

The Board of County Commissioners, Brown County, Ohio, met in regular session this August 22, 2012 with the following members present. Mr. Jennings, President Mr. William R. Geschwind, Tony Applegate, Member

**IN THE MATTER OF PREVIOUS MINUTES**

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

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

**IN THE MATTER TO APPROVE BILLS**

Motion moved by Mr. Applegate to approve the following bills for payment. Second: Mr. Geschwind.

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

A00	COUNTY	\$ 21,874.36
A25	E-911 1/4% SALES TAX	\$ 2,210.48
C23	JUVENILE COURT SPECIAL PROJECTS	\$ 300.15
M50	YOUTH SERVICE SUBSIDY	\$ 420.95
B20	PROBATE INDIGENT GUARDIANSHIP F	\$ 100.00
J01	REAL ESTATE ASSESSMENT	\$ 1,000.00
T90	YOUR PLACE	\$ 2,641.75
P34	SOLID WASTE DISTRICT/HB 592	\$ 83,661.75
T10	COMMUNITY DEVELOPMENT & BLOCK G	\$ 13,465.62
H10	CHILD SUPPORT ENFORCEMENT AGENC	\$ 4,179.00
K05	EMERGENCY PLANNING FUND	\$ 151.85
K60	EMERGENCY MANAGEMENT	\$ 9,691.38
K01	AUTO & GAS	\$ 790.72
C60	CERTIFICATE OF TITLE ADM FUND	\$ 272.00
A31	NEIGHBORHOOD REVITALIZATION	\$ 384.74
A90A	CHIP GRANT 2010 HOME	\$ 4,897.20
H01	JOB & FAMILY SERVICES	\$ 6,409.98
S50	CHILDRENS SERVICES	\$ 696.57
	TOTAL	\$153,148.50

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – CERTIFICATE OF TITLE**

Motion moved by Mr. Geschwind to approve the request of L. Clark Gray, Brown County Clerk of Courts, for a supplemental appropriation of unappropriated C60 (Certificate of Title) funds in the amount of \$388,458.41 into C60-11 (Treasurers of State Fees). Second: Mr. Applegate.

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

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – BROWN COUNTY ECONOMIC DEVELOPMENT**

Motion moved by Mr. Applegate to approve the request of Kelly Cole, Director, Brown County Economic Development, for a supplemental appropriation of unappropriated A30 (SOACDF Admin Assistance Grant) funds in the amount of \$200.00 into A30-3 (Medicare). Second: Mr. Geschwind.

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

**IN THE MATTER OF JOURNALIZE ANNEXATION PETITION TO THE VILLAGE OF MT ORAB (5.267 ACRES)**

Motion moved by Mr. Geschwind to enter into the Journal the following Annexation to the Village of Mr. Orab containing 5.267 acres located in Pike Township. Second: Mr. Applegate. This is presented as an Expedited Type II annexation as authorized under the ORC 709.023. Second: Mr. Applegate.

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

PETITION FOR ANNEXATION

**RECEIVED**  
AUG 21 2012

BROWN COUNTY BOARD  
OF COMMISSIONERS

To: The Board of County Commissioners  
Brown County, Ohio

The undersigned being all of the owners of the real estate in the unincorporated territory of the township hereby requests the annexation of that territory to the Village of Mt. Orab, Brown County, Ohio pursuant to Ohio Revised Code Section 709.02, 709.021, and 709.023.

(Continued on next page)

August 22, 2012

A. There are three owners of the real estate in the territory proposed for annexation. They are Raymond Evans and Julie Evans, husband and wife and Christopher H. Bingaman, an unmarried person. The three owners have signed the petition below and have dated their signatures.

B. A full and accurate legal description of the perimeter of the territory proposed for annexation is attached hereto and incorporated herein by reference. An accurate map or plat of the territory proposed for annexation is submitted along with this petition and is also incorporated herein by reference.

C. Richard L. Goettke, Solicitor for the Village of Mt. Orab, Ohio, is hereby appointed as agent for the petitioners as required by Ohio Revised Code Section 709.02 to do any and all things necessary and essential in order to obtain the proposed annexation of the territory described in the attached exhibit to the Village of Mt. Orab, Brown County, Ohio without any further expressed consent of the petitioners.

The territory proposed for annexation does not exceed 500 acres.

The territory proposed for annexation shares a contiguous boundary with the Village of Mt. Orab, Brown County, Ohio, for a continuous length of at least 5% of the perimeter of the territory proposed for annexation.

The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

By separate ordinance or resolution adopted under Ohio Revised Code Section 709.23(C), the Village of Mt. Orab, Brown County, Ohio, will agree to provide services specified therein.

If a street or highway will be divided or segmented by the boundary line between the township and the Village of Mt. Orab, Brown County, Ohio, as to create a road maintenance problem, the Village of Mt. Orab, Brown County, Ohio will agree to assume the maintenance of that street or highway or to otherwise correct the problem.

This petition is signed by all of the owners of the unincorporated territory of the township proposed for annexation. Annexation proceedings shall be conducted under Ohio Revised Code Section 709.023. As such, the following language in bold face capital letters is placed immediately above the heading for the place of the signature.

**"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR IN EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THE SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."**

Date: 8-14-2012

Raymond Evans  
Raymond Evans

Date: 8-14-2012

Julie Evans  
Julie Evans

Date: 8-18-2012

Christopher H. Bingaman  
Christopher H. Bingaman

### ***Annexation of 5.267 Acres***

Situate in B. Hoome's Military Survey No.6747, Pike Township, Brown County, Ohio and being all of the land identified as parcel 29-054940-0000, conveyed to Raymond Evans in Official Record Book 395, page 513 in the Brown County, Ohio Recorder's Office and being all of the land identified as 29-056552-0202 conveyed to Christopher H. Bingaman in Official Record Book 31, page 260 in the Brown County, Ohio Recorder's Office and being bounded and more particularly described as follows:

Beginning at an iron spike found on the centerline of State Route No. 774, said point being the most northwesterly corner of Donald and Mabel Conley's 1.171 Acre tract as recorded in Official Record Book 29, page 743 in the Brown County, Ohio Recorder's Office; Thence with the line of said Conley South 05 degrees 56 minutes 43 seconds East passing a ½" iron pin found at 29.84 feet for a total distance of 179.28 feet to a ½" iron pin found corner to Valerie Kathleen Collett's 1.000 Acre tract; Thence with the line of said Collett South 11 degrees 55 minutes 07 seconds East a distance of 144.20 feet to a ½" iron pin found on the line of Bobby Bingaman's 20.66 Acre tract; Thence with the line of said Bingaman's 20.66 Acre tract South 75 degrees 35 minutes 00 seconds West a distance of 128.19 feet to a 1" iron pipe found corner to Grace Weaver (L.E.) et al., Arthur Allen Brown, Jr. and Kathy L. Brown's 0.97 Acre tract; Thence with the line of said Grace Weaver (L.E.) et al., Arthur Allen Brown, Jr. and Kathy L. Brown North 12 degrees 29 minutes 10 seconds West a distance of 323.61 feet to an iron spike found on the centerline of said State Route No. 774; Thence with the line of said State Route No. 774 South 76 degrees 21 minutes 47 seconds West a distance of 10.57 feet to an iron spike found corner to Robert L. and Ellen J. Cole's 1.072 Acre tract; Thence with the line of said Cole North 11 degrees 45 minutes 29 seconds West a distance of 466.63 feet to a ½" iron pin found on the line of Larry Neal's 8.3281 Acre tract; Thence with the line of said Neal North 77 degrees 47 minutes 23 seconds East a distance of 396.03 feet to a 1" iron pin set on the existing corporation line of the Village of Mt. Orab; Thence with the existing corporation line of the Village of Mt. Orab for the next two (2) courses:  
 South 13 degrees 26 minutes 46 seconds East a distance of 426.53 feet to an iron spike found;  
 South 12 degrees 23 minutes 29 seconds East a distance of 30.01 feet to an iron spike found on the centerline of said State Route No. 774; Thence with the centerline of said State Route No. 774 South 76 degrees 21 minutes 47 seconds West a distance of 248.57 feet to the place of beginning, CONTAINING 5.267 ACRES more or less subject, however, to all legal highways and easements of record, and being 0.384 Acres in the right-of-way of State Route No. 774.

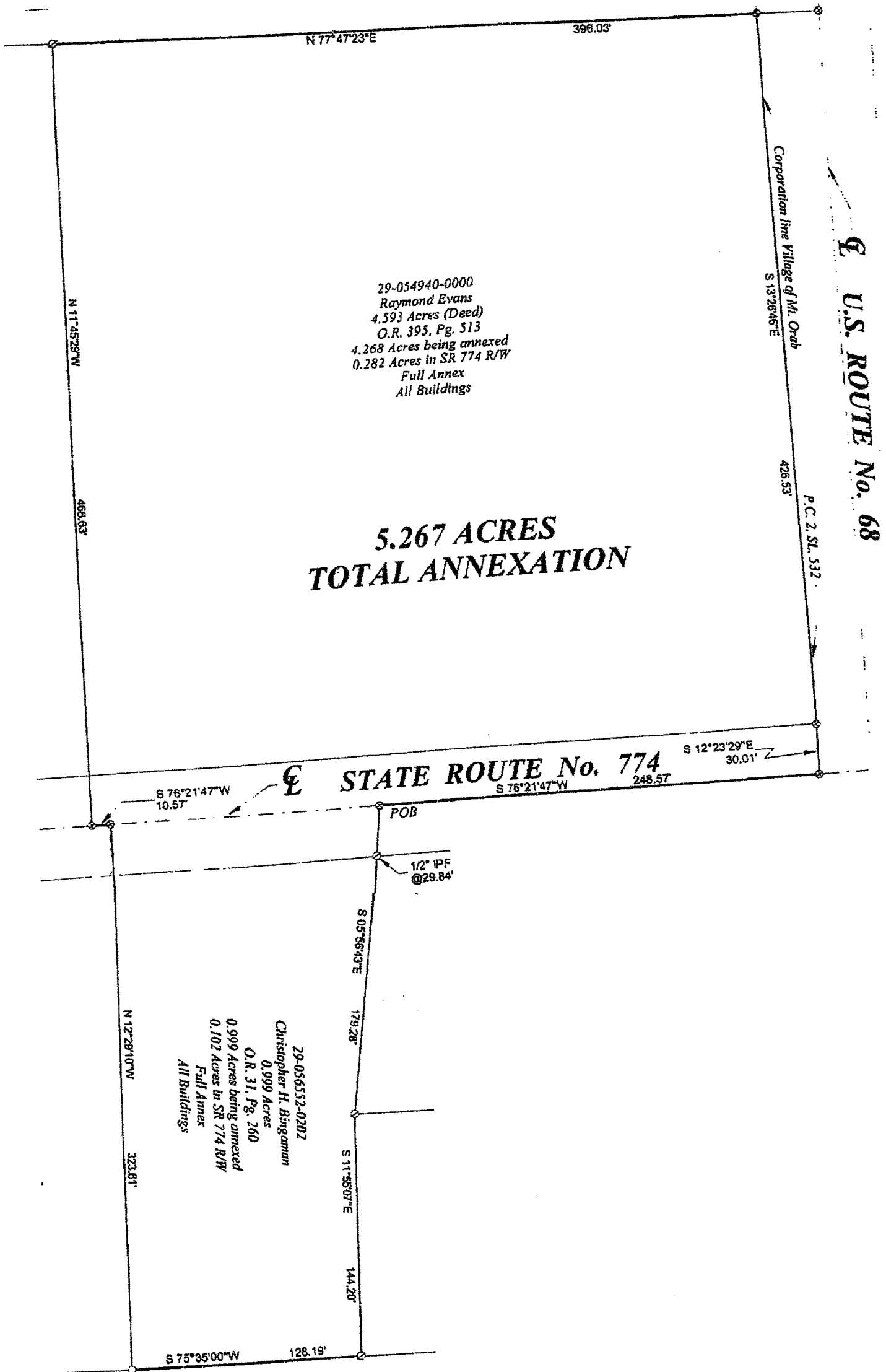
Basis of bearing is the record bearing South 12 degrees 23 minutes 29 seconds East, established by G. S. Renshaw's December 2003 annexation, PC 2, SL 532 and all other bearings and distances were measured in the field.

Surveyed by Christopher S. Renshaw, P.S. No. 8319 on 02 August 2012.

DHD-MO12029

(Continued on next page)

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(Continued on next page)

August 22, 2012

LIST OF ALL TRACTS, LOTS, OR PARCELS  
IN TERRITORY PROPOSED FOR ANNEXATION  
PURSUANT TO OHIO REVISED CODE SECTION 709.02(D)

<u>Name and Address</u>	<u>Parcel Number</u>	<u>Description</u>
Raymond Evans Julie Evans 3389 Pierce Road Georgetown, Ohio 45121	29-054940-0000	4.268 A
Christopher H. Bingaman 13032 State Route 774 Bethel, Ohio 45106	29-056552-0202	0.999 A

LIST OF ALL TRACTS, LOTS, OR PARCELS  
LOCATED ADJACENT TO THE TERRITORY OR DIRECTLY  
ACROSS THE ROAD FROM IT  
PURSUANT TO OHIO REVISED CODE SECTION 709.02(D)

<u>Name and Address</u>	<u>Parcel Number</u>	<u>Description</u>
Donald Conley Mable Conley 13104 St. Rt. 774 Bethel, Ohio 45106	29-056552-0201	1.171 A
Valerie Kathleen Collett 13101 State Route 774 Bethel, Ohio 45106	29-054884-0000	1.000 A
Bobby Bingaman, Trustee 13032 State Route 774 Bethel, Ohio 45106	29-056552-0200	20.66 A
Grace Weaver 13084 State Route 774 Bethel, Ohio 45106	29-056784-0000	0.97 A
Arthur Allen Brown, Jr. Kathy L. Brown 1385 Greenbush West Road Williamsburg, Ohio 45176	29-056784-0000	0.97 A
Robert L. Cole Ellen J. Cole 13085 State Route 774 Bethel, Ohio 45106	29-055400-0000	1.072 A
Larry Neal 1500 Hunter Drive Charleston, West Virginia 25311	29-055972-0000	8.3281 A
Mary Catherine Martin Richard Oakley Martin William P. Martin, II 26 Woodbriar Drive Chillicothe, Ohio 45601	30-055668-0000	297.4960 A
Jean C. Grider P.O. Box 513 Mt. Orab, Ohio 45154	30-056552-0100	41.051 A

August 22, 2012

The following is the amended official certificate of estimated resources for the fiscal year beginning January 1<sup>st</sup>, 2012, as revised by the Budget Commission of said County, which shall govern the total of appropriations made at any time during such year:

<u>FUND</u>	<u>Unencumbered Balance Jan 1<sup>st</sup>, 2012</u>	<u>Taxes</u>	<u>Other Sources</u>	<u>Total</u>
H10 CSEA	\$321,390.25		\$66,099.15	\$1,028,215.40

ss Connie Patrick, Treasurer ss Doug Green, Auditor Budget Commission

#### **IN THE MATTER OF MEMORANDUM OF UNDERSTANDING – WORKFORCE CONNECTIONS**

Motion moved by Mr. Geschwind to enter into the following Memorandum of Understanding. Debora Plymail and Angie Jamison, Representative of Workforce Connections attended the signing of the Extension Agreement. Second: Mr. Applegate.

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

**Extension Agreement  
for the  
State Fiscal Year 2012/2013  
One-Stop Memorandum of Understanding**

Pending changes in Ohio's workforce development system at the state, regional and local levels necessitate the extension of the 2012 Workforce Investment Act (WIA) Local Area One-Stop Memorandum of Understanding (MOU). This extension will be in effective from October 1, 2012 through June 30, 2013.

The Local Workforce Investment Boards (LWIBs) and One-Stop partners with MOU's that will expire September 30, 2012, mutually agree to extend the effective end date for the 2012/2013 One-Stop MOU's to June 30, 2013 and to continue the performance of One-Stop services and activities in the manner specified in the 2012 One-Stop MOU at the same negotiated shared costs.

This Extension Agreement will be fully executed as the date of the signature of the Ohio Department of Job and Family Services Assistant Director of Employment Services..

#### **IN THE MATTER OF PUBLIC HEARING – COUNTY BUDGET FOR 2013**

The Public Hearing for the proposed County Budget for fiscal year 2013 was held this day at 1:00 p.m. Present for the Hearing: The Brown County Commissioners and Jean Rickey, Clerk. Appropriations from each county office were reviewed and discussion was held regarding the estimate of the 2013 revenue. The next Budget Hearing will be scheduled in December of 2012 for review and final appropriations will be made. The Hearing was over at 1:30 p.m.

#### **IN THE MATTER OF RESOLUTION – CLOSING PORTIONS OF ROADS IN SCOTT TOWNSHIP**

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

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

#### **RESOLUTION FOR CLOSING PORTION OF THE FOLLOWING ROADS**

**Gillette Station Road T-155  
Kimball Ford Road T-614  
Sterling Road T-63  
Vinegar Hill Road T-508  
in  
Scott Twp.**

**RECEIVED**  
AUG 16 2012  
BROWN COUNTY BOARD  
OF COMMISSIONERS

**WHEREAS, the Board of Trustees of Scott Township, Brown County, Ohio, met in their regular monthly meeting on the 16<sup>th</sup> day of August, 2012, at the office of the Township Trustees. The following members were present:**

**Mr. Dale Anderson  
Mr. David Smiley  
Mr. Tommy Vaughn**

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August 22, 2012

**Gillette Station Road T-155**

By the request of Scott Township Trustees, the issue of closing all of T-155 Gillette Station Road (T-155) in Clark Township, SAVE AND EXCEPT that part beginning 200 feet south of Wahi Road (T-156) and extending in a northerly direction to the intersection of Wahi Road (T-156) with Gillette Station Road (T-155).

**Kimball Ford Road T-614**

By the request of Scott Township Trustees, the issue of closing all of Kimball Ford Road (T-614) Beginning at the centerline intersection with U.S. Route 68 at (state mile marker 24.51) and extending in a northerly direction to the centerline intersection with U.S. Route 68 at (state mile marker 24.85), save and except that part beginning at the southerly intersection with U.S. Route 68 (state mile marker 24.51) and extending in a northerly direction for a distance of 150 feet.

**Sterling Road T-63**

By the request of Scott Township Trustees, the issue of closing all of Sterling Road (T-63), SAVE AND EXCEPT that part beginning at station 0+00 at the intersection of the centerline of Sterling road with the centerline of Fite Road (T-52); thence extending in an easterly direction 2810 feet to station 28+10, and also save and except that part beginning at station 54+20, and extending in an easterly direction, 2125 feet to the centerline of U.S. Route 68 at station 75+45.

**Vinegar Hill Road T-508**

By the request of Scott Township Trustees, the issue of closing all of Vinegar Hill Road (T-508), save and except that part beginning at the intersection of the centerline of Vinegar Hill Road with the centerline of Smokey Row Road (C-83) and extending in an easterly direction 3745 feet.

Mr. Smiley Moved to make the following resolution

BE IT RESOLVED that the Board of Trustees of Scott Township, Brown County, Ohio, Does hereby move to close the above named portions of the various roads listed.

Mr. Vaughn Seconded the Resolution and the roll call vote resulted as follows:

Dale Anderson, yea  
David Smiley, yea  
Tommy Vaughn, yea

Dale Anderson  
Dale Anderson  
David Smiley  
David Smiley  
Tommy Vaughn  
Tommy Vaughn

ATTEST: Joni Wallace  
Joni Wallace, Fiscal Officer  
Scott Township Trustees

**IN THE MATTER OF RESOLUTION – CLOSE ROADS IN SCOTT TOWNSHIP – BROWN COUNTY ENGINEER**

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

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

**RE: RESOLUTION TO CLOSE ROADS IN SCOTT TOWNSHIP**

After reviewing the roads listed in the resolution, the Brown County Engineer's Office has prepared the following report in accordance with the Ohio Revised Code, Chapter 5553.045. Included in this report is a brief description of each road and surrounding properties along with a suggested legal description or other recommendations.

Below from non-maintained status resolution:

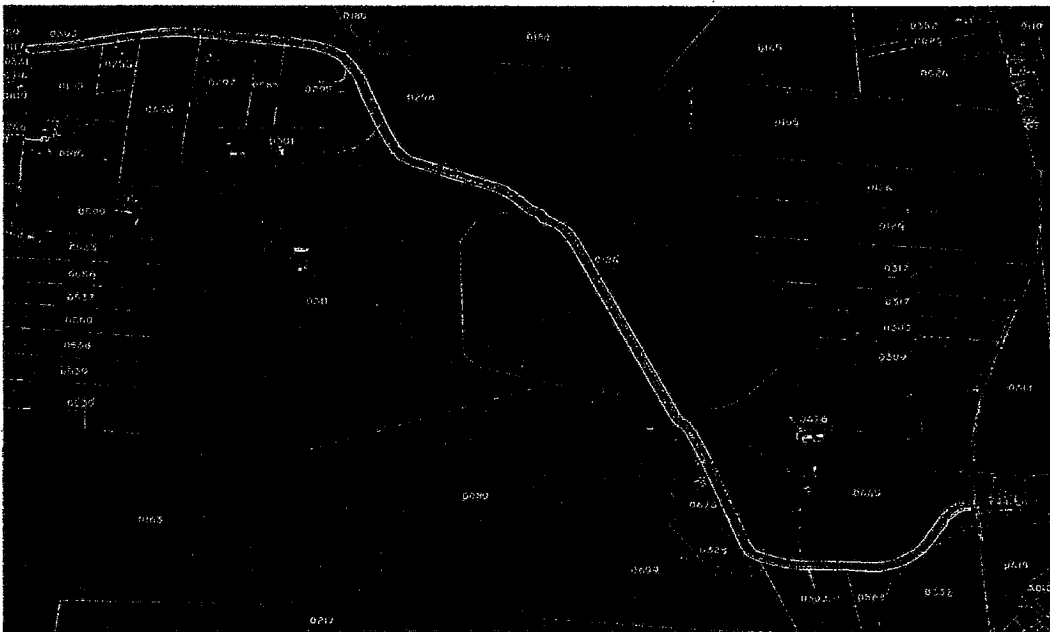
**All of Sterling Road (T63) , save and except that part beginning at station 0+00 at the intersection of the center line of Sterling Road with the centerline of Fite Road (T52) and extending in an easterly direction to station 28+10 and resuming at station 54+20 and extending in an easterly direction to the center line of U. S. Rte. 68 at station 75+45.**

After review of the portion of Sterling Road included in the township's resolution, I see no problems with the closing of this portion. There is approximately 2610 feet of Sterling Road in Scott Township that is currently on non-maintained status. All of the adjoining tracts currently have access either the portion of Sterling Road to remain open or other routes of ingress/egress.

*Therefore, I suggest the following description for the closure.*

**T-63 STERLING ROAD DESCRIPTION**

Vacating all of Sterling Road (T-63), **SAVE AND EXCEPT** that part beginning at station 0+00 at the intersection of the centerline of Sterling road with the centerline of Fite Road (T-52); thence extending in an easterly direction 2810 feet to station 28+10, and also save and except that part beginning at station 54+20, and extending in an easterly direction, 2125 feet to the centerline of U.S. Route 68 at station 75+45.



Below from non-maintained status resolution:

**All of Sterling Road (T63) , save and except that part beginning at station 0+00 at the intersection of the center line of Sterling Road with the centerline of Fite Road (T52) and extending in an easterly direction to station 28+10 and resuming at station 54+20 and extending in an easterly direction to the center line of U. S. Rte. 68 at station 75+45.**

After review of the portion of Sterling Road included in the township's resolution, I see no problems with the closing of this portion. There is approximately 2610 feet of Sterling Road in Scott Township that is currently on non-maintained status. All of the adjoining tracts currently have access either the portion of Sterling Road to remain open or other routes of ingress/egress.

*Therefore, I suggest the following description for the closure.*

**T-63 STERLING ROAD DESCRIPTION**

Vacating all of Sterling Road (T-63), **SAVE AND EXCEPT** that part beginning at station 0+00 at the intersection of the centerline of Sterling road with the centerline of Fite Road (T-52); thence extending in an easterly direction 2810 feet to station 28+10, and also save and except that part beginning at station 54+20, and extending in an easterly direction, 2125 feet to the centerline of U.S. Route 68 at station 75+45.

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August 22, 2012



**T-508 VINEGAR HILL ROAD:**

**TRACTS EFFECTED...**

- 158 HAS FRONTAGE ON VINEGAR HILL PORTION TO REMAIN OPEN
- 391 HAS ACCESS VIA U.S. RTE 68 AND VINEGAR HILL ROAD
- 566 HAS ACCESS VIA SMOKEY ROW ROAD.



Below from non-maintained status resolution:

**All of Vinegar Hill Road (T508), save and except that part beginning at the intersection of the center line of Vinegar Hill Road with the center line of Smokey Row Road (C83) and extending in an easterly direction 3745 feet.**

After review of the portion of Vinegar Hill Road included in the township's resolution, I see no problems with the closing of this portion. All of the adjoining tracts currently have access either the portion of Sterling Road to remain open or other routes of ingress/egress.

*Therefore, I suggest the following description for the closure.*

**T-508 VINEGAR HILL ROAD DESCRIPTION**

Vacating all of Vinegar Hill Road (T-508), save and except that part beginning at the intersection of the centerline of Vinegar Hill Road with the centerline of Smokey Row Road (C-83) and extending in an easterly direction 3745 feet.

**T-614 Kimball Ford Road**

**TRACTS EFFECTED...**

- 049 HAS ACCESS VIA U.S. ROUTE 68 NO DRIVE ON KIMBALL FORD
- 0391 HAS ACCESS VIA U.S. ROUTE 68 NO DRIVE ON KIMBALL FORD
- 0390 HAS ACCESS VIA U.S. ROUTE 68 DRIVE IS ON KIMBALL FORD ROAD APPROX 140'



(Continued on next page)

August 22, 2012

**T-614 Kimball Ford Road Description**

Vacating all of Kimball Ford Road (T-614) Beginning at the centerline intersection with U.S. Route 68 at (state mile marker 24.51) and extending in a northerly direction to the centerline intersection with U.S. Route 68 at (state mile marker 24.85), save and except that part beginning at the southerly intersection with U.S. Route 68 (state mile marker 24.51) and extending in a northerly direction for a distance of 150 feet.

After review of the portion of Kimball Ford Road included in the township's resolution, I see no problems with the closing of this portion. There is a drive way on the southern portion of the route that has its primary ingress/egress to Kimball Ford. The drive is located approximately 140 feet northwest of the centerline intersection of Kimball Ford Road with the U.S. Route 68 and state mile marker 24.51.

**Therefore, I suggest the following description for the closure.**

**8/21/12**

The Brown County Planning Commission held their monthly meeting in the Commissioner's Office.

**8/22/12**

The Commissioners met with David M. Sharp, Director, Brown County Job & Family Services, Sherry Durbin, Fiscal Officer, Brown County Job & Family Services and William Carkeek, Brown County Probate/Juvenile Court Administrator, to discuss Child/Foster Care Services.

**IN THE MATTER TO ADJOURN**

Motion moved by Mr. Geschwind to adjourn this meeting with no further business before the Board this day August 22, 2012.

Second: Mr. Applegate

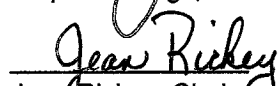
ROLL CALL VOTE: Mr. Jennings, yea Mr. Geschwind, yea Mr. Applegate, yea

Approval: August 27, 2012

  
Ralph Jennings, President

  
William R. Geschwind, Vice President

  
Tony Applegate, Member

  
Jean Rickey, Clerk

**August 22, 2012**