



BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

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LARRY CRISENBERY
C. MICHAEL KILBURN
PAT ARNOLD SOUTH

MINUTES: Regular Session--September 6, 2001

The Board met in regular session pursuant to adjournment of the September 4, 2001, meeting.

C. Michael Kilburn - present Larry Crisenbery - present

Pat Arnold South - present Tina Davis, Clerk- present

01-1477 A resolution was adopted for Certification of Delinquent Water and/or Sewer Accounts – Warren County Water and Sewer Department. Vote: Unanimous

01-1478 A resolution was adopted to approve End of 270-Day Probationary Period and approve a Pay Increase for Jesse Madden, Emergency Communications Operator within the Warren County Department of Emergency Services. Vote: Unanimous

01-1479 A resolution was adopted to approve end of 270-Day Probationary Period and approve a Pay Increase for Bradley Edrington, Emergency Communications Operator within the Warren County Department of Emergency Services. Vote: Unanimous

01-1480 A resolution was adopted to approve end of 270-Day Probationary Period and approve a Pay Increase for Connie Bledsoe, Emergency Communications Operator within the Warren County Department of Emergency Services. Vote: Unanimous

01-1481 A resolution was adopted to authorize Reimbursement to the Butler County Department of Environmental Services for System Capacity Charges for the Deerfield Area. Vote: Unanimous

01-1482 A resolution was adopted to enter into Consulting Contract with Jones-Warner Consultants. Vote: Unanimous

- 01-1483 A resolution was adopted to approve Various Refunds. Vote: Unanimous
- 01-1484 A resolution was adopted to approve Appropriation Adjustment within Records Center Fund #101-1500. Vote: Unanimous
- 01-1485 A resolution was adopted to approve a Supplemental Appropriation within Water Revenue Fund #510. Vote: Unanimous
- 01-1486 A resolution was adopted to approve an Operational Transfer from County Commissioners Fund #101-1112 into Telecommunications Construction Projects Fund #492. Vote: Unanimous
- 01-1487 A resolution was adopted to approve Change of Township Boundaries of Mason Township to make them, in part, identical to those of the City of Mason. Vote: Unanimous
- 01-1488 A resolution was adopted to authorize payment of Bills. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 4:00 p.m. to discuss personnel matters and exited at 5:20 p.m.

PUBLIC HEARING

ANNEXATION PETITION OF RICHARD BRAHM, AGENT
TO ANNEX 97.010 ACRES TO THE CITY OF MIDDLETOWN

The public hearing to consider the annexation petition of Richard Brahm, agent to annex 97.010 acres to the City of Middletown was convened this 6th day of September 2001, at the Hunter Elementary School in Franklin Township, Warren County, Ohio.

Commissioner Kilburn opened the public hearing by reading aloud the resolution establishing the time, date and location and swearing those desiring to give testimony. He then acknowledged with the Clerk that all legal requirements had been met.

Richard Brahm, Agent for Petitioners, presented the following exhibits:

- Exhibit 1 - Map of Territory
- Exhibit 2 - Certified Copy of Deed of Property owner
- Exhibit 3 - Technical Requirements
- Exhibit 4 - Surveyors affidavit

Mr. Brahm then reviewed the content of Middletown's Ordinance of Services and stated that Water and Sanitary Sewers are available from both Warren County and the City of Middletown. He then presented the following exhibits in favor of annexation:

- Exhibit5A - Olson Affidavit
- 5B - Police Chief Affidavit
- 5C - Fire Chief Affidavit
- 5D - Public Works Affidavit
- 5E - City Engineer Affidavit
- 5F - Chief Building Official Affidavit
- 5G - Human Resources Affidavit
- 5H - Middletown Health Department Affidavit
- 5I - Planning Commission Affidavit
- 6 Owner Affidavit

Mr. Brahm stated that the Corporation intends to donate 66 acres to the Cincinnati Arch Diocese. He then presented the following additional affidavits:

- Exhibit 8 - Arch Bishop Affidavit
- 9 - Fenwick High School Principal affidavit

Mr. Brahm stated that he has met all requirements of the Ohio Revised Code and desires the Board to approve the annexation petition.

Steve Cox, State Route 122/Franklin Township resident, questioned how the new school would affect traffic in the area.

Mr. Brahm stated that traffic would be controlled through the zoning resolution.

Mr. Rupert, Township Trustee, stated that the general good of the property has to be considered and then questioned how the City of Middletown could financially service the needed improvements in the area if annexed and developed.

John Sauder, Middletown Fire Chief, stated that the closest fire station is 2.3 miles from the property proposed to be annexed.

It was then stated that there was no further testimony at this time in favor of annexation.

Phyllis Darrah, Franklin Township Trustee, spoke in opposition to the annexation petition and stated that the City of Middletown could not afford to provide services.

Elmo Rose, Franklin Township Trustee, spoke in opposition to the annexation petition and presented Township Exhibit 1A and 1B.

Richard Renneker, Warren County Sanitary Engineer, stated that water and sewer services are available through Warren County and presented his affidavit marked Township Exhibit 2.

Brandon Saylor, JEMS, stated that the JEMS provide emergency medical services to the property and stated the average response time to the area is four (4) minutes. He then stated that they are a full time staffed department, 24 hours a day, 7 days a week.

Steve Bishop, Franklin Township Fire Chief, stated that the Township has 21 firefighters with an eight (8) minute response time and an average response of seven (7) people.

Mr. Rupert stated that the Board must make the decision as to what is in the best interest of this parcel when making their decision. He then stated that Franklin Township provides better snow and ice removal services and better road services than that of the City of Middletown. He then requested the Board to continue the public hearing to allow the Township time to hire an engineer to do a survey on the comparison of road in Franklin Township verses the City of Middletown.

Mr. Brahm objected to the request for a continuance.

Mr. Rupert then requested the Board to direct Robert D. Price, County Administrator, to provide an affidavit of the other services, which Warren County provides to the property in question.

Commissioner Kilburn then entered into the record the numerous letters, e-mails, and telephone messages received in opposition to the annexation petition.

There was additional testimony given in opposition to the annexation of the proposed property by the following individuals: George Conner, Marty Manahl, James Collins, Christopher Saunders, Dorothy Patrick, Ann Brown, Bobby Jay, Liz Buchanan, and Alice Johnson.

Mr. Brahm presented a legal memorandum in support of the annexation petition marked Exhibit 9.

Upon further discussion, the Board resolved (Resolution #01-1489) to continue the public hearing to September 27, 2001, at 6:00 p.m. at the Hunter Elementary School.

Upon motion the meeting was adjourned.

C. Michael Kilburn, President

Larry Crisenbery

Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on September 6, 2001, in compliance with Section 121.22 O.R.C.

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