

The Board of County Commissioner, Brown County, Ohio, met in regular session this March 18, 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 APPROPRIATION CHANGE – COUNTY GENERAL FUND

Motion moved by Mr. Gray to approve the request of Lisa Spiller, Assistant Clerk, for the following appropriation change. Decrease 1a11d (Other Expenses) in the amount of \$8,000.00 and to Increase 4b14 (Contract Services) in the amount of \$8,000.00. Second: Mr. Woodruff.

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

IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – FELONY DELINQ CUSTODY AND CARE

Motion moved by Mr. Gray to approve the request of William Carkeek, Brown County Probate/Juvenile Court Administrator, for the following supplemental appropriation M60 (Felony Delinq. Custody & Care) in the amount of \$4,000.00 into M60-2 (Contract Services). Second: Mr. Woodruff.

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

IN THE MATTER PERSONNEL – BROWN COUNTY SHERIFF

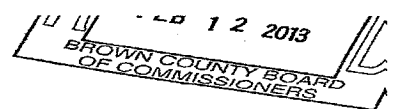
Motion moved by Mr. Gray to accept the resignation letter from Chris Hilberg, Brown County Adult Detention Center Corrections Officer with his final date of employment with the Brown County Sheriff's Office effective March 11, 2013. Second: Mr. Woodruff.

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

IN THE MATTER TO JOURNALIZE AMENDMENT #1 OF PETITION FOR ANNEXATION INTO THE VILLAGE OF MT. ORAB FROM STERLING AND GREEN TOWNSHIPS CONTAINING 59.092 ACRES

Motion moved by Mr. Woodruff to enter into the journal the following Annexation into Mt. Orab Village. Second Mr. Gray.

PETITION FOR ANNEXATION



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 townships hereby request 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.

A. There are five owners of the real estate in the territory proposed for annexation. They are William B. Lucas and Lisa Lucas, husband and wife, James R. Lucas, an unmarried person, Chris Gray, an unmarried person, and William K. McCord, an unmarried person. The five 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.

2/19/13 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.

2/19/13 The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

2/19/13 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.

(Continued on next page)

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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 townships 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 signatures.

"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: 1-11-2013

William B. Lucas
William B. Lucas

Date: 1-11-2013

Lisa M. Lucas
Lisa M. Lucas

Date: 2-11-2013

James R. Lucas
James R. Lucas

Date: 1-30-13

Chris Gray
Chris Gray

Date: 2/7/13

William K. McCord
William K. McCord

Situate in J. O'Hara and N. Bowsman's Military Survey No.4451, Sterling Township and Green Township, Brown County, Ohio and being 39.453 Acres of the land identified as parcel 37-071120-0000, conveyed to William B. and James R. Lucas in Official Record Book 378, page 661 in the Brown County, Ohio Recorder's Office and being 15.566 Acres of the land identified as parcel 10-071120-0300 conveyed to William B. and James R. Lucas in Official Record Book 378, page 661 in the Brown County, Ohio Recorder's Office and being 0.544 Acres of the land identified as 37-071120-0400 conveyed to Chris Gray in Deed Book 269, page 431 in the Brown County, Ohio Recorder's Office and being 1.293 Acres of the land identified as 10-071120-0400 conveyed to Chris Gray in Deed Book 269, page 431 in the Brown County, Ohio Recorder's Office and being 2.236 Acres of the land identified as 10-071120-0100 conveyed to William K. McCord in Official Record Book 158, page 406 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 Brooks-Malott Road, said point being the most southeasterly corner of Geneva Gentry's 3.000 Acre tract as recorded in Official Record Book 261, page 191 in the Brown County, Ohio Recorder's Office;
Thence with the centerline of said Brooks-Malott Road South 18 degrees 44 minutes 00 seconds West a distance of 1479.53 feet to a railroad spike set on the existing corporation line of the Village of Mt. Orab as recorded in Plat Cabinet 2, Slide 323 in the Brown County, Ohio Recorder's Office;
Thence with the said existing Village of Mt. Orab corporation line North 65 degrees 30 minutes 00 seconds West a distance of 1752.04 feet to a 1" iron pin set on the line of Maggie aka Maggie M. aka Mary M. Wood's 1.000 Acre tract;
Thence with the line of said Wood's 1.000 Acre tract and continuing with the line of Mary Magdalene Wood aka Magdalene Wood's 0.838 Acre tract and continuing with the line of Kathy Gast North 19 degrees 15 minutes 00 seconds East a distance of 1483.83 feet to a 5/8" iron pin found corner to Geneva Gentry's 129.00 Acre tract;
Thence with the line of said Gentry's 129.00 Acre tract and continuing with the line of said Gentry's 3.000 Acre tract South 65 degrees 19 minutes 00 seconds East a distance of 1739.17 feet to the place of beginning,
CONTAINING 59.092 ACRES more or less subject, however, to all legal highways and easements of record, and being 0.849 Acres in the right-of-way of Brooks-Malott Road.

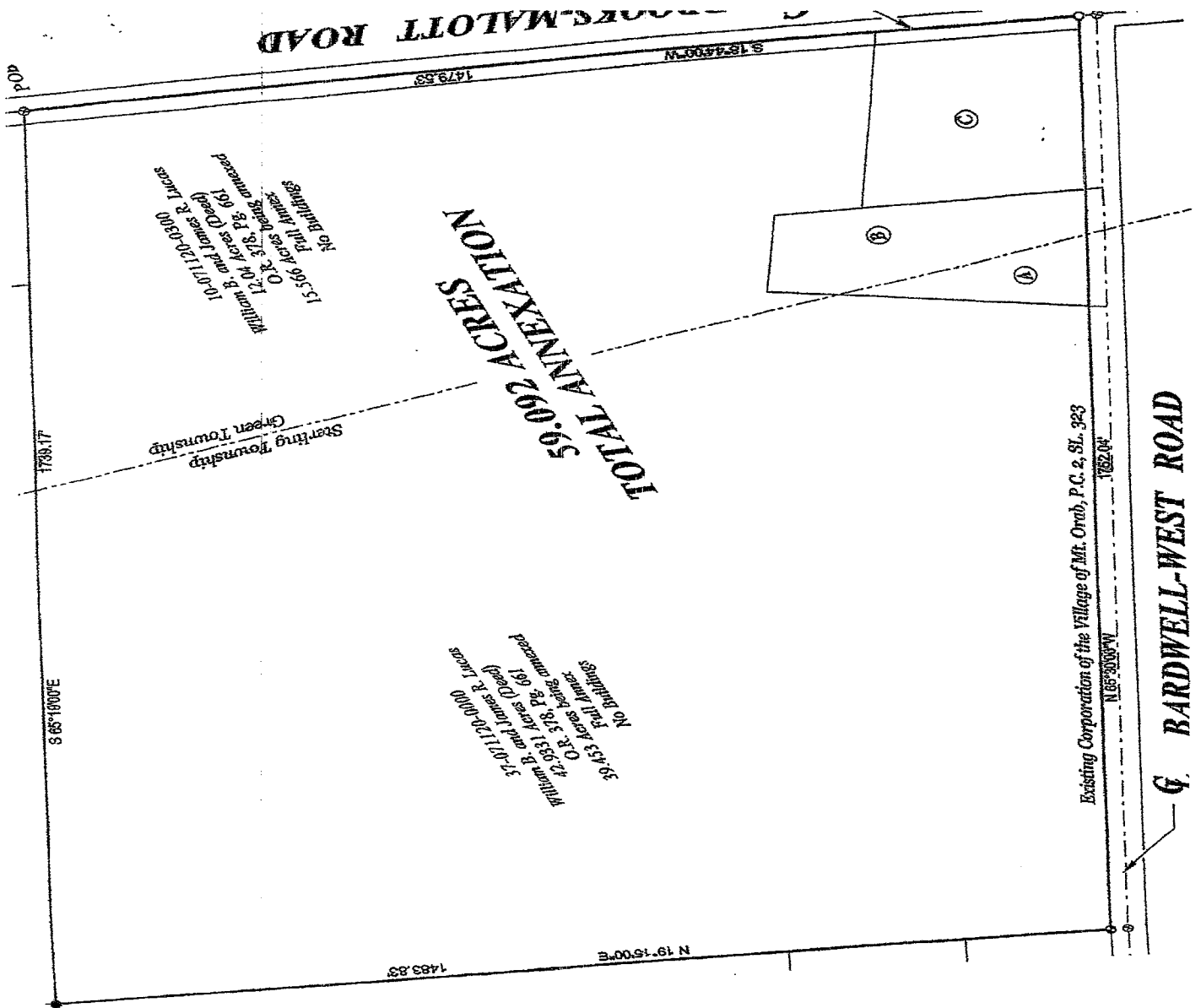
Basis of bearing is the record bearing South 18 degrees 44 minutes 00 seconds West, established by R. E. Satterfield's February 1979 survey, 2T-109-381 and all other bearings and distances were measured in the field.

Surveyed by Christopher S. Reashaw, P.S. No. 8319 on 12 December 2012.

DHD-MO12064

(Continued on next page)

March 18, 2013



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

Name and Address	Parcel Number	Description
William B. Lucas	37-071120-0000	39.453 A
Lisa Lucas 2813 Crittwoods Court Cincinnati, Ohio 45244	10-071120-0300	15.566 A
James R. Lucas 109 Driftwood Drive Lexington, South Carolina 29072	37-071120-0000 10-071120-0300	39.453 A 15.566 A
Chris Gray 723 Palenstine Street New Richmond, Ohio 45157	37-071120-0400 10-071120-0400	0.544 A 1.243 A
William K. McCord 3407 Bardwell West Road Mt. Orab, Ohio 45154	10-071120-0100	2.236 A

(Continued on next page)

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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>
Geneva Gentry 15188 Brooks Malott Rd. Mt. Orab, Ohio 45154	10-018024-0100 37-071700-0000	3.000 A 129.000 A
Kathy Gast P.O. Box 170 Mt. Orab, Ohio 45154	37-071140-0000	45.22 A
Mary Magdalene Wood Aka Magdalene Wood 3254 Bardwell West Road Mt. Orab, Ohio 45154	37-073016-0000	0.838 A
Maggie Wood Aka Maggie M. Wood Aka Mary M. Wood 3253 Bardwell West Road Mt. Orab, Ohio 45154	37-073012-0000	1.000 A
Southern State Community College 100 Hobart Drive Hillsboro, Ohio 45133	44-071120-0200 11-071120-0200	57.693 A 5.686 A
Margaret A. Wood, Trustee P.O. Box 177 Mt. Orab, Ohio 45154	11-019336-0000	53.442 A
Gary Bodley 15345 Bodman Road Mt. Orab, Ohio 45154	10-018976-0000	94.516 A
Raymond Bodley 4166 Crestview Drive Loveland, Ohio 45140	10-018976-0000	94.516 A

IN THE MATTER TO ENTER INTO EXECUTIVE SESSION

Motion moved by Mr. Gray to enter into Executive Session to discuss confidential audit matters. In attendance Amy Jo DeClaire, Recorder; Jill Hall, Auditor; Connie Patrick, Treasurer; Michael A. Balestra, Brenden Balestra and Zach Holbert, Balestra, Harr & Scherer, CPAs, Inc. Began at 10:30 a.m. Second: Mr. Woodruff

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

IN THE MATTER TO ENTER INTO EXECUTIVE SESSION

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

IN THE MATTER OF BID OPENING – SHINKLE RIDGE ROAD LANDSLIDE PIER WALL PHASE 1

The bid opening for the Shinkle Ridge Road Landslide Pier Wall Phase 1 was held this day at 11:00 a.m. In attendance Todd Carpenter from U.S. Bridge. Five Bids were received and read aloud.

- 1. Sunesis 2610 Cresentville Rd. West Chester, OH 45069 \$172,020.75

Proposal, Form of Non Collusion Affidavit, Bid Bond, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Agreement Supplemental, Agreement Supplemental, DMA, Government Business & Funding Contracts, Affidavit in Compliance with Section 3517.13 of the ORC., Certificate of Liability Insurance,

- 2. Langenheim & Thompson 4817 Glenshade Ave. Cincinnati, OH 45227 \$128,762.00

Proposal, Form of Non Collusion Affidavit, Bid Bond, Certificate of Liability Insurance, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace Policy for State Construction, DMA, Affidavit in Compliance with Section 3517.13 of the ORC., Ohio Bureau of Workers' Compensation Certificate of Premium Payment.

- 3. U.S. Bridge P.O. Box 757 Cambridge, OH 43725 \$159,662.30

Form of Non Collusion Affidavit, Proposal, Bid Bond, Certificate of Liability Insurance, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace Policy for State Construction, Agreement Supplemental, DMA, Affidavit in Compliance with Section 3517.13 if the ORC.

- 4. NeCamp Construction Co. P.O. Box 249 Mainville, OH 45039 \$116,791.50

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March 18, 2013

Form of Non Collusion Affidavit, Proposal, Bid Bond, Certificate of Liability Insurance, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace Policy for State Construction, Agreement Supplemental, DMA, Affidavit in Compliance with Section 3517.13 in the ORC.

5. W.E. Smith Construction 2030 Bauer Rd. Blanchester, OH 45107 \$104,712.18

Form of Non Collusion Affidavit, Proposal, Bid Bond, Certificate of Insurance, Affidavit in Compliance with Section 3517.13 of the ORC. DMA, Drug Free Workplace Policy for State Construction, Agreement Supplemental, Equal Employment Opportunity Requirements & bid Conditions for OPWC-Assisted Construction Projects,

The bids were given to the Brown County Engineer for review and will be awarded at a later date. Bid opening declared over at 11:12 a.m.

IN THE MATTER OF BID OPENING – RIPLEY ROAD LANDSLIDE PIER WALL SITE 4

The bid opening for the Ripley Road Landslide Pier Wall Site 4 was held this day at 11:15 a.m. In attendance Todd Carpenter from U.S. Bridge. Five Bids were received and read aloud.

1. Sunesis 2615 Cresentville Rd. West Chester, OH 45069 \$132,632.80

Form of Non Collusion Affidavit, Bid Bond, Certificate of Insurance, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace Policy for State Construction, DMA, Affidavit in Compliance with Section 3517.13 of the ORC,

2. Langenheim & Thompson Co. 4817 Glenshade Ave. Cincinnati, OH 45227 \$81,261.70

Proposal, Form of Non Collusion Affidavit, Proposal, Bid Bond, Certificate of Liability Insurance, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace Policy for State Construction, DMA, Affidavit in Compliance with Section 3517.13 of the ORC., Ohio Bureau of Workers' Compensation Certificate of Premium Payment.

3. NeCamp P.O. Box 249 Maineville, OH 45039 \$87,314.00

Form of Non Collusion Affidavit, Proposal, Bid Bond, Certificate of Liability Insurance, Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace Policy for State Construction, DMA, Agreement Supplemental, Affidavit in Compliance with Section 3517.13 of the ORC.

4. SP Drilling & Contracting 103 Mound Ave. Milford, OH 45150 \$107,432.51

Proposal, Bid Bond, Certificate of Liability Insurance, Form of Non Collusion Affidavit, W Equal Employment Opportunity Requirements & Bid Conditions for OPWC-Assisted Construction Projects, Drug Free Workplace for State Construction, Agreement Supplemental, DMA,

5. Smith Construction P.O. Box 223 Fayetteville, OH 45118 \$84,811.50

Form of Non Collusion Affidavit, Proposal, Bid Bond, Certificate of Liability Insurance, DMA, Agreement Supplemental,

The bids were given to the Brown County Engineer for review and will be awarded at a later date. Bid opening declared over at 11:12 a.m.

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

Motion moved by Mr. Gray to approve the request of Beth Nevel, Director, Brown County Emergency Management, for the following supplemental appropriation of unappropriated K-05 (Emergency Planning) in the amount of \$10,000.00 into K50-5 (LEPC/SERC Grant). Second: Mr. Woodruff.

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

IN THE MATTER TO PAY TESSA ELLIS – BROWN COUNTY SHERIFFS OFFICE EMPLOYEE FROM ACCUMULATED LEAVE FUND

Motion moved by Mr. Gray to approve the request of Dwayne Wenninger, Brown County Sheriff, to pay Tessa Ellis accumulated vacation leave (5.34 hours) and comp time (4.92 hours) from A15-1 (Accumulated Leave). Second: Mr. Woodruff.

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

March 18, 2013

IN THE MATTER TO PAY CHRIS HILBERG – BROWN COUNTY SHERIFFS OFFICE EMPLOYEE FROM ACCUMULATED LEAVE FUND

Motion moved by Mr. Woodruff to approve the request of Dwayne Wenninger, Brown County Sheriff, to pay Chris Hilberg accumulated comp time (22 hours) from A15-1 (Accumulated Leave). Second: Mr. Gary.

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

3/14/13

Brown County Solid Waste held their monthly meeting in the Commissioner's Office. Mitch Sharp met with the Commissioners to discuss operation at Job & Family Services. Mr. Gray attended the CCAO General Government & Operations in Columbus.

3/15/13

Commissioners Daryll Gray and Barry Woodruff attended the Mocktail Event at the Engineer's Office.

3/18/13

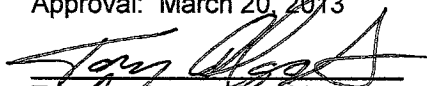

The Commissioners met with Beth Nevel to discuss operations at EMA. The Commissioners met with Troy Riley from CONSECO Ins. Lena Bradford, Director at DD; Brian Hogen, Dennis Lee at Garland met to discuss maintenance issues at DD.


IN THE MATTER TO ADJOURN

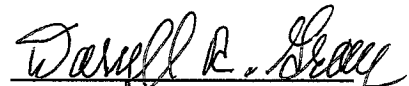
Motion moved by Mr. Woodruff to adjourn this meeting with no further business before the Board this day March 18, 2013. Second: Mr. Gray.

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

Approval: March 20, 2013


Tony Applegate, President

Lisa Spiller, Assistant Clerk


Barry Woodruff, Member


Daryll Gray, Member

March 18, 2013