

Warren County Port Authority

Meeting Minutes

June 6, 2011

Opening:

The meeting of the Warren County Port Authority was called to order at 5:03 pm on June 6, 2011 at the Warren County Administration Building, room 128 B by Warren County Port Authority President Greg Sample.

The Warren County Port Authority meeting scheduled for May 2, 2011 was cancelled due to travel conflicts of Board members and staff.

Present:

Warren County Port Authority Board Members: Mr. Bolton, Mr. Gully, Mrs. Hreben, Ms. Reindl-Johnson (5:05 pm) and Mr. Sample

Warren County Economic Development Staff: Martin Russell

Other Attendees:

None

A. Approval of Agenda

The agenda and additional resources were distributed to the board for review and consideration without disapproval.

B. Approval of Minutes

- **A motion was offered by Mr. Gully and seconded Mr. Bolton to accept the April 4, 2011 minutes as presented by staff. The motion passed with a unanimous voice vote.**

C. Executive Director's Report

- Executive Director Martin Russell discussed with the Board the Port's finance reports for both March and April of 2011. Little activity occurred in the accounts during the month of March except for the acceptance/payment of funds from the Warren County Board of Commissioners for the Sinclair Community College (Courseview) campus scholarship fund. Additional expenditures were made for the 2011 Dayton Development Fly-In attended by Mr. Russell and legal expenses. For the month of April 2011, much of the expenditures made by the Port were in legal fees in connection with ongoing litigation pertaining to the Port. **A motion was offered by Mr. Gully and seconded by Mr. Bolton to accept the March and April 2011 financial report as presented. The motion passed with a unanimous voice vote.**
- Executive Director Martin Russell shared with the Board that progress on generating a logo/letterhead for the Port had been stalled due to office relocation issues. While design work has been completed on the logo/letterhead and an individual has volunteered to coordinate the Port's website design, final address/telephone blocks will be established once the Warren County

Office of Economic Development has relocated to its new location. Based on moves needed by the Warren County Prosecutor's office, the ED office will have to relocate either to a new office inside the Warren County Administration Building or at a remote location. Visual reviews of materials will be presented at future meetings for the Board's review, comment and approval.

- Executive Director Martin Russell gave the Board an update on Ohio's proposed budget for 2012-2013 and its possible impact on ports within Ohio. As it currently stands, ports would no longer be subject to prevailing wage. This would allow ports the ability to offer their full range of offerings (bidding incentives, sales tax exemptions, off-balance sheet transactions, etc.) without offsetting expenses associated with higher construction costs. Mr. Russell will continue to follow the developments of the Ohio budget and will work with counsel to see how this will impact the Port's marketing of services in the future.
- Executive Director Martin Russell discussed the work being conducted on the Port's records and retention policy. Based on information learned from the Warren County Historical Society, many, if not all, documents/records handled by the Port would fall under the guidelines already established for Warren County. Staff is going to review this notion and ascertain if there are any special classes that would need to be established for specific dealings/materials handled by the Port.

D. Old Business

- Executive Director Martin Russell brought forth before the Port Board a resolution, Resolution #2011-02, authorizing the Warren County Port Authority Executive Director to enter into a settlement agreement with Martha Paige pertaining to litigation between Ms. Paige and the Port. **A motion was offered by Mr. Gully and seconded by Ms. Reindl-Johnson to approve Resolution #2011-02 approving a settlement agreement and general release with Martha Paige against the Warren County Port Authority contained in case #1:08CV518. The motion passed unanimously with a roll call vote.**

E. New Business

- Executive Director Martin Russell presented an engagement letter between the Port and the law firm of Bricker & Eckler. This engagement would be to provide counsel to the Port regarding the recent foreclosure filing presented to the court by Huntington Bank against Rob Smyjunas/VH Monroe. This is a personal filing against Mr. Smyjunas and the private loans he took out for the Corridor 75 Park. While all special assessments and bond payments have been made on the public financing side of this project, it is recommended the Board engage Bricker & Eckler to monitor the filings and to represent the best interest of the Port as a named defendant in this action. **A motion was offered by Mr. Gully and seconded by Ms. Reindl-Johnson to engage Bricker & Eckler as counsel representing the Port in the foreclosure hearing filed by Huntington Bank on Rob Smyjunas/VH Monroe. The motion passed a unanimous voice vote.**
- Board member Dave Gully requested that the Board consider the potential that the Port would be asked to assist in the relocation of the Lebanon Raceway in the future. As the State of Ohio attempts to bring Video Lottery Terminals to racetracks, it appears that Lebanon Raceway and their partners may have a desire to move closer to Interstate 75. If they do such, there may be a

need for the Port to assist with financing, land swaps and other transactional items to make this move possible. Further detail would be forthcoming as the State determines their accepted plan of action for racetracks within the State.

F. Executive Session

- **The Port did not move into executive session**

Adjournment:

At 5:22 pm, a motion was made by Mr. Bolton and seconded by Mr. Hreben to adjourn the meeting of the Warren County Port Authority. The next Warren County Port Authority meeting is scheduled to be at 5:00 pm on July 11, 2011 at the Warren County Administration Building, Room 128 B, 406 Justice Drive, Lebanon, Ohio 45036.

Minutes submitted by: Martin Russell

Approved by: Martin Russell