



**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 -- February 9, 2006

The Board met in regular session pursuant to adjournment of the February 7, 2006, meeting.

Pat Arnold South - present David G. Young - present

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

06-233 A resolution was adopted to declare Classicway Development Company, LLC in Default of Providing Bonding or other means of Security to the Satisfaction of the Board of County Commissioners to insure the completion and/or maintenance of certain improvements in accordance with the Warren County Subdivision Regulations; to authorize Notice of Default to and Demand Immediate Payment of all Sums under the Letter of Credit from its Issuer, and to authorize applying such sums to complete Uncompleted and/or Unapproved Improvements and Pursuing Deficiency per the Terms of Security Agreement No. 05-004 (P).
Vote: Unanimous

06-234 A resolution was adopted to Deny Increase in Real Property Transfer Tax within the Boundaries of Warren County, Ohio. Vote: Unanimous

06-235 A resolution was adopted to approve and authorize President of the Board to enter into Assignment of Telecommunications Towers from TPC Communications, LLC to Global Tower, LLC relative to 2094 West State Route 22-3 in Hamilton Township. Vote: Unanimous

06-236 A resolution was adopted to enter into Resignation Agreement with Michael Bartels, Custodial Worker of the Warren County Building Services Department.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – abstain

- 06-237 A resolution was adopted to approve and authorize the President of this Board to enter into Loan Agreement with Melissa Blankman relative to the Warren County Homebuyer Assistance Program. Vote: Unanimous
- 06-238 A resolution was adopted to authorize the County Auditor to Disburse Payment in Lieu of Taxes Funds received from the Federal Government to Massie Township. Vote: Unanimous
- 06-239 A resolution was adopted to approve the Notices of Intent to Award the Contracts for the 416 South East Street Building Renovations Project. Vote: Unanimous
- 06-240 A resolution was adopted to approve Notice of Intent to Award Contract for the Landen Tank Coating Project. Vote: Unanimous
- 06-241 A resolution was adopted to declare various items within Drug Task Force as surplus and authorize the disposal of said items. Vote: Unanimous
- 06-242 A resolution was adopted to approve and authorize President of the Board to sign Bylaws of the Greater Warren County Drug Task Force Council of Governments. Vote: Unanimous
- 06-243 A resolution was adopted to approve a Street and Appurtenances Bond Release for M/I Schottenstein Homes, Inc for completion of improvements to the Landing at Willow Pond, Section 6, situated in Hamilton Township. Vote: Unanimous
- 06-244 A resolution was adopted to approve a Sidewalk Bond Release for M/I Schottenstein Homes, Inc. for completion of improvements in the Landing at Willow Pond, Section 6, in Hamilton Township. Vote: Unanimous
- 06-245 A resolution was adopted to approve a Street and Appurtenances Bond Release for James M. Dixon, Trustee for completion of improvements to Michels Farm Section 1, Block A, situated in Hamilton Township. Vote: Unanimous
- 06-246 A resolution was adopted to approve a Sidewalk Bond Release for James M. Dixon, Trustee for completion of improvements in Michels Farm, Section 1, Block A, situated in Hamilton Township. Vote: Unanimous
- 06-247 A resolution was adopted to approve Country Oaks Drive, Rollingwood Drive, and Cedarwood Court in Michels Farm, Section 1, Block B for public maintenance by Hamilton Township. Vote: Unanimous
- 06-248 A resolution was adopted to approve a Street and Appurtenances Bond Release for D.J. Kahmann, Developer, Inc. for completion of improvements to Crown Point Meadows, Section 3, situated in Clearcreek Township. Vote: Unanimous

- 06-249 A resolution was adopted to approve a Sidewalk Bond Release for D.J. Kahmann, Developer, Inc. for completion of improvements in Crown Pointe Meadows, Section 3, situated in Clearcreek Township. Vote: Unanimous
- 06-250 A resolution was adopted to approve Christopher Drive and Stephen Court in Crown Point Meadows, Section 3 for public maintenance by Clearcreek Township. Vote: Unanimous
- 06-251 A resolution was adopted to approve a Street and Appurtenances Bond Release for Great Midwest Development, LLC for Renaissance, Section 1, in Franklin Township having been Annexed into the City of Middletown per Official Record #4044, Page 180, Resolution #2005-1141. Vote: Unanimous
- 06-252 A resolution was adopted to approve a Sidewalk Bond Release for Great Midwest Development, LLC for Renaissance, Section 1, in Franklin Township having been Annexed into the City of Middletown per Official Record #4044, Page 180, Resolution #2005-1141. Vote: Unanimous
- 06-253 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 06-254 A resolution was adopted to authorize payment of Bills.
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – abstain
- 06-255 A resolution was adopted to approve Saddle Creek Lane, Country Oaks Drive and Hearthstone Court in Michels Farm, Section 1, Block A for public maintenance by Hamilton Township. Vote: Unanimous
- 06-256 A resolution was adopted to approve a Sidewalk Bond Release for James M. Dixon, Trustee for completion of improvements in Michels Farm, Section 1, Block B, situated in Hamilton Township. Vote: Unanimous
- 06-257 A resolution was adopted to approve a Street and Appurtenances Bond Release for James M. Dixon, Trustee for completion of improvements to Michels Farm, Section 1, Block B, in Hamilton Township. Vote: Unanimous
- 06-258 A resolution was adopted to approve Willow Pond Blvd, Wildflower Lane and Milkweed Court in the Landing at Willow Pond, Section 6 for public maintenance by Hamilton Township. Vote: Unanimous
- 06-259 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Countrytyme Lebanon, Ltd. for completion of improvements in Haines Meadow Subdivision, situated in Wayne Township. Vote: Unanimous

- 06-260 A resolution was adopted to approve a Sidewalk Bond Reduction for Turning Leaf LLC for completion of improvements in Turning Leaf Subdivision, Section 1, in Hamilton Township. Vote: Unanimous
- 06-261 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance security Agreement with HDC II LLC for installation of certain improvements in Greycliff Landing Section 2, situated in Franklin Township. Vote: Unanimous
- 06-262 A resolution was adopted to enter into Sidewalk Security Agreement with HDC II, LLC. for installation of certain improvements in Greycliff Landing, Section 2, situated in Franklin Township. Vote: Unanimous
- 06-263 A resolution was adopted to enter into Street and Appurtenances Agreement with HDC II LLC for installation of certain improvements in Greycliff Landing, Section 2, situated in Franklin Township. Vote: Unanimous
- 06-264 A resolution was adopted to enter into Erosion Control Bond Agreement HDC II, LLC. for improvements in Greycliff Landing, Section 2, situated in Franklin Township. Vote: Unanimous
- 06-265 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 06-266 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 06-267 A resolution was adopted to approve Appropriation Adjustment within Economic Development Fund #101-1116. Vote: Unanimous
- 06-268 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1110. Vote: Unanimous
- 06-269 A resolution was adopted to approve Supplemental Adjustment into Economic Development Fund #101-1116. Vote: Unanimous
- 06-270 A resolution was adopted to approve Supplemental Appropriation within Construction Fund #467. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 4:36 p.m. to discuss pending litigation pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 5:37 p.m.

Bruce McGary, Chief Deputy Prosecutor, was present along with Neil Tunison, County Engineer and Dave Mick, Assistant County Engineer, to discuss a security agreement with The Villages of Classicway, Section 1 in Hamilton Township.

Mr. McGary explained the need to declare default pursuant to the terms of the letter of credit provided in the security agreement as the letter of credit is scheduled to expire on February 14, 2006 at 12:00 a.m. He then stated that the Board has the ability to allow the developer until Monday to submit a new letter of credit to replace the one expiring.

Upon further discussion, the Board resolved (Resolution #06-233) to declare Classicway Development Company, LLC in default of providing bonding or other means of security to the satisfaction of the Board of County Commissioners to insure the completion and maintenance of certain improvements in accordance with Sections 701 and 702 of the Warren County Subdivision Regulations per the terms of Security Agreement No. 05-004 (P) and requested Mr. Gully, County Administrator, to present the original letter of credit to 5/3 Bank, Dubois Tower location, on Monday February 13, 2006, prior to close of business if a replacement letter of credit has not been received.

CONTINUATION OF THE PUBLIC HEARING TO CONSIDER AN
INCREASE IN THE REAL PROPERTY TRANSFER TAX
WITHIN WARREN COUNTY, OHIO

The continuation of the public hearing to consider the increase in the real property transfer tax within Warren County, Ohio was convened this 9th day of February 2006.

Commissioner Kilburn opened the meeting by stated that he is a conservative republican and his goal is to keep taxes low in Warren County. He then stated the numerous e-mails he has received in opposition to the increase in the transfer tax.

Commissioner Young requested the County Auditor to give a time line of events relative to certifying an addition \$4 million in anticipated receipts for the 2006 budget year.

Mr. Nelson reviewed the events surrounding the amended certificate and stated that at the first public hearing to consider the transfer tax increase, the Board did not know he had certified additional funds.

Commissioner South stated her opinion that this process would have not started had the Board known an additional \$4 million would be certified.

Mike McCurio, Cincinnati Board of Realtors, stated the real estate community is opposed to the transfer tax increase stating that it is not needed and is also a very unreliable funding stream.

Don Biederman, River's Bend Homeowners' Association, stated the residents of River's Bend opposition to the proposed increase.

Commissioner Young stated his desire to help everyone understand that the reason they were considering this increase was to keep everyone's property taxes low.

Diane Rezinor, Turtlecreek Township resident, requested the Board to follow through on the proposal to fund economic development through funds through unencumbered funds within the 2006 budget.

Brad Knapp, Lebanon resident and Realtor with Henkle Schueler, thanked the Board for keeping an open mind and open dialogue with the community.

Nancy Fields, Realtor, explained that the real estate market is very tough at this time and the realtors need every bit of help they can get.

Upon further discussion, the Board resolved (Resolution #06-234) to deny the increase in the real property transfer tax within Warren County, Ohio.

Upon motion the meeting was adjourned.

Pat Arnold South, President

C. Michael Kilburn

David G. Young

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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 February 7, 2006, in compliance with Section 121.22 O.R.C.

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