

The Board of County Commissioners, Brown County, Ohio, met in regular session this April 23 2012 with the following members present: Mr. Jennings, President Mr. William R. Geschwind, Vice President Rick Eagan, Member

**IN THE MATTER OF PREVIOUS MINUTES**

Motion moved by Mr. Eagan to approve the minutes of the previous regular meeting and dispense with the oral reading. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – COURTHOUSE REPAIRS BONDS**

Motion moved by Mr. Geschwind to approve the request of Lisa Spiller, Assistant Clerk, for a supplemental appropriation of unappropriated O08 (Courthouse Repairs Bonds) in the amount of \$44,308.46 into O08-2 (Contract Repairs). Second: Mr. Eagan.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER OF CHANGE OF APPROPRIATION – BROWN COUNTY COMMON PLEAS COURT SPECIAL WORKS**

Motion moved by Mr. Eagan to approve the request of Joni L. Dotson, Brown County Common Pleas Court Administrator, for the following change of appropriations. Decrease C45-4 (Special Works – Equipment) funds in the amount of \$15,000.00 and Increase C45-5 (Special Works – Other Expenses) in the amount of \$15,000.00. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – BROWN COUNTY COMMON PLEAS COURT MEDIATION FEES**

Motion moved by Mr. Geschwind to approve the request of Joni Dotson, Brown County Common Pleas Court Administrator, for a supplemental appropriation of unappropriated C43 (Common Pleas Mediation Fees) funds in the amount of \$25,000.00 into C43-11 (Mediation – Other Expenses). Second: Mr. Eagan.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – COUNTY GENERAL FUND**

Motion moved by Mr. Eagan to approve the request of Dwayne Wenninger, Brown County Sheriff, for a supplemental appropriation of unappropriated A00 (County General Fund) funds in the amount of \$487.82 into 6A5 (Sheriff Repair Fund). This is a reimbursement from an insurance company check for damages to a Sheriff's Cruiser. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER TO ESTABLISH NEW CODE – MAGISTRATES 4-D FUND**

Motion moved by Mr. Geschwind to approve the request of Judge Scott T. Gusweiler, Brown County Common Pleas Court, to establishment a special revenue fund in order to utilize monies collected as a result of the Brown County Court of Common Pleas 4D contract with the Brown County Child Support Enforcement Agency. The new fund shall be designated as C44 Magistrate's 4D Fund. Second: Mr. Eagan.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER OF COUNTY GENERAL FUND ADVANCE – BROWN COUNTY ECONOMIC DEVELOPMENT**

Motion moved by Mr. Eagan to approve the request of Kelly Cole, Brown County Economic Development, for an advance from County General Fund 15a15a (Advances-Out) in the amount of \$58,600.00. Into A90A-15 (Chip Grant 2010 Home Advance In) the amount of \$5,000.00 and into B90-15 (CHIP CDBG/Advance In) the amount of \$53,600.00. These funds will be repaid upon receipt of draws sent to the State of Ohio on April 23, 2012. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTE OF SUPPLEMENTAL APPROPRIATION – BROWN COUNTY ENGINEER**

Motion moved by Mr. Geschwind to approve the request of Todd Cluxton, Brown County Engineer, for a supplemental appropriation of unappropriated K01 (Auto & Gas) funds in the amount of \$79,000.00. Into K-2a (Health Insurance) the amount

(Continued on next page)

April 23, 2012

of \$15,000.00, into K-11a (Health Insurance) the amount of \$42,000.00 and into K-25a (Health Insurance) the amount of \$22,000.00. Second: Mr. Eagan.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

**IN THE MATTER TO ENTER INTO AGREEMENT TO PARTICIPATE IN THE MULTI-COUNTY BRANCH OF THE OFFICE OF THE OHIO PUBLIC DEFENDER**

Motion moved by Mr. Eagan to enter into an agreement upon the recommendation of Jessica Little, Brown County Prosecutor, with the Office of the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215 for the following services. Second: Mr. Geschwind.

- 1.1 The Contractor agrees to provide legal representation and defense of defendants in the municipal, county and common pleas courts for felony and misdemeanor cases subject to the restrictions contained in section 3 arising in Brown County on or after the commencement date and during the term of this agreement in which the defendant is indigent and charged with the commission of an offense or act for which the penalty or any possible adjudication includes the potential loss of liberty. (Capital murder cases are excluded under section 3.3, and appeals are subject to the restrictions in section 2.4, respectively.)
- 1.2 The Contractor agrees to provide legal representation and defense of indigent defendants in Juvenile Court, arising in Brown County, on or after the commencement date and during the term of this agreement, where the right to counsel applies, and as further defined in section 3.2, Appeals are subject to the restrictions in section 3.4 of this agreement.

(See complete agreement on file) The term of this agreement is July 1, 2012 to June 30, 2013, for the sum of \$113,908.00. The contract is based on an estimated statewide rate of 35 percent for reimbursement of county level indigent defense systems.

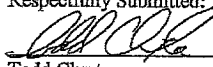
ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

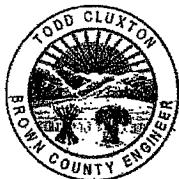
**IN THE MATTER OF ESTIMATE – BROWN COUNTY ENGINEERS OFFICE**

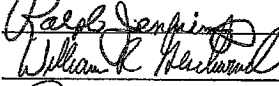
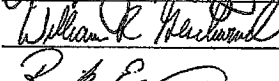

Motion moved by Mr. Eagan to approve the request of Todd Cluxton, Brown County Engineer, for the following estimate on project C25.0572 – Day Hill-Arnheim Road. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

PROJECT DESCRIPTION: Day Hill-Arnheim Road C25.0572					ESTIMATE				
Item No.	ODOT SPEC. NO.	Description	Units	Quantities	Unit Prices		Total Cost		
					Dollar	Cts	Dollar	Cts	
<b>STRUCTURE</b>									
1.	515	Prestressed Box Beams B27-48 (60'-0" long)	Ea.	8	13000	00	104,000	00	
		Unit price above shall include the following:							
		Elastomeric Bearing Pads	Ea.	32					
		1.363" x 6" x 6" Preformed EXJ Filler for Dowels	Ea.	16					
		1" x 20" x 27" Preformed EXJ Filler	Ea.	4					
		1.363 " x 2" Polystyrene Filler	Lin. Ft.	70					
		1/8" Preformed Bearing Pad Shims	Ea.	32					
		Delivery and Erection							

Respectfully Submitted:  
  
 Todd Cluxton  
 Brown County Engineer



Approved:   
  
  
 Brown County Commissioners

Grand Total: \$ 104,000.00

Date: April 23rd 2012

**IN THE MATTER TO JOURNALIZE ANNEXATION PETITION TO THE VILLAGE OF GEORGETOWN (0.473 ACRES)**

Motion moved by Mr. Eagan to enter into the journal the following Annexation to the Village of Georgetown. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea  
 (Continued on next page) **April 23, 2012**

PETITION FOR ANNEXATION ON APPLICATION OF ALL OWNERS  
(ORC 709.02 & 709.022)

U I C E  
APR 23  
BROWN COUNTY  
OF COMMISSIONERS

To: Board of County Commissioners of Brown County, Ohio  
Brown County Administration Building  
800 Mt. Orab Pike  
Georgetown, Ohio 45121

The undersigned, being all of the owners of real estate within the area hereinafter described in Exhibit "A" and adjacent to and contiguous with the Village of Georgetown, do respectfully petition the Board of Brown County Commissioners to cause such territory to be annexed to the Village of Georgetown under authority of Section 709.022 of the Revised Code of Ohio.

The number of owners within the area are one (1) in total.

1. Attached to this Petition and made a part hereof is an accurate legal description of the perimeter of the territory proposed for annexation, marked Exhibit "A".
2. Attached to this Petition and made a part hereof is an accurate map or plat of the territory proposed for annexation, marked Exhibit "B".
3. Accompanying this Petition is a list of parcels in the area to be annexed and adjacent territory that includes name of owner, mailing address of owner and permanent parcel number, marked Exhibit "C".

The undersigned Petitioners do hereby designate Jay D. Cutrell, who is located at 118 South Main Street, Georgetown, Ohio 45121, as their agent. His telephone number is (937) 378-6165; fax number is (937) 378-6567; and his email address is [jdc@mconn-cutrell.com](mailto:jdc@mconn-cutrell.com).

Petition for Annexation  
to the Village of Georgetown

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

*Enrique Gutierrez* 2-25-12  
Date Signed

Enrique Gutierrez  
433 Main Street  
Ripley, Ohio 45167  
Parcel No. 31-060032.0003

**IN THE MATTER OF RESOLUTION APPROVING ANNEXATION TO THE VILLAGE OF GEORGETOWN (0.473 ACRES)**

Motion moved by Mr. Geschwind to adopt the following Resolution. Second: Mr. Eagan.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

(Continued on next page)

April 23, 2012

RESOLUTION OF COUNTY COMMISSIONERS APPROVING ANNEXATION

These proceedings came on for consideration by the Board of County Commissioners of Brown County, Ohio on the petition of Enrique Gutierrez praying for the annexation of certain territory in Pleasant Township to the Village of Georgetown. The Board of County Commissioners finds as follows:

1. The petition contains all matter required by law including, without limitation:
  - a) An accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation;
  - b) A statement of the total number of owners of real estate in the territory sought to be annexed;
  - c) The name of the person to act as agent for the petitioners.
2. At the time of filing, the petition was accompanied by:
  - a) a list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or directly across the road from it when the road is adjacent to it, including the name and mailing address of the owner of each tract, lot, or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system established under section 319.28 of the Revised Code for each tract, lot, or parcel;
  - b) a certified copy of an annexation agreement provided for in section 709.192 of the Revised Code that has been entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation.

3. The petition has been filed under section 709.021 of the Revised Code and requests to follow that section and section 709.022 of the Revised Code for the special procedure of annexing land with the consent of all parties; that all owners of real estate in the territory sought to be annexed, not just a majority of owners, have signed the petition; and that the petition contains the notice provided for in division (B) of section 709.022 of the Revised Code.

Therefore, the prayer of the petition is hereby granted without hearing and the territory described in the petition shall be annexed to the Village of Georgetown. The final transcript of this Board relating thereto together with the accompanying plat and petition and all other papers pertaining thereto shall be delivered forthwith to the Fiscal Officer of the Village of Georgetown.

**IN THE MATTER TO JOURNALIZE ANNEXATION PETITION TO THE VILLAGE OF GEORGETOWN (6.348 ACRES)**

Motion moved by Mr. Eagan to enter into the journal the following Annexation to the Village of Georgetown. Second: Mr. Geschwind.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

(Continued on next page)

**April 23, 2012**



RESOLUTION OF COUNTY COMMISSIONERS APPROVING ANNEXATION

These proceedings came on for consideration by the Board of County Commissioners of Brown County, Ohio on the petition of John W. Cahall, III and Candace F. Cahall praying for the annexation of certain territory in Pleasant Township to the Village of Georgetown. The Board of County Commissioners finds as follows:

1. The petition contains all matter required by law including, without limitation:
  - a) An accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation;
  - b) A statement of the total number of owners of real estate in the territory sought to be annexed;
  - c) The name of the person to act as agent for the petitioners.

2. At the time of filing, the petition was accompanied by:

- a) a list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or directly across the road from it when the road is adjacent to it, including the name and mailing address of the owner of each tract, lot, or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system established under section 319.28 of the Revised Code for each tract, lot, or parcel;
- b) a certified copy of an annexation agreement provided for in section 709.192 of the Revised Code that has been entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation.

3. The petition has been filed under section 709.021 of the Revised Code and requests to follow that section and section 709.022 of the Revised Code for the special procedure of annexing land with the consent of all parties; that all owners of real estate in the territory sought to be annexed, not just a majority of owners, have signed the petition; and that the petition contains the notice provided for in division (B) of section 709.022 of the Revised Code.

Therefore, the prayer of the petition is hereby granted without hearing and the territory described in the petition shall be annexed to the Village of Georgetown. The final transcript of this Board relating thereto together with the accompanying plat and petition and all other papers pertaining thereto shall be delivered forthwith to the Fiscal Officer of the Village of Georgetown.

4/23/12


The Commissioners met with Sandy McKinney, resident of Georgetown, Ohio, to discuss issues at the Brown County Airport. The Commissioners met with John Alge, Director of Administration, Office of the Ohio Public Defender and Herman Carson, Assistant State Public Defender, to discuss the renewal of the Ohio Public Defender Contract.

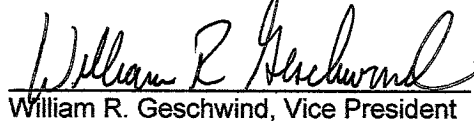
**IN THE MATTER TO ADJOURN**

Motion moved by Mr. Geschwind to adjourn this meeting with no further business before the Board this day April 23, 2012.  
Second: Mr. Eagan.

ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Eagan, yea

Approval: April 25, 2012

  
Ralph Jennings, President

  
William R. Geschwind, Vice President

  
Rick Eagan, Member

  
Jean Riskey, Clerk

April 23, 2012