

Moved by Mr(s). Humphrey, seconded by Mr(s). Corcoran,

Recommendation that the Board of County Commissioners adopt Resolution Number 158-19 resolving to approve payment to vendors **in the total amount of \$4,061,159.02** as set forth in the BCC Approval Invoice Report(s) for **Checks Dated 10/16/2019** and BCC Directed Pre-Paid Invoices Report(s) presented by the County Auditor 10/14/2019, 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:

David L. Painter,	<u>YES</u>
Edwin H. Humphrey,	<u>aye</u>
Claire B. Corcoran,	<u>YES</u>

Date Adopted: October 16, 2019

David L. Painter
David L. Painter, President

Edwin H. Humphrey
Edwin H. Humphrey, Vice-President

Claire B. Corcoran
Claire B. Corcoran, Member

OR

Thomas J. Eigel, County Administrator

16th The Board of County Commissioners of Clermont County, Ohio, met in regular session on the day of October, 2019, at its regular place of meeting, with the following members present:

David L. Painter, President
Edwin H. Humphrey, Vice President
Claire B. Corcoran, Member

MRS. Corcoran introduced the following resolution and moved its passage:

RESOLUTION NO. 159 -19

DETERMINING TO MAKE IMPROVEMENTS KNOWN AS THE PUB WELL FIELD CONTROL TOWER (WELLS 17-20) AND IDENTIFIED AS PROJECT NUMBER 6401-60166, AS DESCRIBED IN THE ATTACHED EXHIBIT "A" FOR THE COUNTY WATERWORKS SYSTEM, IN THE CLERMONT COUNTY WATER RESOURCES DEPARTMENT, CLERMONT COUNTY, OHIO.

WHEREAS, this Board of County Commissioners of Clermont County, Ohio, has heretofore established the Clermont County Water Resources Department by consolidation of previously existing districts; and

WHEREAS, this Board of County Commissioners has been advised by the Clermont County Water Resources Department that the improvements described in Exhibit "A" are necessary for the preservation and promotion of the public health and welfare and to provide an adequate water supply for consumption and fire protection; and

WHEREAS, the Clermont County Water Resources Department has made a detailed examination in order to delineate the work necessary for the improvements described in Exhibit "A" and has prepared plans, specifications and bid documents relative to the improvements along with a cost estimate; and

WHEREAS, improvements described in Exhibit "A" are valid improvements and expenses attributable to the County Waterworks System in the Clermont County Water Resources Department, Clermont County, Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio, with at least two-thirds of its members concurring as follows:

SECTION 1. By this Resolution which ratifies and declares necessity for the detailed plans, specifications and estimates of cost and financing for the Project as described in the attached Exhibit "A" which exhibit is hereby made a part hereof, in said County, is hereby approved, ratified and confirmed.

SECTION 2. That this Board of County Commissioners hereby declares it necessary for the preservation and promotion of the public health and welfare and to provide an adequate water supply for consumption and fire protection to construct Project as described in the attached Exhibit "A" which exhibit is hereby made a part hereof.

SECTION 3. That it is hereby determined to proceed with the Project, in accordance with the detailed plans, specifications, and estimates of cost and financing, as herein ratified and confirmed, and to provide for the receipt of bids for the project pursuant to public advertisement therefore in the manner prescribed by law.

SECTION 4. That the work or improvements as described herein shall proceed in accordance with the priority of need and as may be accomplished in conjunction with continued operation of the Clermont County Waterworks System.

SECTION 5. Said construction of certain improvements set forth in Exhibit "A" are more particularly described and set out in the plans, specifications, and estimates of cost and financing, which are on file in the office of the Clermont County Water Resources Department, 4400 Haskell Lane, Batavia, Ohio 45103, where they may be examined.

SECTION 6. That the entire cost of the Project, including engineering fees, legal fees, and all necessary and incidental expenses in connection therewith shall be paid from one or more of any combination of the Waterworks Capital Improvement Fund, any portion of any federal or state grant or loan should such become available, and/or by the issuance of notes or bonds pursuant to Section 133.08 of the Ohio Revised Code, and payable from revenues derived from water rates and charges levied for the operation of the Clermont County Waterworks System.

SECTION 7. That this Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. That a copy of this resolution be certified to (a) the County Auditor of Clermont County, Ohio within fifteen (15) days after passage hereof, as provided in Section 319.61 of the Ohio Revised Code, and (b) the County Sanitary Engineer for information.

Mr. Humphrey seconded the motion and the vote thereon resulted as follows:

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

PASSED: October 16, 2019

ATTEST:

Judith Kocica
Judith Kocica, Clerk
Board of County Commissioners,
Clermont County, Ohio

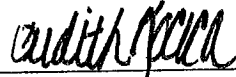
APPROVED AS TO FORM ONLY:
D. VINCENT FARIS, PROSECUTOR
CLERMONT COUNTY, OHIO

By: Allan L. Edwards
Allan L. Edwards, Assistant Prosecutor

Dated: 9-19-19

CERTIFICATE

The undersigned, Clerk of the Board of County Commissioners of Clermont County, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution No. 159 -19 passed by the Board of County Commissioners of Clermont County, Ohio on October 16, 2019 and that a copy thereof was certified to the County Auditor and the Clermont County Water Resources Department.



Judith Kocica, Clerk
Board of County Commissioners,
Clermont County, Ohio

EXHIBIT "A"

Resolution No. 159-19

Adopted October 16, 2019

**PUB WELL FIELD CONTROL TOWER (WELLS 17-20)
PROJECT NO. 6401-60166**

This project consists of the replacement of the existing elevated control tower for Wells 17-20 located at the PUB Water Treatment Plant in Pierce Township, work shall include the construction of a new elevated tower, installation of new and relocated electrical and instrumentation components, and the demolition and disposal of the existing elevated control tower .

Estimated Annual Operation & Maintenance Cost.....\$ 200.00
Estimated Impact of Project on Operation & Maintenance Cost.....\$ 0.00
Estimated Total Project Cost.....\$ 400,203.00

Source of Funds: One or more of any combination of the Waterworks Capital Improvement Fund, any portion of any federal or state grant or loan should such become available, and/or by the issuance of notes or bonds pursuant to Section 133.08 of the Ohio Revised Code, and payable from revenues derived from water rates and charges levied for the operation of the Clermont County Waterworks System.

RESOLUTION NO. 160-19

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 16th day of October 2019, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice President

Claire B. Corcoran, Member

Mr/s. Corcoran moved for the adoption of the following Resolution:

RESOLUTION APPROVING EXECUTION OF OHIO ENTERPRISE ZONE AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF CLERMONT COUNTY, THE BOARD OF TRUSTEES OF MIAMI TOWNSHIP, MIAMIVILLE TRAILYARD LLC, AND ROSE FARM RENTALS LLC, PURSUANT TO OHIO REVISED CODE §§ 5709.61 – 5709.69

WHEREAS, the Board of Commissioners of Clermont County, hereinafter “County,” desires to enter into an Enterprise Zone Agreement with the Board of Trustees of Miami Township, hereinafter “Township,” Miamiville Trailyard LLC and Rose Farm Rentals LLC for the expansion of certain business operations to a previously designated “Enterprise Zone” within Miami Township, Clermont County; and

WHEREAS, the prerequisites to the execution of an Enterprise Zone agreement by and between the County, the Township, Miamiville Trailyard LLC and Rose Farm Rentals LLC as set forth in O.R.C. §§ 5709.61 through 5709.69 have been satisfied, including 5709.63(D)(1);

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring:

SECTION I

That the Board of Commissioners shall execute and enter into the attached Ohio Enterprise Zone Agreement with Miamiville Trailyard LLC, Rose Farm Rentals LLC, and the Board of Trustees of Miami Township.

SECTION II

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr/s. Painter seconded the motion and on roll call, the vote resulted as follows:

Mr. Painter

yes

Mr. Humphrey

abstain

Ms. Corcoran

yes

This Resolution was duly passed on the 16th day of October, 2019.

ATTEST:

Judith A. Kocica

Judith A. Kocica, Clerk of the Board of County Commissioners

This Resolution was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County, Ohio

By: Allen L. Culver

Assistant Prosecuting Attorney

Date: 10-9-19

RESOLUTION NO. 161 -19

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 16th day of October, 2019, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice President

Claire B. Corcoran, Member

Mr./Mrs. Humphrey moved for the adoption of the following Resolution:

RESOLUTION GRANTING ANNEXATION OF 12.10 ACRES OF LAND OWNED BY KEITH AND C. H. GAUL; CYNTHIA CARTER; CARL E. AND DOLORES M. TARVIN TRUSTEES; STATE OF OHIO; H. D. MILTON ASSOCIATES AND LARRY AND ROBIN LYNCH TO THE VILLAGE OF WILLIAMSBURG IN CLERMONT COUNTY, OHIO

WHEREAS, the Petition for Annexation of 12.10 acres of land constituting territory adjacent to the Village of Williamsburg in Williamsburg Township, Clermont County, Ohio was filed by Susan M. Ellerhorst, Agent for the Petitioners, Keith and C. H. Gaul; Cynthia Carter; Carl E. and Dolores M. Tarvin Trustees; and Larry and Robin Lynch, who constitute 87.5% of the owners of the real estate sought to be annexed, with the Board of County Commissioners of Clermont County, Ohio on June 26, 2019 pursuant to Ohio Revised Code Section 709.02; and

WHEREAS, Notice of the filing of the petition with the Board of County Commissioners, the date and time of the filing, and the date, time and place of the hearing was delivered to the Fiscal Officer of the Village of Williamsburg and the Fiscal Officer of Williamsburg Township, by personal service on July 3, 2019 within 5 days of the filing of the petition and upon being notified of the date of the hearing pursuant to Ohio Revised Code Section 709.03(B)(1); and

WHEREAS, Michael Minniear, Attorney for Susan M. Ellerhorst, Agent for the petitioners has indicated by affidavit of service of notice that a copy of the petition for annexation of territory with all Exhibits was mailed by first class mail to the owners of all adjoining property on July 8, 2019, within 10 days of filing the petition pursuant to Section 709.03(B)(2) of the Ohio Revised Code; and

WHEREAS, The map or plat and legal description of the perimeter of the territory proposed for annexation is accurate;

WHEREAS, any procedure defect in the annexation process is deemed to be cured pursuant to section 709.015 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members hereto concurring as follows:

SECTION I

In accordance with Ohio Revised Code Section 709.033(A), The Board of County Commissioners, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record finds that all of the 6 conditions in that section have been met as follows:

- A. The petition meets all requirements set forth in and was filed in the matter provided in Section 709.02 of the Revised Code. Based upon the July 1, 2019 letter from Craig Risner, P.S. Deputy Surveyor in the Clermont County Engineer's Office these conditions have been met.
- B. The persons who signed the petition are the owners of the real estate located in the territory proposed to be annexed in the petition, and as of the time the petition was filed with the Board of County Commissioners, the number of valid signatures on the petition constituted a majority of the owners of the real estate in

that territory. Seven of the eight owners or 87.5% have signed the petition.

Therefore this condition has been met.

C. The Municipal Corporation to which the territory is proposed to be annexed has complied with division (D) of Section 709.03 of the Ohio Revised Code. The Council of the Village of Williamsburg passed Ordinance No. 1145-19 listing the services that will be provided to the properties if annexed. The Ordinance was filed with the Board of County Commissioners at least 20 days prior to the hearing as required by Section 709.03(D) of the Revised Code. Therefore this condition has been met.

D. The territory proposed to be annexed is not unreasonably large. In the present case the Village of Williamsburg has set forth in Ordinance No. 1145-19 that they will provide police protection, zoning code, zoning and planning administration, waste management, speed limit control and sewage immediately upon annexation. The territory proposed to be annexed is 12.10 acres compared to the over 1,600 acres currently contained in the Village. The territory proposed to be annexed is not unreasonably large.

E. 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. Five of the owners in the area to be annexed have signed affidavits indicating their desire to be annexed so that they can access the Village sewer system which they cannot do unless they are annexed to the Village. In addition, the Village of Williamsburg in Ordinance No. 1145-19 will

provide police protection, zoning code, zoning and planning administration, waste management, speed limit control and sewage immediately upon annexation. On balance the general good of the territory 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. This condition has been met.

- F. No street or highway will be divided or segmented by the boundary line between a township and the Municipal Corporation as to create a road maintenance problem. Based upon the September 18, 2019 testimony of Craig Risner, Deputy Surveyor Clermont County Engineer's Office before the Board of County Commissioners the proposed annexation will not divide a street or highway as to create a road maintenance problem. This condition has been met

SECTION II

That the Board of County Commissioners having found that based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that each of the six conditions in 709.033(A) have been met, the Petition for Annexation of territory described therein to the Village of Williamsburg, Clermont County, Ohio, be and hereby is granted; and the Clerk of the Board of County Commissioners of Clermont County, Ohio, is hereby directed to enter on the journal the resolution granting annexation and to deliver a certified copy of the Resolution of the Board, to the agent of the Petitioners, the Fiscal Officer of the Village of Williamsburg, and the Williamsburg Township Fiscal Officer.

SECTION III

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr./Mrs. Corcoran seconded the motion and on roll call, the vote resulted as follows:

Mr. Painter	<u>yes</u>
Mr. Humphrey	<u>aye</u>
Mrs. Corcoran	<u>yes</u>

This Resolution was duly passed on the 14th day of October, 2019.

Date: October 16, 2019

ATTEST:

Judith A. Kocica
Judith A. Kocica, Clerk of the
Board of County Commissioners

By: Allan L. Edwards
Allan L. Edwards
Assistant Prosecuting Attorney

This Resolution was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County, Ohio

RESOLUTION NUMBER 162-19

The Board of County Commissioners of Clermont County, Ohio, met in Regular Session on the 16th day of October, 2019, with the following members present:

David L. Painter, President
Edwin H. Humphrey, Vice President
Claire B. Corcoran, Member

Mrs. Corcoran moved for the adoption of the following Resolution:

RESOLUTION DETERMINING TO VACATE A PORTION OF ELICK LANE (C-388) IN UNION TOWNSHIP, CLERMONT COUNTY, OHIO

WHEREAS, the Board of County Commissioners has determined pursuant to Section 5553.04 of the Ohio Revised Code to investigate whether the vacation of a portion of Elick Lane (C-388) in Union Township, Clermont County, Ohio, would be for the public convenience and welfare subsequent to the receipt of a request submitted by the Board of Trustees of Union Township, in and as it relates thereto; and,

WHEREAS, pursuant to Sections 5553.06 and 5553.07 of the Ohio Revised Code, the County Engineer has reviewed the area proposed to be vacated and has approved the appropriate legal description prepared therefore; and,

WHEREAS, the Board of County Commissioners has viewed the proposed area to be vacated and has held a public hearing concerning the proposed vacation of a portion of Elick Lane (C-388) in Union Township, on October 16, 2019, which is recorded in Commissioners' Journal Number 316, and,

WHEREAS, all appropriate statutory procedures have been followed according to the Ohio Revised Code;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Clermont County, Ohio, at least two-thirds of its members thereto concurring as follows:

SECTION I

That the Board of County Commissioners hereby determines that the public convenience and welfare would be best served by the vacation of a portion of Elick Lane (C-388) in Union Township and in Bowman's Military Survey Number(s) 4455, 5957, and 7090, and as described, is hereby vacated, to wit:

Commencing for reference from a 5/8" iron pin found at the southwesterly corner of a 12.000 acre parcel owned by Imbus Enterprises as conveyed in Official Record 2615, Page 2090, and being on the northeast right-of-way line of Bach Buxton Road and being the southwest right-of-way line of Elick Lane and being on the easterly line of Bowman's Military Survey No's 4455, 5957, and 7090; thence, North 40°-27'-50" West, 224.08 feet, along said Military Survey Line and right-of-way line of Bach Buxton Road and Elick Lane to a point at the corner of a 7.340-acre tract owned by the Board of Trustees of Union Township as conveyed in Official Record 2815, Page 2698 and being the principal place of beginning herein described; thence, South 48°-41'-59" West, 50.00 feet, along said right-of-way line of Elick Lane and north line of said 7.340-acre tract to a point; thence, North 40°-27'-50" West, 50.00 feet, along said right-of-way line and the north line of said 7.340-acre tract to a point; thence, North 48°-41'-59" East, 50.00 feet, along said right-of-way line and the north line of said 7.340-acre tract to a point; thence, South 40°-27'-50" East, 50.00 feet, along a new division line to the principal place of beginning.

Containing 0.057 acres more or less and all being subject to any legal highways and easements of record. The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated May 23, 2019. All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-AJB PS 8629."

SECTION II

That the Board of County Commissioners further finds that as to the issue of compensation and damages pursuant to Section 5553.09 of the Ohio Revised Code, no compensation and damages are necessary in this proceeding and none are awarded at this final hearing.

SECTION III

That the Clerk of the Board shall certify a copy of these proceedings to the Board of Union Township Trustees, the County Engineer, and the County Auditor.

SECTION IV

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of the Board and that all deliberations of this Board and its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

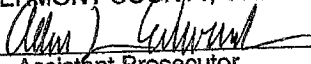
Mr. Humphrey seconded the foregoing Resolution and upon roll call the vote was as follows:

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

ATTEST:


Judith Kocica, Clerk
Board of County Commissioners
Clermont County, Ohio

Adopted: October 16, 2019

APPROVED AS TO FORM:
D. VINCENT FARIS, PROSECUTOR
CLERMONT COUNTY, OHIO
BY: 
Assistant Prosecutor
DATE: 10-16-19

RESOLUTION NO. 163-19

The Board of County Commissioners, Clermont County, Ohio met in regular session on the 16th day of October, 2019, with the following members present:

- David L. Painter, President
- Edwin H. Humphrey, Vice President
- Claire B. Corcoran, Member

Mr(s). Corcoran moved for the adoption of the following Resolution:

**RESOLUTION ESTABLISHING THE POSITIONS OF
BCC ADMINISTRATIVE ASSISTANT 1 AND BCC ADMINISTRATIVE ASSISTANT 2
IN THE BOARD OF COUNTY COMMISSIONERS AS EXEMPT FROM THE
CLASSIFIED SERVICE**

WHEREAS, the Board of Commissioners wish to add one full-time BCC Administrative Assistant 1 and one full-time BCC Administrative Assistant 2;

WHEREAS, the Board of County Commissioners by affirmative action deems the vacant positions of BCC Administrative Assistant 1 and BCC Administrative Assistant 2 as exempt from the classified service pursuant to Section 124.11 (A) (8) of the Ohio Revised Code; and

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION I

That the positions of BCC Administrative Assistant 1 and BCC Administrative Assistant 2 are vacant and shall be exempt from the classified service pursuant to Ohio Revised Code 124.11 (A) (8).

SECTION II

That when the positions are filled, the Board of County Commissioners will provide written information to the employee pursuant to Section 124.12 of the Ohio Revised Code that one does not enjoy civil service protection and serves at the pleasure of the Board of County Commissioners.

SECTION III

That when the positions are filled, the Board of County Commissioners will provide the employee with a position description describing the duties of the position.

SECTION IV

The Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in open meeting of this Board, and that all deliberations of this Board which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr(s). Humphrey seconded the motion and on roll call, the vole resulted as follows:

Mr. David L. Painter yes
Mr. Edwin H. Humphrey yes
Mrs. Claire B. Corcoran yes

This Resolution was duly passed on the 14th day of October 2019.

ATTEST:

Judith Kocica

Judith Kocica, Clerk
Board of County Commissioners

