

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

Recommendation that the Board of County Commissioners adopt Resolution Number 164-19 resolving to approve payment to vendors **in the total amount of \$2,412,535.56** as set forth in the BCC Approval Invoice Report(s) for **Checks Dated 10/23/2019**, BCC Directed Pre-Paid Invoices Report(s) and Procurement Card Transaction Report presented by the County Auditor 10/21/2019, 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 23, 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

23rd 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

Mr. Humphrey introduced the following resolution and moved its passage:

RESOLUTION NUMBER 165 -19

RESOLUTION AMENDING RESOLUTION NUMBER 127-17 WHICH DECLARED THE NECESSITY TO CONSTRUCT, MAINTAIN, AND OPERATE THE WASTEWATER SYSTEM IMPROVEMENTS FOR PROJECT NUMBERS 6402-60116 AND 6402-60117 IDENTIFIED AS THE NEWTONSVILLE COLLECTION SYSTEM ASSESSMENT PROJECT AND THE NEWTONSVILLE WASTEWATER TREATMENT PLANT PROJECT, RESPECTIVELY, (HEREINAFTER CALLED THE "PROJECTS") LOCATED WITHIN THE VILLAGE OF NEWTONSVILLE/WAYNE TOWNSHIP, IN ORDER TO DECLARE THE NECESSITY FOR THE REVISED PROJECTS AND FIXING THE DATE, TIME AND PLACE WHEN OBJECTIONS TO OR ENDORSEMENTS OF THE REVISED IMPROVEMENTS WILL BE HEARD

WHEREAS, the Board of County Commissioners has heretofore established the County Wastewater System in the Clermont County Water Resources Department, in Clermont County, Ohio, by consolidating previously existing districts; and

WHEREAS, based on the significant failure rate of 43% of the private onsite septic treatment systems in and adjoining the Village of Newtonsville, as surveyed by the Clermont County Public Health Department (CCPHD) in April of 2011, and the partial ban of replacement of the private systems placed into effect in August of 2016 by the CCPHD, said Board of County Commissioners has determined that the Projects are necessary for the preservation and promotion of the public health and welfare and further approved revised detailed plans, specifications, estimates of cost and financing, and tentative assessment roll for the construction, maintenance, and operation of the revised Projects within the County Wastewater System, and authorized notices sent to owners of property affected by said Projects whose property is classified on the County Auditor's list as being in a conservation program, agriculturally used, or in current agricultural use valuation (CAUV) taxation and may or may not be located within a designated Agricultural District, by adoption of Amending Resolution Number 150 - 19 on September 25, 2019; and

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

SECTION 1. That this Board of County Commissioners hereby declares it necessary for the preservation and promotion of the public health and welfare and to provide public sewer service as the best method to eliminate the declared health nuisance in the Village of Newtonsville/Wayne Township area and to construct the revised Projects in the County Wastewater System in the Clermont County Water Resources Department, Clermont County, Ohio, as part of the County Wastewater System.

SECTION 2. That the location, route and termini of the revised Projects in said Wastewater System of the Clermont County Water Resources Department are fully described in Exhibit "A", attached hereto and made a part hereof.

SECTION 3. That the assessment and improvement areas shall consist of properties bounding and abutting on the wastewater system improvements or right-of-ways wherein the wastewater system improvements are constructed as described in Exhibit "A".

SECTION 4. That the improvements shall consist of the construction, maintenance, and operation of a wastewater treatment plant and sanitary sewer main extensions and appurtenances as part of the County Wastewater System, and as more particularly described and set out in the revised detailed plans, specifications, estimates of cost and financing, and tentative assessments which are on file in the Office of the Board of County Commissioners of Clermont County, Ohio, at 101 East Main Street, Batavia, Ohio 45103, and the Office of the Clermont County Water Resources Department at 4400 Haskell Lane, Batavia, Ohio 45103, where they may be examined.

SECTION 5. That the cost of operation and maintenance of the wastewater system improvements identified as the Newtonsville Collection System Assessment Project is currently estimated at \$2,500.00 per year and the Newtonsville Wastewater Treatment Plant is currently estimated at \$35,000.00 per year.

SECTION 6. That the entire cost of constructing said revised Projects, including construction costs, engineering fees, legal and administrative fees, capitalized interest during construction, if any, and all necessary and incidental expenses in connection therewith, currently estimated at \$12,391,610.00 herein, shall be paid from the following sources:

- A. The levy and collection of special assessments against benefited property abutting on the wastewater system improvements or the right-of-ways in which they are constructed, identified as a Basic Benefit Assessment based on assessable project costs calculated at \$201.45 per benefited front footage, with a 100' minimum established, with the total assessable project cost currently estimated at \$4,261,750.00, as identified in Exhibit "B", attached hereto and made a part hereof, and/or the proceeds of general obligation bonds or certificates of indebtedness (notes) in anticipation thereof, pursuant to Chapters 6117 and 133 of the Ohio Revised Code, payable from the special assessments certified for collection to the real estate tax bill, and/or any other funds that may be made available. *(Basic Benefit Assessment is being financed in part with USDA Loan Funds in the maximum amount not to exceed \$4,218,000.000 at a rate of 2.25% interest over a forty (40) year period.)*
- B. A supplemental unit Improvement Assessment of \$3,340.00 (current sewer system capacity charge for single family residential connections) or the appropriate Improvement Assessment amount (current sewer system capacity charge for non-single family connections) based upon the type of structure being connected to the wastewater system and/or the size water meter if connected to a public or private commercial water system, for all those improved properties to be immediately connected to the County Wastewater System, at the option of the property owners desiring to have these costs incorporated herein. The estimated Improvement Assessment total for this Project is \$579,190.00 representing 159 improved property parcels, both single family residential and non-single family improvements.
- C. A supplemental unit Improvement Assessment representing future improvement connections in the estimated amount of \$313,960.00, paid for by a contribution of the Clermont County Water Resources Department's Wastewater System Capital Improvement Fund.
- D. A contribution of the Clermont County Water Resources Department's Wastewater System Capital Improvement Fund in the estimated amount of \$1,626,710.00 representing engineering, legal, administrative and miscellaneous estimated costs relative to the Projects.

- E. A grant from the Ohio Public Works Commission (OPWC) in the amount of \$1,000,000.00 from the State Capital Improvement Program.
- F. A grant from the United States Department of Agricultural in the amount of \$2,000,000.00 from Rural Development funds.
- G. A contribution of the Clermont County Water Resources Department's Wastewater System Capital Improvement Fund in the estimated amount of \$2,610,000.00 representing an additional contribution to offset the Basic Benefit Assessment costs of the Projects.

SECTION 7. That endorsements of and/or objections to the construction of the revised Projects as described herein, the character and termini thereof, the boundaries of the assessment district, the revised tentative assessments, and the apportionment of the cost and assessments, will be heard by the Board of County Commissioners on the 3rd day December, 2019, at 6:00 P.M. Local Time to be held at the Clermont Northeastern High School located at 5327 Hutchinson Road, Batavia, Ohio 45103, and written objections to or endorsements of the proposed revised Projects will be received by this Board of County Commissioners for a period of five (5) days after the date of said hearing.

SECTION 8. That notice of this Resolution shall be (a) published once a week for two consecutive weeks in a newspaper of general circulation in the County, on Thursday, October 31, 2019, and Thursday, November 7, 2019, and such other newspaper publications as the County Commissioners may determine, and (b) notice by certified mail of the passage of this Resolution mailed to the Clerk of each municipality within the wastewater service area and to each property owner to be assessed for the cost of said Projects, between the dates of the first and second publication in the newspapers, as prescribed by law.

SECTION 9. That the property owners to be assessed have the right to pay their assessment(s) in the principal amount(s) during the first thirty (30) days, or longer period, following passage of the resolution levying final assessments, or property owners may pay their assessment(s) over the assessment certification period, which period shall not exceed forty (40) years, at the calculated uniform interest rate necessary to pay assessment bond interest as sold.

SECTION 10. That there are at least four (4) properties within the assessment district that are classified in a conservation program, agriculturally used, or are in Current Agricultural Use Valuation (CAUV) and one is not currently located within a designated Agricultural District according to the Clermont County Auditor's tax list. Special sewer assessments may be levied on properties lying within designated Agricultural Districts but may not be collected, except for assessment bond interest, or without the owner's permission until the use changes. These Projects will remain open for property owners to apply for Agricultural District designation until the point of levying final assessments.

SECTION 11. 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.

The motion was seconded by Mrs. Corcoran and, upon call of the roll, the vote was as follows:

Mr. Painter Yes ;

Mr. Humphrey Aye ;

Mrs. Corcoran Yes .

PASSED: October 23, 2019.

ATTEST:

Judith Kocica

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

APPROVED BY
LOCKE LORD, LLP

By: Todd Cooper
Todd Cooper

Dated: 09/27/19

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 Number 165 -19 adopted by the Board of County Commissioners of Clermont County, Ohio, on October 23, 2019, and that a copy thereof was certified to the County Auditor, the Clermont County Water Resources Department, and to Locke Lord, LLP.

Judith Kocica

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

RECEIPT

The County Auditor, Clermont County, Ohio, hereby acknowledges receipt of the foregoing Resolution Number 165 Declaring the Necessity passed Oct 23, 2019, by the Board of County Commissioners of said County.

Date: Oct 29, 2019 .

Linda L. Folley

County Auditor

EXHIBIT "A"

Resolution No. 165-19

Adopted October 23, 2019

**NEWTONSVILLE COLLECTION SYSTEM ASSESSMENT PROJECT NUMBER 6402-60116
NEWTONSVILLE WASTEWATER TREATMENT PLANT PROJECT NUMBER 6402-60117
VILLAGE OF NEWTONSVILLE/WAYNE TOWNSHIP**

The Projects are located in Wayne Township and consists of the installation of approximately 17,654 feet of 8" gravity sewer pipe, 79 manholes, 176 service laterals, a lift station, 875 feet of 4" force main, and a 57,000 gpd daily average wastewater treatment plant to serve the residents in the Village of Newtonsville and surrounding adjacent area along SR 131, Wright Street, Cedarville Road, Main Street, Cross Street, Newtonsville Road, Never Rest Lane, Amity Road, Pin Oak Street, Zengrove Lane and Eckman Lane.

Estimated Annual Operation & Maintenance Cost-Collection System.....\$ 2,500.00 per yr.
Estimated Annual Operation & Maintenance Cost-WWTP.....\$ 35,000.00 per yr.

Estimated Project Cost- Collection System & WWTP.....\$12,391,610.00

Source of Funds: Wastewater System Capital Improvement Fund and collection of Special Assessment of benefited properties in the form of a Basis Benefit Assessment and Improvement Assessment (cash payment or certification to tax bill) or General Obligation Bonds or Notes issued in anticipation thereof, United States Department of Agriculture (USDA) loan and grant funds, Ohio Public Works Commission (OPWC) grant funds, and/or any other funds that may be made available to this Project

Wastewater System Contribution.....\$1,626,710.00
(Consists of engineering performance and 100% of legal, admin. & misc. fees)

United States Department of Agriculture (USDA) Grant Funds.....\$2,000,000.00

Ohio Public Works Commission (OPWC) Grant Funds.....\$1,000,000.00

Basic Benefit Assessment.....\$4,261,750.00
(Consists of remaining costs after deducting Wastewater System contribution-includes construction, restoration, bond discount, and contingencies. Financing complies with USDA Agreement for Loan Funds in the maximum amount not to exceed \$4,218,000.000 at a rate of 2.25% interest over a forty (40) year period.)

Additional Wastewater System Contribution.....\$2,610,000.00
(Additional contribution to offset Basic Benefit Assessment)

Improvement Assessment\$579,190.00
(Represents System Capacity Charge for Existing Properties with Structures)

Improvement Assessment-Wastewater System Contribution.....\$313,960.00
(Wastewater Contribution for Future Improvement Connections)

Total Estimated Project Costs.....\$12,391,610.00

RESOLUTION NO. 166 -19

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 23rd 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~~ Humphrey moved for the adoption of the following Resolution:

RESOLUTION GRANTING ANNEXATION OF 6.4513 ACRES OF LAND OWNED BY WANDA AND ROBERT T. HURST, SR.; EVELYN J. JORDAN; GARY AND LISA MORGAN AND CHARLES GRAVES TO THE VILLAGE OF WILLIAMSBURG IN CLERMONT COUNTY, OHIO

WHEREAS, the Petition for Annexation of 6.4513 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, Wanda and Robert T. Hurst, Sr.; Gary and Lisa Morgan; and Charles Graves, who constitute 83.3% of the owners of the real estate sought to be annexed, with the Board of County Commissioners of Clermont County, Ohio on July 3, 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 8, 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 18, 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 10, 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. Five of the six owners or 83.3% 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. 1144-19 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. 1144-19 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 6.4513 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. 1144-19 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 25, 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 20th day of October, 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

Date: 10-17-19