

The Board of County Commissioners, Brown County, Ohio, met in regular session this 12th day of October, 2016 with the following members present. Barry Woodruff, President Tony Applegate, Member Daryll Gray, Member

**IN THE MATTER OF PREVIOUS MINUTES**

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

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

**IN THE MATTER OF AGREEMENTS – DEVELOPMENT – ODSA**

Motion moved by Mr. Gray, upon the recommendation of Kelly Cole, Development, to enter agreements with the Ohio Development Services Agency, Office of Community Development for the Brown County 2016-2017 Community Housing Impact and Preservation Program for a total grant of \$400,000.00, outlined below. In attendance: Kelly Cole. Second: Mr. Applegate.

B-C-16-1AH-1	Community Development Block Grant (CDBG)	\$142,000.00
B-C-16-1AH-2	HOME	\$185,000.00
S-C-16-1AH-1	Ohio Housing Trust Fund	\$73,000.00

**IN THE MATTER TO APPROVE BILLS**

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

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

DEPT	EXPENDITURES
AUDITOR	\$1,822.59
BOARD OF ELECTIONS	\$502.50
COMMISSIONERS	\$48,138.26
CORONER	\$2,625.00
E911	\$7,214.17
ENGINEER HIGHWAY	\$7,548.85
ENGINEER OFFICE	\$2,698.77
JOB & FAMILY SERVICES	\$13,291.95
PROBATE & JUVENILECOURT	\$5,842.10
MAINTENANCE	\$20,348.01
PROSECUTOR	\$1,058.16
SHERIFF	\$6,213.24
TITLE	\$4,075.94
TREASURER	\$380.60
Total	\$121,760.14

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – PROSECUTOR**

Motion moved by Mr. Gray to approve the request of Sarah Prebble, Clerk, for a supplemental appropriation of unappropriated funds from 1000 CGF in the amount of \$6,816.22 into 1000-1000-52133 (Transfer Out). Second: Mr. Applegate.

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

**IN THE MATTER TO TRANSFER OF FUNDS – PROSECUTOR**

Motion moved by Mr. Applegate to approve the request of Jessica Little, Prosecutor, transfer funds from CGF 1000 (Transfer Out) in the amount of \$6,816.22 into 2488-3006-40547 (Transfer In), said funds are the first half match of the 2016-2017 VOCA Grant, Victim's Assistance Program received \$54,529.74, county match total is \$13,632.44, half of which is due at the beginning of the grant period. Second: Mr. Gray.

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

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – PROSECUTOR**

Motion moved by Mr. Gray to approve the request of Jessica Little, Prosecutor, for a supplemental appropriation from 2487-3006 in the amount of \$1,200.00 into 2487-3006-51111 (Environmental Law Salaries). Second: Mr. Applegate.

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

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**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – PROSECUTOR**

Motion moved by Mr. Applegate to approve the request of Jessica Little, Prosecutor, for a supplemental appropriation from 1000 CGF in the amount of \$4,217.90 into the following accounts:

1000-3006-51118 (PERS) \$600.00  
 1000-3006-51111 (Salaries) \$3,557.90  
 1000-3006-51119 (Medicare) \$60.00

Transaction required to correct said funds derived from Village of Mt. Orab for services provided by the Prosecutor was incorrectly entered into CGF Revenue Account and not transferred into 1000-3006 accounts. Second: Mr. Gray.

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

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – BOARD OF COMMISSIONERS**

Motion moved by Mr. Gray to approve the request of Lisa Spiller, Coordinating Clerk, for a supplemental appropriation from 1000 CGF in the amount of \$45,870.00 into 1000-1000-52174 (Inmate Housing) for the August Invoice from Butler County for inmate housing. Second: Mr. Applegate.

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

**IN THE MATTER OF APPROPRIATION CHANGE – BOARD OF COMMISSIONERS**

Motion moved by Mr. Applegate to approve the request of Lisa Spiller, Coordinating Clerk, for an appropriation change to decrease 1000-1000-52116 (Other Expenses) in the amount of \$15,000.00 and Increase 1000-1000-52111 (Postage) in the amount of \$15,000.00. Additional funds are needed to cover postage for the remainder of the year to cover postage on dog tags, CAUV, Homestead & Smart Bill. Second: Mr. Gray.

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

**IN THE MATTER OF REQUEST FOR PROPOSAL FOR BANKING SERVICES**

Motion moved by Mr. Gray to publish a Request for Proposal for Banking Services from December 31, 2016 and ending on December 31, 2020, Brown County Reserves the right to reject any and all proposals, and to accept the proposal Brown County considers to be most advantageous to Brown County and not necessarily the lowest service charges for banking services. Sealed applications will be opened and read aloud at 10:00 a.m. on November 28, 2016. Second: Mr. Applegate.

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

**IN THE MATTER OF RESOLUTION – PIERCE ROAD BRIDGE – ENGINEER - ODOT**

Motion moved by Mr. Applegate to adopt the following resolution. Second: Mr. Gray.

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

**PRELIMINARY LEGISLATION**

RC 5521.01

Ordinance/Resolution #: 10122016-2  
 PID No.: 102567  
 County/Route/Section: BRO TR 35 0.06  
 ODOT Agreement No.: \_\_\_\_\_

The following is Resolution No. 10122016-2 enacted by the Board of Commissioners of  
(Ordinance/a Resolution) (Local Public Agency)  
Brown County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of  
 the stated described project.

**SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

*It is proposed to replace a bridge on BRO TR 35 0.06 (SFN 0830000).*

NOW THEREFORE, be it ordained by the Board of Commissioners of Brown County, Ohio.  
(LPA)

(Continued on next page.)

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**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to assume and bear the entire cost of the improvement less the amount of Federal and State Funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Or the LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION V - Maintenance**

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI - Consultants and Authority to Sign**

I, \_\_\_\_\_ of said Board of Commissioners is hereby empowered on  
(Contractual Agent) (LPA)  
 behalf of the Board of Commissioners of Brown County to enter into contracts with ODOT pre-  
(LPA)  
 qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, \_\_\_\_\_ is also empowered to assign all rights,  
(Contractual Agent)  
 Title, and interests of Board of Commissioners of Brown County, Ohio (LPA) to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

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**IN THE MATTER OF RESOLUTION – AGREEMENT FOR INMATE HOUSING**

Motion moved by Mr. Gray to adopt the following resolution. Second: Mr. Applegate.

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

RESOLUTION NO. 10122016-1

**AGREEMENT FOR INMATE HOUSING  
O.R.C. § 341.12 & 341.13**

The Board of County Commissioners of Brown County, Ohio, met on the 12<sup>th</sup> day of October, 2016, in regular session at the offices of said Board in the Administration Building, Georgetown, Ohio, with the following members present:

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

The following resolution was presented by Mr. Applegate, who moved its adoption, and seconded by Mr. Gray. WHEREAS, the Brown County Board of Commissioners finds the Brown County Detention is in need of 2 new HVAC units in the Men's North Block and the Women's Block;

WHEREAS, the Board finds it best to replace the units one at a time at the Brown County Detention Center; WHEREAS, the Board finds the cell block will need to be vacant of inmates while HVAC unit and required hardware are installed;

WHEREAS, the Board finds together with Dwayne Wenninger, Brown County Sheriff, agree to house Brown County Inmates in Clermont County Jail;

WHEREAS, the Board is authorized by R.C. § 341.12 and § 341.13 to house inmates in the jail of another adjoining county;

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Brown County, Ohio, that on the above findings hereby approves of and consents to entering an agreement for inmate housing with the Clermont County Sheriff's Office;

BE IT FURTHER RESOLVED, the Board authorizes and approves an agreement between the Board and Clermont County Sheriff's Office.

**IN THE MATTER OF RESOLUTION – ALTERNATIVE ENERGY ZONE**

Motion moved by Mr. Applegate to adopt the following resolution. Second: Mr. Gray.

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

**RESOLUTION NO. 10122016-3  
ALTERNATIVE ENERGY ZONE  
O.R.C. 5727.75**

The Board of County Commissioners of Brown County, Ohio, met on the 12th day of October, 2016, in regular session at the offices of said Board in the Administration Building, Georgetown, Ohio, with the following members present:

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

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

WHEREAS, the Brown County Board of Commissioners ("Board") desires to encourage the development of alternative energy generation facilities; and

WHEREAS, developers of alternative energy generation facilities have expressed interest in constructing energy projects in Brown County, provided that the appropriate incentives are in place to support the economic performance of the projects; and

WHEREAS, the Board is willing to provide real and tangible personal property tax exemptions to support the development of alternative energy generation facilities, conditional upon the appropriate service payments are made pursuant to O.R.C. 5727.75(G); and

WHEREAS, pursuant to O.R. C. 5727.75(E), the Board can declare Brown County to be an Alternative Energy Zone.

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THEREFORE, BE IT RESOLVED: by the Board of Commissioners of Brown County, Ohio, that on the above findings, that:

Section 1: The Board declares Brown County to be an Alternative Energy Zone pursuant to R.C. 5727.75(E)(1)(c).

Section 2: The Board declares that all applications for property tax exemption submitted by the Director of Developments (the "Director") pursuant to R.C. 5727.75(E) after the adoption of this resolution, and prior to its repeal, are approved.

Section 3: The approval provided in Section of this Resolution is expressly conditioned upon the payment of an annual service payment in addition to the annual service payment required under R.C. 5727.75(G).

- A. The amount of each annual service payment shall be the difference between \$9,000.00 and the payment required and made under O.R.C. 5727.75 (G) per megawatt multiplied by the nameplate capacity in megawatts of the energy project in Brown County, Ohio.
- B. The annual service payment required by this Resolution shall be paid on or before the final dates for payment of taxes on public utility personal property on the real and public utility personal property tax list for each tax years for which the property of the energy project is exempt from taxation pursuant to O.R.C. 5727.75.
- C. The annual service payment required by this Resolution shall be paid by the owner of the energy project, or by the lessee of the project pursuant to a sale and leaseback transaction.
- D. The Brown County Treasurer is directed to deposit the annual service payments required by this Resolution into the general operating fund of the county.

Both of the payments required pursuant to O.R.C. 5727.75 (G) and authorized pursuant to O.R.C. 5727.755 (E)(1)(b) shall be charged and collected at the same time and in the same manner as the taxes imposed on taxable property subject to assessment under O.R.C. 5727.

Section 4. The clerk is directed to send a copy of this Resolution by certified mail to the Director and owner of each energy project that is the subject of a permit from FERC, OPSB and/or any other approved applications or permits from the State of Ohio submitted by the Director or owner of each energy project to the Board of Commissioners within 30 days after the request is received by the Board. The clerk shall also provide a copy of this Resolution to the Brown County Treasurer within 30 days after the resolution is passed; as well as, copies of any approved applications or permits received from any director of potential developments received by the Board of Commissioners.

Section 5. This Board finds and determined that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of the Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

#### **IN THE MATTER TO WAIVE PROPERTY TAX – PIKE TOWNSHIP**

Motion moved by Mr. Applegate to waive the taxes owed in regards to PPN 29-054792-0100 aka 12639 Neal Road, Bethel, Ohio 45106. It is the desire of Pike Twp. to acquire said parcel, O.R.C. 5723.01, the township is seeking a tax exemption and therefore it is required taxes be current, Brown County forgives the 9.25% due to the county to avoid a hardship for the township in their ambition to clean the blight real estate. Second: Mr. Gray.

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

#### **IN THE MATTER TO ADJOURN**

Motion moved by Mr. Gray to adjourn this meeting with no further business before the Board this 12th day of October 2016. Second: Mr. Applegate.

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

10/6/16

Commissioners, Barry Woodruff and Daryll Gray, attended the Domestic Violence Awareness Program by Adams and Brown County Prosecutors and Proclaimed October as Domestic Violence Awareness Month in Brown County.

10/11/16

Commissioners, Barry Woodruff and Daryll Gray, attended the BET LEPC Meeting.

10/12/16

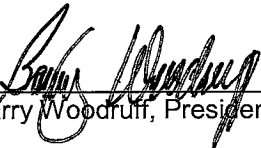
Commissioners met with Lt. Larry Meyer, BCSO, Rita Henize, BCSO, Mitch Sharp, JFS, and Tammy Dempsey, JFS, to discuss recent change in Medicaid coverage of hospitalized inmates.

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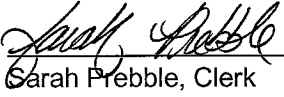
Commissioners met with Ginny Shrimplin, CORSA, and Cathy Blevins, John Wood Insurance, to discuss the appraisal overview of the Historic Courthouse.

Approval: October 17, 2016

  
\_\_\_\_\_  
Barry Woodruff, President

  
\_\_\_\_\_  
Tony Applegate, Member

*absent*  
\_\_\_\_\_  
Darryl Gray, Member

  
\_\_\_\_\_  
Sarah Prebble, Clerk

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