



**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 – May 6, 2010

The Board met in regular session pursuant to adjournment of the April 29, 2010, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the April 27, and April 29, 2010 meeting were read and approved.

- 10-0636 A resolution was adopted to designate Family and Medical Leave of Absence to Jennifer Yeazel Eligibility Referral Specialist II, within the Job and Family Services, Human Services Division. Vote: Unanimous
- 10-0637 A resolution was adopted to enter into Engineering Service Contract with CH2M Hill, Inc. Vote: Unanimous
- 10-0638 A resolution was adopted to Advertise for Bids for the Old Route 122/Utica Road Water Main Extension Project. Vote: Unanimous
- 10-0639 A resolution was adopted to enter into Crop Rental Agreement with Tom Groh. Vote: Unanimous
- 10-0640 A resolution was adopted to authorize the issuance of not to exceed \$9,000,000 of Road and Interchange Bonds, Series 2010. Vote: Unanimous
- 10-0641 A resolution was adopted to Advertise for Bids for the Western Row Road Bridge Rehabilitation Project. Vote: Unanimous
- 10-0642 A resolution was adopted to acknowledge Receipt of April 2010 Financial Statement. Vote: Unanimous

- 10-0643 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 10-0644 A resolution was adopted to enter into Erosion Control Bond Agreement with RG Properties, Inc. for improvements in S.R. 48 and Lytle Five Points Road Drive Connector Parcels 5274510100, 5274510080, 5274510100 situated in Clearcreek Township. Vote: Unanimous
- 10-0645 A resolution was adopted to approve Expense Adjustments within the One-Stop Business and Employment Center Fund #258. Vote: Unanimous
- 10-0646 A resolution was adopted to approve Appropriation Adjustments within the Workforce Investment Act Fund 258-5800. Vote: Unanimous
- 10-0647 A resolution was adopted to Rescind Resolution #10-0595 adopted April 27, 2010, to approve an Expense Adjustment within One-Stop Business and Employment Center Fund #258
- 10-0648 A resolution was adopted to declare Countrytyme Lebanon Ltd. to be in Default in the Performance and Maintenance of all Public Improvements in the Woods of Middleboro Subdivision Section Two located in Washington Township; authorize Notice of Default to the Surety Company along with the Board's intent to apply the Performance and/or Maintenance Bonds to complete and/or maintain unapproved improvements and to pursue deficiencies per the terms of Security Agreement No. 03-035 (P). Vote: Unanimous
- 10-0649 A resolution was adopted to declare Countrytyme Lebanon Ltd. to be in Default in the Performance and Maintenance of all Public Improvements in the Woods of Middleboro Subdivision Section One located in Washington Township; authorize Notice of Default to the Surety Company along with the Board's intent to apply the Performance and/or Maintenance Bonds to complete and/or maintain unapproved improvements and to pursue deficiencies per the terms of Security Agreement No. 03-005 (P). Vote: Unanimous
- 10-0650 A resolution was adopted to declare Countrytyme Lebanon Ltd. to be in Default in the Performance and Maintenance of all Public Improvements in the Haines Meadows Subdivision located in Wayne Township; authorize Notice of Default to the Surety Company and Notice of the Board's intent to apply the Performance and/or Maintenance Bonds to complete and/or maintain unapproved improvements and to pursue deficiencies per the terms of Security Agreement No. 05-029 (P). Vote: Unanimous

- 10-0651 A resolution was adopted to enter into an Agreement with Bond Safeguard Insurance Company whereby the Board accepts a lump sum payment to be applied toward the completion of the Streets and Appurtenances items associated with the Twenty-One Oaks Subdivision in Hamilton Township and Releases Bond Safeguard Insurance Company, the Subdivision Surety, of any further obligations outlined in Security Agreement No. 06-015 (P). Vote: Unanimous
- 10-0652 A resolution was adopted to enter into an Agreement with Bond Safeguard Insurance Company whereby the Board accepts a lump sum payment to be applied toward the completion of the water and sanitary sewer items associated with the Twenty-One Oaks Subdivision in Hamilton Township and Releases Bond Safeguard Insurance Company, the Subdivision Surety, of any further obligations outlined in Security Agreement No. 06-017 (W/S). Vote: Unanimous
- 10-0653 A resolution was adopted to accept payment from the surety for the First Addition to Spring Haven Subdivision in Washington Township for uncompleted maintenance items and release the Surety of any further obligations outlined in Security Agreement No. 98-023 (P). Vote: Unanimous
- 10-0654 A resolution was adopted to accept Payment from the Surety for the Hickory Meadows Subdivision in Turtlecreek Township for uncompleted mainenenace items and release the surety of any further obligations outlined in Security Agreement No. 97-045 (P). Vote: Unanimous
- 10-0655 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-0656 A resolution was adopted to authorize payment of Bills.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0657 A resolution was adopted to Extend the Bid Opening Date for the Warren County Common Pleas Court Building Energy Efficiency Improvements Project.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - abstain
- 10-0658 A resolution was adopted to acknowledge payment of Bills.
Vote: Mr. Kilburn - yea; Mr. Young - yea; Mrs. South - abstain
- 10-0659 A resolution was adopted to acknowledge payment of Bills.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0660 A resolution was adopted to approve Amendment to Warren County's FY 2008 Community Development Block Program (CDBG) Grant Agreement and authorize the President or Vice-President of this Board to sign documents relative thereto. Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay

- 10-0661 A resolution was adopted to approve Amendment to Warren County's FY 2008 Neighborhood Stabilization Program (NSP) Grant Agreement and authorize the President or Vice President of this Board to sign documents relative thereto.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0662 A resolution was adopted to enter into Contract with J.K. Meurer Corp. for the FY2009 Village of Butlerville Street Improvements CDBG Project.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0663 A resolution was adopted to approve Expense Adjustments within the Workforce Investment Act Fund #258.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0664 A resolution was adopted to accept an Amended Certificate into Construction Safety Grant #248, approve Cash Advance from General Fund #101 into Construction Safety Grant #248 and approve Supplemental Appropriation within Construction Safety Grant #248.
Vote: Mrs. South - yea; Mr. Young - yea; Mr. Kilburn - nay
- 10-0665 A resolution was adopted to enter into Contract with John R. Jurgensen Company for the 2010 Resurfacing Project. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 4:18 p.m. to discuss imminent litigation with the Assistant Prosecutor pursuant to Ohio Revised Code Section 121.22(G)(3) and exited at 5:07 p.m.

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

Dave Mick, Assistant County Engineer, was present along with Don Mizrack, representative of the Cincinnati Home Builders' Association, for a work session to discuss proposed revisions to the security agreements.

Mr. Mick stated that due to the People's Building and Loan takeover by the FDIC, all letters of credit that were issued by People's have been cancelled and Warren County cannot collect from any of those agreements. He then reviewed the proposal relative to requiring a cash bond or escrow letter for the top course of asphalt in lieu of letters of credit.

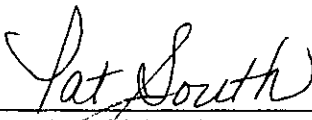
Mr. Mizrack stated that the problem with cash bonds is that developers are getting "cash calls" from banks to level out the debt to value ratios and they are not in a position to pay cash for the bond in order to finalize the plan to close on lots. He then requested the Board consider delaying discussion on this matter to allow him to work with the Engineer's Office to come up with a procedure that would be acceptable to both the County and developers.

Upon discussion, the Board agreed to delay this matter until a later date.

Upon motion the meeting was adjourned.



David G. Young, President

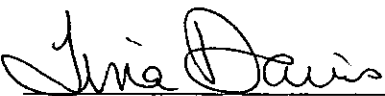


Pat Arnold-South



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 May 6, 2010, in compliance with Section 121.22 O.R.C.



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