



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

*406 Justice Drive, Lebanon, Ohio 45036*

*www.co.warren.oh.us*

*commissioners@co.warren.oh.us*

*Telephone (513) 695-1250  
(513) 261-1250  
(513) 925-1250  
(937) 425-1250  
Facsimile (513) 695-2054*

**C. MICHAEL KILBURN  
PAT ARNOLD SOUTH  
DAVID G. YOUNG**

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

**MINUTES: Regular Session – August 23, 2007**

The Board met in regular session pursuant to adjournment of the August 21, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

Minutes of the August 2, and 7, 2007, meeting minutes were read and approved.

- 07-1289      A resolution was adopted to approve and enter into a Contract between the Warren County Commissioners on behalf of the Warren County Department of Human Services and Warren County Educational Service Center. Vote: Unanimous
- 07-1290      A resolution was adopted to approve and enter into Contract between the Warren County Commissioners on behalf of the Warren County Department of Human Services and Warren County Educational Service Center. Vote: Unanimous
- 07-1291      A resolution was adopted to approve end of 270-day Probation Period and approve a Pay Increase for Chris Dill within the Warren County Department of Emergency Services. Vote: Unanimous
- 07-1292      A resolution was adopted to enter into Contract with J.R. Herdman Excavating for Union Road Water Main Replacement Project. Vote: Unanimous
- 07-1293      A resolution was adopted to enter into a Temporary Entrance and Work Agreement with Cynthia L. Gastineau for the Bunnell Hill Road and Patton Drive Roadway/Intersection Project. Vote: Unanimous

- 07-1294 A resolution was adopted to approve and enter into Contract with Duke Energy on behalf of the Warren County Water & Sewer Department. Vote: Unanimous
- 07-1295 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 07-1296 A resolution was adopted to approve and authorize the President of this Board to enter into a Loan Agreement with Warren County Balanced Housing relative to the Warren County Homebuyer Assistance Program. Vote: Unanimous
- 07-1297 A resolution was adopted to approve and authorize the President of this Board to enter into a Loan Agreement with Warren County Balanced Housing relative to the Warren County Homebuyer Assistance Program. Vote: Unanimous
- 07-1298 A resolution was adopted to approve Bond Release for Miller-Valentine Construction, LLC for completion of improvements in Two Waterstone Place situated in Deerfield Township. Vote: Unanimous
- 07-1299 A resolution was adopted to approve Bond Release for Cherrybrook, LLC for completion of improvements in Cherry Brook, Section Four, situated in Deerfield Township. Vote: Unanimous
- 07-1300 A resolution was adopted to approve Bond Release for Hopewell Valley Development, LLC for partial completion of improvements in the Villages of Hopewell Valley, Section One, situated in Hamilton Township. Vote: Unanimous
- 07-1301 A resolution was adopted to approve Bond Release for VH Deerfield, LLC for completion of improvements in Shoppes of Deerfield South situated in Deerfield Township. Vote: Unanimous
- 07-1302 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Stoneridge Development Ltd for installation of certain improvements in Country Brook North, Section Six situated in Clearcreek Township. Vote: Unanimous
- 07-1303 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Stone Ridge Development, Ltd. for installation of certain improvements in Country Brooke North Section Six, situated in Clearcreek Township. Vote: Unanimous
- 07-1304 A resolution was adopted to enter into Erosion Control Bond Agreement with Stone Ridge Development, Ltd. for improvements in Country Brook North, Section Six, situated in Clearcreek Township. Vote: Unanimous
- 07-1305 A resolution was adopted to approve following Record Plats. Vote: Unanimous

- 07-1306 A resolution was adopted to approve Appropriation Decreases within Sheriff's Office Funds #101-2200 and #101-2210. Vote: Unanimous
- 07-1307 A resolution was adopted to approve Supplemental Appropriation Adjustment within Dog and Kennel Fund #206. Vote: Unanimous
- 07-1308 A resolution was adopted to approve Supplemental Appropriation into Fund #451. Vote: Unanimous
- 07-1309 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101-1112 into Child Support Enforcement Agency Fund #263. Vote: Unanimous
- 07-1310 A resolution was adopted to approve Appropriation Adjustment within Economic Development Fund #101-1116. Vote: Unanimous
- 07-1311 A resolution was adopted to approve Appropriation Adjustments from Commissioners General Fund #101-1110 into Clerk of Courts Common Pleas Fund #101-1260. Vote: Unanimous
- 07-1312 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Sheriff's Fund #101-2210. Vote: Unanimous
- 07-1313 A resolution was adopted to approve Appropriation Adjustments within Human Services Fund #203-5310 and Data Processing Fund #101-1400. Vote: Unanimous
- 07-1314 A resolution was adopted to approve Supplemental Appropriation into Sheriff's Fund #630-2251 and Probate/Juvenile Fund #247. Vote: Unanimous
- 07-1315 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 07-1316 A resolution was adopted to approve Annexation of approximately 88 acres to the Village of South Lebanon, J. William Duning, Agent, pursuant to Ohio Revised Code Section 709.02 [a.k.a. Regular Annexation] subject to an accurate map and legal description. Vote: Unanimous

#### DISCUSSIONS

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

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PUBLIC HEARING  
CONTINUATION OF THE ANNEXATION PETITION OF  
J. WILLIAM DUNING, AGENT, TO ANNEX  
142.973 ACRES TO THE VILLAGE OF SOUTH LEBANON

The continuation of the public hearing to consider the annexation petition of J. William Duning, Agent to annex 142.973 acres to the Village of South Lebanon was convened this 23<sup>rd</sup> day of August 2007, in the Commissioners' Meeting Room.

The Clerk reviewed the documents received to date including a revised map and legal description that reduces the area to be annexed to approximately 88 acres.

Bruce McGary, Chief Deputy Prosecutor, questioned the agent on whether a new service ordinance has been filed.

Mr. Duning stated that a new ordinance is not necessary as the one on file states that services will be provided upon annexation.

There was discussion relative to the amended map that has been received from the Tax Map Department stating the new acreage proposed to be annexed as 88.26 acres.

Mr. Duning then stated that the petition meets the statutory requirement and has the following:

1. Correct owners are on the petition and represent a majority
2. Municipality has filed a service resolution
3. The territory is not unreasonably large
4. On balance, the general good of the territory will be met if annexed
5. No streets or highways are being divided

Commissioner Young then swore Mayor James Smith and he stated that the Village authorized the annexation of Bayou Street because the people in the area thought they were already in the Village. He then stated that the Village has been providing services to the area for many years.

Commissioner Kilburn questioned why this annexation would be attractive to the residents when you cannot get to the property.

Mayor Smith stated the intent is to keep the area in a rural state and confirmed that the Village and/or property owners have no plans for development.

Warren Ritchie, Hamilton Township attorney, withdrew the objection to the annexation from Hamilton Township and recommended approval as amended. He then stated that the River's

Bend Homeowners' Association is not longer opposed as well and property owner and Hamilton Township Trustee O.T. Bishop who did not sign the annexation petition.

Commissioner Young confirmed with Mr. Bishop that he no longer objects to the annexation of his property.

Don Biederman, River's Bend Homeowners' Association, confirmed that they no longer object to the annexation.

Upon further discussion, the Board determined that the annexation petition meets the requirements of the Ohio Revised Code for approval of annexation and resolved (Resolution #07-1316) to approve the annexation of approximately 88 acres to the Village of South Lebanon, J. William Duning, Agent, pursuant to Ohio Revised Code Section 709.02 [a.k.a. Regular Annexation] subject to an accurate map and legal description.

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Upon motion the meeting was adjourned.

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David G. Young, President

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Pat Arnold South

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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 23, 2007, in compliance with Section 121.22 O.R.C.

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