



**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 – December 14, 2006

The Board met in regular session pursuant to adjournment of the December 7, 2006, meeting.

C. Michael Kilburn - present

Pat Arnold South - present

David G. Young - present

Tina Davis, Clerk – present

- 06-2105 A resolution was adopted to continue Public Meeting to permit members of the public to express objections to a Consent Decree and Settlement Agreement in the Lawsuit pending in the Warren County Court of Common Pleas, General Division, Case No. 04 CV 62433 and captioned as J-II Enterprises LLC, Kenneth Richardson and Barbara Richardson vs. Board of Commissioners of Warren County, Ohio. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2106 A resolution was adopted to authorize the President of the Board to sign an OPWC Project Agreement for the Strout Road Drilled Pier Wall Project. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2107 A resolution was adopted to authorize President of the Board to sign a OPWC Project Agreement for the Drake Road Widening Project. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2108 A resolution was adopted to approve and authorize the Board to enter into a Youth Business Communication / Customer Service Training Agreement on behalf of the Workforce One of Warren County (One Stop). Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

- 06-2109 A resolution was adopted to approve and enter into a Software Maintenance Agreement with DMG Maximus for the Program Expenditure Tracking System on behalf of the Warren County Department of Human Services.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2110 Due to clerical error this number was inadvertently omitted.
- 06-2111 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign a Housing Revolving Loan Fund Administration Agreement between Warren County and the State of Ohio.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2112 A resolution was adopted to approve and enter into Professional Service Agreement with Gerald F. Schneider, Psychologist, on behalf of the Warren County Sheriff's Office.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2113 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to enter into a Cooperation Agreement with the Village of Harveysburg relative to the FY 2006 Community Development Block Grant Formula Program.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2114 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign Change Order #1 relative to the FY2005 Village of Morrow Community Development Block Grant (CDBG) Project.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2115 A resolution was adopted to approve and enter into Agreement with Alcohol Monitoring Systems.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2116 A resolution was adopted to approve an Emergency Repair to the Heating Pump for the Laboratory Building at the Lower Little Miami Wastewater Treatment Plant. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2117 A resolution was adopted to accept the Drug and Alcohol Testing Policy of MV Transportation, Inc. as operators of the Warren County Transit Service.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2118 A resolution was adopted to approve various Refunds.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

- 06-2119 A resolution was adopted to approve a Street and Appurtenances Bond Release for Drees-Gallenstein, LLC for completion of improvements in Wethersfield, Section Three, in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2120 A resolution was adopted to approve a Sidewalk Bond Release for Drees-Gallenstein, LLC, for completion of improvements in Wethersfield, Section Three, in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2121 A resolution was adopted to approve Wetherfield Drive in Wethersfield, Section Three for public maintenance by Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2122 A resolution was adopted to approve a Street and Appurtenances Bond Release for Stone Ridge Development, Ltd. for completion of improvements in Stone Ridge, Section Eleven, situated in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2123 A resolution was adopted to approve a Street and Appurtenances Bond Release for Stone Ridge Development, Ltd. for completion of improvements in North Hills at Stone Ridge, Section One, situated in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2124 A resolution was adopted to approve a Street and Appurtenances Bond Release for Stone Ridge Development, Ltd. for completion of improvements in the Enclave at Stone Ridge, Section One, situated in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2125 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Stoneridge Development, Ltd. for completion of improvements in Country Brook North, Section Two in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2126 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Thomas L. Reagan for completion of improvements in Locust Grove at Country Brook North, Section Three, situated in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2127 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd. for completion of improvements in Adena at Miami Bluffs, Section 5, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

- 06-2128 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd. for completion of improvements in Adena at Miami Bluffs, Section 5, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2129 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd. for completion of improvements in Adena at Miami Bluffs, Section 3, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2130 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd for completion of improvements in Adena at Miami Bluffs, Section 2, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2131 A resolution was adopted to approve a Sidewalk Bond Release for Grand Communities, Ltd for completion of improvements in Adena at Miami Bluffs, Section 1, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2132 A resolution was adopted to approve and Erosion Control Bond Release for Las Colinas De Lebanon, LLC. for completion of improvements in Cedar Trace, Section I, situated in Turtlecreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2133 A resolution was adopted to approve a Street and Appurtenances Bond Release for Kahmann Development Corporation, Inc. for completion of improvements to Crown Point, Section 4, in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2134 A resolution was adopted to approve Gem Stone Drive and Sapphire Drive in Crown Point, Section 4 for public maintenance by Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2135 A resolution was adopted to approve an Erosion Control Bond Agreement for Las Colinas De Lebanon, LLC, for completion of improvements in Cedar Trace, Section III, situated in Turtlecreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2136 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Las Colinas De Lebanon, LLC for installation of certain improvements in the Cedar Trace, Section III, situated in Turtlecreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

- 06-2137 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Gallenstein Brothers, Inc. for installation of certain improvements in the Reserve at Indian Lake, Section 8, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2138 A resolution was adopted to enter into Sidewalk Security Agreement with Gallenstein Bros., Inc. for installation of certain improvements in the Reserves at Indian Lake, Section 8 situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2139 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Gallenstein Bros., Inc. for installation of certain improvements in the Reserves at Indian Lake, Section 8, situated in Hamilton Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2140 A resolution was adopted to enter into Sidewalk Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section Two, situated in Turtlecreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2141 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section Two, situated in Turtlecreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2142 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Shaker Run Investment Company, LLC for installation of certain improvements in Shaker Run, Section Two, situated in Turtlecreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2143 A resolution was adopted to approve the following Record Plats.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2144 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1620. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2145 A resolution was adopted to approve Appropriation Adjustments from Commissioners Fund #101-1110 Criminal Prosecutors Fund #101-1276.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2146 A resolution was adopted to approve Appropriation Adjustment from Commissioner's Fund #101-1110 into Veterans Fund #101-5210.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

- 06-2147 A resolution was adopted to approve Supplemental Appropriation in the Amount of \$3,334.50 for VOCA/SVAA, Victims of Crime Act Grant Fund #245-2450.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2148 A resolution was adopted to approve Supplemental Appropriation into Health Insurance Fund #632.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2149 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Human Services Fund #203.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2150 A resolution was adopted to approve Appropriation Adjustments within Data Processing Fund #101-1400.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2151 A resolution was adopted to approve Appropriation Adjustments within Clerk – County Court Fund #101-1282 and Clerk of Courts Fund #101-1260.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2152 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273, CSEA Fund #263, Department of Development Fund #296 and #298, Records Center Fund #101-1500, Sheriff Fund #630, Board of Elections Fund #101-1300, and Common Pleas Court Fund #101-1230.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2153 A resolution was adopted to approve Appropriation Decrease within Veterans Fund #215. Vote: Unanimous
- 06-2154 A resolution was adopted to approve Appropriation Adjustments within Telecommunications Fund #101-2810, Records Center Fund #101-1500, Recorder Fund #101-1160, Lebanon Municipal Court Fund #101-1272 and Engineer Fund #590.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2155 A resolution was adopted to approve Appropriation Adjustments within Human Services #203. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2156 A resolution was adopted to approve Appropriation Adjustments within Emergency Services Fund #264-2800 and Emergency Services / HazMat Fund #290. Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2157 A resolution was adopted to authorize payment of Bills.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

- 06-2158 A resolution was adopted to designate the Warren County Human Services Department as the Warren County Department of Job and Family Services, create Two Divisions within the County Department of Job and Family Services namely the Human Services and Children Services Divisions; Appoint Dave Gully, Executive Director and Redesignate Doris Bishop, Director of Human Services Division and Patti Jacobs, Director of the Children Services Division and the fix the sum of the Bond for the Directors of each Division.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2159 A resolution was adopted to designate the County Jobs and Family Services Division of Children Services to serve as the entity responsible for the operation of the Children Services Agency.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2160 A resolution was adopted to approve and adopt the 2007 Annual Budget for the Warren County Family and Children First Council.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2161 A resolution was adopted to adopt Classification Specifications and Point Factor Assignments of Sewer Maintenance Superintendent within the Warren County Water and Sewer Department.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2162 A resolution was adopted to Amend Classification Specification of Maintenance Superintendent position within the Warren County Water and Sewer Department.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2163 A resolution was adopted to adopt Classification Specifications and Point Factor Assignments of Income Eligibility Verification and Benefit Recovery Coordinator within the Warren County Human Services Department.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2164 A resolution was adopted to approve a Sidewalk Bond Release for Kahmann Development Corporation, Inc. for completion of improvements in Crown Point, Section 4, in Clearcreek Township.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent
- 06-2165 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101 into Human Services Fund #203.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – absent

DISCUSSIONS

PUBLIC MEETING

CONSIDER CONSENT DECREE AND SETTLEMENT AGREEMENT
RELATIVE TO J-II ENTERPRISES AND KENNETH AND BARBARA RICHARDSON

Commissioner Kilburn opened the meeting by explaining some of the history that included litigation and the purpose for the public meeting today.

Robert Craig, Regional Planning Commission, explained the original submittal which included 318 lots on 146 acres. He stated that the County Commissions denied sanitary sewer service to the property with started the litigation. He then stated the owner/applicant requested a rezoning to include a planned unit development overlay with 75 unsewered lots on 146 acres which was approved by the Board. At the Stage 2 Preliminary Site Plan, it was determined that the Health Department denied the soils for septic systems on all but 55 lots and the applicant withdrew the preliminary site plan due to the economic impact of losing 20 lots. He then stated that the litigation pursued further and the proposal being considered today includes sanitary sewers to the property with 95 lots and 50 acres of green space.

Patrick Merten, J-II Enterprises, stated that the 50+ acres of open space removes 36 lots from abutting existing adjacent properties.

Don Page, 3450 Keever Road, questioned why we are considering a settlement agreement when we won the lawsuit in Federal Court. He stated that politics are giving up control of our sanitary sewers and it is worth taking the gamble of more houses to keep control.

Lyle Jones, 3349 Keever Road, questioned how many homes can get into an 8" pipe.

Richard Renneker, Sanitary Engineer, stated 200 homes can be constructed on an 8" line.

Bruce McGary, Chief Deputy Prosecutor, explained the 1986 agreement to provide sanitary sewers to the prison which included all the properties within the drainage basin area.

Commissioner Kilburn questioned if the footprint could change in the future which would allow them to construct houses on the 50 acres of open space.

Mr. McGary stated there will be a contract between the parties filed with the court that states they cannot construct anything on the 50 acres of open space.

The Board discussed their desire for some kind of deed restriction that prevents construction on the 50 acres.

Mr. Merten stated that J-II Enterprises would agree to the deed restriction upon approval of their legal counsel.

Mr. Jones stated his concern with things being changed by a future Board of Commissioners.

The Board discussed the possibility of deeding the acreage to the Warren County Park Board.

Martha Page, 3450 Keever Road, stated her concern with the unclear language in the settlement agreement.

Dan Hill, 1949 Greentree Road, questioned if the develop will turn the open space into a park and if not, what will they do with it.

Mr. Merten stated he would love to sit down with the Trustees and the Park Board to discuss the park dedication.

Greg Davis, 100 S. SR 741, stated his concern with the Butler County Sewer Agreement only being for 20 years. He questioned what happens when it expires and if there has been discussion about Warren County taking over their own treatment.

Mr. McGary explained that the State of Ohio is limited to 20 years as the maximum years allowed by law.

Tom Spellmire, 3100 Hamilton Road, stated that the 50 foot conservation easement discussed at the rezoning is not there and the stub street has not been removed.

Dan Jones, Turtlecreek Township Trustee, stated that at the rezoning public hearing, the developer was going to leave the easement to the stub street but not construct blacktop.

Mr. Craig then read into the record the condition approved in the rezoning resolution relative to the stub street.

Mr. Spellmire then encouraged the Board to place a conservation easement on the 50 acres of dedicated open space.

Gary Duncan, 888 S SR 741, questioned why the Board was in a rush to settle. He then stated his desire for the Board to wait to make any decisions until the zoning rewrite is completed. He then stated he does not want to see this property go to Butler County.

Christine Hoodvan, Nickel Road resident, questioned if this property can be annexed to Butler County.

The Board explained that you cannot annex to a County, only to a municipality.

Upon further discussion, the Board continued this public meeting to December 19, 2006, at 11:30 a.m. to allow the attorneys to discuss the changes/clarification of language and to allow J-II Enterprises time to meet with the Warren County Park Board.

Commissioner Kilburn exited the meeting at 7:15 p.m.

The Board discussed the desire to follow the Butler County Sheriff's lead to be granted approval to enforce immigration laws within the County.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

David G. Young

Pat Arnold South

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 December 14, 2006, in compliance with Section 121.22 O.R.C.

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