

**THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON MAY 29, 2019 WITH THE FOLLOWING MEMBERS PRESENT: DAVID L. PAINTER, PRESIDENT, EDWIN H. HUMPHREY, VICE PRESIDENT, AND, CLAIRE B. CORCORAN, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 10:00 A.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.**

**LET THE RECORD SHOW THAT THE MAY 29, 2019 REGULAR SESSION WAS VIDEO RECORDED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE REGULAR SESSION IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.**

**IN RE: MINUTES OF REGULAR SESSION...APPROVED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran,

To approve and sign the minutes of the Regular Session of **05/22/2019**.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**LET THE RECORD SHOW:** The Board of County Commissioners, Clermont County, Ohio, issued a Proclamation designating Saturday, June 15, 2019, as "Elder Abuse Awareness Day in Clermont County". (19-0115-004)

**LET THE RECORD SHOW:** Kathleen Williams, County Communications Coordinator, Office of Public Information, provided a Presentation to the Board of County Commissioners with regard to the 2018 Clermont County Annual Report entitled "Clermont County, Ohio, Our Story - 2018 Annual Report". Ms. Williams stated that the 2018 Clermont County Annual Report is a multimedia report and that it went live in April 2019. The project was a team effort and Ms. Williams thanked David Scheibenzuber, Office of Public Information, and Robert Frost, Information Systems Department, for their assistance with the development of the interactive 2018 Annual Report for Clermont County. Ms. Williams reported this is the County's second year for the multimedia Annual Report and that the online report has proven successful, providing easy access of County information to the public. Ms. Williams reported that there is also a trifold 2018 Clermont County Annual Report that was prepared to accompany the online Annual Report which has been distributed to a number of County, Village, Township and City Offices, as well as, at the Clermont Chamber of Commerce's Economic Forecast Breakfast. Ms. Williams briefly reviewed the trifold which ties into the online Annual Report. Ms. Williams navigated sections of the online 2018 Annual Report including County pictures, videos from the Clermont County Commissioners, significant County events, projects and initiatives, and "Working for You" videos of County employees. Ms. Williams stated that the 2018 Annual Report has been promoted on Facebook, Twitter, Next Door, the County's Website and the County's April Newsletter. Interaction results from Facebook in the last six weeks show 45,000 total impressions, a reach of 28,000 individuals, 1,552 engagements (people commenting, liking or sharing links), and a total of 2,230 video minutes watched. Ms. Williams stated that the 2018 Annual Report was enjoyable to work on and that she is happy with the end product. Commissioner Humphrey stated that the Board of County Commissioners is also happy with the 2018 Annual Report. He further stated that the County won an award for last year's Annual Report which shows that other people also feel that Clermont County's multimedia Annual Report is outstanding.

**LET THE RECORD SHOW:** COMMISSIONER PAINTER STATED THAT THE BOARD HAD REACHED THE PUBLIC PARTICIPATION SECTION OF THE AGENDA. HE INQUIRED IF THERE WAS ANYONE IN THE AUDIENCE THAT WOULD LIKE TO ADDRESS THE BOARD. NO ONE REQUESTED TO ADDRESS THE BOARD.

## **CONSENT AGENDA**

**LET THE RECORD SHOW:** COMMISSIONER PAINTER STATED THAT A CONSENT AGENDA HAS BEEN PREPARED FOR THE BOARD OF COUNTY COMMISSIONERS AND REQUESTED WHETHER ANY BOARD MEMBER WANTED ANY ITEMS REMOVED FOR FURTHER DISCUSSION AND CONSIDERATION AND UPON HEARING NONE:

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendations:

**1. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...  
RESOLUTION NUMBER 085-19/RESOLUTION TO CERTIFY  
DELINQUENT UTILITY CHARGES TO THE CLERMONT COUNTY  
AUDITOR FOR PLACEMENT ON THE REAL PROPERTY TAX LIST  
AND DUPLICATE...19-0515-002...ADOPTED**

Recommendation of Jim Steinmetz, Fiscal Administrator, Clermont County Water Resources Department, with the concurrence of Sukie Scheetz, Assistant County Administrator, to adopt **Resolution Number 085-19** resolving to certify delinquent utility charges in the amounts of \$6,798.92 for Sewer Charges, \$2,360.53 for Water Charges, and \$4,140.00 for Miscellaneous Utility Charges to the Clermont County Auditor for placement on the real property tax list and duplicate of the County of Clermont, Ohio, as a lien against the property served by such connection as identified in Exhibit A, attached thereto and made a part thereof, pursuant to and in compliance with Sections 6103.02 and 6117.02 of the Ohio Revised Code.

**2. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...  
RESOLUTION NUMBER 086-19/RESOLUTION TO CERTIFY  
DELINQUENT UTILITY CHARGES TO THE CLERMONT COUNTY  
AUDITOR FOR PLACEMENT ON THE REAL PROPERTY TAX LIST  
AND DUPLICATE...19-0515-003...ADOPTED**

Recommendation of Jim Steinmetz, Fiscal Administrator, Clermont County Water Resources Department, with the concurrence of Sukie Scheetz, Assistant County Administrator, to adopt **Resolution Number 086-19** resolving to certify delinquent utility charges in the amounts of \$210.63 for Sewer Charges, \$752.14 for Water Charges, \$201.91 for Miscellaneous Utility Charges and \$113.18 for Penalty Charges to the Clermont County Auditor for placement on the real property tax list and duplicate of the County of Clermont, Ohio, as a lien against the property served by such connection as identified in Exhibit A, attached thereto and made a part thereof, pursuant to and in compliance with Sections 6103.02 and 6117.02 of the Ohio Revised Code.

**3. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...  
MAINTENANCE BONDS AS SURETY FOR THE INSTALLATION OF  
WATER AND SEWER MAIN EXTENSIONS FOR SAME...19-0517-  
001...EXECUTED**

Recommendation of Heath Wilson, P.E., Engineer, with the concurrence of Lyle G. Bloom, P.E.,

Director of Utilities, Clermont County Water Resources Department, to execute Maintenance Bonds in the amounts outlined below as surety for the installation of Water and Sewer Main Extensions to serve the following subdivision:

Subdivision	Township	Water Main Extension Bond	Sewer Main Extension Bond
Mills of Miami Subdivision Section 2	Miami	\$3,700.00	\$9,800.00

**4. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... MAINTENANCE BOND AS SURETY FOR THE INSTALLATION OF A SEWER MAIN EXTENSION FOR SAME...19-0523-001...EXECUTED**

Recommendation of Heath Wilson, P.E., Engineer, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to execute a Maintenance Bond in the amount outlined below as surety for the installation of a Sewer Main Extension to serve the following location:

Location	Township	Sewer Main Extension Bond
Blue Sky Drive	Goshen	\$4,1000.00* *Secured by Cashier's Check Number 31411154 issued on 05/13/2019 by Fifth Third Bank, Kentucky, Inc., Lexington, Kentucky, on behalf of James R. Clark III, 1071 Blue Sky Drive, Goshen, Ohio 45122

**5. IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES...MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CLERMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, ADMINISTRATIVE AGENT FOR CLERMONT COUNTY FAMILY AND CHILDREN FIRST, AND HOPE COMMUNITY CENTER RELATIVE TO THE PROVISION OF OVERSIGHT AND ADMINISTRATION OF THE FAMILY ADVISORY GROUP FOR SAME...19-0515-004...EXECUTED**

Recommendation of Judy Eschmann, Director, Department of Job and Family Services, with the concurrence of Thomas J. Eigel, County Administrator, to execute a Memorandum of Understanding by and between the Clermont County Department of Job and Family Services, Administrative Agent for Clermont County Family and Children First, and HOPE Community Center, 4 Cecelia Drive, Amelia, Ohio 45102, for the provision of oversight and administration of the Family Advisory Group, a subcommittee of the Family and Children First (FCF) Council, at a total cost not to exceed \$1,935.00, effective for the period of 07/01/2019 through 06/30/2020, pursuant to and in compliance with the terms and conditions specified therein, and contingent upon the release of the required purchase order in concert with Requisition Number 00003464-00 dated 05/10/2019 relative thereto.

**6. IN RE: COUNTY ENGINEER...ESTRELLA SUBDIVISION/PHASE 1/BATAVIA AND UNION TOWNSHIPS...RESOLUTION NUMBER 087-19/RESOLUTION AUTHORIZING THE CONVERSION OF THE PERFORMANCE AND MAINTENANCE BOND AS SURETY FOR SAME...17-0222-006...ADOPTED**

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of Thomas J. Eigel, County Administrator, to adopt **Resolution Number 087-19** resolving to convert the Performance and Maintenance Bond in the amounts listed below, for the construction of streets in the stated lengths within the following subdivision located in Batavia and Union Townships, from the performance bond phase to the maintenance bond phase effective as of the date of conversion thereof:

Subdivision	Performance and Maintenance Bond	Street/Length (miles)
Estrella Subdivision Phase 1 Batavia and Union Townships	\$56,000.00/\$10,000.00	Anacapa Court (0.061) Catalina Lane (0.137) Clemente Court (0.095)

**7. IN RE: COUNTY ENGINEER...ESTRELLA SUBDIVISION/PHASE 2/BATAVIA AND UNION TOWNSHIPS...RESOLUTION NUMBER 088-19/RESOLUTION AUTHORIZING THE CONVERSION OF THE PERFORMANCE AND MAINTENANCE BOND AS SURETY FOR SAME...18-0118-002...ADOPTED**

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of Thomas J. Eigel, County Administrator, to adopt **Resolution Number 088-19** resolving to convert the Performance and Maintenance Bond in the amounts listed below, for the construction of a street in the stated length within the following subdivision located in Batavia and Union Townships, from the performance bond phase to the maintenance bond phase effective as of the date of conversion thereof:

Subdivision	Performance and Maintenance Bond	Street/Length (miles)
Estrella Subdivision Phase 2 Batavia and Union Townships	\$16,000.00/\$10,000.00	Anacapa Court (0.070)

**8. IN RE: TRAINING AND TRAVEL REQUESTS...REIMBURSEMENT OF EXPENSES RELATIVE TO SAME...APPROVED**

Recommendation of Thomas J. Eigel, County Administrator, to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures of the Board of County Commissioners and in compliance with the Annual Appropriations for Fiscal Year 2019 and any and all amendments subsequent thereto:

**CLERMONT COUNTY JUVENILE COURT**

**Judge James A. Shriver** - Five (5) days – Sandusky, Ohio – Ohio Association of Probate, Juvenile and Domestic Relations Judges 2019 Annual Summer Conference – Total expenses for lodging (\$1,015.00), meals (\$280.00) and registration (\$350.00) estimated not to exceed \$1,645.00. *(revised/previously approved 05/08/2019)*

**COUNTY AUDITOR**

**Linda Fraley, Chris Mehlman and Cindy Hawk** – Five (5) days – Cleveland, Ohio – County Auditors’ Association of Ohio 2019 Summer Conference – Total expenses for lodging (\$2,100.00), meals (\$990.00), registration (\$616.00) and other \$170.00) estimated not to exceed \$3,876.00.

**COUNTY ENGINEER**

**Craig Stephenson** – Three (3) days – Columbus, Ohio – County Engineers Association of Ohio/Ohio Department of Transportation (CEAO/ODOT) AASHTOWare BrR Training Sessions – Total expenses for lodging (\$397.50), meals (\$177.00) and other (\$63.00) estimated not to exceed \$637.50.

**9. IN RE: PERSONNEL ACTIONS...APPROVED**

Recommendation of Thomas J. Eigel, County Administrator, to approve the following personnel actions:

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

Mike Boehmer (Emp# 12295) Communications Coordinator - New Hire/Vacant Position - Effective 06/03/2019.

**DEPARTMENT OF JOB AND FAMILY SERVICES**

Elizabeth Dillon (Emp# 11133) Income Maintenance Worker 3 - Termination/Resign - Effective 05/17/2019.  
Mark Wolf (Emp# 1733) Social Services Worker 3 – Return from Leave – Effective 06/03/2019.  
Peggy Holtz (Emp# 12251) Social Services Worker 3 – New Hire/Vacant Position – Effective 07/29/2019.  
Laura Zagar (Emp# 4780) DJFS Case Manager – Probation/End of Probation – Effective 06/03/2019.  
Laura Zagar (Emp# 4780) Investigator 3 – Job Change/Permanent Job Change – Effective 06/03/2019.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**NON-CONSENT AGENDA**

**10. IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 089-19/PAYMENT OF BILLS...ADOPTED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation that the Board of County Commissioners adopt **Resolution Number 089-19** resolving to approve payment to vendors **in the total amount of \$1,408,253.32** as set forth in the BCC Approval Invoice Report(s) for Checks Dated **May 29, 2019** and BCC Directed Pre-Paid Invoices Report(s) presented by the County Auditor on **05/28/2019**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**11. IN RE: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT...RESOLUTION AUTHORIZING RELEASE OF REMAINING RETAINAGE TO CLERMONT COUNTY, OHIO, FOR PROJECT NUMBER 2014-04 RELATIVE TO THE VILLAGE OF FELICITY “WALNUT STREET RECONSTRUCTION PROJECT” IN CONCERT WITH THE CLERMONT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROGRAM FOR FISCAL YEAR 2014 ...15-0819-003...RATIFIED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Andrew T. Kuchta, Director, Department of Community and Economic Development, with the concurrence of Sukie Scheetz, Assistant County Administrator, to authorize the withdrawal of the retainage in the principal amount of \$9,390.20, plus any accrued interest earned thereon from Peoples Bank, and to make payable to the Clermont County Treasurer, 101 East Main Street, Batavia, Ohio 45013, **which represents all remaining funds held in retainage pursuant to a Contract by and between the County of Clermont, Ohio, and JD Contracting Services, LLC**, 188 Cook Ridge Road, Brooksville, Kentucky 41004, previously ratified by the Board of County Commissioners on 11/04/2015, and subsequently amended on 07/13/2016, for Project Number 2014-04 relative to the Village of Felicity “Walnut Street Reconstruction Project,” in concert with the Clermont County Community Development Block Grant (CDBG) Allocation Program for Fiscal Year 2014, in as much as the afore stated

contractor notified the County on 05/03/2017 of his inability to complete the referenced Project, and for which all of the above fore stated has been consented to by the Surety therefore, and is in concert with the Settlement Agreements and Release of Claims with Choice One Engineering and American Contractors Indemnity Company previously ratified by the Board of County Commissioners on 03/07/2019 relative thereto.

**DISCUSSION:** Commissioner Painter stated that he understands that this is the Contract that the County has finally resolved as far as the Surety taking care of settlement for the work that was not completed on the Village of Felicity Walnut Street Reconstruction Project and Sherri Cmar, Grants Coordinator, Department of Community and Economic Development, responded yes. Once the retained funds are released, they will be added to the settlement funds and be used to correct the defects in the Project.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**12. IN RE: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT...CHANGE ORDER NUMBER 2 TO THE CONTRACT WITH SMITH CONSTRUCTION FOR PROJECT NUMBER 2016-03 RELATIVE TO THE VILLAGE OF OWENSVILLE "CROSS STREET RECONSTRUCTION" PROJECT IN CONCERT WITH THE CLERMONT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 2016...17-0707-002...EXECUTED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Andrew T. Kuchta, Director, Department of Community and Economic Development, with the concurrence of Sukie Scheetz, Assistant County Administrator, to execute Change Order Number 2 to the Contract with Smith Construction, P.O. Box 223, Fayetteville, Ohio 45118, previously ratified by the Board of County Commissioners on 10/4/2017 and subsequently amended on 05/23/2018, for Project Number 2016-03 relative to the Village of Owensville "Cross Street Reconstruction" Project in concert with the Clermont County Community Development Block Grant (CDBG) Program for Fiscal Year 2016, which represents a decrease in the amount of \$7,661.36, for a total adjusted contract price to date of \$140,840.30, for additions, deletions and/or modifications thereto as defined therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**13. IN RE: CLERMONT COUNTY FACILITIES MANAGEMENT DEPARTMENT... EXECUTION OF GAS MAIN EXTENSION AGREEMENT 27336799, SEVEN (7) SERVICE AGREEMENTS FOR INSTALLING NEW GAS SERVICE (OHIO) AND READINESS CHECKLIST WITH DUKE ENERGY OHIO, INC. TO SERVE PARCEL IDENTIFICATION NUMBER 060224.009 LOCATED ON FILAGER AND EAST FILAGER ROADS IN THE VILLAGE OF BATAVIA RELATIVE TO THE CLERMONT COUNTY FILAGER CAMPUS NATURAL GAS PROJECT FOR SAME...19-0320-006...RATIFIED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Wade Grabowski, Director, Clermont County Facilities Management Department, with the concurrence of Thomas J. Eigel, County Administrator, to approve and authorize Wade Grabowski to sign, for and on behalf of the Board of County Commissioners of Clermont County, Ohio, the (1) Gas Main Extension Agreement #27336799 (2) Seven (7) Service Agreements for Installing New Gas Service (Ohio) and (3) Readiness Checklist with Duke Energy Ohio, Inc., 139 East Fourth Street, Cincinnati, Ohio 45202 in and as it relates to the installation of new underground natural gas service at seven (7) locations identified in the afore stated service agreements, through the extension of the existing gas main at Filager and East Filager Roads located in the Village of Batavia, a distance of approximately 2,500 feet, all of which is included in Parcel Identification Number 060224.009 and as identified on Draft Drawing No. 27336799 and more commonly referred to as the Clermont County Filager Campus Natural Gas Project, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**14. IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES... REAPPOINTMENT OF REPRESENTATIVE TO SERVE ON THE AREA 12 WORKFORCE INVESTMENT BOARD FOR SAME...18-0810-002...RATIFIED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Judy Eschmann, Director, Department of Job and Family Services, with the concurrence of Thomas J. Eigel, County Administrator, to reappoint the following representative to serve on the Area 12 Workforce Investment Board for the term as identified below, pursuant to Section 107 of the Workforce Innovation and Opportunity Act (WIOA):

Higher Education	Organization	Term
Monika Royal-Fischer	University of Cincinnati (UC) Clermont	07/01/2019 - 06/30/2020

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**15. IN RE: COUNTY ENGINEER...CONTRACT FOR PROFESSIONAL SERVICES WITH HERITAGE LAND SERVICES, INC. FOR PROJECT NUMBER MI-08-17 RELATIVE TO THE ACQUISITION OF EASEMENTS FOR THE DEERFIELD ROAD SIGHT DISTANCE IMPROVEMENT PROJECT LOCATED WITHIN MIAMI TOWNSHIP...19-0502-001...EXECUTED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, to execute a Contract for Professional Services by and between the Board of County Commissioners of Clermont County, Ohio, and Heritage Land Services, Inc., 4150 Tuller Road, Suite 214, Dublin, Ohio 43017 for Project Number MI-08-17 relative to the acquisition of easements for the Deerfield Road Sight Distance Improvement Project located within Miami Township, in accordance with the Scope of Services as identified in Exhibit A, attached thereto and made part thereof, for a total amount not to exceed \$5,290.00, with said services to be completed within 120 consecutive calendar days upon issuance of a written Notice to Proceed from the Clermont County Engineer's Office, pursuant to

and in compliance with the terms and conditions set forth therein and contingent upon the release and receipt of the Purchase Order required therefore in concert with Requisition Number 00003192-00 dated 04/23/2019 relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**16. IN RE: CLERMONT COUNTY JUVENILE COURT...AMENDMENT NUMBER 1 TO THE OHIO DEPARTMENT OF YOUTH SERVICES JUVENILE COURT GRANT AGREEMENT AND FUNDING APPLICATION FOR THE RECLAIM OHIO (401) GRANT SUBSIDY AND THE YOUTH SERVICES (510) GRANT SUBSIDY PROGRAMS FOR THE STATE FISCAL YEAR 2019 (07/01/2018 – 6/30/2019) FOR SAME ...17-0608-004...EXECUTED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Judge James A. Shriver, Clermont County Juvenile Court, with the concurrence of Thomas J. Eigel, County Administrator, to authorize David L. Painter, President of the Board of County Commissioners, to execute Amendment Number 1 to the Ohio Department of Youth Services Juvenile Court Grant Agreement and Funding Application by and between the Board of Clermont County Commissioners and the State of Ohio, Department of Youth Services, 51 North High Street, Columbus, Ohio 43215, on behalf of the Clermont County Juvenile Court, for the Reclaim Ohio (401) Grant Subsidy Program and the Youth Services (510) Grant Subsidy Program for Fiscal Year 2019 (07/01/18-6/30/19), previously ratified by the Board of County Commissioners on 06/25/2018, for the realignment of funds, which represents a decrease in the amount of \$17,771.50 to the overall Total Program Cost, as more fully set forth therein, and, in addition reflects a decrease in the amount of \$15,191.00 to the original Total Program Costs of \$1,581,753.42 to the Revised Total Program Costs of \$1,566,562.42, as stated in the Letter from the Ohio Department of Youth Services to the Clermont County Juvenile Court dated 8/22/2018 relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**17. IN RE: CLERMONT COUNTY JUVENILE COURT...AMENDMENT #2 TO THE CONTRACT FOR RESIDENTIAL TREATMENT SERVICES BETWEEN THE COUNTIES OF WARREN COUNTY, OHIO, AND CLERMONT COUNTY, OHIO, FOR MALE JUVENILE OFFENDERS...18-0511-008...EXECUTED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Judge James A. Shriver, Clermont County Juvenile Court, with the concurrence of Thomas J. Eigel, County Administrator, to execute Amendment #2 to the Contract for Residential Treatment Services by and between the Boards of County Commissioners of the Ohio Counties of Warren and Clermont and the Juvenile Divisions of the Court of Common Pleas of Warren and Clermont, through their respective judges, for male juvenile offenders at the Mary Haven Youth Center, a division of Warren County Probate/Juvenile Court, previously ratified by the Board of County Commissioners on 07/12/2017, and subsequently amended on 06/25/2018, for participation in the Response Ability Pathways (RAP) Program, at a rate of \$140.00 per day/per bed, if space is available, effective

for the period of 07/01/2019 through 06/30/2020, with all other terms and conditions of the original contract and amendment thereto to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**18. IN RE: CLERMONT COUNTY JUVENILE COURT...AMENDMENT NUMBER 4 TO THE CONTRACT FOR DETENTION SERVICES BETWEEN THE COUNTIES OF CLERMONT COUNTY, OHIO, AND CLINTON COUNTY, OHIO...15-0721-001...EXECUTED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Judge James A. Shriver, Clermont County Juvenile Court, with the concurrence of Thomas J. Eigel, County Administrator, to execute Amendment Number 4 to the Contract for Detention Services by and between the County of Clermont, Ohio, by and through the Board of County Commissioners of Clermont County, Ohio, and the Judge of the Clermont County Juvenile Court and the County of Clinton, Ohio, by and through the Board of County Commissioners of Clinton County, Ohio, and the Judge of the Clinton County Juvenile Court, for the allocation of beds for juvenile offenders at the Clermont County Juvenile Detention Center, at a rate of \$95.00 per diem/per bed, if space is available, previously ratified by the Board of County Commissioners on 08/26/2015, and subsequently amended on 07/13/2016, 06/14/2017 and 06/25/2018, which amends Article 2 of the Contract for Detention Services to provide for the extension thereof from 07/01/2019 through 06/30/2020, with all other terms and conditions of the original contract and amendments thereto to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**19. IN RE: BOARD OF COUNTY COMMISSIONERS...EXTENSION OF CONTRACT FOR SERVICES WITH GREATER CINCINNATI BEHAVIORAL HEALTH SERVICES, INC. FOR THE OPERATION OF A COMMUNITY ALTERNATIVE SENTENCING CENTER (CASC) FOR CLERMONT COUNTY, OHIO, PURSUANT TO SECTION 307.932 OF THE OHIO REVISED CODE ...18-0327-001...EXECUTED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Thomas J. Eigel, County Administrator, to execute the Extension of Contract for Services with Greater Cincinnati Behavioral Health Services, Inc., 1501 Madison Road, Cincinnati, Ohio 45206, for the operation of a Community Alternative Sentencing Center (CASC) for Clermont County, Ohio, pursuant to Section 307.932 of the Ohio Revised Code, previously ratified by the Board of County Commissioners on 05/30/2018, which represents the first of four (4) additional (1) one-year renewal options pursuant to Section 3 of the afore stated Contract for Services, in an amount not to exceed \$665,228.00, effective for the period of 06/03/2019 through 06/02/2020, with all other terms and conditions of the referenced Contract for Services to remain in full force and effect, as well as, the inclusion of a termination clause in and as it relates to the receipt of Year 2 State Opioid Response (SOR) Local Projects Funding from the Clermont County Mental Health and Recovery Board (MHRB) as defined therein, and contingent upon the release of the Purchase Order required therefore.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**20. IN RE: BOARD OF COUNTY COMMISSIONERS...AMENDMENT NUMBER 2 TO THE CONTRACT FOR SERVICES WITH MILLENNIUM BUSINESS SYSTEMS FOR THE PROVISION OF SERVICES FOR THE REPLACEMENT, MAINTENANCE AND REPAIR OF COPY MACHINES FOR CLERMONT COUNTY DEPARTMENTS/OFFICES...18-0323-001...EXECUTED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Thomas J. Eigel, County Administrator, to execute *Amendment Number 2 to the Contract for Services* by and between the County of Clermont, Ohio, and Millennium Business Systems, 11085 Montgomery Road, Cincinnati, Ohio 45249, previously ratified by the Board of County Commissioners on 05/09/2018 and subsequently amended on 08/08/2018, for the replacement, maintenance and repair of copy machines for Clermont County Departments/Offices, which represents modifications *to (1) reflect replacement equipment as identified therein, (2) to add additional copiers for the Clermont County Water Resources Department, Court of Common Pleas Adult Probation Department and the County Sheriff's Office, and (3) to add the Clermont County Facilities Management Department as a supplemental Department to receive copier services as identified in the revised Exhibit A, attached thereto and made a part thereof.* with all other terms and conditions of the original Contract and Amendment thereto to remain in full force and effect and in concert with the Annual Appropriations for 2019 and any Amendments relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**21. IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLICATION OF NOTICE OF PUBLIC HEARING RELATIVE TO THE ANNUAL TAX BUDGET FOR FISCAL YEAR 2020...19-0419-003...APPROVED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Mary K. Rains, Director, Office of Management and Budget, with the concurrence of Sukie Scheetz, Assistant County Administrator, to authorize the Clerk of the Board to place a *Notice of Public Hearing* in the Clermont Sun on **Thursday, 06/06/2019** to publish the date, time, and place of the Public Hearing relative to the Annual Tax Budget for Fiscal Year 2020. Public Hearing to be held **Wednesday, 06/19/2019, at 10:00 A.M. Local Time** in the Office of the Board of County Commissioners, 101 East Main Street, Batavia, Ohio 45103, for the receipt of comments relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**22. IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION TO APPROVE CHANGES TO THE ANNUAL APPROPRIATION RESOLUTION FOR FISCAL YEAR 2019...APPROVED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of the Office of Management and Budget, with the concurrence of Sukie Scheetz, Assistant County Administrator, to resolve to approve and authorize changes in the Annual Appropriation Resolution Number 194-18 for Fiscal Year 2019 pursuant to Ohio Revised Code Section 5705.40 as outlined in the following table and to authorize Linda Fraley, County Auditor, to properly record same:

**SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019**

<b><u>FUND</u></b>	<b><u>ORGANIZATION - OBJECT - ACCOUNT</u></b>	<b><u>AMOUNT</u></b>
<b>JUVENILE CT SPECIAL PROJECTS</b>	<b>Juvenile Court Special Project TEMPORARY 2323 - 02 - 14 - 275000 - 511800 -</b>	<b>\$ 2,000.00</b>
<b>JUVENILE CT SPECIAL PROJECTS</b>	<b>Juvenile Court Special Project FRINGE BENEFITS 2323 - 02 - 14 - 275000 - 520000 -</b>	<b>\$ 500.00</b>

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...ADDITION OF ONE AGENDA ITEM TO THE REGULAR SESSION OF 05/29/2019...19-0130-009...APPROVED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation to add one additional item to the agenda of the Regular Session of 05/29/2019 to include a Sales Order Agreement with Election Systems & Software.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**IN RE: CLERMONT COUNTY BOARD OF ELECTIONS...EXECUTION OF SALES ORDER AGREEMENT WITH ELECTION SYSTEMS & SOFTWARE (ES&S) FOR THE PURCHASE, INSTALLATION AND TRAINING FOR NEW VOTING SYSTEM EQUIPMENT FOR THE COUNTY OF CLERMONT, OHIO...19-0523-003...RATIFIED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Raymond W. Lembke, Chairman, Clermont County Board of Elections, with the concurrence of Sukie Scheetz, Assistant County Administrator, to authorize David L. Painter, President of the Board of County Commissioners, to execute a Sales Order Agreement with Election Systems & Software (ES&S), 11208 John Galt Boulevard, Omaha, Nebraska 68137-2364 for the purchase, installation and training for new voting system equipment for the County of Clermont, Ohio, as more fully described therein and in conjunction with Contract #OT902619-3, at a cost not to exceed \$713,473.00, pursuant to the terms and conditions set forth therein and in compliance with Section 3506.03 of the Ohio Revised Code, and which includes Extended Hardware Warranty Maintenance and Software License, Maintenance and Support as further defined in Pages 1-9 of Exhibit A, attached thereto and made a part thereof, with the afore stated costs therefore to be reimbursed by the Ohio Secretary of State in concert with the

2018 Amended Substitute Senate Bill 135 of the 132<sup>nd</sup> Ohio General Assembly, **and contingent upon the release of the required Purchase Order in concert with Requisition Number 00003555-00 dated 05/16/2019 relative thereto.**

**DISCUSSION:** Julia Carney, Director, Clermont County Board of Elections, explained that the State has allocated in excess of \$1.7M for election equipment upgrades. The County has already been reimbursed for \$1.0M for equipment purchased in 2015. The County now has approximately \$715K for election equipment upgrades. The Clermont County Board of Elections is recommending to purchase 155 "Express Votes" Voting Machines (touch screen voting machines), a high-speed scanner, a Ballot On-Demand System, servers and new software. Ms. Carney explained that the Ballot On-Demand System will save the County money immediately by eliminating the printing of unused ballots. Commissioner Humphrey stated that it is important to be Americans with Disabilities Act (ADA) compliant so that all County citizens are able to exercise their right to vote. Ms. Carney stated that the new equipment is lighter than the current equipment and will be easier to transport. Commissioner Painter commented that the Clermont County Board of Elections does an excellent job managing elections, providing access to polls and keeping the public well informed. Commissioner Humphrey stated that the County was fortunate that the County Commissioners Association of Ohio (CCAO) supported the County to be reimbursed for the funds which was previously spent. Commissioner Painter stated that the reimbursement of the funds speaks volumes as to what is important at our Ohio House of Representatives and Ohio Senate.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**LET THE RECORD SHOW:** A MOTION BY COMMISSIONER CORCORAN AND SECONDED BY COMMISSIONER HUMPHREY, TO GO INTO EXECUTIVE SESSION AT 10:46 A.M. PURSUANT TO SECTION 121.22 (G) (3) OF THE OHIO REVISED CODE TO CONFER WITH THE PROSECUTING ATTORNEY REGARDING PENDING OR IMMINENT LITIGATION, WITH ALL MEMBERS VOTING THEREON AS FOLLOWS:

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**LET THE RECORD SHOW:** THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 11:06 A.M. WITH NO ACTION TAKEN.

**LET THE RECORD SHOW:** COMMISSIONER PAINTER STATED THAT TODAY IS THE DATE, TIME AND PLACE FOR THE FIVE (5) PUBLIC HEARINGS RELATIVE TO FIVE (5) PETITIONS FOR ANNEXATION OF REAL PROPERTY SITUATED WITHIN WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF WILLIAMSBURG PURSUANT TO SECTION 709.02 OF THE OHIO REVISED CODE. COMMISSIONER PAINTER ASKED THAT EVERYONE IN ATTENDANCE FOR THE PUBLIC HEARINGS SIGN THE SIGN-IN SHEETS FOR THE PUBLIC RECORD AND IDENTIFIED THE PETITIONS FOR ANNEXATIONS AS FOLLOWS:

- (1) PETITION FOR ANNEXATION OF 0.4591 ACRES COMPRISING ALL OF PARCEL IDENTIFICATION NUMBER 524441.007. OWNED BY DOUGLAS DURHAM AND CYNTHIA DURHAM
- (2) PETITION FOR ANNEXATION OF 0.94 ACRES COMPRISING ALL OF PARCEL IDENTIFICATION NUMBER 523504E044. OWNED BY JOHN J. WENDELL II AND MICHELE M. WENDELL

- (3) PETITION FOR ANNEXATION OF 1.0847 ACRES COMPRISING ALL OF PARCEL IDENTIFICATION NUMBERS 523509C099., 523509C100., 523509C101. AND 523509C097. OWNED BY DEBORAH ANN GABBARD, MARY A. HANAWALT, FRANK G. PITTMAN & CHELSEA D. LOVETT AND TAYLER JEAN DAVIS
- (4) PETITION FOR ANNEXATION OF 3.7146 ACRES COMPRISING ALL OF PARCEL IDENTIFICATION NUMBERS 523504E068. AND 523504E069. OWNED BY CHRISTOPHER D. RABY
- (5) PETITION FOR ANNEXATION OF 3.9958 ACRES COMPRISING ALL OF PARCEL IDENTIFICATION NUMBERS 523509H017A AND 523509H017B OWNED BY VERNA L. GOECKE, TRUSTEE AND H.D. MILTON ASSOCIATES

**IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLIC HEARING:  
PETITION FOR ANNEXATION OF 0.4591 ACRES FROM  
WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF  
WILLIAMSBURG PURSUANT TO SECTION 709.02 OF THE OHIO  
REVISED CODE (19-0305-006)**

LET THE RECORD SHOW THAT A PUBLIC HEARING WAS HELD THIS DATE SHORTLY AFTER 11:00 A.M. LOCAL TIME IN THE OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, 101 EAST MAIN STREET, BATAVIA, OHIO 45103-2960, TO AFFORD PUBLIC COMMENT ON THE PROPOSED ANNEXATION OF 0.4591 ACRES FROM WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF WILLIAMSBURG, CLERMONT COUNTY, OHIO, PURSUANT TO SECTION 709.02 OF THE OHIO REVISED CODE.

LET THE RECORD SHOW THAT THIS PUBLIC HEARING WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE PUBLIC HEARING IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN THOSE PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MIKE MINNIEAR, ATTORNEY AT LAW, 626 MAIN STREET, MILFORD, OHIO 45150, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, AND INDICATED THAT THE PROPERTY IN QUESTION MEETS ALL THE CRITERIA FOR ANNEXATION AND THAT HE PLANS TO SUBMIT HIS TESTIMONY THIS DATE FOR INCLUSION IN THE PUBLIC RECORD. MR. MINNIEAR STATED THAT MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, AS WELL AS, MICHAEL MURRAY, CLERK/TREASURER OF THE VILLAGE OF WILLIAMSBURG, WERE ALSO PRESENT AT THE PUBLIC HEARING THIS DATE.

MR. MINNIEAR STATED THAT SECTION 709.033 OF THE OHIO REVISED CODE SETS FORTH SIX (6) CONDITIONS WHICH MUST BE MET IN ORDER FOR THE BOARD OF COUNTY COMMISSIONERS TO GRANT AN ANNEXATION. ALL OF THE TECHNICAL REQUIREMENTS FOR THE PROPERTY IN QUESTION ARE IN COMPLIANCE. THE OTHER TWO (2) CONDITIONS ARE THE ONLY AREAS IN WHICH THE BOARD OF COUNTY COMMISSIONERS CAN EXERCISE ITS DISCRETION. THE CONDITIONS ARE SET FORTH IN SECTION 709.033 (A)(4) AND (A)(5) OF THE OHIO REVISED CODE AS FOLLOWS:

**SECTION 709.033(A)(4)** - *THE TERRITORY PROPOSED TO BE ANNEXED IS NOT UNREASONABLY LARGE.*

**SECTION 709.033(A)(5)** – *ON BALANCE, THE GENERAL GOOD OF THE TERRITORY PROPOSED TO BE ANNEXED WILL BE SERVED, AND THE BENEFITS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA WILL OUTWEIGH THE DETRIMENTS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA, IF THE ANNEXATION IS GRANTED.*

MR. MINNIEAR STATED THAT, AS USED IN SECTION 709.033(A)(5), “SURROUNDING AREA” MEANS THE TERRITORY WITHIN THE UNINCORPORATED AREA OF ANY TOWNSHIP LOCATED ONE-HALF MILE OR LESS FROM ANY OF THE TERRITORY PROPOSED TO BE ANNEXED. MR. MINNIEAR EXPLAINED THAT THE REFERENCES TO “GENERAL GOOD” AND “UNREASONABLY LARGE” IN THE ABOVE-LISTED SECTIONS OF THE OHIO REVISED CODE, DO NOT APPLY TO THE PROPOSED ANNEXATION. THE PROPOSED ANNEXATION IS 0.4591 ACRES AND THE “GENERAL GOOD” INCLUDES BOTH THE DESIRES OF THE PROPERTY OWNERS AND THE ABILITY OF THE VILLAGE TO PROVIDE ADEQUATE SERVICES TO THE ANNEXED TERRITORY. AS REQUIRED BY SECTION 709.03(D) OF THE OHIO REVISED CODE, THE VILLAGE PASSED A SERVICE ORDINANCE INDICATING WHAT SERVICES THE VILLAGE WOULD BE PROVIDING TO THE PROPERTY UPON ANNEXATION. AMONG THE MOST IMPORTANT TO THE PROPERTY OWNERS IS THEIR CONTINUED ACCESS TO THE VILLAGE OF WILLIAMSBURG’S WATER AND SEWER SYSTEMS.

MR. MINNIEAR STATED THAT THE PROPERTY OWNERS SIGNED A PRE-ANNEXATION AGREEMENT AGREEING TO BE ANNEXED AND THAT THE PROPERTY OWNERS SIGNED AND FILED WITH THE BOARD OF COUNTY COMMISSIONERS AN AFFIDAVIT STATING THEIR DESIRE TO BE ANNEXED AND WHY THEY THINK IT IS IN THE BEST INTEREST OF THEIR PROPERTY TO BE PART OF THE VILLAGE OF WILLIAMSBURG.

MR. MINNIEAR REPORTED THAT THE VILLAGE OF WILLIAMSBURG AGREED IN ITS SERVICE ORDINANCE TO ASSUME THE MAINTENANCE OF ANY STREET, ROAD, OR HIGHWAY THAT MAY BE DIVIDED OR SEGMENTED AS A RESULT OF THE PROPOSED ANNEXATION. THAT IS ALL THE LAW REQUIRES. THE STATUTE DOES NOT REQUIRE ANY TYPE OF ROAD MAINTENANCE AGREEMENT BETWEEN THE VILLAGE AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), THE TOWNSHIP OR THE COUNTY.

MR. MINNIEAR IDENTIFIED SEMINAL ANNEXATION LAW IN OHIO AND CITED THE CITY OF MIDDLETOWN V. MCGEE CASE (1998), 39OHIO ST3D 284, 284 N.E.2D 902, AND THE SMITH V. GRANVILLE TOWNSHIP BOARD OF TRUSTEES CASE (1998), 81 OHIO ST3D 608,693 N.E.2D 219. IN THESE CASES, THE OHIO SUPREME COURT REITERATED AND EMPHASIZED THAT IT HAS BEEN THE LONG STANDING POLICY IN OHIO TO ENCOURAGE ANNEXATION BY MUNICIPALITIES OF ADJACENT TERRITORY. THE SPIRIT AND INTENT OF THAT POLICY IS TO GIVE PROPERTY OWNERS THE FREEDOM OF CHOICE AS TO WHICH GOVERNMENTAL SUBDIVISION IN WHICH THEY DESIRE THEIR PROPERTY TO BE LOCATED. MR. MINNIEAR STATED THE POLICY IS ESPECIALLY APPLICABLE IN THIS INSTANCE, WITH THE PROPOSED ANNEXATION BEING A ONE HUNDRED PERCENT OWNER ANNEXATION.

MR. MINNIEAR STATED THAT THE VILLAGE OF WILLIAMSBURG CAN MORE THAN ADEQUATELY SERVICE THE PROPERTY UPON ANNEXATION AND THAT THE ANNEXATION WILL NOT HAVE AN ADVERSE IMPACT ON THE AREA TO BE ANNEXED, OR THE SURROUNDING ONE-HALF MILE. HE FURTHER STATED THAT

THE PROPOSED ANNEXATION IS CRUCIAL TO THE PROPERTY OWNERS SEEKING THE ANNEXATION, FOR THEIR CONTINUED ABILITY TO ACCESS VILLAGE SERVICES IS DEPENDENT UPON THE BOARD OF COUNTY COMMISSIONERS GRANTING THE PROPOSED ANNEXATION. MR. MINNIEAR STATED THAT, ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, HE RESPECTFULLY REQUESTS THAT THE BOARD OF COUNTY COMMISSIONERS GRANT THE PETITION FOR ANNEXATION.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN ADDITIONAL INDIVIDUALS PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, SPOKE IN SUPPORT OF THE PROPOSED ANNEXATION. MS. LEFKER STATED THAT ALL OF THE LEGAL ASPECTS RELATIVE TO THE PROPOSED ANNEXATION AS PRESENTED BY MR. MINNIEAR ARE TRUE AND ACCURATE (TO THE BEST OF HER KNOWLEDGE). SHE STATED THAT THE VILLAGE OF WILLIAMSBURG HAS COMMUNICATED THIS ISSUE TO THE WILLIAMSBURG TOWNSHIP TRUSTEES AND THAT ZONING ISSUES COULD BE ADDRESSED MORE EFFICIENTLY IF ALL OF THE PARCELS WERE LOCATED WITHIN THE VILLAGE OF WILLIAMSBURG. SHE FURTHER STATED THAT THE VILLAGE OF WILLIAMSBURG HAS NOT RECEIVED ANY OBJECTIONS REGRADING THE PROPOSED ANNEXATION FROM THE WILLIAMSBURG TOWNSHIP TRUSTEES.

CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS AND PRESENTED AN OVERVIEW OF THE AREA PROPOSED TO BE ANNEXED. MR. RISNER INDICATED THAT THE PETITION FOR ANNEXATION CONTAINS ONE (1) PARCEL, PARCEL NUMBER 52-44-41-007., OWNED BY DOUGLAS AND CYNTHIA DURHAM. THE PROPOSED ANNEXATION HAS A 52% COMMON BOUNDARY WITH THE VILLAGE OF WILLIAMSBURG. A COMPLETE AND ACCURATE LEGAL DESCRIPTION OF THE PERIMETER OF THE TERRITORY PROPOSED TO BE ANNEXED AND AN ACCURATE MAP OR PLAT OF THE TERRITORY HAS BEEN PROVIDED IN THE APPLICATION. NO STREET OR HIGHWAY SHALL BE DIVIDED AS TO CREATE A MAINTENANCE PROBLEM BY THE PROPOSED ANNEXATION.

JUDITH KOCICA, CLERK OF THE BOARD, STATED THAT A REPORT HAS BEEN RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PETITION FOR ANNEXATION FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, AS WELL AS, THE CERTIFICATION OF OWNERSHIP OF THE PROPERTY FROM THE CLERMONT COUNTY AUDITOR'S OFFICE.

THERE WAS NO TESTIMONY AGAINST THE PETITION FOR ANNEXATION.

THERE HAS BEEN NO CORRESPONDENCE RECEIVED IN FAVOR OF OR AGAINST THE PROPOSED ANNEXATION.

IT WAS NOTED THAT DISPOSITION OF THE PETITION FOR ANNEXATION WILL BE WITHIN THIRTY (30) DAYS OF THIS HEARING PURSUANT TO OHIO REVISED CODE SECTION 709.033.

HAVING NO FURTHER COMMENTS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS STATED THAT THIS WILL CONCLUDE THE PUBLIC HEARING. THE PUBLIC HEARING WAS ADJOURNED AT 11:35 A.M. LOCAL TIME.

**IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLIC HEARING:  
PETITION FOR ANNEXATION OF 0.9411 ACRES FROM  
WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF  
WILLIAMSBURG PURSUANT TO SECTION 709.02 OF THE OHIO  
REVISED CODE (19-0305-001)**

LET THE RECORD SHOW THAT A PUBLIC HEARING WAS HELD THIS DATE SHORTLY AFTER 11:00 A.M. LOCAL TIME IN THE OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, 101 EAST MAIN STREET, BATAVIA, OHIO 45103-2960, TO AFFORD PUBLIC COMMENT ON THE PROPOSED ANNEXATION OF 0.9411 ACRES FROM WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF WILLIAMSBURG, CLERMONT COUNTY, OHIO, PURSUANT TO SECTION 709.02 OF THE OHIO REVISED CODE.

LET THE RECORD SHOW THAT THIS PUBLIC HEARING WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE PUBLIC HEARING IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN THOSE PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MIKE MINNIEAR, ATTORNEY AT LAW, 626 MAIN STREET, MILFORD, OHIO 45150, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, AND INDICATED THAT THE PROPERTY IN QUESTION MEETS ALL THE CRITERIA FOR ANNEXATION AND THAT HE PLANS TO SUBMIT HIS TESTIMONY THIS DATE FOR INCLUSION IN THE PUBLIC RECORD. MR. MINNIEAR STATED THAT MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, AS WELL AS, MICHAEL MURRAY, CLERK/TREASURER OF THE VILLAGE OF WILLIAMSBURG, WERE ALSO PRESENT AT THE PUBLIC HEARING THIS DATE.

MR. MINNIEAR STATED THAT SECTION 709.033 OF THE OHIO REVISED CODE SETS FORTH SIX (6) CONDITIONS WHICH MUST BE MET IN ORDER FOR THE BOARD OF COUNTY COMMISSIONERS TO GRANT AN ANNEXATION. ALL OF THE TECHNICAL REQUIREMENTS FOR THE PROPERTY IN QUESTION ARE IN COMPLIANCE. THE OTHER TWO (2) CONDITIONS ARE THE ONLY AREAS IN WHICH THE BOARD OF COUNTY COMMISSIONERS CAN EXERCISE ITS DISCRETION. THE CONDITIONS ARE SET FORTH IN SECTION 709.033 (A)(4) AND (A)(5) OF THE OHIO REVISED CODE AS FOLLOWS:

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**SECTION 709.033(A)(5) – ON BALANCE, THE GENERAL GOOD OF THE TERRITORY PROPOSED TO BE ANNEXED WILL BE SERVED, AND THE BENEFITS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA WILL OUTWEIGH THE DETRIMENTS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA, IF THE ANNEXATION IS GRANTED.**

MR. MINNIEAR STATED THAT, AS USED IN SECTION 709.033(A)(5), "SURROUNDING AREA" MEANS THE TERRITORY WITHIN THE UNINCORPORATED AREA OF ANY TOWNSHIP LOCATED ONE-HALF MILE OR LESS FROM ANY OF THE TERRITORY PROPOSED TO BE ANNEXED. MR. MINNIEAR EXPLAINED THAT THE REFERENCES TO "GENERAL GOOD" AND "UNREASONABLY LARGE" IN THE ABOVE-LISTED SECTIONS OF THE OHIO REVISED CODE, DO NOT APPLY TO THE PROPOSED

ANNEXATION. THE PROPOSED ANNEXATION IS 0.9411 ACRES AND THE "GENERAL GOOD" INCLUDES BOTH THE DESIRES OF THE PROPERTY OWNERS AND THE ABILITY OF THE VILLAGE TO PROVIDE ADEQUATE SERVICES TO THE ANNEXED TERRITORY. AS REQUIRED BY SECTION 709.03(D) OF THE OHIO REVISED CODE, THE VILLAGE PASSED A SERVICE ORDINANCE INDICATING WHAT SERVICES THE VILLAGE WOULD BE PROVIDING TO THE PROPERTY UPON ANNEXATION. AMONG THE MOST IMPORTANT TO THE PROPERTY OWNERS IS THEIR CONTINUED ACCESS TO THE VILLAGE OF WILLIAMSBURG'S WATER AND SEWER SYSTEMS.

MR. MINNIEAR STATED THAT THE PROPERTY OWNERS SIGNED A PRE-ANNEXATION AGREEMENT AGREEING TO BE ANNEXED AND THAT THE PROPERTY OWNERS SIGNED AND FILED WITH THE BOARD OF COUNTY COMMISSIONERS AN AFFIDAVIT STATING THEIR DESIRE TO BE ANNEXED AND WHY THEY THINK IT IS IN THE BEST INTEREST OF THEIR PROPERTY TO BE PART OF THE VILLAGE OF WILLIAMSBURG.

MR. MINNIEAR REPORTED THAT THE VILLAGE OF WILLIAMSBURG AGREED IN ITS SERVICE ORDINANCE TO ASSUME THE MAINTENANCE OF ANY STREET, ROAD, OR HIGHWAY THAT MAY BE DIVIDED OR SEGMENTED AS A RESULT OF THE PROPOSED ANNEXATION. THAT IS ALL THE LAW REQUIRES. THE STATUTE DOES NOT REQUIRE ANY TYPE OF ROAD MAINTENANCE AGREEMENT BETWEEN THE VILLAGE AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), THE TOWNSHIP OR THE COUNTY.

MR. MINNIEAR IDENTIFIED SEMINAL ANNEXATION LAW IN OHIO AND CITED THE CITY OF MIDDLETOWN V. MCGEE CASE (1998), 39OHIO ST3D 284, 284 N.E.2D 902, AND THE SMITH V. GRANVILLE TOWNSHIP BOARD OF TRUSTEES CASE (1998), 81 OHIO ST3D 608,693 N.E.2D 219. IN THESE CASES, THE OHIO SUPREME COURT REITERATED AND EMPHASIZED THAT IT HAS BEEN THE LONG STANDING POLICY IN OHIO TO ENCOURAGE ANNEXATION BY MUNICIPALITIES OF ADJACENT TERRITORY. THE SPIRIT AND INTENT OF THAT POLICY IS TO GIVE PROPERTY OWNERS THE FREEDOM OF CHOICE AS TO WHICH GOVERNMENTAL SUBDIVISION IN WHICH THEY DESIRE THEIR PROPERTY TO BE LOCATED. MR. MINNIEAR STATED THE POLICY IS ESPECIALLY APPLICABLE IN THIS INSTANCE, WITH THE PROPOSED ANNEXATION BEING A ONE HUNDRED PERCENT OWNER ANNEXATION.

MR. MINNIEAR STATED THAT THE VILLAGE OF WILLIAMSBURG CAN MORE THAN ADEQUATELY SERVICE THE PROPERTY UPON ANNEXATION AND THAT THE ANNEXATION WILL NOT HAVE AN ADVERSE IMPACT ON THE AREA TO BE ANNEXED, OR THE SURROUNDING ONE-HALF MILE. HE FURTHER STATED THAT THE PROPOSED ANNEXATION IS CRUCIAL TO THE PROPERTY OWNERS SEEKING THE ANNEXATION, FOR THEIR CONTINUED ABILITY TO ACCESS VILLAGE SERVICES IS DEPENDENT UPON THE BOARD OF COUNTY COMMISSIONERS GRANTING THE PROPOSED ANNEXATION. MR. MINNIEAR STATED THAT, ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, HE RESPECTFULLY REQUESTS THAT THE BOARD OF COUNTY COMMISSIONERS GRANT THE PETITION FOR ANNEXATION.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN ADDITIONAL INDIVIDUALS PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, SPOKE IN SUPPORT OF THE PROPOSED ANNEXATION. MS. LEFKER STATED THAT ALL OF THE LEGAL ASPECTS RELATIVE TO THE PROPOSED ANNEXATION AS PRESENTED

BY MR. MINNIEAR ARE TRUE AND ACCURATE (TO THE BEST OF HER KNOWLEDGE). SHE STATED THAT THE VILLAGE OF WILLIAMSBURG HAS COMMUNICATED THIS ISSUE TO THE WILLIAMSBURG TOWNSHIP TRUSTEES AND THAT ZONING ISSUES COULD BE ADDRESSED MORE EFFICIENTLY IF ALL OF THE PARCELS WERE LOCATED WITHIN THE VILLAGE OF WILLIAMSBURG. SHE FURTHER STATED THAT THE VILLAGE OF WILLIAMSBURG HAS NOT RECEIVED ANY OBJECTIONS REGRADING THE PROPOSED ANNEXATION FROM THE WILLIAMSBURG TOWNSHIP TRUSTEES.

CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS AND PRESENTED AN OVERVIEW OF THE AREA PROPOSED TO BE ANNEXED. MR. RISNER INDICATED THAT THE PETITION FOR ANNEXATION CONTAINS ONE (1) PARCEL, PARCEL NUMBER 52-35-04E-044. OWNED BY JOHN J. WENDELL II AND MICHELE M. WENDELL. THE PROPOSED ANNEXATION HAS A 100% COMMON BOUNDARY WITH THE VILLAGE OF WILLIAMSBURG. A COMPLETE AND ACCURATE LEGAL DESCRIPTION OF THE PERIMETER OF THE TERRITORY PROPOSED TO BE ANNEXED AND AN ACCURATE MAP OR PLAT OF THE TERRITORY HAS BEEN PROVIDED IN THE APPLICATION. NO STREET OR HIGHWAY SHALL BE DIVIDED AS TO CREATE A MAINTENANCE PROBLEM BY THE PROPOSED ANNEXATION. MR. RISNER NOTED THAT THE OWNERS' LAST NAME ON THE ANNEXATION PLAT IS LISTED AS WINDELL, WHICH IS INCORRECT. A CORRECTION IS TO BE MADE TO CHANGE THE SPELLING OF THE LAST NAME TO WENDELL ON THE ANNEXATION MYLAR PRIOR TO SUBMISSION TO THE COUNTY IF APPROVED. (A SIGNED AND SEALED MYLAR COPY OF THE ANNEXATION PLAT WILL BE REQUIRED UPON APPROVAL OF THE ANNEXATION.)

JUDITH KOCICA, CLERK OF THE BOARD, STATED THAT A REPORT HAS BEEN RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PETITION FOR ANNEXATION FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, AS WELL AS, THE CERTIFICATION OF OWNERSHIP OF THE PROPERTY FROM THE CLERMONT COUNTY AUDITOR'S OFFICE.

THERE WAS NO TESTIMONY AGAINST THE PETITION FOR ANNEXATION.

THERE HAS BEEN NO CORRESPONDENCE RECEIVED IN FAVOR OF OR AGAINST THE PROPOSED ANNEXATION.

IT WAS NOTED THAT DISPOSITION OF THE PETITION FOR ANNEXATION WILL BE WITHIN THIRTY (30) DAYS OF THIS HEARING PURSUANT TO OHIO REVISED CODE SECTION 709.033.

HAVING NO FURTHER COMMENTS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS STATED THAT THIS WILL CONCLUDE THE PUBLIC HEARING. THE PUBLIC HEARING WAS ADJOURNED AT 11:35 A.M. LOCAL TIME.

**IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLIC HEARING:  
PETITION FOR ANNEXATION OF 1.0847 ACRES FROM  
WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF  
WILLIAMSBURG PURSUANT TO SECTION 709.02 OF THE OHIO  
REVISED CODE (19-0305-004)**

LET THE RECORD SHOW THAT A PUBLIC HEARING WAS HELD THIS DATE SHORTLY AFTER 11:00 A.M. LOCAL TIME IN THE OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, 101 EAST MAIN STREET, BATAVIA, OHIO 45103-2960, TO AFFORD PUBLIC COMMENT ON THE PROPOSED ANNEXATION OF 1.0847 ACRES

FROM WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF WILLIAMSBURG, CLERMONT COUNTY, OHIO, PURSUANT TO SECTION 709.02 OF THE OHIO REVISED CODE.

LET THE RECORD SHOW THAT THIS PUBLIC HEARING WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE PUBLIC HEARING IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN THOSE PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MIKE MINNIEAR, ATTORNEY AT LAW, 626 MAIN STREET, MILFORD, OHIO 45150, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, AND INDICATED THAT THE PROPERTIES IN QUESTION MEET ALL THE CRITERIA FOR ANNEXATION AND THAT HE PLANS TO SUBMIT HIS TESTIMONY THIS DATE FOR INCLUSION IN THE PUBLIC RECORD. MR. MINNIEAR STATED THAT MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, AS WELL AS, MICHAEL MURRAY, CLERK/TREASURER OF THE VILLAGE OF WILLIAMSBURG, WERE ALSO PRESENT AT THE PUBLIC HEARING THIS DATE.

MR. MINNIEAR STATED THAT SECTION 709.033 OF THE OHIO REVISED CODE SETS FORTH SIX (6) CONDITIONS WHICH MUST BE MET IN ORDER FOR THE BOARD OF COUNTY COMMISSIONERS TO GRANT AN ANNEXATION. ALL OF THE TECHNICAL REQUIREMENTS FOR THE PROPERTIES IN QUESTION ARE IN COMPLIANCE. THE OTHER TWO (2) CONDITIONS ARE THE ONLY AREAS IN WHICH THE BOARD OF COUNTY COMMISSIONERS CAN EXERCISE ITS DISCRETION. THE CONDITIONS ARE SET FORTH IN SECTION 709.033 (A)(4) AND (A)(5) OF THE OHIO REVISED CODE AS FOLLOWS:

**SECTION 709.033(A)(4)** - *THE TERRITORY PROPOSED TO BE ANNEXED IS NOT UNREASONABLY LARGE.*

**SECTION 709.033(A)(5)** - *ON BALANCE, THE GENERAL GOOD OF THE TERRITORY PROPOSED TO BE ANNEXED WILL BE SERVED, AND THE BENEFITS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA WILL OUTWEIGH THE DETRIMENTS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA, IF THE ANNEXATION IS GRANTED.*

MR. MINNIEAR STATED THAT, AS USED IN SECTION 709.033(A)(5), "SURROUNDING AREA" MEANS THE TERRITORY WITHIN THE UNINCORPORATED AREA OF ANY TOWNSHIP LOCATED ONE-HALF MILE OR LESS FROM ANY OF THE TERRITORY PROPOSED TO BE ANNEXED. MR. MINNIEAR EXPLAINED THAT THE REFERENCES TO "GENERAL GOOD" AND "UNREASONABLY LARGE" IN THE ABOVE-LISTED SECTIONS OF THE OHIO REVISED CODE, DO NOT APPLY TO THE PROPOSED ANNEXATION. THE PROPOSED ANNEXATION IS 1.0847 ACRES AND THE "GENERAL GOOD" INCLUDES BOTH THE DESIRES OF THE PROPERTY OWNERS AND THE ABILITY OF THE VILLAGE TO PROVIDE ADEQUATE SERVICES TO THE ANNEXED TERRITORY. AS REQUIRED BY SECTION 709.03(D) OF THE OHIO REVISED CODE, THE VILLAGE PASSED A SERVICE ORDINANCE INDICATING WHAT SERVICES THE VILLAGE WOULD BE PROVIDING TO THE PROPERTIES UPON ANNEXATION. AMONG THE MOST IMPORTANT TO THE PROPERTY OWNERS IS THEIR CONTINUED ACCESS TO THE VILLAGE OF WILLIAMSBURG'S WATER AND SEWER SYSTEMS.

MR. MINNIEAR STATED THAT THE PROPERTY OWNERS SIGNED PRE-ANNEXATION AGREEMENTS AGREEING TO BE ANNEXED AND THAT THE PROPERTY OWNERS SIGNED AND FILED WITH THE BOARD OF COUNTY COMMISSIONERS AFFIDAVITS STATING THEIR DESIRE TO BE ANNEXED AND WHY THEY THINK IT IS IN THE BEST INTEREST OF THEIR PROPERTY TO BE PART OF THE VILLAGE OF WILLIAMSBURG.

MR. MINNIEAR REPORTED THAT THE VILLAGE OF WILLIAMSBURG AGREED IN ITS SERVICE ORDINANCE TO ASSUME THE MAINTENANCE OF ANY STREET, ROAD, OR HIGHWAY THAT MAY BE DIVIDED OR SEGMENTED AS A RESULT OF THE PROPOSED ANNEXATION. THAT IS ALL THE LAW REQUIRES. THE STATUTE DOES NOT REQUIRE ANY TYPE OF ROAD MAINTENANCE AGREEMENT BETWEEN THE VILLAGE AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), THE TOWNSHIP OR THE COUNTY.

MR. MINNIEAR IDENTIFIED SEMINAL ANNEXATION LAW IN OHIO AND CITED THE CITY OF MIDDLETOWN V. MCGEE CASE (1998), 39OHIO ST3D 284, 284 N.E.2D 902, AND THE SMITH V. GRANVILLE TOWNSHIP BOARD OF TRUSTEES CASE (1998), 81 OHIO ST3D 608,693 N.E.2D 219. IN THESE CASES, THE OHIO SUPREME COURT REITERATED AND EMPHASIZED THAT IT HAS BEEN THE LONG STANDING POLICY IN OHIO TO ENCOURAGE ANNEXATION BY MUNICIPALITIES OF ADJACENT TERRITORY. THE SPIRIT AND INTENT OF THAT POLICY IS TO GIVE PROPERTY OWNERS THE FREEDOM OF CHOICE AS TO WHICH GOVERNMENTAL SUBDIVISION IN WHICH THEY DESIRE THEIR PROPERTY TO BE LOCATED. MR. MINNIEAR STATED THE POLICY IS ESPECIALLY APPLICABLE IN THIS INSTANCE, WITH THE PROPOSED ANNEXATION BEING A ONE HUNDRED PERCENT OWNER ANNEXATION.

MR. MINNIEAR STATED THAT THE VILLAGE OF WILLIAMSBURG CAN MORE THAN ADEQUATELY SERVICE THE PROPERTIES UPON ANNEXATION AND THAT THE ANNEXATION WILL NOT HAVE AN ADVERSE IMPACT ON THE AREA TO BE ANNEXED, OR THE SURROUNDING ONE-HALF MILE. HE FURTHER STATED THAT THE PROPOSED ANNEXATION IS CRUCIAL TO THE PROPERTY OWNERS SEEKING THE ANNEXATION, FOR THEIR CONTINUED ABILITY TO ACCESS VILLAGE SERVICES IS DEPENDENT UPON THE BOARD OF COUNTY COMMISSIONERS GRANTING THE PROPOSED ANNEXATION. MR. MINNIEAR STATED THAT, ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, HE RESPECTFULLY REQUESTS THAT THE BOARD OF COUNTY COMMISSIONERS GRANT THE PETITION FOR ANNEXATION.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN ADDITIONAL INDIVIDUALS PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, SPOKE IN SUPPORT OF THE PROPOSED ANNEXATION. MS. LEFKER STATED THAT ALL OF THE LEGAL ASPECTS RELATIVE TO THE PROPOSED ANNEXATION AS PRESENTED BY MR. MINNIEAR ARE TRUE AND ACCURATE (TO THE BEST OF HER KNOWLEDGE). SHE STATED THAT THE VILLAGE OF WILLIAMSBURG HAS COMMUNICATED THIS ISSUE TO THE WILLIAMSBURG TOWNSHIP TRUSTEES AND THAT ZONING ISSUES COULD BE ADDRESSED MORE EFFICIENTLY IF ALL OF THE PARCELS WERE LOCATED WITHIN THE VILLAGE OF WILLIAMSBURG. SHE FURTHER STATED THAT THE VILLAGE OF WILLIAMSBURG HAS NOT RECEIVED ANY OBJECTIONS REGARDING THE PROPOSED ANNEXATION FROM THE WILLIAMSBURG TOWNSHIP TRUSTEES.

CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE,

ADDRESSED THE BOARD OF COUNTY COMMISSIONERS AND PRESENTED AN OVERVIEW OF THE AREA PROPOSED TO BE ANNEXED. MR. RISNER INDICATED THAT THE PETITION FOR ANNEXATION CONTAINS FOUR (4) PARCELS, PARCEL IDENTIFICATION NUMBERS 52-35-09C-099., 52-35-09C-100., 52-35-09C-101. AND 52-35-09C-097. OWNED BY FIVE (5) OWNERS, DEBORAH ANN GABBARD, MARY A. HANAWALT, FRANK G. PITTMAN AND CHELSEA D. LOVETT AND TAYLER JEAN DAVIS. THE PROPOSED ANNEXATION HAS A 100% COMMON BOUNDARY WITH THE VILLAGE OF WILLIAMSBURG. A COMPLETE AND ACCURATE LEGAL DESCRIPTION OF THE PERIMETER OF THE TERRITORY PROPOSED TO BE ANNEXED AND AN ACCURATE MAP OR PLAT OF THE TERRITORY HAS BEEN PROVIDED IN THE APPLICATION. NO STREET OR HIGHWAY SHALL BE DIVIDED AS TO CREATE A MAINTENANCE PROBLEM BY THE PROPOSED ANNEXATION.

JUDITH KOCICA, CLERK OF THE BOARD, STATED THAT A REPORT HAS BEEN RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PETITION FOR ANNEXATION FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, AS WELL AS, THE CERTIFICATION OF OWNERSHIP OF THE PROPERTIES FROM THE CLERMONT COUNTY AUDITOR'S OFFICE.

THERE WAS NO TESTIMONY AGAINST THE PETITION FOR ANNEXATION.

THERE HAS BEEN NO CORRESPONDENCE RECEIVED IN FAVOR OF OR AGAINST THE PROPOSED ANNEXATION.

IT WAS NOTED THAT DISPOSITION OF THE PETITION FOR ANNEXATION WILL BE WITHIN THIRTY (30) DAYS OF THIS HEARING PURSUANT TO OHIO REVISED CODE SECTION 709.033.

HAVING NO FURTHER COMMENTS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS STATED THAT THIS WILL CONCLUDE THE PUBLIC HEARING. THE PUBLIC HEARING WAS ADJOURNED AT 11:35 A.M. LOCAL TIME.

**IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLIC HEARING:  
PETITION FOR ANNEXATION OF 3.7146 ACRES FROM  
WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF  
WILLIAMSBURG PURSUANT TO SECTION 709.02 OF THE OHIO  
REVISED CODE (19-0305-003)**

LET THE RECORD SHOW THAT A PUBLIC HEARING WAS HELD THIS DATE SHORTLY AFTER 11:00 A.M. LOCAL TIME IN THE OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, 101 EAST MAIN STREET, BATAVIA, OHIO 45103-2960, TO AFFORD PUBLIC COMMENT ON THE PROPOSED ANNEXATION OF 3.7146 ACRES FROM WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF WILLIAMSBURG, CLERMONT COUNTY, OHIO, PURSUANT TO SECTION 709.02 OF THE OHIO REVISED CODE.

LET THE RECORD SHOW THAT THIS PUBLIC HEARING WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE PUBLIC HEARING IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN THOSE PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MIKE MINNIEAR, ATTORNEY AT LAW, 626 MAIN STREET, MILFORD, OHIO 45150, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, AND INDICATED THAT THE PROPERTIES IN QUESTION MEET ALL THE CRITERIA FOR ANNEXATION AND THAT HE PLANS TO SUBMIT HIS TESTIMONY THIS DATE FOR INCLUSION IN THE PUBLIC RECORD. MR. MINNIEAR STATED THAT MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, AS WELL AS, MICHAEL MURRAY, CLERK/TREASURER OF THE VILLAGE OF WILLIAMSBURG, WERE ALSO PRESENT AT THE PUBLIC HEARING THIS DATE.

MR. MINNIEAR STATED THAT SECTION 709.033 OF THE OHIO REVISED CODE SETS FORTH SIX (6) CONDITIONS WHICH MUST BE MET IN ORDER FOR THE BOARD OF COUNTY COMMISSIONERS TO GRANT AN ANNEXATION. ALL OF THE TECHNICAL REQUIREMENTS FOR THE PROPERTIES IN QUESTION ARE IN COMPLIANCE. THE OTHER TWO (2) CONDITIONS ARE THE ONLY AREAS IN WHICH THE BOARD OF COUNTY COMMISSIONERS CAN EXERCISE ITS DISCRETION. THE CONDITIONS ARE SET FORTH IN SECTION 709.033 (A)(4) AND (A)(5) OF THE OHIO REVISED CODE AS FOLLOWS:

**SECTION 709.033(A)(4)** - *THE TERRITORY PROPOSED TO BE ANNEXED IS NOT UNREASONABLY LARGE.*

**SECTION 709.033(A)(5)** – *ON BALANCE, THE GENERAL GOOD OF THE TERRITORY PROPOSED TO BE ANNEXED WILL BE SERVED, AND THE BENEFITS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA WILL OUTWEIGH THE DETRIMENTS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA, IF THE ANNEXATION IS GRANTED.*

MR. MINNIEAR STATED THAT, AS USED IN SECTION 709.033(A)(5), “SURROUNDING AREA” MEANS THE TERRITORY WITHIN THE UNINCORPORATED AREA OF ANY TOWNSHIP LOCATED ONE-HALF MILE OR LESS FROM ANY OF THE TERRITORY PROPOSED TO BE ANNEXED. MR. MINNIEAR EXPLAINED THAT THE REFERENCES TO “GENERAL GOOD” AND “UNREASONABLY LARGE” IN THE ABOVE-LISTED SECTIONS OF THE OHIO REVISED CODE, DO NOT APPLY TO THE PROPOSED ANNEXATION. THE PROPOSED ANNEXATION IS 3.7146 ACRES AND THE “GENERAL GOOD” INCLUDES BOTH THE DESIRES OF THE PROPERTY OWNER AND THE ABILITY OF THE VILLAGE TO PROVIDE ADEQUATE SERVICES TO THE ANNEXED TERRITORY. AS REQUIRED BY SECTION 709.03(D) OF THE OHIO REVISED CODE, THE VILLAGE PASSED A SERVICE ORDINANCE INDICATING WHAT SERVICES THE VILLAGE WOULD BE PROVIDING TO THE PROPERTIES UPON ANNEXATION. AMONG THE MOST IMPORTANT TO THE PROPERTY OWNER IS THEIR CONTINUED ACCESS TO THE VILLAGE OF WILLIAMSBURG’S WATER AND SEWER SYSTEMS.

MR. MINNIEAR STATED THAT THE PROPERTY OWNER SIGNED A PRE-ANNEXATION AGREEMENT AGREEING TO BE ANNEXED AND THAT THE PROPERTY OWNER SIGNED AND FILED WITH THE BOARD OF COUNTY COMMISSIONERS AN AFFIDAVIT STATING HIS DESIRE TO BE ANNEXED AND WHY HE THINKS IT IS IN THE BEST INTEREST OF HIS PROPERTY TO BE PART OF THE VILLAGE OF WILLIAMSBURG.

MR. MINNIEAR REPORTED THAT THE VILLAGE OF WILLIAMSBURG AGREED IN ITS SERVICE ORDINANCE TO ASSUME THE MAINTENANCE OF ANY STREET, ROAD, OR HIGHWAY THAT MAY BE DIVIDED OR SEGMENTED AS A RESULT OF THE PROPOSED ANNEXATION. THAT IS ALL THE LAW REQUIRES. THE STATUTE DOES NOT REQUIRE ANY TYPE OF ROAD MAINTENANCE AGREEMENT BETWEEN THE VILLAGE AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), THE TOWNSHIP OR THE COUNTY.

MR. MINNIEAR IDENTIFIED SEMINAL ANNEXATION LAW IN OHIO AND CITED THE CITY OF MIDDLETOWN V. MCGEE CASE (1998), 39OHIO ST3D 284, 284 N.E.2D 902, AND THE SMITH V. GRANVILLE TOWNSHIP BOARD OF TRUSTEES CASE (1998), 81 OHIO ST3D 608,693 N.E.2D 219. IN THESE CASES, THE OHIO SUPREME COURT REITERATED AND EMPHASIZED THAT IT HAS BEEN THE LONG STANDING POLICY IN OHIO TO ENCOURAGE ANNEXATION BY MUNICIPALITIES OF ADJACENT TERRITORY. THE SPIRIT AND INTENT OF THAT POLICY IS TO GIVE PROPERTY OWNERS THE FREEDOM OF CHOICE AS TO WHICH GOVERNMENTAL SUBDIVISION IN WHICH THEY DESIRE THEIR PROPERTY TO BE LOCATED. MR. MINNIEAR STATED THE POLICY IS ESPECIALLY APPLICABLE IN THIS INSTANCE, WITH THE PROPOSED ANNEXATION BEING A ONE HUNDRED PERCENT OWNER ANNEXATION.

MR. MINNIEAR STATED THAT THE VILLAGE OF WILLIAMSBURG CAN MORE THAN ADEQUATELY SERVICE THE PROPERTIES UPON ANNEXATION AND THAT THE ANNEXATION WILL NOT HAVE AN ADVERSE IMPACT ON THE AREA TO BE ANNEXED, OR THE SURROUNDING ONE-HALF MILE. HE FURTHER STATED THAT THE PROPOSED ANNEXATION IS CRUCIAL TO THE PROPERTY OWNER SEEKING THE ANNEXATION, FOR HIS CONTINUED ABILITY TO ACCESS VILLAGE SERVICES IS DEPENDENT UPON THE BOARD OF COUNTY COMMISSIONERS GRANTING THE PROPOSED ANNEXATION. MR. MINNIEAR STATED THAT, ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONER, SUSAN M. ELLERHORST, HE RESPECTFULLY REQUESTS THAT THE BOARD OF COUNTY COMMISSIONERS GRANT THE PETITION FOR ANNEXATION.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN ADDITIONAL INDIVIDUALS PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, SPOKE IN SUPPORT OF THE PROPOSED ANNEXATION. MS. LEFKER STATED THAT ALL OF THE LEGAL ASPECTS RELATIVE TO THE PROPOSED ANNEXATION AS PRESENTED BY MR. MINNIEAR ARE TRUE AND ACCURATE (TO THE BEST OF HER KNOWLEDGE). SHE STATED THAT THE VILLAGE OF WILLIAMSBURG HAS COMMUNICATED THIS ISSUE TO THE WILLIAMSBURG TOWNSHIP TRUSTEES AND THAT ZONING ISSUES COULD BE ADDRESSED MORE EFFICIENTLY IF ALL OF THE PARCELS WERE LOCATED WITHIN THE VILLAGE OF WILLIAMSBURG. SHE FURTHER STATED THAT THE VILLAGE OF WILLIAMSBURG HAS NOT RECEIVED ANY OBJECTIONS REGRADING THE PROPOSED ANNEXATION FROM THE WILLIAMSBURG TOWNSHIP TRUSTEES.

CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS AND PRESENTED AN OVERVIEW OF THE AREA PROPOSED TO BE ANNEXED. MR. RISNER INDICATED THAT THE PETITION FOR ANNEXATION CONTAINS TWO (2) PARCELS, PARCEL IDENTIFICATION NUMBERS 52-35-04E-068. AND 52-35-04E-069., OWNED BY ONE (1) OWNER, CHRISTOPHER D. RABY. THE PROPOSED ANNEXATION HAS A 40% COMMON BOUNDARY WITH THE VILLAGE OF WILLIAMSBURG. A COMPLETE AND ACCURATE LEGAL DESCRIPTION OF THE PERIMETER OF THE TERRITORY PROPOSED TO BE ANNEXED AND AN ACCURATE MAP OR PLAT OF THE TERRITORY HAS BEEN PROVIDED IN THE APPLICATION. THE PROPOSED ANNEXATION WILL CREATE AN "ISLAND" OF WILLIAMSBURG TOWNSHIP AND WILL SEGMENT OR DIVIDE 419' OF STATE ROUTE 133 AS TO CREATE A ROAD MAINTENANCE PROBLEM.

JUDITH KOCICA, CLERK OF THE BOARD, STATED THAT A REPORT HAS BEEN

RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PETITION FOR ANNEXATION FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, AS WELL AS, THE CERTIFICATION OF OWNERSHIP OF THE PROPERTIES FROM THE CLERMONT COUNTY AUDITOR'S OFFICE.

THERE WAS NO TESTIMONY AGAINST THE PETITION FOR ANNEXATION.

THERE HAS BEEN NO CORRESPONDENCE RECEIVED IN FAVOR OF OR AGAINST THE PROPOSED ANNEXATION.

IT WAS NOTED THAT DISPOSITION OF THE PETITION FOR ANNEXATION WILL BE WITHIN THIRTY (30) DAYS OF THIS HEARING PURSUANT TO OHIO REVISED CODE SECTION 709.033.

ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS WITH REGARD TO THE PROPOSED ANNEXATION CREATING AN "ISLAND" OF WILLIAMSBURG TOWNSHIP. MR. EDWARDS EXPLAINED THAT THE WORDS UTILIZED IN THE OHIO REVISED CODE ARE "UNREASONABLE", "ILLOGICAL" AND "ARBITRARY" (OR SOMETHING TO THAT EFFECT) FOR MEANS OF DENIAL OF A PETITION FOR ANNEXATION WHEN YOU HAVE AN ISLAND CREATED AS A RESULT OF THE REQUEST. MR. EDWARDS STATED THAT THE BOARD OF COUNTY COMMISSIONERS SHOULD FOLLOW THIS STANDARD GUIDELINE WHEN CONSIDERING THE PROPOSED ANNEXATION.

MIKE MINNIEAR, ATTORNEY AT LAW, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, WITH REGARD TO THE PROPOSED ANNEXATION CREATING AN "ISLAND" OF WILLIAMSBURG TOWNSHIP. MR. MINNIEAR STATED THERE IS A RATIONALE FOR THE CREATION OF THE ISLAND, IT IS NOT ARBITRARY OR CAPRICIOUS. THE RATIONALE IS THAT THE PROPERTY HAS TO BE ANNEXED FOR THE CONTINUED ABILITY OF THE PROPERTY OWNER TO ACCESS VILLAGE SERVICES. IN ADDITION, HE STATED THERE IS NO DETRIMENT SHOWN TODAY TO THE PROPERTY OWNERS WITHIN THE ISLAND THAT WILL BE CREATED IF THE ANNEXATION IS APPROVED. THE BOARD OF COUNTY COMMISSIONERS IS NOT PERMITTED TO INFER ANY DETRIMENT. THERE HAS TO BE ACTUAL TESTIMONY OR DOCUMENTATION INDICATING THAT THE ISLAND PROPERTY IS GOING TO SUFFER SOME KIND OF DETRIMENT OR ADVERSE IMPACT.

HAVING NO FURTHER COMMENTS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS STATED THAT THIS WILL CONCLUDE THE PUBLIC HEARING. THE PUBLIC HEARING WAS ADJOURNED AT 11:35 A.M. LOCAL TIME.

**IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLIC HEARING:  
PETITION FOR ANNEXATION OF 3.9958 ACRES FROM  
WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF  
WILLIAMSBURG PURSUANT TO SECTION 709.02 OF THE OHIO  
REVISED CODE (19-0305-006)**

LET THE RECORD SHOW THAT A PUBLIC HEARING WAS HELD THIS DATE SHORTLY AFTER 11:00 A.M. LOCAL TIME IN THE OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, 101 EAST MAIN STREET, BATAVIA, OHIO 45103-2960, TO AFFORD PUBLIC COMMENT ON THE PROPOSED ANNEXATION OF 3.9958 ACRES FROM WILLIAMSBURG TOWNSHIP TO THE VILLAGE OF WILLIAMSBURG, CLERMONT COUNTY, OHIO, PURSUANT TO SECTION 709.02 OF THE OHIO REVISED

CODE.

LET THE RECORD SHOW THAT THIS PUBLIC HEARING WAS VIDEOTAPED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE PUBLIC HEARING IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN THOSE PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MIKE MINNIEAR, ATTORNEY AT LAW, 626 MAIN STREET, MILFORD, OHIO 45150, ADDRESSED THE BOARD ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, AND INDICATED THAT THE PROPERTIES IN QUESTION MEET ALL THE CRITERIA FOR ANNEXATION AND THAT HE PLANS TO SUBMIT HIS TESTIMONY THIS DATE FOR INCLUSION IN THE PUBLIC RECORD. MR. MINNIEAR STATED THAT MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, AS WELL AS, MICHAEL MURRAY, CLERK/TREASURER OF THE VILLAGE OF WILLIAMSBURG, WERE ALSO PRESENT AT THE PUBLIC HEARING THIS DATE.

MR. MINNIEAR STATED THAT SECTION 709.033 OF THE OHIO REVISED CODE SETS FORTH SIX (6) CONDITIONS WHICH MUST BE MET IN ORDER FOR THE BOARD OF COUNTY COMMISSIONERS TO GRANT AN ANNEXATION. ALL OF THE TECHNICAL REQUIREMENTS FOR THE PROPERTIES IN QUESTION ARE IN COMPLIANCE. THE OTHER TWO (2) CONDITIONS ARE THE ONLY AREAS IN WHICH THE BOARD OF COUNTY COMMISSIONERS CAN EXERCISE ITS DISCRETION. THE CONDITIONS ARE SET FORTH IN SECTION 709.033 (A)(4) AND (A)(5) OF THE OHIO REVISED CODE AS FOLLOWS:

**SECTION 709.033(A)(4)** - *THE TERRITORY PROPOSED TO BE ANNEXED IS NOT UNREASONABLY LARGE.*

**SECTION 709.033(A)(5)** – *ON BALANCE, THE GENERAL GOOD OF THE TERRITORY PROPOSED TO BE ANNEXED WILL BE SERVED, AND THE BENEFITS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA WILL OUTWEIGH THE DETRIMENTS TO THE TERRITORY PROPOSED TO BE ANNEXED AND THE SURROUNDING AREA, IF THE ANNEXATION IS GRANTED.*

MR. MINNIEAR STATED THAT, AS USED IN SECTION 709.033(A)(5), "SURROUNDING AREA" MEANS THE TERRITORY WITHIN THE UNINCORPORATED AREA OF ANY TOWNSHIP LOCATED ONE-HALF MILE OR LESS FROM ANY OF THE TERRITORY PROPOSED TO BE ANNEXED. MR. MINNIEAR EXPLAINED THAT THE REFERENCES TO "GENERAL GOOD" AND "UNREASONABLY LARGE" IN THE ABOVE-LISTED SECTIONS OF THE OHIO REVISED CODE, DO NOT APPLY TO THE PROPOSED ANNEXATION. THE PROPOSED ANNEXATION IS 3.9958 ACRES AND THE "GENERAL GOOD" INCLUDES BOTH THE DESIRES OF THE PROPERTY OWNERS AND THE ABILITY OF THE VILLAGE TO PROVIDE ADEQUATE SERVICES TO THE ANNEXED TERRITORY. AS REQUIRED BY SECTION 709.03(D) OF THE OHIO REVISED CODE, THE VILLAGE PASSED A SERVICE ORDINANCE INDICATING WHAT SERVICES THE VILLAGE WOULD BE PROVIDING TO THE PROPERTIES UPON ANNEXATION. AMONG THE MOST IMPORTANT TO THE PROPERTY OWNERS IS THEIR CONTINUED ACCESS TO THE VILLAGE OF WILLIAMSBURG'S WATER AND SEWER SYSTEMS.

MR. MINNIEAR STATED THAT THE PROPERTY OWNERS SIGNED PRE-ANNEXATION AGREEMENTS AGREEING TO BE ANNEXED AND THAT THE

PROPERTY OWNERS SIGNED AND FILED WITH THE BOARD OF COUNTY COMMISSIONERS AFFIDAVITS STATING THEIR DESIRE TO BE ANNEXED AND WHY THEY THINK IT IS IN THE BEST INTEREST OF THEIR PROPERTY TO BE PART OF THE VILLAGE OF WILLIAMSBURG.

MR. MINNIEAR REPORTED THAT THE VILLAGE OF WILLIAMSBURG AGREED IN ITS SERVICE ORDINANCE TO ASSUME THE MAINTENANCE OF ANY STREET, ROAD, OR HIGHWAY THAT MAY BE DIVIDED OR SEGMENTED AS A RESULT OF THE PROPOSED ANNEXATION. THAT IS ALL THE LAW REQUIRES. THE STATUTE DOES NOT REQUIRE ANY TYPE OF ROAD MAINTENANCE AGREEMENT BETWEEN THE VILLAGE AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), THE TOWNSHIP OR THE COUNTY.

MR. MINNIEAR IDENTIFIED SEMINAL ANNEXATION LAW IN OHIO AND CITED THE CITY OF MIDDLETOWN V. MCGEE CASE (1998), 39OHIO ST3D 284, 284 N.E.2D 902, AND THE SMITH V. GRANVILLE TOWNSHIP BOARD OF TRUSTEES CASE (1998), 81 OHIO ST3D 608,693 N.E.2D 219. IN THESE CASES, THE OHIO SUPREME COURT REITERATED AND EMPHASIZED THAT IT HAS BEEN THE LONG STANDING POLICY IN OHIO TO ENCOURAGE ANNEXATION BY MUNICIPALITIES OF ADJACENT TERRITORY. THE SPIRIT AND INTENT OF THAT POLICY IS TO GIVE PROPERTY OWNERS THE FREEDOM OF CHOICE AS TO WHICH GOVERNMENTAL SUBDIVISION IN WHICH THEY DESIRE THEIR PROPERTY TO BE LOCATED. MR. MINNIEAR STATED THE POLICY IS ESPECIALLY APPLICABLE IN THIS INSTANCE, WITH THE PROPOSED ANNEXATION BEING A ONE HUNDRED PERCENT OWNER ANNEXATION.

MR. MINNIEAR STATED THAT THE VILLAGE OF WILLIAMSBURG CAN MORE THAN ADEQUATELY SERVICE THE PROPERTIES UPON ANNEXATION AND THAT THE ANNEXATION WILL NOT HAVE AN ADVERSE IMPACT ON THE AREA TO BE ANNEXED, OR THE SURROUNDING ONE-HALF MILE. HE FURTHER STATED THAT THE PROPOSED ANNEXATION IS CRUCIAL TO THE PROPERTY OWNERS SEEKING THE ANNEXATION, FOR THEIR CONTINUED ABILITY TO ACCESS VILLAGE SERVICES IS DEPENDENT UPON THE BOARD OF COUNTY COMMISSIONERS GRANTING THE PROPOSED ANNEXATION. MR. MINNIEAR STATED THAT, ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, HE RESPECTFULLY REQUESTS THAT THE BOARD OF COUNTY COMMISSIONERS GRANT THE PETITION FOR ANNEXATION.

LET THE RECORD SHOW THAT ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, SWORE IN ADDITIONAL INDIVIDUALS PRESENT INTENDING TO GIVE TESTIMONY AT THE PUBLIC HEARING THIS DATE.

MARY ANN LEFKER, MAYOR OF THE VILLAGE OF WILLIAMSBURG, SPOKE IN SUPPORT OF THE PROPOSED ANNEXATION. MS. LEFKER STATED THAT ALL OF THE LEGAL ASPECTS RELATIVE TO THE PROPOSED ANNEXATION AS PRESENTED BY MR. MINNIEAR ARE TRUE AND ACCURATE (TO THE BEST OF HER KNOWLEDGE). SHE STATED THAT THE VILLAGE OF WILLIAMSBURG HAS COMMUNICATED THIS ISSUE TO THE WILLIAMSBURG TOWNSHIP TRUSTEES AND THAT ZONING ISSUES COULD BE ADDRESSED MORE EFFICIENTLY IF ALL OF THE PARCELS WERE LOCATED WITHIN THE VILLAGE OF WILLIAMSBURG. SHE FURTHER STATED THAT THE VILLAGE OF WILLIAMSBURG HAS NOT RECEIVED ANY OBJECTIONS REGRADING THE PROPOSED ANNEXATION FROM THE WILLIAMSBURG TOWNSHIP TRUSTEES.

CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS AND PRESENTED AN OVERVIEW OF THE AREA PROPOSED TO BE ANNEXED. MR. RISNER INDICATED

THAT THE PETITION FOR ANNEXATION CONTAINS TWO (2) PARCELS, PARCEL IDENTIFICATION NUMBERS 52-35-09H-017A AND 52-35-09H-017B, OWNED BY TWO (2) OWNERS, VERNA L. GOECKE, TRUSTEE, AND H.D. MILTON ASSOCIATES. THE PROPOSED ANNEXATION HAS A 69% COMMON BOUNDARY WITH THE VILLAGE OF WILLIAMSBURG. A COMPLETE AND ACCURATE LEGAL DESCRIPTION OF THE PERIMETER OF THE TERRITORY PROPOSED TO BE ANNEXED AND AN ACCURATE MAP OR PLAT OF THE TERRITORY HAS BEEN PROVIDED IN THE APPLICATION. THE PROPOSED ANNEXATION WILL CREATE AN "ISLAND" OF WILLIAMSBURG TOWNSHIP CONTAINING DEDICATED RIGHT-OF-WAY FOR STATE ROUTE 133/MAIN STREET. MR. RISNER EXPLAINED THAT AN ISLAND EXISTS TODAY, WITH A PORTION OF THE EXISTING ISLAND BEING ANNEXED BY THE PROPOSED ANNEXATION (LEAVING A SMALLER ISLAND IN PLACE IF THE ANNEXATION IS APPROVED). HE STATED THAT, IN HIS REPORT TO THE BOARD OF COUNTY COMMISSIONERS, HE RECOMMENDED THE VACATION REQUEST BE AMENDED TO INCLUDE THIS AREA (THEREBY ELIMINATING THE ISLAND) AND A THAT A NEW PLAT AND DESCRIPTION BE SUBMITTED. HOWEVER, SINCE THE ANNEXATION AREA WOULD BE INCREASED, IT WOULD REQUIRE AN ENTIRE NEW APPLICATION. THEREFORE, THE APPLICANTS DECIDED TO CONTINUE WITH THE APPLICATION AS SUBMITTED.

JUDITH KOCICA, CLERK OF THE BOARD, STATED THAT A REPORT HAS BEEN RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PETITION FOR ANNEXATION FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, AS WELL AS, THE CERTIFICATION OF OWNERSHIP OF THE PROPERTIES FROM THE CLERMONT COUNTY AUDITOR'S OFFICE.

THERE WAS NO TESTIMONY AGAINST THE PETITION FOR ANNEXATION.

THERE HAS BEEN NO CORRESPONDENCE RECEIVED IN FAVOR OF OR AGAINST THE PROPOSED ANNEXATION.

IT WAS NOTED THAT DISPOSITION OF THE PETITION FOR ANNEXATION WILL BE WITHIN THIRTY (30) DAYS OF THIS HEARING PURSUANT TO OHIO REVISED CODE SECTION 709.033.

ALLAN EDWARDS, ASSISTANT PROSECUTING ATTORNEY, CLERMONT COUNTY PROSECUTOR'S OFFICE, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS WITH REGARD TO THE PROPOSED ANNEXATION CREATING AN "ISLAND" OF WILLIAMSBURG TOWNSHIP. MR. EDWARDS EXPLAINED THAT THE WORDS UTILIZED IN THE OHIO REVISED CODE ARE "UNREASONABLE", "ILLOGICAL" AND "ARBITRARY" (OR SOMETHING TO THAT EFFECT) FOR MEANS OF DENIAL OF A PETITION FOR ANNEXATION WHEN YOU HAVE AN ISLAND CREATED AS A RESULT OF THE REQUEST. MR. EDWARDS STATED THAT THE BOARD OF COUNTY COMMISSIONERS SHOULD FOLLOW THIS STANDARD GUIDELINE WHEN CONSIDERING THE PROPOSED ANNEXATION.

MIKE MINNIEAR, ATTORNEY AT LAW, ADDRESSED THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DESIGNATED AGENT FOR THE PETITIONERS, SUSAN M. ELLERHORST, WITH REGARD TO THE PROPOSED ANNEXATION CREATING AN "ISLAND" OF WILLIAMSBURG TOWNSHIP. MR. MINNIEAR STATED THERE IS A RATIONALE FOR THE CREATION OF THE ISLAND, IT IS NOT ARBITRARY OR CAPRICIOUS. THE RATIONALE IS THAT THE PROPERTY HAS TO BE ANNEXED FOR THE CONTINUED ABILITY OF THE PROPERTY OWNERS TO ACCESS VILLAGE SERVICES. IN ADDITION, HE STATED THERE IS NO DETRIMENT SHOWN TODAY TO THE PROPERTY OWNERS WITHIN THE ISLAND THAT WILL BE CREATED IF THE ANNEXATION IS APPROVED. THE BOARD OF COUNTY COMMISSIONERS IS NOT PERMITTED TO INFER ANY DETRIMENT. THERE HAS TO BE ACTUAL TESTIMONY OR DOCUMENTATION INDICATING THAT

THE ISLAND PROPERTY IS GOING TO SUFFER SOME KIND OF DETRIMENT OR ADVERSE IMPACT.

HAVING NO FURTHER COMMENTS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS STATED THAT THIS WILL CONCLUDE THE PUBLIC HEARING. THE PUBLIC HEARING WAS ADJOURNED AT 11:35 A.M. LOCAL TIME.

**IN RE: ADJOURNMENT...RATIFIED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran,

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 11:36 A.M. until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**BOARD OF COUNTY COMMISSIONERS  
CLERMONT COUNTY, OHIO**

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**DAVID L. PAINTER, PRESIDENT**

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**EDWIN H. HUMPHREY, VICE PRESIDENT**

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**CLAIRE B. CORCORAN, MEMBER**

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**JUDITH KOCICA, CLERK OF THE BOARD**

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**DATE APPROVED**