



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

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***C. MICHAEL KILBURN  
PAT ARNOLD SOUTH  
DAVID G. YOUNG***

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

**MINUTES: Regular Session – January 13, 2009**

The Board met in regular session pursuant to adjournment of the January 12, 2009, meeting.

Pat Arnold South - present

C. Michael Kilburn - present

David G. Young - present

Tina Davis, Clerk – present

- 09-0049      A resolution was adopted to authorize President of the Board to sign an Agreement with the State of Ohio, Department of Transportation for Funds to be paid by J-II Enterprises, LLC. to Warren County and passed through for the reimbursement to the State of Ohio, Department of Transportation for the original construction costs of a Sanitary Line Serving the Ohio Department of Transportation District 8 Office and Facilities. Vote: Unanimous
- 09-0050      A resolution was adopted to approve Change Order #1 with Jeffery Allen Corporation for Woodside Trails – Pine Lane Estates Project. Vote: Unanimous
- 09-0051      A resolution was adopted to declare various items within Building Services as surplus and authorize the disposal of said items. Vote: Unanimous
- 09-0052      A resolution was adopted to authorize the participation in the Water Resource Restoration Sponsor Program in association with the Water Pollution Control Loan Fund. Vote: Unanimous
- 09-0053      A resolution was adopted to approve Amendments #1 and #7 to the current Home Incarceration Agreement with BI Incorporated for Electronic Monitoring Equipment/Service on behalf of Warren County Common Pleas Court, Community Corrections Division. Vote: Unanimous

- 09-0054 A resolution was adopted to approve Change Order No. 7 to the Contract with Lake Erie Electric Inc increasing Purchase Order No. 68554 and extending the Project Contract by 90 days for the Deerfield Hamilton WTP and Well Field Expansion & Upgrade Project, Fund 530 (Grandin Rd OWDA). Vote: Unanimous
- 09-0055 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Towne Development Group, Ltd. for installation of certain improvements in Thornton Grove, Phase 3, Part 4, situated in Hamilton Township. Vote: Unanimous
- 09-0056 A resolution was adopted to enter into Sidewalk Security Agreement with Towne Development Group, Ltd. for installation of certain improvements in Thornton Grove, Phase 3, Part 4, situated in Hamilton Township. Vote: Unanimous
- 09-0057 A resolution was adopted to approve a Street and Appurtenances Bond Release for Towne Development Group, Ltd. for completion of improvements to Thornton Grove, Phase 3, Part 3 and 4, in Hamilton Township. Vote: Unanimous
- 09-0058 A resolution was adopted to approve a Sidewalk Bond Release for Towne Development Group, Ltd. for completion of improvements to Thornton Grove, Phase 3, Part 3 and 4, in Hamilton Township. Vote: Unanimous
- 09-0059 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101-1112 into Cybercrime Task Force Fund #252. Vote: Unanimous
- 09-0060 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101-1112 into Crime Victim/Witness Fund #245. Vote: Unanimous
- 09-0061 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Transit Fund #299. Vote: Unanimous
- 09-0062 A resolution was adopted to approve Supplemental Appropriations within the Tax Increment Financing – P&G Fund 384 to Provide for 2009 Payments of Principal, Interest and Fees on the State 166 Loan. Vote: Unanimous
- 09-0063 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-0064 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 09-0065 A resolution was adopted to approve Appropriation Adjustments within CCPB-TASC Grant Fund #284. Vote: Unanimous

- 09-0066 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Probate Court Fund #101-1250. Vote: Unanimous
- 09-0067 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Sheriff's Fund #101-2200. Vote: Unanimous
- 09-0068 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Juvenile Court Fund #101-1240. Vote: Unanimous
- 09-0069 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Juvenile Probation Fund #101-2500. Vote: Unanimous
- 09-0070 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-0071 A resolution was adopted to hire Mary Murphy, Part-time Customer Advocate I, within Workforce One of Warren County. Vote: Unanimous
- 09-0072 A resolution was adopted to approve an Extension for Kevin Flowers' Leave of Absence without Pay, Lab Supervisor, within the Water and Sewer Department. Vote: Unanimous
- 09-0073 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Prosecutor's Office Fund #101-1150 and approve Supplemental Appropriations into DTAC Fund #249. Vote: Unanimous

#### DISCUSSIONS

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On motion, upon unanimous call of the roll, the Board entered into executive session at 9:35 a.m. to discuss personnel matters relative to hiring within County Court, Building and Zoning, and Workforce One pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:37 a.m.

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

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Jerry Spurling, Chief Building Official, was present for a work session along with Anna Helton, Office Administrator, and Michael Yetter, Zoning Supervisor, to discuss the need for an increase in Building and Zoning Fees.

Mr. Spurling provided a comparison of Warren County's current fees to surrounding areas as well as a comparison with the graduated fee schedule he is proposing relative to commercial construction. He then presented the proposed fee schedule relative to residential construction with a comparison of surrounding counties before and after his requested increase.

Upon further discussion, the Board determined their desire to proceed with the public hearing process necessary to increase said fee schedules.

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The Board met this 13<sup>th</sup> day of January 2009, to consider the Type 2 Expedited Annexation Petition of Richard Paolo, Agent, to annex 485.2347 to the Village of Maineville.

Richard Paolo, Agent for annexation, stated that all conditions have been met and that the objection filed by the Hamilton Township Trustees has not met the criteria of a valid objection.

Kevin McDonna, attorney for the Village of Maineville, stated that the Village has adopted an ordinance of services and consents to the annexation petition. He then stated that the Village is ready to enter into a roadway maintenance agreement necessary for the annexation. He then requested the Board to approve the annexation.

Commissioner South questioned the Chief Deputy Prosecutor, Bruce McGary, if the petition meets the 5% contiguity requirement.

Mr. McGary stated that according to the technical review from the Warren County Tax Map Department, the petition meets the requirement.

Commissioner Kilburn questioned the information he read in the paper relative to the Village of Maineville providing sewer services to the annexed property.

Mr. McGary requested the Village of Maineville representatives to clarify the sewer service language in the ordinance of services resolution.

Mr. McDonna read aloud the language in the pre-annexation agreement.

There was discussion relative to the sewer services within the Village of Maineville being provided by Warren County. There was then discussion relative to the majority of the property within the annexation area being outside the service boundary of the Lower Little Miami Wastewater Treatment Plant.

Warren Ritchey, attorney for Hamilton Township, stated that the pre-annexation agreement states that the proposed density for the property to be annexed will be a minimum of 2.3 dwelling units per acres and that the property owners will not pay a park impact fee to Hamilton Township.

Mr. Ritchey then stated that the Township objection comes down to two issues:

1. When the Board considers Phase 1 of the annexation which has already been approved, along with Phase 2 which is the annexation petition in question, it fails to meet the requirement in ORC 709.023 (E). He then stated his opinion that the petition in questions is a general annexation, not an expedited and therefore, the Board should consider testimony presented at a public hearing.
2. He stated that the annexation is a “gerrymandered shoestring” annexation and is an attempt to circumvent the law.

Becky Ehling, Hamilton Township Trustee, requested the Board to deny the annexation and not allow the Village of Maineville to manipulate the annexation process.

Lynn Carey, Hamilton Township resident, stated her concern relative to the potential detriment to the area that this annexation would do.

Commissioner Kilburn requested Mr. McGary to give his opinion relative to the annexation petition.

Mr. McGary stated the following:

- The territory proposed to be annexed does not exceed 500 acres.
- The 5% contiguity, per the Warren County Tax Map review, has been met.

Mr. McGary stated his concern with 709.012(E)(1) compliance relative to connectivity. He then reviewed the law with the Board.

Mr. Paolo stated his objection to the procedure that the Board is taking.

Mr. McGary stated that the Board must look at seven factors that must be met. He then stated that he does not agree with the two reasons objected to by Hamilton Township and stated his opinion that the Board needs to determine if 709.023 (E)(1) applies (Is the unity of the territory proposed to be annexed contiguous to the municipality?)

Commissioner Kilburn requested Mr. McGary prepare language for consideration by the Board to both approve and deny the annexation for the Board’s consideration.

Mr. Paolo stated his objection that this discussion has turned into a public hearing and argued his reasons that this property is contiguous to the Village.

Upon further discussion, the Board continued the discussion to January 15, 2009, at 5:00 p.m.

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Upon motion the meeting was adjourned.

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Pat Arnold South, President

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C. Michael Kilburn

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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 January 13, 2009, in compliance with Section 121.22 O.R.C.

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