

The Board of County Commissioner, Brown County, Ohio, met in regular session this March 20, 2013 with the following members present. Mr. Tony Applegate, President, Mr. Barry Woodruff, Member Mr. Daryll Gray, Member

IN THE MATTER OF PREVIOUS MINUTES

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

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – DOG & KENNEL

Motion moved by Mr. Gray to approve the request of Lisa Spiller, Assistant Clerk, for a supplemental appropriation of unappropriated B01 (Dog & Kennel) funds in the amount of \$43,000.00 into B12 (Humane Society Operating Agreement). Second: Mr. Woodruff.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

IN THE MATTER TO ADVERTISE NOTICE TO BIDDERS – SCOFFIELD ROAD LANDSLIDE PIER WALL – SITE 2 – BROWN COUNTY ENGINEER

Motion Moved by Mr. Gray to approve the request of Todd, Cluxton, Brown County Engineer, to advertise the following Notice to Bidders for the Scoffield Road Landslide Pier Wall Project – Site 2. Second: Mr. Woodruff.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

Sealed bids will be received by the Board of County Commissioners of Brown County, at Georgetown, Ohio, at the Office of the Clerk of the Board in the County Administration Building, 800 Mt. Orab Pike, Suite 101, Georgetown, Ohio 45121 until 9:00 a.m. on Monday, April 15, 2013 for:

Scoffield Road Landslide Pier Wall – Site 2

Bidding forms may be obtained at the Office of the Brown County Engineer, or at www.browncountyengineer.org. Bidders must use the printed forms provided therefore as none others will be accepted. Bidding documents shall be fully executed and must contain the full name of each person or company submitting the bid.

Bidding procedures, time of completion, and bonding requirements shall be as detailed in the Information for Bidders.

The right is reserved to reject any and all Bids. The Contract will be awarded to the lowest and best bidder.

Bids will be opened and read at 10:00 am on Monday, April 15, 2013.

By order of the Board of Brown County Commissioners, Brown County, Ohio.

Approved for publication in the News Democrat, Georgetown, Ohio on March 28, 2013.

IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – BROWN COUNTY EMERGENCY MANAGEMENT AGENCY

Motion moved by Mr. Gray to approved the request of Beth Nevel, Director, Brown County Emergency Management Agency, for a supplemental appropriation of unappropriated K70 (DOJ WMD GRANT) funds in the amount of \$37,675.00 into K70-11 (Other Expenses). Second: Mr. Woodruff.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

March 20, 2013

IN THE MATTER TO APPROVE BILLS

Motion moved by Mr. Woodruff to approve the following bills for payments. Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

P34	SOLID WASTE DISTRICT/HB	\$ 1,786.99
A00	COUNTY	\$ 62,977.65
C80	PROBATION SERVICES FUND	\$ 53.25
C79	INTENSIVE PROBATION PROGRAM	\$ 80.18
A45	TRAVEL & TOURISM	\$ 107.11
A25	E-911 ¼% SALES TAX	\$ 1,757.62
A26	ENHANCED 911 SURCHARGE	\$ 306.18
J01	REAL ESTATE ASSESSMENT	\$ 12,608.66
D20	CHIP HOME 2012	\$ 150.00
C23	JUVENILE COURT SPECIAL PROJECTS	\$ 70.00
H10	CHILD SUPPORT ENFORCEMENT AGENC	\$ 9,789.00
A35	LAW LIBRARY RESOURCES FUND	\$ 4,144.11
B01	DOG & KENNEL	\$ 36,072.50
K01	AUTO & GAS	\$177,721.32
H01	JOB & FAMILY SERVICES	\$ 20,010.25
S50	CHILDREN SERVICES	\$ 1,925.00
T60	BROWN CO FAMILY/CHILDRENS FIRST	\$ 23,714.00
	TOTAL	\$353,095.82

IN THE MATTER OF CONTRACT WITH PALMER ENGINEERING COMPANY – BROWN COUNTY ENGINEER

Motion moved by Mr. Woodruff to approve the request of Todd, Cluxton, Brown County Engineer, to enter into contract with Palmer Engineering Company 11311 Cornell Prak Drive, Suite 200, Cincinnati, OH 45242 to perform load ratings of county owned bridges for the amount of \$25,572.00. Work to be completed by October 2013. (See complete contract on file). Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

IN THE MATTER OF PERSONNEL ACTION NEW HIRE TEMPORARY PART TIME EMPLOYEE - CSEA

Motion moved by Mr. Woodruff to approve the request of Susan Smith, Director, Brown County Child Enforcement Agency, to hire a Temporary Part Time Employee. Second: Mr. Gray

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

IN THE MATTER TO RESOLUTION – SALE OF 29.89 ACRE TRACT OF LAND

Motion moved by Mr. Gray to adopt the following Resolution. Second: Mr. Woodruff.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

RESOLUTION NO. 03202013**SALE OF 29.89 ACRE TRACT OF LAND O.R.C. §§ 307.09 & 307.10**

The Board of County Commissioners of Brown County, Ohio, met on the 20th day of March, 2013, in regular session at the offices of said Board in the Administration Building, Georgetown, Ohio, with the following members present:

Tony Applegate, President
Daryll Gray, Member
Barry Woodruff, Member

The following resolution was presented by Mr. Gray, who moved its adoption, and seconded by Mr. Woodruff.

WHEREAS, on February 18, 2009, the Brown County Board of Commissioners received from the former Brown County Regional Healthcare Board of Trustees, a deed for a 29.89 acre tract of land in Green Township, Brown County, Ohio, ("29.89 acre tract of land"), also known as Parcel Number 11-018112-0001, and more fully described in Exhibit A, attached hereto and fully incorporated herein;

WHEREAS, pursuant to R.C. 307.09, the Board finds the said 29.89 acre tract of land is not needed for public purpose or use;

WHEREAS, the Mt. Orab Port Authority, ("Port Authority"), a political subdivision of the State of Ohio and the County of Brown, has expressed desire to develop said 29.89 acre tract of land in accordance with their overall plan for jobs creation and economic growth for Brown County and the St. Rt. 32 corridor;

(continued on next page)

March 20, 2013

WHEREAS, R.C. 307.10(B) provides:

The board, by resolution, may transfer real property in fee simple belonging to the county and not needed for public use to the United States government, to the state or any department or agency thereof, to municipal corporations or other political subdivisions of the state, to the county board of developmental disabilities, or to a county land reutilization corporation organized under Chapter 1724. Of the Revised Code for public purposes upon the terms and in the manner that it may determine to be in the best interests of the county, without advertising for bids. The board shall execute a deed or other proper instrument when such a transfer is approved.

WHEREAS, the Board has received an Agreement from the Port Authority, ("Agreement"), a copy of which is marked as Exhibit B, attached hereto and fully incorporated herein, proposing the Board transfer said 29.89 acre tract of land to the Port Authority under the terms as specified in said Agreement;

WHEREAS, the Board finds it in the best interest of the County to transfer said 29.89 acre tract of land to the Port Authority under the terms as specified in the Agreement;

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Brown County, Ohio, that on the above findings, hereby approves of and consents to the sale and transfer of said 29.89 acre tract of land in accordance with O.R.C. § 307.10 to the Port Authority under the terms as set forth in the Agreement attached hereto.

BE IT FURTHER RESOLVED the President of the Board and all Board members shall acknowledge and execute all documents in furtherance of said sale and transfer, including but not limited to the Agreement and deed.

BE IT FURTHER RESOLVED the proceeds from said sale shall be used to pay down bond debt.

IN THE MATTER TO ENTER INTO AGREEMENT WITH MT. ORAB PORT AUTHORITY

Motion moved by Mr. Woodruff to enter into agreement with Mt. Orab Port Authority for the sale of 29.89 acres. Second: Mr. Gray

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, President, yea

AGREEMENT

This Agreement is made and entered into this 20th day of March, 2013 by and between the Commissioners of Brown County, Ohio and the Mt. Orab Port Authority.

WHEREAS, the Commissioners of Brown County, Ohio own a 29.89 Acre tract of land located in the Village of Mt. Orab, Ohio, being Auditor Parcel Number 11-018112-0001.

WHEREAS, the Commissioners of Brown County, Ohio purchased this property and the development rights to this property from the Brown County General Hospital.

WHEREAS, the Commissioners of Brown County, Ohio have no need for this property for any public use.

WHEREAS, the Commissioners of Brown County, Ohio desire to enter into an agreement with the Port Authority of the Village of Mt. Orab, Ohio concerning a transfer to the Port Authority of this property.

WHEREAS, the Commissioners of Brown County, Ohio represent that the title to this real property is free and clear of any liens.

WHEREAS, by proper action of the Commissioners of Brown County, Ohio at a regular meeting held, the Commissioners have authorized the transfer of the 29.89 Acres of land located in the Village of Mt. Orab, Ohio to the Mt. Orab Port Authority.

WHEREAS, by proper action of the Mt. Orab Port Authority, the Port Authority has agreed to accept the transfer of said real property for the purpose of using its best efforts to market the property and to remit to the Commissioners of Brown County the net proceeds of any sale after costs, expenses, and fees.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Commissioners of the Brown County, Ohio and the Mt. Orab Port Authority agree as follows.

1. The Commissioners of Brown County, Ohio shall transfer to the Mt. Orab Port Authority 29.89 Acres of real property located in Green Township, Mt. Orab Village, Ohio, being Auditor Parcel Number 11-018112-0001.
2. The Mt. Orab Port Authority hereby agrees to accept the transfer of that property and agrees that said property shall remain unencumbered and free of liens until it is transferred to a third party or transferred back to the Commissioners of Brown County, Ohio, pursuant to paragraph 6 below.

(continued on next page)

March 20, 2013

3. The Mt. Orab Port Authority hereby agrees to use its best efforts to market said property and to remit to the Commissioners of Brown County, Ohio the net proceeds of any sale after deducting expenses incurred through marketing or site work. Plans, costs, and scope of the marketing and the site work activities, shall be agreed upon by both parties to this Agreement prior to entering into any of these activities and prior to the expenditure of any such funds. . The Commissioners of Brown County, Ohio shall have the final approval with respect to the price for which the property, which is the subject of this Agreement, shall be sold. Upon the Mt. Orab Port Authority obtaining a contract for the purchase of said property, it shall be sent to the Commissioners of Brown County, Ohio within 5 days of its receipt and the Commissioners of Brown County, Ohio shall determine at their next regularly scheduled meeting, whether to approve the purchase price.
4. There is currently a balance due of \$3,101.80 with respect to real estate taxes owed. The Commissioners of Brown County, Ohio have applied to the Ohio Department of Taxation for an exemption. When the transfer is made, it is contemplated by this Agreement with the Port Authority that the Mt. Orab Port Authority will then have to file its own exemption. This may necessitate the Mt. Orab Port Authority paying the actual tax currently due when the application for exemption is submitted. Any real estate taxes not exempted shall be deducted from the purchase price and if necessary, a prorated real estate tax shall be paid to the ultimate purchaser.
5. As consideration for the efforts of the Mt. Orab Port Authority, it shall be paid a fee of 7% of the purchase price of the property upon the purchase of the property by a third party.
6. In the event that the property is not purchased within eighteen months from the date of this Agreement, then at the written request of the Commissioners of Brown County, Ohio, so long as there is no contract for sale pending, the property shall be transferred back to the Commissioners of Brown County, Ohio, upon payment by said Commissioners of any and all costs and expenses previously approved by the Commissioners of Brown County, Ohio, plus any real estate taxes paid as outlined above incurred by the Mt. Orab Port Authority in marketing the said property.

IN WITNESS WHEREOF, the parties have duly executed this Agreement by and through their properly authorized officers and agents on the day and year first mentioned.

3/19/13

Brown County Planning Commission held their monthly meeting in the Commissioner's Office. The Commissioners attended the ABCAP monthly meeting in Adams County,

3/20/13


Commissioner Applegate swore in the Tammie Ogle as New Member of Brown County Board of Alcohol, Drug Addiction and Mental Health. Present were Deanna J. Vietze, Mental Health Services Business Manager, Commissioner Barry L. Woodruff, Commissioner Daryll R. Gray. Val E. Lewis met with the Commissioners to discuss Public Defenders. The Commissioners met with Jill A. Hall, Brown County Auditor and Leslie Zureick, Brown County Humane Society to discuss operations at the Animal Shelter.

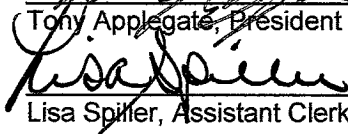
IN THE MATTER TO ADJOURN

Motion moved by Mr. Woodruff to adjourn this meeting with no further business before the Board this day March 20, 2013. Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Woodruff, yea Mr. Applegate, yea

Approval: March 25, 2013


 Tony Applegate, President


 Lisa Spiller, Assistant Clerk


 Barry Woodruff, Member


 Daryll Gray, Member

March 20, 2013