



**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*

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

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

MINUTES: Regular Session – January 15, 2009

The Board met in regular session pursuant to adjournment of the January 13, 2009, meeting.

Pat Arnold South - present

C. Michael Kilburn - present

David G. Young - present

Tina Davis, Clerk – present

- 09-0074 A resolution was adopted to amend the Warren County Employee Health Care Plan Document Retroactive to January 1, 2009. Vote: Unanimous
- 09-0075 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Jennifer Yeazel, Eligibility Referral Specialist I, within the Job and Family Services, Human Services Division. Vote: Unanimous
- 09-0076 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Sylvia Outland, Eligibility Referral Specialist I, within the Job and Family Services, Human Services Division. Vote: Unanimous
- 09-0077 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 09-0078 A resolution was adopted to Advertise for Bids for the S.R. 122 and Union Road Waterline System Relocations Project. Vote: Unanimous
- 09-0079 A resolution was adopted to Advertise for Bids for the 1.5 Million Gallon Snider Road Elevated Storage Tank Protective Coatings Project. Vote: Unanimous
- 09-0080 A resolution was adopted to Amend the Contract between the Warren County Commissioners and the Warren County Educational Service Center on behalf of the Warren County Department of Human Services. Vote: Unanimous

- 09-0081 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into a Professional Service Agreement by and between Suzanne Geisler and the Board of Warren County Commissioners relevant to the Warren County Solid Waste Management District's Plan.
Vote: Unanimous
- 09-0082 A resolution was adopted to approve Supplemental Appropriation within Fund #467, East Street Building Project. Vote: Unanimous
- 09-0083 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into Fund #427 for the Columbia Road at Mason-Morrow-Millgrove Road Bridge Project. Vote: Unanimous
- 09-0084 A resolution was adopted to approve an Appropriation Adjustment within Sheriff's Fund #101-2200 and a Supplemental Appropriation into Sheriff's Fund #285. Vote: Unanimous
- 09-0085 A resolution was adopted to approve Sub-Fund Cash Balance Adjustments within Workforce One Development Act Fund #258. Vote: Unanimous
- 09-0086 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-0087 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Domestic Relations Fund #101-1230.
Vote: Unanimous
- 09-0088 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Building Department Fund #101-2300. Vote: Unanimous
- 09-0089 A resolution was adopted to Cancel regularly Scheduled Commissioners' Meeting of January 20, 2009. Vote: Unanimous
- 09-0090 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 09-0091 A resolution was adopted to approve Annexation of 485.2347 acres to the Village of Maineville, Richard A. Paolo, Agent, pursuant to Ohio Revised Code Section 709.023 [a.k.a. Expedited Type 2 Annexation].
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn - nay

DISCUSSIONS

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

The Board met this 15th day of January 2009, to continue the discussion relative to the Type 2 Expedited Annexation Petition of Richard Paolo, Agent, to annex 485.2347 to the Village of Maineville.

Mr. McGary stated that the attorney for Hamilton Township Trustees has filed a memorandum in opposition to the annexation petition and now the agent for petitioners has filed a memorandum in support of the petition for annexation. He then stated that he has researched the contiguous intent and the legislation. He then stated that upon his research, he has determined that the expedited annexation is procedural and the Board must follow the conditions which are outlined in the law.

Commissioner Kilburn stated his opinion that anytime the Board of Commissioners has to render a decision on a matter, he feels there is discretion on the matter. He then stated his opinion that there is a problem with contiguity as well as the multiple annexations that add up to more than the maximum 500 acres to be considered for the expedited process.

Mr. Kilburn then read an email from Gene Duvelius, Hamilton Township Trustee, and from Mr. Phelan, an adjacent property owner, in opposition to the annexation petition.

Mr. Paolo stated that the law is mandatory for approval if the check list is all in order. He stated that this petition for annexation is fully compliant with the law and should be approved.

Mr. Ritchey, Attorney for Hamilton Township, stated the Township's argument that the entire boundary of the annexation must be considered and therefore, the property to be annexed is not contiguous to the Village of Maineville.

Commissioner Young stated that his duties as a County Commissioner are as follows:

1. Follow the Law
2. Protect Property Owner Rights
3. Utilize Common Sense

Commissioner Young then stated that sanitary sewers and/or growth is not an issue in this annexation. He stated that the line in the sand has been drawn as far as sanitary sewer service

and will not be moved. He then stated that the law clearly states that approval is an administrative action and this Board has no discretion.

Commissioner South stated her opinion that this Board has no discretion on this matter. She stated that the petition meets the 5% contiguity per the Map Room. She then stated that she does not like the configuration of this annexation.

Upon further discussion, the Board resolved (Resolution #09-91) to approve the expedited type 2 annexation petition.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

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 15, 2009, in compliance with Section 121.22 O.R.C.

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