



**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 30, 2002**

The Board met in regular session pursuant to adjournment of the April 25, 2002, meeting.

C. Michael Kilburn - present                      Larry Crisenbery - present

Pat Arnold South - present                      Tina Davis, Clerk - present

- 02-674                      A resolution was adopted to appoint a Review Committee to evaluate the Statements of Qualifications for Engineering Services Relative to the Community Development Block Grant Formula Allocation Program. Vote : Unanimous
- 02-675                      A resolution was adopted to approve Change Order of Township Boundaries of Clearcreek township to make them, in part, identical to those of the City of Springboro. Vote: Unanimous
- 02-676                      A resolution was adopted to approve various Refunds. Vote : Unanimous
- 02-677                      A resolution was adopted to approve Notice of Intent to award contract for the FY2001 City of Mason CDBG Project to Adleta, Inc. Vote : Unanimous
- 02-678                      A resolution was adopted to approve the Final Plat of the Village on the Green, Section Eight. Vote: Unanimous
- 02-679                      A resolution was adopted to approve Appropriation Adjustment within MRDD Fund #205. Vote : Unanimous

- 02-680 A resolution was adopted to appoint new members and reappoint members to the Recovery Services Board of Warren/Canton Counties. Vote: Unanimous
- 02-681 A resolution was adopted to authorize payment of bills. Vote: Unanimous
- 02-682 A resolution was adopted to Close Public Hearing to consider the Annexation Petition of Alan Abes, Agent to annex 173.665 acres to the City of Lebanon and render a decision on May 14, 2002, at 11:00 a.m. Vote: Unanimous
- 02-683 A resolution was adopted to Continue Public Hearing concerning the Petition for Annexation of 165.329 acres to the City of Lebanon. Vote: Unanimous
- 02-684 A resolution was adopted to Continue Public Hearing concerning the Annexation Petition of Clyde Lamb, agent to annex 51.587 acres to the Village of Harveysburg. Vote: Unanimous

#### DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 9:45 a.m. to discuss personnel matters with the Human Resources Director, and exited at 10:14 a.m.

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The Board proclaimed May 11, 2002, as National Association of Letter Carriers Stamp Out Hunger Food Drive Day in Warren County.

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Laura Sutherland, Juvenile Court, was present to request the Board to allow the application for grant funds from the Ohio Office of Criminal Justice Services for a residential substance abuse treatment program for Mary Haven. She stated that the 25% match dollars will come from their state allocation, not General Fund.

Upon discussion, the Board stated their agreement to file the application.

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PUBLIC HEARING

ANNEXATION PETITION OF ALAN ABES, AGENT  
TO ANNEX 173.665 ACRES TO THE CITY OF LEBANON

The public hearing to consider the annexation petition of Alan Abes, Agent to annex 173.665 acres to the City of Lebanon was convened this 30<sup>th</sup> day of April 2002, in the Commissioners' Meeting Room.

Mr. Abes presented documentation including various legal memorandums and affidavits in support of annexation. He then stated that the proposed annexation is not unreasonable large and the shape accomodates the desire of the property owners (100% signed the petition). He stated that the property is contiguous to the City by 311 feet and that the general good of the territory will be provided by annexation. He also stated that Mr. Gallenstein, owner of the majority of the property, has signed a pre-annexation agreement.

Scott Brunka, City Engineer, stated that the existing sewer lines have been oversized in anticipation of future expansion into this area.

Mr. Abes then stated that the land will be zoned R-R with the minimum lot size of one acre and not multi-family swellings.

Commissioner South questioned if any zone changes have been discussed for this property.

Pat Clements, City Manager, stated that no request for a zone change has been made or discussed.

Don Broshus, Attorney for Turtlecreek Township, stated his opposition to the annexation and presented evidence stating that several errors have been made relative to the petition and notice. He then stated numerous reasons for the Board to deny the annexation petition.

Bill Stevens, Township Fire Chief, stated his concern that the City cannot provide fire protection to the area, as they do not have the equipment, which is needed when fire hydrants are not available.

Dan Jones, Turtlecreek Township Trustee, stated his opposition to the proposed annexation and reiterated the reasons stated by the Township Attorney and Fire Chief.

Dan George, Turtlecreek Township Trustee, stated he does not want to see the tragedy of a house burning down due to lack of fire protection by the City if annexed.

Area residents not within the annexation petition questioned by the property owners desire annexation.

Mr. Gallenstein stated he needs the sewer, electric and gas from the City.

Commissioner Crisenbery questioned Mr. Gallenstein's intentions relative to rezoning.

Mr. Gallenstein stated he has no desire to rezone the property.

There was concern stated relative to the assurances of the property values of the houses proposed to be built with the subdivision.

Mr. Gallenstein stated the lots will sell for between \$60,000 and \$85,000 and most of the houses will be a minimum of \$350,000.

Mike Neihaus, adjacent property owner, stated safety issues in the area and a confusion of services if annexed.

Otis Powell, adjacent property owner, stated a concern relative to watershed and the annexation changing the character of his property.

Paul Herder, area resident, stated a concern with lot size and drainage.

There was much discussion from adjacent property owners relative to drainage, lot size and traffic.

Kelly Singley, property owner within the annexation, stated that if his 14 plus acres are developed, it will be one house for their personal residence.

Commissioner Crisenbery stated Rhonda (Oeder) Gillular's opposition to the annexation and that she is unable to be present due to being out of town.

Alan Abes stated that this property will be developed regardless of annexation. He then stated that Western Water and committed to pressures that will allow the city to use fire hydrants. He then stated that the confusion of services will not go away until future annexations are approved. He reiterated that 100% of the property owners desire annexation and that the City has adequate services available and that the law is in favor of annexation.

Mr. Broshus re-stated his reasons for denial of the annexation.

Upon further discussion, the Board resolved (Resolution #02-682) to close the public hearing and render a decision May 14, 2002, at 11:00 a.m.

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PUBLIC HEARING

165.329 ACRES TO THE CITY OF LEBANON  
ALAN ABES, AGENT

The public hearing to consider the annexation of 165.329 acres to the City of Lebanon was convened this 30<sup>th</sup> day of April 2002, in the Commissioners' Meeting Room.

Due to time constraints, the Board continued (Resolution #02-683) to continue the public hearing to May 14, 2002, at 3:30 p.m.

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Commissioner Kilburn entered the meeting at 2:10 p.m.

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PUBLIC HEARING

ANNEXATION PETITION OF CLYDE LAMB, AGENT  
TO ANNEX 51.587 ACRES TO THE VILLAGE OF HARVEYSBURG

The public hearing to consider the annexation of Clyde Lamb, Agent to annex 51.587 acres to the Village of Harveysburg was convened this 30<sup>th</sup> day of April 2002, in the Commissioners' Meeting Room.

Bruce McGary, Assistance Prosecutor, was present to state his opinion that the new annexation law applies to this annexation. He then stated the potential protest by the petitioners for referendum exists and that there may still be questions/issues filed with the State of Ohio. He then questioned the Clerk of Commissioners on various requirements necessary under the new annexation law, which must be complied with.

Todd Rogers, Attorney for the Township, stated their position in opposition to the annexation and that the new law is in effect.

Clyde Lamb, agent for petitioners, stated he filed the petition the proper way at the time and that he was directed by the Clerk to file the petition under the old law.

Mike Lamb, property owner within the annexation, stated that all of Harveysburg Road is being included in the annexation petition, not half of the road as Mr. Tunison, County Engineer, states. He then stated that if the Village does not annex the road, they can't reduce the speed limit, provide police protection and will not have one unity of government.

Ray Roberts, Mayor of Harveysburg, stated the Village's willingness to provide all services to the proposed annexation area and that an ordinance of services will be provided at a later date.

Todd Rogers presented a memorandum in opposition of the annexation stating the new law is in effect. He also stated that the Village of Harveysburg is in a fiscal emergency as stated by the State Auditor. He then presented a resolution from Massie Township in opposition to the petition and various letters in opposition. He stated the annexation petition should be denied whether the petition is under the old or new law as they cannot provide services due to the fiscal emergency, it is unreasonably large and the general good of the territory will not be served by annexation.

Charles Stingley, property owner and Township Trustee, spoke in opposition to the annexation.

Commissioner Kilburn questioned if there is any compromise available between the Township and Petitioners.

Mike Lamb stated various reasons why they desire annexation including one property owner not being able to build their house due to a zoning variance being denied.

Commissioner South questioned if the road and triangle were removed from the annexation if the Township would be opposed to the annexation.

Upon further discussion, the Board resolved (Resolution #02-684) to continue the public hearing to June 4, 2002, at 3:00 p.m.

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Upon motion the meeting was adjourned.

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C. Michael Kilburn, President

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Larry Crisenbery

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Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Board of County Commissioners held on April 30, 2002, in compliance with Section 121.22 O.R.C.

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