog and Kennel Fund #206. Vote: Unanimous
- 17-1889 A resolution was adopted to approve appropriation adjustments within Children Services Fund #273. Vote: Unanimous
- 17-1890 A resolution was adopted to approve appropriation adjustment within Sewer Revenue Fund No. 580. Vote: Unanimous
- 17-1891 A resolution was adopted to approve appropriation adjustments within Records Center Fund #101-1500, Engineer's Office Fund #202, and Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 17-1892 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 17-1893 A resolution was adopted to set special meeting for Tuesday, December 12, 2017. Vote: Unanimous
- 17-1894 A resolution was adopted to grant annexation of 222.745 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: Mr. Grossmann – yea, Mr. Young – nay, Mrs. Jones – yea.
- 17-1895 A resolution was adopted to approve appropriation adjustment within Recorder's Fund #101-1160. Vote: Unanimous

DISCUSSIONS

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

Charlene Pelfrey and Don Prince, Mason City Council members, were present along with their families and representatives from the City of Mason for the Board to recognize them for their many years of dedicated service to the city as they end their final term on city council.

Tammy Whitaker, Benefits Administrator, was present to discuss an appeal relative to the Warren County Benefits Plan.

Ms. Whitaker stated that a member has been diagnosed with cancer and their oncologist has ordered genetic testing in order to provide the most effective treatment plan. She explained that our plan does not cover that type of testing.

Upon discussion, the Board determined to approve the appeal request.

The Board convened in the Commissioners' Conference Room for a work session with Susan Walther, Children Services Director, to discuss the 2018 budget.

The Board met this 28th day of November 2018, to consider the annexation petition of J. William Duning, agent to annex 222.745 acres to the Village of South Lebanon filed pursuant to Ohio Revised Code Section 709.023 (Expedited Type 2).

Mr. Duning stated he was prepared to answer any questions the Board may have relative to the petition.

Bruce McGary, Assistant Prosecutor, provided the history of this petition in that Hamilton Township did not file an objection and therefore, the Board is to approve the petition and may not even review the 7 conditions of annexation that would normally be considered.

Mr. McGary stated that upon discussion with representatives from Hamilton Township, he was informed that the service upon Hamilton Township may not have properly been complied with in order for the township to file a timely objection. He then discussed substantial compliance and the history of the agreement to extend the time in order to perfect service.

Commissioner Grossmann questioned their ability to take into consideration anything other than the affidavit filed along with the receipt. He also questioned if the Board had discretion to say service wasn't perfected and allow the township additional time to object.

Mr. McGary stated that the law does not give the Board discretion to do so.

Ray Warrick, Hamilton Township Administrator, provided a background on how this annexation petition came to be as well as his understanding that the township does not have a say in annexation matters. He then presented a copy of the affidavit of services and pointed out the following:

1. The notice is addressed to the Hamilton Township Clerk and Hamilton Township does not have a Clerk.
2. The township did not receive the letter until Friday late afternoon and the mail carrier did not bring it in for signature as required and therefore, was never signed for. He then stated that had the township known the deadline, there would have been a special meeting called in order to object.

Mr. Warrick stated his objection to the annexation and would like the Board to grant additional time in order for them to do so by resolution.

Commissioner Jones questioned their ability to allow the extension of time to file an objection.

Commissioner Grossmann questioned the ability to factually challenge if they complied with the five day requirement to notify the township.

Mr. McGary reminded the Board that there is nothing in the statute to allow the Board to challenge an affidavit of service.

Commissioner Young stated he does not feel there is substantial compliance with the statute when you receive notice 2 or 3 days prior to an extended Holiday.

Mr. McGary stated there is no way to get into investigating service under the law. He stated that if the Board feels it is a fatal flaw, they could request South Lebanon for an additional seven days.

Mr. Duning stated he represents all the petitioners and without their consent, he cannot grant the extension.

There was discussion relative to the affidavit of service.

Mr. Duning stated that he did not personally put the notices in the mailbox as that is routinely something that is handled by staff.

Commissioner Young questioned if Mr. Duning would allow for an extension of time due to the service concerns.

Mr. Duning again stated without all of his clients present to concur, he cannot.

Commissioner Young stated his concerns with this annexation as it relative to statutory compliance.

Commissioner Jones requested Mr. Duning call his clients to order to get agreement. She stated her opinion that the township should be allowed time to put on the record their objection. She also requested the Village of South Lebanon to continue this matter in order to allow additional time.

Catherine Cunningham, legal counsel for the Village of South Lebanon, stated the village does not consent to the extension of time.

Upon further discussion, the Board resolved (Resolution #17-1894) to approve the annexation petition with Commissioner Young voting nay.

Jim Smith, Mayor of South Lebanon, was present along with Jerry Haddix, Village Administrator, to discuss the Village's request for a sanitary sewer easement along Warren County's property on US RT 22-3 in Hamilton Township in order for them to provide sanitary sewer to the former Books property.

There was discussion relative to the concerns for the adjacent residential property owners who would be required to connect to the sanitary sewers due to the proximity of the line being within 200 feet of their house foundations.

There was discussion relative to the requirement of the Village of South Lebanon to annex in order to receive village services, including sanitary sewer service.

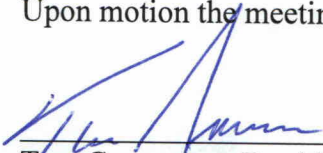
There was discussion relative to the relocation of the easement to move the line away from the residential properties.

Tiffany Zindel, County Administrator, stated that heavy equipment is not permitted on the other side of our parcel of land due to buried lines.

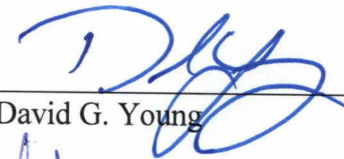
Upon discussion, the Board stated they are not willing to grant an easement that will require annexation of the adjacent residential property.

Mr. Haddix stated they will meet with the engineer to investigate the ability to re-engineer the line.

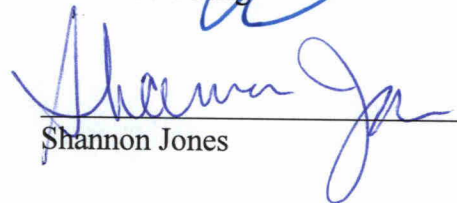
Upon motion the meeting was adjourned.



Tom Grossmann, President

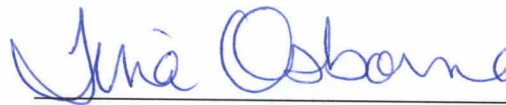


David G. Young



Shannon Jones

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 28, 2017, in compliance with Section 121.22 O.R.C.



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