



**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 19, 2006**

The Board met in regular session pursuant to adjournment of the December 14, 2006, meeting.

C. Michael Kilburn - present

Pat Arnold South - present

David G. Young - present

Tina Davis, Clerk – present

- 06-2166      A resolution was adopted to approve the rezoning application of Dr. William Lukens to rezone 1.234 acres in Turtlecreek Township from Heavy Industry “M-2” to General Business “B-2”. Vote: Unanimous
- 06-2167      A resolution was adopted to Reject bids received for Healthcare Services.  
Vote: Unanimous
- 06-2168      A resolution was adopted to accept Resignation of Lisa Bonasso, Eligibility Referral Specialist I within the Warren County Department of Human Services, effective January 2, 2007. Vote: Unanimous
- 06-2168A     A resolution was adopted to Hire Doug Ingram, Jr. as Water and Sewer Repair Worker II, within the Warren County Water and Sewer Department.  
Vote: Unanimous
- 06-2169      A resolution was adopted to Hire Martin Russell as Economic Development Specialist within the Warren County Economic Development Department.  
Vote: Unanimous

- 06-2170 A resolution was adopted to accept Resignation of Vernon Allen, Custodial Worker II, within the Warren County Building Services Department, effective December 11, 2006. Vote: Unanimous
- 06-2171 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 Morrow relative to the FY 2006 Community Development Block Grant Formula Program. Vote: Unanimous
- 06-2172 A resolution was adopted to request Speed Limit Reduction on a portion of Kings Mills Road in Deerfield Township. Vote: Unanimous
- 06-2173 A resolution was adopted to request Speed limit Reduction on a portion of Shaker Road in Franklin Township. Vote: Unanimous
- 06-2174 A resolution was adopted to request Speed Limit Reduction on a portion of Bethany Road in Deerfield Township. Vote: Unanimous
- 06-2173 A resolution was adopted to request Speed Limit Reduction on a portion of Shaker Road in Franklin Township. Vote: Unanimous
- 06-2174 A resolution was adopted to request Speed Limit Reduction on a portion of Bethany Road in Deerfield Township. Vote: Unanimous
- 06-2175 A resolution was adopted to designate Family and Medical Leave of Absence to Kati Jameson, Client Customer Advocate I, within the Department of Human Services. Vote: Unanimous
- 06-2176 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Heritage at Miami Bluffs LLC for Heritage at Miami Bluffs Subdivision Phase 2 Block "B" in Hamilton Township. Vote: Unanimous
- 06-2177 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for Heritage at Miami Bluffs LLC for Heritage at Miami Bluffs Subdivision Phase 3 Block "A" in Hamilton Township. Vote: Unanimous
- 06-2178 A resolution was adopted to Amend Resolution #06-1141 adopted July 11, 2006 to accept Arbor Square Drive and Arbor Square Way in Arbor Square Drive, Lot 14 for public maintenance by Deerfield Township. Vote: Unanimous
- 06-2179 A resolution was adopted to Amend Resolution #06-1714 adopted October 10, 2006, to accept Haverhill Land and Holyoke Circle in Regency Park, Section 3 for public maintenance by Hamilton Township. Vote: Unanimous

- 06-2180 A resolution was adopted to Amend Resolution #06-1145 adopted July 11, 2006, to accept Indian Bluffs Drive, Bluffington Terrace Drive, Gray Wolf Drive, Seneca Park Way, Cougar Ridge Way, Allegany Trail, Blackthorne Court, Tecumseh Drive and Miami Bluffs Blvd in Miami Bluffs, Section One for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2181 A resolution was adopted to Amend Resolution #06-1719 adopted October 19, 2006, to accept Turning Leaf Way, Cherry Laurel Court and Red Cedar Court in Turning Leaf, Section 1 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2182 A resolution was adopted to Amend Resolution #06-2012 adopted November 28, 2006 to accept Winding River Blvd, Sherwood Forest Lane, Grand Legacy Drive and Falcon Point in River's Bend Golf Club Community, Section 9 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2183 A resolution was adopted to Amend Resolution #06-1994 adopted November 28, 2006, to accept Winding River Blvd and Vista Point Drive in River's Bend Golf Club Community, Section 1 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2184 A resolution was adopted to Amend Resolution #06-2006 adopted November 28, 2006 at accept River Forest Drive and West Wind Cove in River's Bend Golf Club Community, Section 5 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2185 A resolution was adopted to Amend Resolution #06-2000 adopted November 28, 2006, to accept Stone Lake Drive, Sanctuary Lane, Turning Point Lane and River Forest Drive in River's Bend Golf Club Community, Section 3 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2186 A resolution was adopted to Amend Resolution #06-1997 adopted November 28, 2006, to accept Water Stone Lane in River's Bend Golf Club Community, Section 2, for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2187 A resolution was adopted to Amend Resolution #06-258 adopted February 9, 2006, to accept Willow Pond Blvd., Wildflower Lane and Milkweed Court in the Landing at Willow Pond, Section 6 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2188 A resolution was adopted to Amend Resolution #06-1005 adopted June 15, 2006, to accept Willow Pond Blvd., Apalachee Drive, Bannock Drive and Coyote Drive in the Reserves at Indian Lake, Section 1 for public maintenance by Hamilton Township. Vote: Unanimous

- 06-2189 A resolution was adopted to Amend Resolution #06-1279 adopted July 27, 2006, to accept Thornton Grove, Maple Grove and Linden Creek in Thornton Grove, Phase 1 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-2190 A resolution was adopted to Amend Resolution #06-2190 adopted November 21, 2006 to accept Country Walk Drive, Gingerwood Court and Sweetbriar Court in Country Walk, Section Two for public maintenance by Franklin Township. Vote: Unanimous
- 06-2191 A resolution was adopted to Amend Resolution #06-1889 adopted November 7, 2006, to Transfer a portion of Columbia Road from Warren County Engineer to Deerfield Township. Vote: Unanimous
- 06-2192 A resolution was adopted to Amend Resolution #06-145 adopted January 24, 2006, to accept Hedgewood Circle and Plumfield Court in Greenfield Place, Section 5 for public maintenance by Deerfield Township. Vote: Unanimous
- 06-2193 A resolution was adopted to Amend Resolution #06-990 adopted June 15, 2006 accept Rosemont Lane and English Garden Way in Rosemont Subdivision, Section Two for public maintenance by Deerfield Township. Vote: Unanimous
- 06-2194 A resolution was adopted to Amend Resolution #06-1585 adopted September 19, 2006 to accept Beaver Brook Drive, Copperwood Court, Hollow Wood Court and Creekwood Court in Stone Ridge, Section 10 for public maintenance by Clearcreek Township. Vote: Unanimous
- 06-2195 A resolution was adopted to authorize Board to sign the County Highway System Mileage Certification. Vote: Unanimous
- 06-2196 A resolution was adopted to approve the following Record Plats. Vote: Unanimous
- 06-2197 A resolution was adopted to accept Amended Certificates for Dog & Kennel Fund #206, Domestic Shelter Fund #233, Municipal Motor Vehicle Permissive Tax Fund #229, Community Based Corrections Fund #289, HazMat Emergency Plan Spec. Fund #290, Bond Retirement Special Assessment Fund #327. Vote: Unanimous
- 06-2198 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 06-2199 A resolution was adopted to approve Appropriation Adjustment within Veteran's Service Administration Fund #101-5210. Vote: Unanimous

- 06-2200 A resolution was adopted to accept Amended Certificates for MRDD Fund #204, Coordinated Care Fund #218, Cert. Of Title Fund #250, County Ct. Probation Fund #253, LOEB Grant Fund #267, County Ct. Computer Funds #274 & #275, Juvenile Ct. Computer Fund #279, County Ct. Special Projects #283, Sheriff DARE Funds #291 & #294, OPWC Fund #491, Courts Building Fund #494, Sheriff Funds #630 and MRDD Self Insurance Fund #635. Vote: Unanimous
  
- 06-2201 A resolution was adopted to approve Appropriation Adjustment into Emergency Services / HazMat Fund #290 and Emergency Services / Communications Center Fund #101-2850. Vote: Unanimous
  
- 06-2202 A resolution was adopted to approve Funds Transfer Adjustment within the Telecommunications Department Fund #101 in order to cover expenses. Vote: Unanimous
  
- 06-2203 A resolution was adopted to approve Appropriation Adjustments within Human Services Fund #203 and Engineer's Office Fund #202. Vote: Unanimous
  
- 06-2204 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
  
- 06-2205 A resolution was adopted to begin December 21, 2006 Commissioners' Meeting early. Vote: Unanimous

DISCUSSIONS

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On motion, upon unanimous call of the roll, the board entered to executive session at 9:20 a.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 10:24 a.m.

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On motion, bids were closed at 10:15 a.m. this 19<sup>th</sup> day of December and the following bids were received, opened and read aloud for the Deerfield – Hamilton WTP and Wellfield Expansion and Upgrade for the Warren County Water and Sewer Department:

BIDDER	<u>Contract I</u>	<u>Contract II</u>	<u>Contract III</u>	<u>Contracts I, II &amp; III</u>	<u>Contracts I &amp; II</u>	<u>Contracts I &amp; III</u>	<u>Contracts II &amp; III</u>
Building Crafts, Inc. Wilder, KY	\$11,205,255.00	NO	NO	\$16,724,200.00	\$11,678,173.00	\$16,251,282.00	NO
Danis Industrial Construction Co. Miamisburg, OH	\$10,880,000.00	NO	NO	NO	\$11,250,000.00	NO	NO

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Adams Robinson Construction Dayton, OH	\$11,281,000.00	NO	NO	NO	\$11,646,000.00	NO	NO
Sunesis Construction Co. West Chester, OH	\$11,226,000.00	NO	NO	NO	\$11,726,000.00	NO	NO
Kokosing Construction Co. Westerville, OH	\$12,980,000.00	NO	NO	NO	NO	NO	NO
Shook Construction Dayton, OH	\$12,087,000.00	NO	NO	NO	\$12,482,000.00	NO	NO
Dugan & Myers Construction Co. Cincinnati, OH	\$11,997,000.00	NO	NO	NO	NO	NO	NO
Fryman Kuck General Contractors Dayton, OH	\$11,998,000.00	NO	NO	NO	NO	NO	NO
Smith Constructors Lawrenceburg, KY	\$12,970,000.00	NO	NO	NO	\$13,340,000.00	NO	NO
Ulliman Schutte Construction LLC Miamisburg, OH	NO	NO	NO	NO	\$13,137,000.00	NO	NO
ESI Electrical Contractors Cincinnati, OH	NO	NO	\$3,719,000.00	NO	NO	NO	NO
Lake Erie Electric Inc Franklin, OH	NO	NO	\$3,520,000.00	NO	NO	NO	NO
Glenwood Electric Inc Cincinnati, OH	NO	NO	\$4,710,000.00	NO	NO	NO	NO
Langdon, Inc Cincinnati, OH	NO	\$404,000.00	NO	NO	NO	NO	NO

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

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PUBLIC HEARING

REZONING APPLICATION OF DR. WILLIAM LUKENS  
TO REZONE 1.234 ACRES IN TURTLECREEK TOWNSHIP FROM  
HEAVY INDUSTRY "M-2" TO GENERAL BUSINESS "B-2"

The public hearing to consider the rezoning application of Dr. William Lukens, owner of record, to rezone 1.234 acres in Turtlecreek Township was convened this 19<sup>th</sup> day of December 2006, in the Commissioners' Meeting Room.

Robert Craig, Regional Planning Commission, reviewed the location of the property, the surrounding zoning and stated the Regional Planning Commission Executive Committee's recommendation to approve the rezoning application.

Mike Yetter, Zoning Department, stated that the Rural Zoning Commission voted unanimously to approve the rezoning application.

Upon further discussion, the Board resolved (Resolution #06-2166) to approve the rezoning application.

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Mark Hildebrandt, Salt Run Ventures, was present to give an updated proposal relative to his desire to construct a residential subdivision along Foster Maineville Road in the Village of Maineville/Hamilton Township.

Mr. Hildebrandt stated his proposal to construct 160 lots (184 are allowed with 2.3 acres less commercial) spread throughout the entire acreage. He stated that the 1<sup>st</sup> phase would include 40 lots in 2008. The 2<sup>nd</sup> and later phases would be constructed in 2009-2011 after the sewer plant has been updated. He also stated his agreement to gift \$1500 to Little Miami Schools and \$250 to the Hamilton Township Park Board.

Mayor Marconet, Maineville, stated his approval of this subdivision in order to get a bigger base of income tax to take care of roads.

Commissioner Kilburn stated his opinion that housing is a loser and the need to stick to lower densities.

Curt Sellers, property owner, stated that with only 94 lots, it is not economically feasible to construct the project. He stated he does not like how everything is packed together with not enough green space. He stated his desire to build more homes on more land with commercial included in the proposal.

Commission Young questioned how the proposal went from 90 homes to 160 being proposed today.

There was discussion relative to pump station capacity.

Commission Young suggested the property owners consider the construction of office condominiums on the property and offered the help of Warren County Economic Development to find tenants. He stated office condominiums are more advantageous to the Village of Maineville as well as the schools.

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CONTINUATION OF THE PUBLIC MEETING  
TO CONSIDER CONSENT DECREE AND SETTLEMENT AGREEMENT  
RELATIVE TO J-II ENTERPRISES AND KENNETH AND BARBARA RICHARDSON  
LITIGATION

The continuation of the public meeting to consider the consent decree and settlement agreement relative to J-II Enterprises and Kenneth and Barbara Richardson pending litigation was reconvened this 19<sup>th</sup> day of December 2006, in the Commissioners' Meeting Room.

Commissioner Kilburn reviewed the issues discussed at the last meeting relative to park dedication and the cleaning up of certain wording within the settlement agreement.

Patrick Merten, J-II Enterprises, stated that he has met with the Warren County Park Board and they intend to dedicate the open space to the Warren County Park Board. He then stated that the connector street parcel will be a dedicated lot and deeded to the Warren County Commissioners in the event the need to connect the property exists. He then stated that he does not have any concerns about the wording in the final documents. He stated that he would leave the final language to Bruce McGary, Chief Deputy Prosecutor, for approval.

There was discussion relative to the 25 foot conservation easement adjacent to Otterbein Home and the 50 acre park adjacent to all other residential land.

Mr. McGary presented an amended consent decree to the Board with the language struck that the Board had concerns with. He then presented an amended settlement agreement and read all changes in the record. He stated that after the Court hearing on December 28, 2006, he will come back to the Board to present a resolution for adoption along with final documents for signature.

On motion, upon unanimous call of the roll, the Board confirmed that they have complied with the statute to publish notice and all other Ohio Revised Code requirements relative to the consent decree and settlement agreement and stated their agreement to the proposed documents as amended.



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On motion, upon unanimous call of the roll, the Board entered into executive session at 1:30 p.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.2 (G)(1) and pending litigation pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 4:10 p.m.

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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 December 19, 2006, in compliance with Section 121.22 O.R.C.

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