



**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 – April 7, 2009

The Board met in regular session pursuant to adjournment of the April 2, 2009, meeting.

C. Michael Kilburn - present

David G. Young - present

Pat Arnold South - present

Tina Davis, Clerk – present

Minutes of the March 31, 2009, and April 2, 2009, meetings were read and approved.

- 09-0477      A resolution was adopted to enter into Engineering Service Contract with CH2M Hill, Inc. Vote: Unanimous
- 09-0478      A resolution was adopted to acknowledge receipt of March 2009 Financial Statement. Vote: Unanimous
- 09-0479      A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into Fund #426 for the Mason-Montgomery Road Widening Project. Vote: Unanimous
- 09-0480      A resolution was adopted to approve an Expense Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 09-0481      A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 09-0482      A resolution was adopted to modify Section 7.07 Deposits of the Rules and Regulations of the Warren County Water and Sewer Department. Vote: Young – absent, South – yea, Kilburn - yea

- 09-0483        A resolution was adopted to request the County Prosecutor to begin collection process relative to outstanding balances owed to the Water and Sewer Department from builders. Vote: Young – absent, South – yea, Kilburn - yea
- 09-0484        A resolution was adopted to end Temporary Reclassification for Nicole Cebin, within the Department of Water and Sewer. Vote: Young – absent, South – yea, Kilburn - yea

DISCUSSIONS

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On motion, upon unanimous call of the roll, the Board entered into executive session at 9:02 a.m. to discuss personnel relative to hiring within the Children Services Department pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:51 a.m.

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On motion, bids were closed at 10:15 a.m. this 7<sup>th</sup> day of April and the following bids were received for the FY08 City of Franklin Water Pressure Reducer Project for the Warren County Office of Grants Administration:

ProContractors, Inc. Middletown, Ohio	\$ 62,500.00
Diggitt Excavating Lebanon, Ohio	\$ 49,859.72
W.G. Stang LLC Hamilton, Ohio	\$ 42,950.00
Flora Excavating Greenville, Ohio	\$ 47,600.00
Bronco Excavating Fairfield, Ohio	\$ 53,100.00
Trend Construction Cincinnati, Ohio	\$ 52,930.00

Jerry Haddix, Coordinator, Warren County Office of Grants Administration, will review bids for a recommendation at a later date.

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Kim Lapensee, Regional Planning Commission, was present along with Greg Hothem, City of Loveland representative and Warren County member of the SORTA Board, was present to receive the Board's thoughts and ideas relative to working cooperatively with Hamilton and Butler Counties relative to transit issues.

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J. William Duning, agent to annex 164.69 acres to the Village of South Lebanon, was present for the continuation of discussion relative to the Type 2 petition for annexation.

Commissioner Kilburn reviewed the events from the last discussion including the question presented relative to property ownership issues and if the petition for annexation includes 100% of the property owners. He then acknowledged receipt of a letter from the agent requesting an amendment to the petition to delete the 9.45 acres in question.

Mr. Duning then acknowledged that he has submitted a revised map and legal description to the Tax Map Department. He then stated that the Tax Map Department has requested changes from the civil engineer who prepared the documents and those changes are in process.

Bob Fox, Tax Map Department, stated that he has received the desired changes electronically and determined the document to be accurate; however, he has not received the original documents.

Commissioner Kilburn acknowledged the deadline of April 11, 2009, to render a decision pursuant to annexation law. He then questioned what the pleasure of the Board would be.

Commissioner South stated the Board could approve the petition subject to an accurate map and legal description.

Commissioner Kilburn stated that the Board could also continue the discussion until Thursday.

On motion, upon unanimous call of the roll, the Board continued this matter to April 9, 2009, at 5:05 p.m.

Warren Ritchie, Attorney for Hamilton Township, stated that there is no statutory provision that allows an expedited annexation petition to be amended.

Commissioner Young questioned the agent why he thinks he can amend the petition.

Mr. Duning stated that there is no statutory provision to prevent him from amending the petition.

Tom Swope, Attorney for Deerfield Township, stated there are three issues:

1. The statute does not allow an amendment to an expedited annexation.
2. The new shape of the annexation is even less contiguous than the first map, which, in his opinion was not contiguous.
3. There is another parcel of land that there is a question of ownership.

Bruce McGary, Chief Deputy Prosecutor, stated that in point #3, if ODNR does not own the parcel in question, then the Commissioners are the owners and they are not required by law to sign. He then stated that the law does not provide for an expedited petition to be amended. He then stated that the law does not provide for an expedited annexation to be reviewed by the Tax Map Department.

Mr. McGary then questioned why the Board would deny this annexation and then have the agent turn around and re-file for the Board to approve it.

Commissioner Kilburn questioned what Mr. McGary's recommend to the Board would be.

Mr. McGary stated that the Board only has the authority to do what the law gives them. The Board has implicit authority to accept an amendment for a general annexation and common sense says to allow the amendment. The Common Pleas Court may say otherwise.

Upon further discussion, the Board acknowledged the previous motion to continue this discussion to Thursday, April 9, 2009, at 5:05 p.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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Commissioner Young exited at 12:10 p.m.

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Chris Brausch, Sanitary Engineer, was present for a work session to discuss his request to amend the Rules and Regulations within the Water and Sewer Department to begin requirement a deposit from builders when a connection is made to the system as if they were a renter.

Mr. Brausch stated that there are currently over \$11,000 in outstanding bills from builders who have not paid their final bill upon transfer of the property.

There was discussion relative to the Board's desire to have the Prosecutor's Office begin collection proceedings for the outstanding balances.

Upon discussion, the Board resolved (Resolution #09-482) to modify Section 7.07 Deposits of the Rules and Regulations of the Warren County Water and Sewer Department.

Upon further discussion, the Board resolved (Resolution #09-483) to request the County Prosecutor to begin proceeding relative to the outstanding water and sewer bills from builders.

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Upon motion the meeting was adjourned.

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C. Michael Kilburn, President

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David G. Young

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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 April 7, 2009, in compliance with Section 121.22 O.R.C.

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