



**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 – January 19, 2010

The Board met in regular session pursuant to adjournment of the January 14, 2009, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk - present

Minutes of the January 14, 2010, meeting were read and approved.

- 10-0079 A resolution was adopted to accept Resignation of Trina Gunn, Investigative Caseworker II, within Warren County Job and Family Services, Children Services Division, effective January 22, 2010. Vote: Unanimous
- 10-0080 A resolution was adopted to approve and enter into a Software Maintenance Agreement with Unitronix Data Systems for the Abacus Software on behalf of the Warren County Department of Human Services. Vote: Unanimous
- 10-0081 A resolution was adopted to authorize the County Engineer to execute Access Permit with the Miami Conservancy District for the MCD Lane Use Permit No. 10-2186-1, Renewal No. 3. Vote: Unanimous
- 10-0082 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 10-0083 A resolution was adopted to approve a Supplemental Appropriation into 202 and an Operational Transfer from 202 into Fund 461 and Repayment of a Cash Advance from 461 into Fund 202. Vote: Unanimous

- 10-0084 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263.
Vote: Unanimous
- 10-0085 A resolution was adopted to approve Operational Transfer from County Commissioners' Fund #101-1112 into Mary Haven Youth Treatment Center Fund #270. Vote: Unanimous
- 10-0086 A resolution was adopted to approve Appropriation Adjustment within Health Insurance Fund #632. Vote: Unanimous
- 10-0087 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 10-0088 A resolution was adopted to authorize payment of Bills.
Mrs. South - yea; Mr. young - yea; Mr. Kilburn - nay
- 10-0089 A resolution was adopted to close Public Hearing regarding the Annexation Petition of J. William Duning, Agent to Annex 27.5103 acres to the City of Loveland pursuant to Ohio Revised Code Section 709.02 (aka General Annexation) and render a decision relative to same on January 26, 2010, at 12:00 p.m. Mrs. South - yea; Mr. young - yea; Mr. Kilburn - absent

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board entered into executive session at 8:55 a.m. to discuss pending litigation pursuant to Ohio Revised Code Section 121.2 (G)(3) and exited at 9:23 a.m.

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

Representatives from Warren County Transit, Warren County Prosecutor's Office and Winton Transportation were present to discuss the protest of the request for proposals and contract award process for the operations of the Warren County Transit Service for 2010 filed by Winton Transportation, LLC d/b/a UTS.

Chris Jenkins, legal counsel for UTS, stated that UTS was the low bidder for the proposals—bar none, that UTS treaded lightly during the process up until this point and that UTS knows that the law was broken in the RFP process. He stated that, pursuant to Ohio law, the Board could not disclose any information relative to the bid proposals until after the contract had been awarded.

Upon discussion, Mr. Jenkins presented options to the Board to include proceeding as planned and award the contract to MV Transit which will ensure litigation from UTS, award the contract to UTS which is their preferred option, or re-do the RFP process and comply with Ohio law.

Chris Goebel, Lakefront Lines, Inc. (AKA Coach America), stated his companies desire for the Board to go through the RFP process once again rather than awarding the contract.

Upon discussion, the Board determined they will consider the information presented and render a decision on how they will proceed at the January 26, 2010, meeting.

Commissioner Kilburn exited the meeting at 10:35 a.m.

PUBLIC HEARING

ANNEXATION PETITION OF J. WILLIAM DUNING, AGENT
TO ANNEX 27.5103 ACRES TO THE CITY OF LOVELAND
PURSUANT TO OHIO REVISED CODE 709.02
(GENERAL ANNEXATION)

The public hearing to consider the annexation petition of J. William Duning, Agent to annex 27.5103 acres to the City of Loveland pursuant to Ohio Revised Code Section 709.02 (General Annexation) was convened this 19th day of January 2010, in the Commissioners' Meeting Room.

Commissioner Young read aloud the process which the public hearing would be conducted and, with no objections to the process stated, proceeded with the public hearing.

Commissioner Young requested the Clerk to state all documents that have been received to date.

Tina Davis, Clerk of Commissioners, read the following into the record:

1. Petition was filed November 19, 2009, and included Donald R. Gay, Member (River's Bend Farm, LLC) signature and an illegible signature on behalf of The City of Loveland, Ohio, a list of adjacent property owners, legal description and plat.
2. Forwarded to the Tax Map Department for review on November 20, 2009
3. Received revised legal description and plat from agent on December 1, 2009
4. Received review comments from the Tax Map Department on December 2, 2009
5. The resolution to set the time and date of the public hearing was adopted on December 10, 2009; hearing set for January 19, 2010, at 10:30 a.m.
6. Mailed copy of resolution to set the public hearing to agent and Hamilton Township on December 11, 2009
7. Received Certified copy of Resolution No. 2009-82 enacted by the Council of the City of Loveland, Ohio, regarding incompatible land uses and zoning buffer on January 6, 2010
8. Received Certified copy of Resolution No. 2009-83 enacted by the Council of the City of Loveland, Ohio, regarding municipal services to be provided to the area to be annexed on January 6, 2010
9. Received Affidavit of Service of Notice to Clerks of the City of Loveland and Hamilton Township of the filing of the annexation petition and the annexation hearing on January 6, 2010
10. Received Affidavit of Service of Notice to property owners within the territory to be annexed of the filing of the annexation petition and the annexation hearing on January 6, 2010
11. Received Affidavit of Service of Notice to the adjoining property owners of the filing of the annexation petition and the annexation hearing on January 6, 2010
12. Revised review comments from the Tax Map Department stating an island is created from this annexation on January 19, 2010 (today)

J. William Duning, agent for petitions, stated in his opening remarks that this petition meets all requirements under the law and will, during the hearing, discuss the reads for this annexation.

Warren Ritchie, attorney for Hamilton Township Trustees, stated that this petition indicates that 75% of the property owners have signed this petition. He stated that the City of Loveland should not be counted as an owner. He then stated that an island is created by this annexation leaving two individual property owners from Hamilton Township totally surrounded by the City of Loveland.

Commissioner Young then questioned if there was anyone present at today's hearing who desires to remove their signature from the annexation petition. There was no one present requesting removal of their signature.

Mr. Ritchie stated that it is a matter of policy to not create islands by annexation.

Upon discussion, the Board determined that the petition for annexation is valid and to proceed with the annexation process.

The Board determined that there are no procedural defects within the annexation petition.

Mr. Duning presented Petitioners' Exhibit 1—a newspaper article relative to the purchase of land by the City of Loveland for the purpose of wellhead protect.

Mr. Duning then called Amanda Stafanie, Assistant to the Loveland City Manager, to the podium which testified in support of the annexation.

Mr. Duning called Tim Substancy, Loveland Police Chief, to the podium who testified that access to this property will be through Cones Road, the Little Miami Bike Trail and the Little Miami River. He stated that the access will remain the same regardless of any annexation petition. He then testified that this territory is serviced for police and fire protection by both Loveland and Hamilton Township through mutual aid.

Cindy Koffenstein, Loveland City Engineer, testified in support of the annexation petition.

Mr. Duning stated that, on balance, the benefits of annexation outweigh the detriments relative to this annexation and that all statutory requirements have been met. He then stated that River's Bend Farm LLC desires to have Loveland Zoning and services.

Becky Ehling, Hamilton Township Trustee, stated her opposition to this annexation.

Bob Fox, Tax Map Department, stated that an island is created from this annexation, although it is technically connected to Hamilton Township by the Little Miami River and therefore, technically makes it a peninsula.

Gary Boerhis, Community Development Director, presented a GIS Map of the area, marked Township Exhibit 1, and spoke in opposition to the annexation petition.

Mr. Ritchie stated that it is the position of Hamilton Township that is it bad policy to create islands through annexation. He also stated that if this annexation petition is approved, it would be a detriment to the area.

Mr. Duning stated that governments do not want to be in the habit of creating islands but this petition should be considered an exception as the access remains the same regardless of annexation. He then stated that the adjacent property owners will not be provided any less service than they currently have. He then stated that the general good of the territory will be served by this annexation.

Commissioner South questioned Mr. McGary, Chief Deputy Prosecutor, if the property owners that remained in the Township who were within the "island" could be forced to annex due to being surrounded by the City of Loveland.

Mr. McGary stated that they could not be forced unless they desired city services. He stated that the island provision within the ORC only applies to expedited annexations and this is not an expedited annexation petition. He then stated the Board should consider the following:

1. Any benefits to surrounding area
2. Do the benefits of the area outweigh the detriments if annexed
3. Is there even an island to begin with? Mr. Fox considered it a peninsula do to river access; however, the Township does not access the property by way of river.


Commissioner South questioned Mr. Duning as to why he filed this as a general annexation and not an expedited as the petition contained 100% of the property owner signatures according to law.

Mr. Duning stated that the City of Loveland desired to annex as a general annexation which turned out to be a benefit due to the question of an island being created.

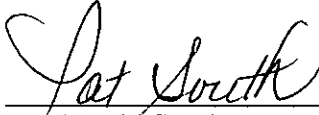
Upon further discussion, the Board resolved (Resolution #10-89) to close the public hearing and render a decision on January 26, 2010, at 12:00 p.m.

On motion, upon unanimous call of the roll, the Board entered into executive session at 11:50 a.m. to discuss personnel matters relative to employee discipline pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 12:12 p.m.

pon motion the meeting was adjourned.



David G. Young, President

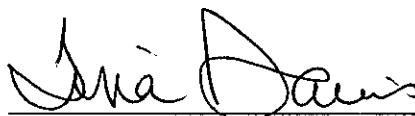


Pat Arnold South



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 January 14, 2010, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink, appearing to read "Tina Davis", written over a horizontal line.

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