



**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 13, 2007**

The Board met in regular session pursuant to adjournment of the December 11, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

07-2027  
thru  
07-2066

Due to clerical error these numbers were inadvertently omitted.

07-2067

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

07-2068

A resolution was adopted to approve Annexation of 48.805 acres to the City of Lebanon, Jill R. McGrail, Agent, pursuant to Ohio Revised Code Section 709.022 [a.k.a. Expedited Type 1 Annexation]. Vote: Unanimous

07-2069

A resolution was adopted to approve and adopt the 2008 Annual Budget for the Warren County Family and Children First Council.  
Vote: Mrs. South – yea; Mr. Young – yea; Mr. Kilburn – nay

07-2070

A resolution was adopted to hire Peggy Schuler as Custodial Worker I within the Warren County Building Services Department. Vote: Unanimous

07-2071

A resolution was adopted to enter into Utility Billing Agreement with the Village of Harveysburg. Vote: Unanimous

- 07-2072 A resolution was adopted to approve and enter into an Agreement by and between the Warren County Board of Commissioners and the Village of Pleasant Plain. Vote: Unanimous
- 07-2073 A resolution was adopted to authorize Board to sign the County Highway System Mileage Certification. Vote: Unanimous
- 07-2074 A resolution was adopted to approve and authorize the Board to enter into and approve a Service Agreement between Warren County Telecommunications and MTM Technologies. Vote: Unanimous
- 07-2075 A resolution was adopted to approve and authorize the Board to enter into and approve an Agreement between Warren County Telecommunications and IPASS, Inc. Vote: Unanimous
- 07-2076 A resolution was adopted to approve and authorize the Board to enter into and approve a Maintenance Agreement between Warren County Telecommunications and Embraq. Vote: Unanimous
- 07-2077 A resolution was adopted to approve and adopt Amendment to the Master Group Contract by and between the Dental Care Plus Group and the Board of County Commissioners. Vote: Unanimous
- 07-2078 A resolution was adopted to enter into Lease Agreement with Warren County Adult New Readers for the use of Office Space within the Old Warren County Courthouse. Vote: Unanimous
- 07-2079 A resolution was adopted to approve Change Order #2 with C W Walker for the 2007 Bridge Spot Paving Project. Vote: Unanimous
- 07-2080 A resolution was adopted to approve and authorize the President and/or the Vice President of this Board to sign the CY 2008 Operating Grant Contract by and between the Ohio Department of Transportation and the Warren County Board of Commissioners. Vote: Unanimous
- 07-2081 A resolution was adopted to declare various items within Water and Sewer as surplus and authorize the disposal of said items. Vote: Unanimous
- 07-2082 A resolution was adopted to declare various items within Drug Task Force and Sheriff's Office as surplus and authorize the disposal of said items. Vote: Unanimous
- 07-2083 A resolution was adopted to approve various Refunds. Vote: Unanimous

- 07-2084 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Salt Run Land Development for completion of improvements in Crane Meadow, Phase One, situated in Hamilton Township. Vote: Unanimous
- 07-2085 A resolution was adopted to approve a Street and Appurtenances Bond Release for Grand Communities, Ltd. for completion of improvements in Wynstead, Section One, Phase A, situated in Hamilton Township. Vote: Unanimous
- 07-2086 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 07-2087 A resolution was adopted to approve Supplemental Appropriation within General Fund #101. Vote: Unanimous
- 07-2088 A resolution was adopted to approve Appropriation Adjustment within Mason Municipal Court Fund #101-1273. Vote: Unanimous
- 07-2089 A resolution was adopted to approve an Appropriation Adjustment within the Water Revenue Fund No. 510. Vote: Unanimous
- 07-2090 A resolution was adopted to approve Appropriation Adjustment within Commissioners Fund #101-1111 and #101-1110. Vote: Unanimous
- 07-2091 A resolution was adopted to approve Appropriation Adjustment within Economic Development Fund #101-1116. Vote: Unanimous
- 07-2092 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1600. Vote: Unanimous
- 07-2093 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1600. Vote: Unanimous
- 07-2094 A resolution was adopted to approve Appropriation Adjustment within Fund #101-1600. Vote: Unanimous
- 07-2095 A resolution was adopted to approve Appropriation Adjustments within Data Processing Fund #101-1400, Records Center Fund #101-1500, Board of Elections Fund #101-1300, Recorders Fund #101-1600, Building/Zoning Fund #101-2300 and CSEA Fund #263. Vote: Unanimous
- 07-2096 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Funds #101-2200 and #101-2210. Vote: Unanimous
- 07-2097 A resolution was adopted to approve Appropriation Adjustment within Telecommunications Fund #101-2810. Vote: Unanimous

- 07-2098 A resolution was adopted to approve Appropriation Adjustments within Prosecutor Fund #255-1150. Vote: Unanimous
- 07-2099 A resolution was adopted to approve Appropriation Adjustment from Commissioners Fund #101-1110 into Prosecutor Fund #101-1150. Vote: Unanimous
- 07-2100 A resolution was adopted to approve a Cash Advance Repayment and a Cash Advance within the Lytle Five Points Road at Springboro School Fund 454. Vote: Unanimous
- 07-2101 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 07-2102 A resolution was adopted to approve Appropriation Adjustments within MR/DD Fund #205-6710 and Operating Transfers from MR/DD Fund #205 into MR/DD Self Insurance Fund #635 and from MR/DD Fund #205 into MR/DD Supported Living Fund #204. Vote: Unanimous
- 07-2103 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 07-2104 A resolution was adopted to continue Public hearing to consider the Petition for the establishment of the SanMarGale Community Development Authority as a New Community Authority. Vote: Unanimous

#### DISCUSSIONS

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Tiffany Zindel, Director of Office of Management and Budget, was present for a work session to discuss the 2008 annual appropriations.

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On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda with the removal of the agreement with Father Flanagan's Boys Home for placement on behalf of Warren County Children Services.

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Richard Renneker, Sanitary Engineer, was present for a work session and discussed the following matters:

1. Sanitary sewer backup in Landen area over the weekend. The Board will proceed with engineering on a solution to ensure this backup does not occur again.
2. Need for the selection of an engineer relative to the relocations of water lines to accommodate road improvements in the City of Middletown relative to Middletown Hospital.
3. The proposed sanitary sewer agreement relative to SanMarGale Development.

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PUBLIC HEARING  
CONSIDER PETITION FOR NEW COMMUNITY AUTHORITY RELATIVE TO  
SANMARGALE DEVELOPMENT IN TURTLECREEK AND WAYNE TOWNSHIP

The public hearing to consider the petition for the creation of a New Community Development Authority relative to SanMarGale Development in Turtlecreek and Wayne Township was convened this 13<sup>th</sup> day of December 2007, in the Commissioners' Meeting Room.

Tina Davis, Clerk of Commissioners, presented the following information relative to the petition:

- 1) The Petition for Organization of a New Community Authority was filed on Sept. 25, 2007 and the petition also contains several Exhibits.
  - a) the petition listed the name of the Authority as The Sanmargale Community Development Authority;
  - b) listed the principal office as 2346 Wilmington Rd, Lebanon, OH 45036;
  - c) attached a map and legal description of the new community district;
  - d) attached this Board's Resolution No. 06-355 dated Feb. 28, 2006, as the zoning regulations for the new community district;
  - e) attached a current plan indicating the proposed development program for the new community district;
  - f) attached a preliminary economic feasibility analysis;
  - g) the petition also requested a seven member board of trustees be appointed (3 appointed by BOCC, 3 appointed by the Developer; and 1 representative of local gov't appointed by BOCC)
  - h) the petition further stated that the new community authority will comply with all

- environmental law and regulations; and,
- i) the petition was signed by the City of Mason as the only proximate City.
  - 2) On Sept. 25, 2007 I circulated the petition and exhibits per the Prosecutor's Office's request, to the County Engineer, the Tax Map Office, Zoning Dept and RPC and asked for comments.
  - 3) On Oct. 10, 2007 I received comments back from the County Engineer;
  - 4) On Oct. 10, 2007 I received comments back from the Tax Map Office;
  - 5) On Oct. 12, 2007 I received comments back from the RPC;
  - 6) On Oct. 18, 2007 I received comments back from the Zoning Dept;
  - 7) Due to corrections and/or more information being needed for some of the Exhibits to the Petition, amended exhibits were filed on Oct. 24, 2007;
  - 8) The amended exhibits were reviewed by the Staff previously mentioned;
  - 9) On Oct. 26, 2007 I received follow-up comments from RPC;
  - 10) On Oct. 26, 2007 I received follow-up comments from the Zoning Dept;
  - 11) On Oct. 15, 2007 I received a time waiver from the Petitioner's representative, Dan Griffin waiving the time limitation on holding the public hearing;
  - 12) On Nov. 6, 2007 this Board adopted Resolution No. 07-1779 determining the sufficiency of the petition and setting the public hearing on Dec. 13, 2007 at 5:30 p.m.;
  - 13) On Nov. 15, 22, and 29, 2007, notice of the public hearing was published in the Western Star; and,
  - 14) On Dec. 3, 2007 I received an affidavit of proof of publication from the Western Star.

Greg Stypes, Attorney for SanMarGale Development, explained the proposed make-up of the Board of Directors for the New Community Authority and discussed with the Board of Commissioners that the New Community Authority Board of Directors will not have the authority to change any of the financing mechanisms that are put into place pursuant to the creation of the new community authority.

The Board then questioned how road improvements and/or maintenance will work within the New Community Authority.

Neil Tunison, County Engineer, stated he is working with the developer on projects scopes as well as what % will be the responsibility of the Developer and what will be responsible from County. He then stated he will provide a list to the Board.

Bruce McGary, Chief Deputy Prosecutor, stated that it is prudent for the Board to not act on their request at this time. He stated that, pursuant to law, the legislation to create the new community

authority must include a method of selections of Board members and must appoint Board members within ten days of the creation of the New Community Authority.

There was no persons present to speak in favor of or in opposition to the creation of a New Community Authority, and upon further discussion, the Board resolved (Resolution #07-2104) to continue this public hearing to December 27, 2007, at 5:05 p.m. and requested Mr. Tunison be on the agenda at 4:00 p.m. that day to provide the Board with an update on the proposed projects within the development.

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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 December 13, 2007, in compliance with Section 121.22 O.R.C.

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