



**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 – June 5, 2007

The Board met in regular session pursuant to adjournment of the May 31, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 07-837 A resolution was adopted to enter into Contract with John R. Jurgensen Co. for the 2007 Resurfacing Project – Phase II. Vote: Unanimous
- 07-838 A resolution was adopted to authorize the posting of the “Wastewater Treatment Plant Mechanic Operator I” position within the Water and Sewer Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a).
Vote: Unanimous
- 07-839 A resolution was adopted to approve hiring Temporary Employee for the Warren County Garage for a period not to exceed twelve weeks, actual days worked.
Vote: Unanimous
- 07-840 A resolution was adopted to approve and authorize the Board to enter into and approve the attached Annual Support Agreement Renewal between Warren County Telecommunications and MTM Technologies. Vote: Unanimous
- 07-841 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 07-842 A resolution was adopted to accept Resignation of Wendi Blaha, Investigative Caseworker, within the Department of Job and Family Services, Children Services Division, effective June 8, 2007. Vote: Unanimous

- 07-843 A resolution was adopted to approve end of 120-day Probationary Period and approve a Pay Increase for John Kendrick, Sewer System Maintenance Package Plant Operator I, within the Water and Sewer Department. Vote: Unanimous
- 07-844 A resolution was adopted to approve a Pay Increase for Jason Parkins, Investigative Caseworker, within the Warren County Job and Family Services Children Services Division. Vote: Unanimous
- 07-845 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Kyles, LLC for Wilson Farms, Section One, in Franklin Township. Vote: Unanimous
- 07-846 A resolution was adopted to enter into an Erosion Control Bond Agreement with Cypress Ridge, LLC for completion of improvements in Cypress Ridge Subdivision, Phase VI, situated in Clearcreek Township. Vote: Unanimous
- 07-847 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Cypress Ridge Ltd. for installation of certain improvements in Cypress Ridge Subdivision, Phase VI, situated in Clearcreek Township. Vote: Unanimous
- 07-848 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Cypress Ridge, LLC for installation of certain improvements in Cypress Ridge Subdivision, Phase VI, situated in Clearcreek Township. Vote: Unanimous
- 07-849 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 07-850 A resolution was adopted to approve an Operating Transfer within Sewer Revenue Fund 580 into the Deerfield Run Lift Station Elimination Project, Fund #575-3355. Vote: Unanimous
- 07-851 A resolution was adopted to approve Supplemental Appropriation into Data Processing Fund #101-1400. Vote: Unanimous
- 07-852 A resolution was adopted to approve Appropriation Adjustments within CCPB – TASC Grant Fund #284. Vote: Unanimous
- 07-853 A resolution was adopted to approve Appropriation Adjustments within CSEA Fund #263-5500 and Probate/Juvenile Fund #101-2600. Vote: Unanimous
- 07-854 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 07-855 A resolution was adopted to Amend Resolution #07-743 approving the hiring of Temporary Employees for the Building Services Department. Vote: Unanimous

- 07-856 A resolution was adopted to approve hiring Temporary Employee for the Building Services Department for a period not to exceed twelve weeks per employee, actual days worked. Vote: Unanimous
- 07-857 A resolution was adopted to approve Lateral Transfer of Kia Brandon to the position of Foster Care Coordinator within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 07-858 A resolution was adopted to hire Shawn Mason as Emergency Communications Operator within the Warren County Emergency Services Department. Vote: Unanimous
- 07-859 A resolution was adopted to determine it to be in the interest of Warren County to sell certain Real Property not to needed for Public Interest identified as Parcel "A" of Burnham Woods Subdivision, Section One, in Franklin Township, Middletown Corporation; and, further authorizing the property to be appraised, advertised and then sold "as is" to the highest bidder after private by sealed bids. Vote: Unanimous
- 07-860 A resolution was adopted to continue hearing concerning the Petition for Annexation of 142.973 acres to the Village of South Lebanon filed pursuant to Ohio Revised Code Section 709.02 (Regular Annexation). Vote: Unanimous
- 07-861 A resolution was adopted to Waive Excess Water Charges over 18,000 gallons for 266 Charlotte Drive in Lebanon, Ohio. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:17 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:15 a.m.

On motion, bids were closed at 10:05 a.m. this 5th day of June and the following bids were received, opened and read aloud for the Irwin Simpson Road & Duke Boulevard New Signal Installation for the Warren County Engineer's Office:

Bright Street Dayton, Ohio	\$ 121,200.50
Capital Electric Dayton, Ohio	\$ 102,396.31
Elex, Inc. Cincinnati, Ohio	\$ 105830.00

Neil Tunison, Warren County Engineer will review bids for a recommendation at a later date.

Kathy Streng, Business Development at DLZ Engineering, was present along with Manoj Sethi, PE and Paul Downing, Criminal Justice Planner, to introduce their engineering and architectural firm.

PUBLIC HEARING
ANNEXATION PETITION OF J. WILLIAM DUNING, AGENT
TO ANNEX 142.973 ACRES TO THE VILLAGE OF SOUTH LEBANON

Commissioner Young opened the public hearing by reading the procedures to be followed and asked if there were any objections to the procedures. There were no objections stated.

The Clerk read the documents received to date relative to the annexation as well as the date and times of the filings of said documents.

J. William Duning, Agent, presented an opening statement stating that the evidence proposed to be submitted will show that it will be for the general good of the territory to be annexed.

Warren Ritchie, Attorney for Hamilton Township, presented an opening statement stating that the evidence will prove that the territory sought to be annexed connects in an inappropriate “shoe string” and the township is opposed to the bike trail being annexed.

Commissioner Young questioned if anyone desires to remove their signature from the petition or challenge the authority to sign the petition. No one stated their desire to remove or questioned the authority to sign.

Mr. Duning stated that there are ten property owners within the annexation with seven signing in favor and the governmental entities are not required to sign as owners nor are they counted as owners.

The Clerk then read a memorandum from the County Engineer relative to the property owned by the City of Lebanon that is proposed to be annexed.

There was discussion relative to a representative from the City of Lebanon or the County Engineer’s Office being present to answer questions relative to the annexation.

Upon discussion, Mr. Kilburn moved to continue the public hearing and require a city representative to be present to answer the Board’s questions. The motion died for the lack of a second.

The Board then recessed briefly to conduct the previously scheduled public hearing relative to the Warren County Transit System.

PUBLIC HEARING

CONSIDER CHANGES TO THE WARREN COUNTY TRANSIT SYSTEM

The public hearing to consider changes to the Warren County Transit System was convened this 5th day of June 2007, in the Commissioners’ Meeting Room.

Jerry Haddix, Grants Coordinator, stated that the proposed changes are to provide up to seven trips per day to the Dayton Mall in order to provide a connection to the Dayton RTA and eliminate the trips to downtown Dayton which is utilized by one or two people.

Upon discussion, the Board stated their concurrence with the proposed changes.

There being no one present to speak in favor of or opposition to the proposed changes, on motion, upon unanimous call of the roll, the public hearing was closed.

On motion, the Board reconvened the public hearing relative to the annexation petition of J. William Duning, Agent to annex 142.973 acres to the Village of South Lebanon.

Mr. Ritchie stated his concern relative to the "deal" being worked out between the City of Lebanon and Village of South Lebanon as stated in the memorandum from the County Engineer.

Mr. Duning stated there is no "deal" and there has been no discussion between the City of Lebanon and Village of South Lebanon.

Bruce McGary, Chief Deputy Prosecutor, advised the Board that upon review of the documents submitted to the Board, he has three concerns as follows:

1. Due to clerical error, the Union Township Trustees in Clermont County, Ohio was notified rather than the Union Township Trustees in Warren County, Ohio.
2. There is no proof that the notice of the date and time of the public hearing from the Board of County Commissioners was given to all parties within and adjacent to the area proposed to be annexed.
3. The Village of South Lebanon Ordinance of Services does not completely meet the requirements under the new annexation law. It does not say when the proposed services will be provided.

Mr. McGary then advised the Board that the annexation petition cannot be denied on the basis of procedural defects according to annexation law and suggested the Board provide additional time to the Agent to cure the defect in service.

Mr. Duning stated that service was made to the wrong Union Township but the resolution from the Board of Commissioners was included with the notices as required by law. He then stated his desire for additional time to correct the defects.

There was discussion relative to the timely filing of affidavits from the Township Attorney. Upon discussion, the Agent agreed to accept the affidavits and the attorney for the Township agreed to give Mr. Duning additional time to correct the defects with the notices and ordinance of services.

The Board stated their desire to have all defects cured prior to taking testimony in favor of or in opposition to the annexation petition. They then requested the agent to notify all parties within and adjacent to the annexation of the next public hearing.

Upon further discussion, the Board resolved (Resolution #07-860) to continue the public hearing to August 23, 2007, at 5:15 p.m. in the Commissioners' Meeting Room.

Richard Renneker, Sanitary Engineer, was present along with Mr. Kaufman, Hoffman Drive property owner, relative to a water leak which was discovered on their property.

Mr. Renneker explained that when the leak was discovered, the property owners immediately remedied the problem but that a second billing cycle had started prior to discovery due to the County only billing every other month.

Mrs. Kaufman stated her desire for relief from the excess charges due to the billing cycle of Warren County.

Mr. Renneker recommended the Board approve her adjustment to her bill.

Upon further discussion, the Board resolved (Resolution #07-861) to waive the excess water charges over 18,000 gallons for 266 Charlotte Drive in Lebanon, Ohio.

Richard Renneker, Sanitary Engineer, was present along with Bruce McGary, Chief Deputy Prosecutor, to discuss the proposed sewer maintenance agreement between this Board and SanMarGale Development.

Upon discussion, the Board stated their desire to schedule this discussion for a later date.

The Board reviewed the applications received relative to FY 07 CDBG Formula Program and designated the projects they desire to fund.

Upon motion the meeting was adjourned.

David G. Young, President

Pat Arnold South

C. Michael Kilburn

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 June 5, 2007, in compliance with Section 121.22 O.R.C.

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