



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***LARRY CRISENBERY
C. MICHAEL KILBURN
PAT ARNOLD SOUTH***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session--April 1, 2004

The Board met in regular session pursuant to adjournment of the March 30, 2004, meeting.

Pat Arnold South - present Larry Crisenbery - present

C. Michael Kilburn - absent Tina Davis, Clerk – present

- 04-474 A resolution was adopted to Waive Conflict of Interest to authorize Bruce McGary to continue providing Legal Counsel relative to J-II Enterprises, LLC, ET AL, vs. Board of Commissioners of Warren County, Ohio. Vote: Unanimous
- 04-475 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 04-476 A resolution was adopted to approve and authorize the Submission of a 2004 Tire Amnesty Grant Application on behalf of the Warren County Solid Waste Management District. Vote: Unanimous
- 04-477 A resolution was adopted to approve Notice of Intent to Award Contract for the US 22/3 Water Line Extension to Zoar Tower Project. Vote: Unanimous
- 04-478 A resolution was adopted to enter into Contract with J.R. Herdman Excavating for the Clarksville Road - State Route 73 Water Line Extension Project. Vote: Unanimous
- 04-479 A resolution was adopted to approve an Appropriation Adjustment within the North Wellfield System Improvements Project Fund No. 532 and approve

Engineering Design Agreement with Tetra Tech Professional Services Inc., increasing Purchase Order No. 53603. Vote: Unanimous

- 04-480 A resolution was adopted to approve Appropriation Adjustment within the Harveysburg Elevated Storage Tank Project, Fund No. 583-3205 and approve Engineering Agreement with Henderson & Bodwell for the Harveysburg Elevated Storage Tank and Corwin Booster Station Upgrade. Vote: Unanimous
- 04-481 A resolution was adopted to approve Release of Subdivision Public Improvement Performance Security Agreement with Rivers Bend Land Company, Ltd., for completion of water and/or sewer improvements in River's Bend Golf Club Community, Section 11, situated in Hamilton Township. Vote: Unanimous
- 04-482 A resolution was adopted to enter into Sidewalk Security Agreement with M/I Homes of Cincinnati LLC., for installation of certain improvements in Regency Park, Section 6, situated in Hamilton Township. Vote: Unanimous
- 04-483 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, Section 6, situated in Hamilton Township. Vote: Unanimous
- 04-484 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with M/I Homes of Cincinnati, LLC., to install certain water and/or sanitary sewer improvements in Regency Park, Section 6, situated in Hamilton Township. Vote: Unanimous
- 04-485 A resolution was adopted to enter into Erosion Control Bond Agreement with M/I Homes of Cincinnati, LLC for completion of improvements in Regency Park, Section 6, situated in Hamilton Township. Vote: Unanimous
- 04-486 A resolution was adopted to Set and Advertise Public Hearing #2 for the Fiscal Year 2004 Community Housing Improvements Program (CHIP).
Vote: Unanimous
- 04-487 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 04-488 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 04-489 A resolution was adopted to approve Appropriation Decreases within Various Funds. Vote: Unanimous
- 04-490 A resolution was adopted to approve Appropriation Adjustment from Sheriff's Office Fund #101-2200 into General Fund Data Processing Fund #101-1403.
Vote: Unanimous

- 04-491 A resolution was adopted to approve Supplemental Appropriation into County Coroner Fund #101-2100. Vote: Unanimous
- 04-492 A resolution was adopted to approve Appropriation Adjustment within Engineer Fund #202. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 4:03 p.m. to discuss pending litigation relative to J-II Enterprises LLC vs. Warren County pursuant to Ohio Revised Code Section 121.22 (G) (3) and exited at 5:05 p.m.

Bruce A. McGary, Chief Assistant Prosecutor, was present for a work session to discuss the legal representation of Warren County relative to J-II Enterprises, LLC, vs. Warren County.

Mr. McGary stated that he serves as statutory legal counsel to this Board through the Warren County Prosecutor's Office and he disclosed the fact that, while in private practice, he represented Joseph Swartz, a principal member of J-II Enterprises, LLC, along with several other companies in which Mr. Swartz had an interest in. He then stated that C.O.R.S.A. has assigned legal representation for Warren County relating to the said litigation to the law firm of Freund, Freeze & Arnold

Upon discussion, acknowledged the disclosure and waived the conflict of interest of Bruce A. McGary relative to the case of J-II Enterprises, LLC, et al vs. Board of Commissioners of Warren County, Ohio.

The Board signed a letter of compliance with the Community Housing Improvement Strategy relative to Metropolitan Housing Transitions Program.

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Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

Larry Crisenbery

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 1, 2004, in compliance with Section 121.22 O.R.C.

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