



**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 – August 21, 2007

The Board met in regular session pursuant to adjournment of the August 16, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

07-1271 A resolution was adopted to approve Notice of Intent to Award the Contract for the Stubbs Mill Road Bridge Rehabilitation Project. Vote: Unanimous

07-1272 A resolution was adopted to declare an Emergency and Waive Competitive Bidding Process for Emergency Replacement of the Trane Compressor at 570 Justice Drive (Juvenile Justice Center). Vote: Unanimous

07-1273 A resolution was adopted to approve Change Order #GC-9 with Better Built Construction Services, Inc. relevant to the East Street Building Renovation Project. Vote: Unanimous

07-1274 A resolution was adopted to Temporarily Terminate Bi-Monthly Sewer Billing to 7178 Country Walk Drive in Carlisle Sewer Improvement Area. Vote: Unanimous

07-1275 A resolution was adopted to approve and authorize the President of the Board to enter into a Classroom Training Agreement on behalf of Workforce One of Warren County (Warren County One-Stop). Vote: Unanimous

- 07-1276 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Delmar L. & Jean S. Ring for completion of improvements in Foxdale Farms, Section Four, situated in Clearcreek Township. Vote: Unanimous
- 07-1277 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release with Trillium Run LLC for Trillium Run in Wayne Township. Vote: Unanimous
- 07-1278 A resolution was adopted to enter into an Erosion Control Bond Agreement with Oswald Company, Inc. for completion of improvements in Rivers Bend Towne Center, Lot 1, situated in Hamilton Township. Vote: Unanimous
- 07-1279 A resolution was adopted to enter into Street and Appurtenances Security Agreement with M/I Homes of Cincinnati, LLC for installation of certain improvements in Regency Park Right-of-way Dedication Plat of Parts of Huntington Drive and Hawksbury Drive including Extraterritorial Easements, situated in Hamilton Township. Vote: Unanimous
- 07-1280 A resolution was adopted to enter into Sidewalk Security Agreement with M/I Homes LLC for installation of certain improvements in Regency Park Right-of-way Dedication Plat of Parts of Huntington Drive and Hawksbury Drive including Extraterritorial Easements, situated in Hamilton Township. Vote: Unanimous
- 07-1281 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with M/I Homes LLC for completion of improvements in Regency Park Right-of-way Dedication Plat of Parts of Huntington Drive and Hawksbury Drive including Extraterritorial Easements, situated in Hamilton Township. Vote: Unanimous
- 07-1282 A resolution was adopted to enter into an Erosion Control Bond Agreement with M/I Homes LLC for completion of improvements in Regency Park Right-of-way Dedication Plat of Parts of Huntington Drive and Hawksbury Drive including Extraterritorial Easements, situated in Hamilton Township. Vote: Unanimous
- 07-1283 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 07-1284 A resolution was adopted to approve Appropriation Decreases within Juvenile Court FDCC Fund #247. Vote: Unanimous
- 07-1285 A resolution was adopted to approve an Operating Transfer and Sub Fund Adjustment within Water Revenue Fund 510 into the Beal Road and Grandin Ridge Water Main Relocation Project, Fund No. 583-3222. Vote: Unanimous
- 07-1286 A resolution was adopted to approve an Appropriation Adjustment within

Workforce One Fund #258. Vote: Unanimous

07-1287 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

07-1288 A resolution was adopted to resolution authorizing the issuance and sale of Industrial Development Revenue Bonds, Series 2007 (Burrows Paper Corporation Project) of the County of Warren, Ohio in an aggregate principal amount not to exceed \$2,500,000; authorizing the execution and delivery of a Loan Agreement in connection therewith; authorizing the execution and delivery of an Assignment of a Promissory Note to secure such Series 2007 Bonds; authorizing execution of an Escrow Agreement with respect to said Series 2007 Bonds; authorizing the execution of a Tax Regulatory Agreement; and authorizing other documents in connection with the issuance of the Bonds

DISCUSSIONS

On motion, bids were closed at 10:15 a.m. this 21st day of August and the following bids were received, opened and read aloud for the Pole Building Project for the Warren County Water and Sewer Department:

Wilson Building & More, Inc. Lebanon, Ohio	\$ 50,516.00
ANM Enterprise West Chester, Ohio	\$ 55,000.00
Better Built Construction Trenton, Ohio	\$ 49,750.00

Richard Renneker, Sanitary Engineer, Warren County Water and Sewer Department will review bids for a recommendation at a later date.

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

Tom Lockwood, Peck, Shaffer & Williams, was present along with representatives from Warren County Economic Development Department for the adoption of the final legislation relative to Industrial Development Revenue Bonds for Burrows Paper in the City of Franklin.

The Board acknowledged receipt of the following annexation petition filed pursuant to Ohio Revised Code Section 709.021 and 709.023:

2.69 Acres to the Village of South Lebanon, Thomas M. Tepe, Jr., Agent
4.47 Acres to the Village of South Lebanon, Thomas M. Tepe, Jr., Agent

Rachel Hutzel, County Prosecutor, was present along with Bruce McGary, Chief Deputy Prosecutor, for a work session to discuss the funding of a new Victim Witness Advocate position.

Mrs. Hutzel explained that the County has provided the services to the Municipal Courts in Lebanon, Mason, and Franklin since the time that the services were required by law. She then stated that they have entered into cooperative agreements with each of the Municipalities for the funding of one full time position.

Upon discussion, the Board agreed to the hiring of a new full time Victim Witness Advocate.

Mark Hildebrandt, Salt Run Land Development, Inc. was present to request sanitary sewer service to his property which is located outside the sewer improvement area along Mounts Road in Hamilton Township.

Commissioner South stated that this property is clearly located outside the sewer improvement area and therefore, no sanitary sewer access will be granted.

Commissioner Young stated that the rules are very clear about who is permitted to connect to the sanitary sewers and this property is not one of them.

Commissioner South stated they will allow sanitary sewers to be located within the sewer improvement boundary but the Board will work to ensure the sewers do not extend beyond the boundary.

Mr. Hildebrandt stated that the Hamilton Township Trustees voted to extend the sewer improvement area to include their property during their land use plan updated.

Commissioner Kilburn clarified that the Board of County Commissioners decide where sanitary sewers are located, not the Township Trustees.

There was discussion relative to the fact that Mr. Hildebrandt was in agreement to remove the lots from the proposed plat when the Board granted sanitary sewer service to his property along Foster Maineville Road in Hamilton Township on August 7, 2007.

Bruce McGary, Chief Deputy Prosecutor, questioned what Mr. Hildebrandt believes the 1976 resolution states.

Mr. Hildebrandt stated that the 1976 resolution charged an assessment for the design and planning of the sanitary sewers for the area. He stated it was not just for planning.

Richard Renneker, Sanitary Engineer, stated that the assessment was not for construction of the sewers. That is required to be a separate resolution which was not done for this property.

Mr. McGary stated there are many false statements in the letter provided by Mr. Hildebrandt. He then clarified that according to Ohio Revised Code Section 6117.06, the Board must adopt a resolution of necessity which is the next phase in order to proceed with the construction phase of sanitary sewers. He then stated that the ORC provides total discretion to the Board of Commissioners where sewers will go.

Mr. Hildebrandt stated that the 1976 resolution stated a specific area and then states adjacent areas along with a map that shows his property as being in the improvement area.

Dr. Colon, Hamilton Township resident and member of the 2006 Hamilton Township Land Use Committee, explained what the charge of the Land Use Committee was, which was a feasibility study only, not an action committee. He then stated that a survey by the Hamilton Township Trustees was conducted with a 10% response and stated that 77% of the residents stated they do not want to expand development.

Upon further discussion, the Board reiterated that they will not allow sanitary sewers outside the sewer improvement area.

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 August 21, 2007, in compliance with Section 121.22 O.R.C.

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