



**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

Facsimile (513) 695-2054

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

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

MINUTES: Regular Session – May 21, 2019

The Board met in regular session pursuant to adjournment of the May 14, 2019, meeting.

Shannon Jones – present

Tom Grossmann – present

David G. Young – present

Tina Osborne, Clerk – present

Minutes of the May 14, 2019 meeting were read and approved.

- 19-0585-A A resolution was adopted to authorize the posting for “Custodial Worker I” position, within the Facilities Management Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous
- 19-0586 A resolution was adopted to accept resignation of Rebecca Campana, Protective Services Caseworker III, within the Warren County Department of Job and Family Services, Children Services Division, effective May 24, 2019. Vote: Unanimous
- 19-0587 A resolution was adopted to accept resignation of Amy Cole, Eligibility Referral Specialist II, within the Warren County Department of Job and Family Service, Human Services Division, effective May 17, 2019. Vote: Unanimous
- 19-0588 A resolution was adopted to approve hiring temporary employee for the Water and Sewer Department. Vote: Unanimous
- 19-0589 A resolution was adopted to hire Michael Zeiher as Business Manager, within the Water and Sewer Department. Vote: Unanimous
- 19-0590 A resolution was adopted to hire Autumn Cook as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous

- 19-0591 A resolution was adopted to hire Kaitlyn Tucker as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 19-0592 A resolution was adopted to hire Mackenzie Stewart as Protective Services Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 19-0593 A resolution was adopted to rehire Molly Miller, Protective Services Caseworker II, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 19-0594 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Laney Foster within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 19-0595 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Brittany Owens within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 19-0596 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Daniel Bunning within the Warren County Telecommunications Department. Vote: Unanimous
- 19-0597 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Leslie Smith within the Warren County Department of Facilities Management. Vote: Unanimous
- 19-0598 A resolution was adopted to promote Jodi Campbell to the position of Eligibility Referral Specialist III within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 19-0599 A resolution was adopted to remove probationary employee Jacob Watts, within Facilities Management. Vote: Unanimous
- 19-0600 A resolution was adopted to authorize the use of the County's "Employee Dishonesty and Faithful performance of Duty Policy" instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to give bond before entering upon the discharge of duties. Vote: Unanimous
- 19-0601 A resolution was adopted to authorize reimbursement to Cameron General Contractors for private construction of the failing sanitary sewer main downstream of the Deerfield Springs Development, Warren County Sewer District. Vote: Unanimous

- 19-0602 A resolution was adopted to authorize the President of the Board to sign a Purchase/Maintenance Agreement with Neopost USA, Inc. Vote: Unanimous
- 19-0603 A resolution was adopted to approve and authorize President of the Board to execute a property damage release associated with damage to a fire hydrant. Vote: Unanimous
- 19-0604 A resolution was adopted to approve Change Order No. 1 to the contract with Inland Waters Pollution Control, Inc. for the Waynesville Collections System Improvements, Phase 1, Purchase Order No. 26497. Vote: Unanimous
- 19-0605 A resolution was adopted to enter into contract with Rumpke of Ohio, Inc. for the Hauling and Disposal of Biosolids Lower Little Miami Wastewater Treatment Plant Rehabilitation Project. Vote: Unanimous
- 19-0606 A resolution was adopted to amend the provider of Career Services Agreement with Butler County Commissioners as lead agency as the WIOA provider of career services for the Area 12 Workforce Development Board. Vote: Unanimous
- 19-0607 A resolution was adopted to amend the provider of Operator Services Agreement with Butler County Commissioners as lead agency as the WIOA provider of operator services for the Area 12 Workforce Development Board. Vote: Unanimous
- 19-0608 A resolution was adopted to approve agreement with McLandrich Consulting for the development of an outreach and marketing plan, on behalf of the Area 12 Workforce Investment Board. Vote: Unanimous
- 19-0609 A resolution was adopted to enter into agreement with Cincinnati Bell Telephone Company, LLC for Ethernet service at the Drug Task Force on behalf of Warren County Telecommunications. Vote: Unanimous
- 19-0610 A resolution was adopted to approve and enter into a Memorandum of Understanding (MOU) between the Warren County Commissioners on behalf of the Warren County Department of Human Services, Family and Children First Council (FCFC), and Warren County Educational Service Center Fiscal Agent for FCFC. Vote: Unanimous
- 19-0611 A resolution was adopted to approve and enter into a TANF PRC Contract with the Abuse and Rape Crisis Shelter of Warren County on behalf of the Warren County Department of Human Services. Vote: Unanimous
- 19-0612 A resolution was adopted to authorize posting of Notice of Intent to request release of funds in County Administration Building for FY2019 Community Development Block Grant Projects. Vote: Unanimous

- 19-0613 A resolution was adopted to approve and authorize the Warren County Sheriff's Office to submit a bulletproof vest partnership grant application to Bureau of Justice Assistance. Vote: Unanimous
- 19-0614 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sig the FY2020 Reclaim Application through the State of Ohio Department of Youth Services on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 19-0615 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 19-0616 A resolution was adopted to approve bond release for Rhein Natorp Development Co., LLC for completion of improvements in Long Cove, Section 6A & 6B situated in Deerfield Township. Vote: Unanimous
- 19-0617 A resolution was adopted to approve record plats. Vote: Unanimous
- 19-0618 A resolution was adopted to create a new Tax Certificate Administration Fund #2248, accept an Amended Certificate, and approve a supplemental appropriation for the administration of the tax certificate sale. Vote: Unanimous
- 19-0619 A resolution was adopted to approve an operational transfer from Commissioners Fund #11011112 into Human Services Fund #2203. Vote: Unanimous
- 19-0620 A resolution was adopted to amend Resolution #19-0204 approving the operational transfer from Commissioners Fund #11011112 into Human Services Fund #2203. Vote: Unanimous
- 19-0621 A resolution was adopted to approve an appropriation adjustment within Records Center and Archives #11011500. Vote: Unanimous
- 19-0622 A resolution was adopted to approve appropriation adjustment within County Court Fund #11011280. Vote: Unanimous
- 19-0623 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Services Fund #11011223. Vote: Unanimous
- 19-0624 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Community Based Corrections Fund #2289. Vote: Unanimous
- 19-0625 A resolution was adopted to approve supplemental appropriation into Jail Construction Project Fund #4495. Vote: Unanimous
- 19-0626 A resolution was adopted to cancel regularly scheduled Commissioners' Meeting of Thursday, May 23, 2019. Vote: Unanimous

- 19-0627 A resolution was adopted to authorize the President of the Board to execute Addenda 4 & 5 to the construction manager at risk services contract with Granger Construction Company for the New Jail and Sheriff's Administration Office Project ("Project"). Vote: Unanimous
- 19-0628 A resolution was adopted to set special meeting of Thursday, June 27, 2019 and cancel regularly scheduled meeting of Tuesday, July 2, 2019. Vote: Unanimous
- 19-0629 A resolution was adopted to continue administrative hearing to consider Variance and Appeal of Conditions for an Access Permit of Scott and Diane Fornshell in Turtlecreek Township. Vote: Unanimous
- 19-0630 A resolution was adopted to continue administrative hearing to consider site plan review application of Gates Investment, LLC in Franklin Township. Vote: Unanimous

DISCUSSIONS

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

Abbot Thayer, Dinsmore and Shohl, was present to discuss the request of AlcoreSenior, LLC for the Board to consider issuing tax-exempt financing for the construction of a new location in Warren County.

Mr. Thayer explained that the company is out of Columbus, Ohio and has over 30 years in development, finance and operations of senior housing. He stated that they are proposing to construct a 60 to 70 unit assisted living facility on a 12 acre site on Oregonia Road, adjacent to the Cedarville Nursing Home. He stated that the project would provide approximately 50 full-time employees with an average payroll of \$1.8 million.

Mr. Thayer stated that the company is requesting the County act as issuer of tax-exempt revenue bonds in order to finance the construction, equipping and start-up of the facility in an amount not to exceed \$20,000,000. He stated that the bonds would need to be issued under Section 133.51 of the ORC in order to allow the financing of working capital costs. He then stated that the proposed bonds would be revenue obligations payable solely from revenue sources provided by the company and not involve a full faith and credit pledge of Warren County and would not impact the County's position with respect to debt limitations under state law.

Upon further discussion, the Board stated their concurrence to proceed with the tax-exempt financing on behalf of AlcoreSenior, LLC.

Martin Russell, Deputy County Administrator, was present along with Jason Woehrle, Granger Construction, Garry McAnally, Wachtel McAnally Architects, Sheriff Larry Sims, and staff from the Sheriff's Office for a work session to discuss the Warren County Jail Project.

Mr. Russell stated the purpose of this work session is to discuss three items:

1. Construction of the new road
2. Soil Stabilization
3. Naming of the new road

Mr. Woehrle stated the desire for the new road construction to begin immediately upon school releasing for the summer with the plan for construction to be completed prior to the beginning of the next school year. He stated that they received four responsive bids from prequalified subcontractors for the Justice Drive Road Relocation work and recommended the bid be awarded to Miller Brothers in the amount of \$1,371,581.83. He stated that an addendum to the construction manager at risk contract with Granger is needed to move forward.

Mr. Woehrle then stated that bearing capacity of existing soils under the Project site for the new jail is insufficient to support the new jail structure and the Soil Stabilization work must occur prior to construction of the new jail. He stated that they received three responsive bids from prequalified subcontractors for the Soil Stabilization work and recommended that the subcontract for Soil Stabilization work be awarded to Peterson Contractors, Inc. in the amount of \$215,000.00. He stated that an addendum to the construction manager at risk contract with Granger is needed to move forward.

Upon discussion, the Board resolved (Resolution #19-0627) to authorize the President of the board to execute Addenda 4 and 5 to the construction manager at risk services contract with Granger construction company for the New Jail and Sheriff's Administration Office Project.

Tiffany Zindel, County Administrator, stated that the City of Lebanon is requiring the relocated road to have a name other than Justice Drive. She then reviewed the map showing the four way stop at the intersection of Justice and Memorial Drive, showing the new roadway as a continuation of Memorial Drive all the way to its intersecting with Cook Road.

Upon discussion, the Board determined to proceed with the naming of the new road Memorial Drive.

Tiffany Zindel, County Administrator, provided an update to the Board relative to the request of Commissioner Grossmann for an updated conflict of interest/non collusion affidavit.

Mrs. Zindel explained that she has been working with the Assistant Prosecutor on a revised form that would be required for all contracts and competitive bids.

Upon discussion, the Board stated their desire to proceed with the updated affidavit.

ADMINISTRATIVE HEARING
VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS PERMIT OF
SCOTT AND DIANE FORNSHELL IN TURTLECREEK TOWNSHIP

The Board met this 21st day of May 2019, in the Commissioners Meeting Room to consider the Request for Variance and Appeal of Conditions required for an Access Permit that had been filed on April 15, 2019, by the owners, Scott and Diane Fornshell for access to 2000 Wilmington Road for Parcel #13-24-300-002 in Turtlecreek Township.

Tina Osborne, Clerk of Commissioners stated that notice had been published in Today's Pulse of Lebanon and Mason newspaper on April 28, 2019, advertising the date, time and purpose of the public hearing. Written notice had also been mailed to the Applicant and the Turtlecreek Township Board of Trustees on April 17, 2019. She then read into the record what documents were filed with the Clerk and that would be considered by the Board relating to the request for a variance of the Warren County Access Management Regulations, to-wit:

1. A Request for Variance and Appeal of Conditions Required for an Access Permit application, along with a copy of a plat map and a copy of the access permit denial.

The Warren County Engineer's designee, Chief Deputy Engineer, Kurt Weber, was sworn in and testified that the Applicant filed for a variance of the requirements in Section 102.1, Section 105.2, Section 105.3, and Section 201.4 of the Access Management Regulations because the existing driveway does not meet minimum sight distance requirements nor can a driveway meet minimum sight distance requirements across property frontage. Mr. Weber presented and the Board accepted as evidence to be made part of the record, the following exhibits:

- Aerial view of property and pictures of sight distance from the property
- The Engineer's Report containing answers to general questions/facts and the Engineer's opinion relative to the factors to be considered when granting a variance; and the Engineer's recommendation for denial of the variance.

Mr. Weber testified that the Engineer's Office is recommending denial of the application due to no safe/reasonable access possibilities along the property frontage.

Commissioner Grossmann questioned the existing driveway location and the ability to relocate with access to the old parcel and new in one location.

Mr. Weber reviewed pictures showing the sight distance from the existing driveway and reviewed the accident history in the vicinity of the parcel.

Commissioner Grossmann stated his opinion of three choices for the Board to consider:

1. Keep the existing driveway and share it with the new parcel
2. Relocate the existing driveway and share it in a safer location
3. Deny the application and keep the driveway as is

Mr. Weber testified that relocating the existing driveway to a safer location and sharing it with the new parcel is the safest option.

Diane Fornshell, property owner, questioned why Mr. Weber didn't provide all of the accidents in the area, including the ones at the current driveway location.

Mr. Weber stated he only had access to the ones listed on the report he has access to.

Commissioner Grossmann stated he would consider requiring removal of the old driveway and sharing the new one for both lots in a safer location.

Commissioner Jones administered the oath to Scott Fornshell, owner/applicant.

Commissioner Grossmann questioned the applicant if he would consider removal of the existing driveway and sharing a single driveway between the two parcels in a safer location.

Mr. Fornshell stated that as long as the driveway is wide enough to accommodate two cars he would consider it.

Commissioner Jones stated her desire to continue the hearing in order for the applicant and Engineer's Office to discuss the proposed conditions relative to the relocation and sharing of a driveway.

Upon further discussion, the Board resolved (Resolution #19-0629) to continue this hearing to May 28, 2019, at 9:15 a.m.

The Board met this 21st day of May 2019, in the Commissioners' Meeting Room to consider the site plan review application of Gates Investments LLC in Franklin Township.

Due to the applicant not being present for the hearing, the Board determined to continue this hearing.

On motion, upon unanimous call of the roll, the Board resolved (Resolution #19-0630) to continue this hearing to May 28, 2019, at 9:30 a.m.

Randy Kuvin, resident of Rivercrest Subdivision in Hamilton Township, was present along with adjacent property owners, representatives from the County Engineer's Office and Regional Planning Commission, Mike Athan of M/I Homes (developer) and Bruce McGary, Assistant Prosecuting Attorney.

Mr. Kuvin was present to voice his concerns relative to the bike trail connection that was approved in lieu of the construction of sidewalks that were granted by the Regional Planning Commission.

Mr. McGary, provided background information including the requirements within the initial subdivision approval. He then informed the Board that they have no jurisdiction over this matter.

Mr. Kuvin discussed the desire of the homeowners within the subdivision for the developer to complete the bike path connection rather than construct sidewalks that in his opinion are dangerous due to the steep incline of the subdivision.

There was much discussion relative to the inability to obtain an easement from the adjacent property owner in order to complete the connection.

Mr. Athan stated that the request for an easement was declined and when he did not have the ability to connect the bike path, the variance that was granted by the Regional Planning Commission went away. He stated that he is required to construct or bond the sidewalks in order to comply with the conditions of approval for final plat approval. He stated that he has lost several sales due to not having final plat approval. He then stated that this is a timing issue and that the sidewalk bonds have been processed and everything is in order for approval of the final plat. He stated is willingness to continue to negotiate an easement with the adjacent property owner but needs the record plat approved.

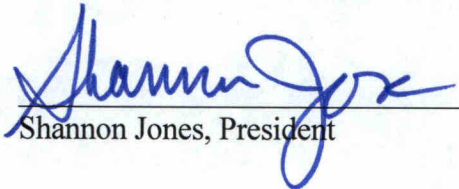
Mr. McGary suggested proceeding with bonding of the sidewalk and approval of the final plat while Mr. Athan continues to work on the bike path easement and connection. If the bike path negotiations are successful, the Board can release the sidewalk bond agreement.

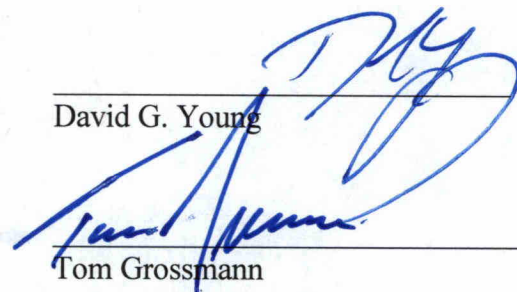
Claudia Barrett, adjacent property owner, stated that the original easement request was for an 18' easement. She reviewed her concerns that needed to be addressed with Mr. Athan prior to any easement being granted.


Adam Combs, representative of Ms. Barrett and River's Bend resident, spoke regarding Ms. Barrett's concerns and encouraged the developer to provide additional information.

Upon further discussion, the Board encouraged the parties to continue to negotiate the bike path connection and stated their agreement to release the sidewalk performance bond upon completion of the connection.


Upon motion the meeting was adjourned.


Shannon Jones, President


David G. Young


Tom Grossmann

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 21, 2019, in compliance with Section 121.22 O.R.C.


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