

**COMMISSIONERS' MEETING
MINUTES SUMMARY
TUESDAY, APRIL 14, 2015
9:00 A.M.
Saved as digital recording: CGS**

John F. Evans, President Present
Richard L. Cultice Vice President, Present
John W. O'Brien, Member, Present

Appointments

9:00 a.m. General Session
9:15 a.m. Executive Session – Personnel/Appointments
10:30 a.m. Executive Session – Pending/Imminent Litigation
10:45 a.m. Executive Session – Personnel/Appointments

General Business

Mr. O'Brien moved and Mr. Cultice seconded the motion to approve the agenda as presented. The Board voted as follows upon roll call: Mr. Evans, Yea; Mr. Cultice, Yea; Mr. O'Brien, Yea.

Mr. Cultice moved and Mr. O'Brien seconded the motion to approve the minutes of the April 9, 2015 meeting and dispense with the oral reading. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

RESOLUTION NO. 15-04-463

Mr. O'Brien moved and Mr. Cultice seconded the motion to authorize and sign bills for all funds as submitted. The Board voted as follows upon roll call: Mr. O'Brien, Yea; Mr. Evans, Yea; Mr. Cultice, Yea.

RESOLUTION NO. 15-04-464

Mr. Cultice moved and Mr. O'Brien seconded the motion to authorize and sign an Ohio Department of Job and Family Services (ODJFS) Subgrant Agreement (attached), as requested by Children's Services, which establishes the terms, conditions and requirements governing the administration and use of the financial assistance received by or used by the Miami County Public Children Services Agency (PCSA). The term of said Subgrant Agreement is July 1, 2015 through June 30, 2017. The Board voted as follows upon roll call: Mr. Evans, Yea; Mr. Cultice, Yea; Mr. O'Brien, Yea.

RESOLUTION NO. 15-04-465

Mr. O'Brien moved and Mr. Cultice seconded the motion to authorize the President of the Board to sign an Amendment to Juvenile Court's 2015 SUBSIDY/RECLAIM grant, reflecting an increase in the amount of \$7,456.66, due to staffing and programming changes. The revised budget is now \$530,672.59. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

RESOLUTION NO. 15-04-471

Mr. O'Brien moved and Mr. Cultice seconded the motion to approve the annexation petition filed by William J. Fulker, Agent (Faust, Harrelson, Fulker, McCarthy & Schlemmer, LLP), on behalf of S. Howard Cheney, Owner, requesting that certain territory located in Concord Township, Northwest Quarter of Section 33, Town 5, Range 6E, Miami County, Ohio containing 1.243 acres, more or less, be annexed to the City of Troy, pursuant to 709.02 O.R.C., based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, it is the finding and determination of said Board that each of the following conditions set forth in Section 709.033 of the Ohio Revised Code has been met:

(1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.02 of the Revised Code.

(2) The persons who signed the petition (S. Howard Cheney) are owners of 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 real estate in that territory.

(3) The municipal corporation to which the territory is proposed to be annexed (City of Troy, Ohio) has complied with division (D) of section 709.03 of the Revised Code (Resolution No. R-5-2015 – Statement of Services).

(4) The territory proposed to be annexed is not unreasonably large (1.243 acres +/-).

(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 petition is granted. As used in division (A)(5) of this section, "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.

(6) 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, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

Further sign the mylar this date. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

RESOLUTION NO. 15-04-472

Mr. Cultice moved and Mr. O'Brien seconded the motion to authorize the submission of the attached application to the County Risk Sharing Authority (CORSA), requesting a Surety Bond for financial responsibility for Miami County's Underground Storage Tanks deductible, as required under Ohio Administrative Code Rule 1301:7-9-05. The minimum deductible is \$11,000 for counties with fewer than 6 USTs - Miami County has four (4) UST's. Said Surety Bond will be effective May 1, 2015 through April 30, 2018. The Board voted as follows upon roll call: Mr. O'Brien, Yea; Mr. Evans Yea; Mr. Cultice, Yea.

RESOLUTION NO. 15-04-473

Mr. O'Brien moved and Mr. Cultice seconded the motion to approve the annexation petition filed on behalf of Harold E. Trader, Agent being Gary L. Weeks, for the annexation of 34.469 acres, more or less, from Staunton Township to the City of Troy, based upon substantial, reliable and probative evidence on the whole record that each of the following statutory requirements and conditions for an expedited II annexation under Ohio Revised Code Section 709.023 have been met:

1. That the petition for annexation meets all the requirements set forth in, and has been filed in the manner provided by Ohio Revised Code 709.021; and
2. That the persons who signed the petition for annexation are owners of property located in the territory proposed to be annexed, and they constitute all owners in such territory; and
3. That the territory proposed to be annexed does not exceed 500 acres; and
4. That the territory proposed to be annexed shares a contiguous boundary with the City of Troy, Ohio, the municipality to which it is being annexed, for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed (Miami County Engineer/Tax Map Department submitted a letter to the Board of Commissioners); and
5. That the annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed (Miami County Engineer/Tax Map Department submitted a letter to the Board of Commissioners); and
6. That the City of Troy, Ohio, the municipality to which the territory is sought to be annexed, passed an ordinance in which it agrees to provide the territory proposed to be annexed certain municipal services (R-12-2015 – Statement of Municipal Services; R-13-2015 – Buffer Requirements; and R-14-2015 – Consent to Annexation); and
7. That even though a street or highway may be divided or segmented by the boundary line between Staunton Township and the City of Troy (to wit: Dewese Road; Troy-Urbana Road), no road maintenance problems will be created by the annexation, as the Miami County Engineer's Office and the City of Troy have agreements to maintain such roads and further, the City of Troy has agreed to maintain such roads if maintenance problems should develop in the future.

Further sign the mylar this date. It should be noted that on April 2, 2015, the Staunton Township Board of Trustees filed Resolution No. 15-B dated April 1, 2015, objecting to said annexation petition, stating that the petitioner has not met all of the seven conditions set forth in R.C. 709.023(E), specifically R.C. 709.023(E)(6) and R.C. 709.023(E)(7). The Board voted as follows upon roll call: Mr. Evans, Yea; Mr. Cultice, Yea; Mr. O'Brien, Yea.

RESOLUTION NO. 15-04-474 Travel Training

Mr. Cultice moved and Mr. O'Brien seconded the motion to approve the travel training requests as submitted. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

RESOLUTION NO. 15-04-475 Then and Now Certificates

Mr. O'Brien moved and Mr. Cultice seconded the motion to approve the then and now certificates as submitted. The Board voted as follows upon roll call: Mr. O'Brien, Yea; Mr. Evans Yea; Mr. Cultice, Yea.

RESOLUTION NO. 15-04-476 Additional Appropriations

Mr. Cultice moved and Mr. O'Brien seconded the motion to approve the additional appropriations as requested. The Board voted as follows upon roll call: Mr. Evans, Yea; Mr. Cultice, Yea; Mr. O'Brien, Yea.

RESOLUTION NO. 15-04-477 through 15-04-479 Transfers

Mr. O'Brien moved and Mr. Cultice seconded the motion to approve the transfers as requested. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

RESOLUTION NO. 15-04-480 Signatures Only:

Payroll Change(s)

Permit(s) - Engineer

Mr. Cultice moved and Mr. O'Brien seconded the motion to approve the signatures only as requested. The Board voted as follows upon roll call: Mr. O'Brien, Yea; Mr. Evans Yea; Mr. Cultice, Yea.

RESOLUTION NO. 15-04-481 Executive Session – Personnel/Appointments

Mr. O'Brien moved and Mr. Cultice seconded the motion to enter into Executive Session at 9:33 a.m. for the purpose of Personnel/Appointments. The Board voted as follows upon roll call: Mr. Evans, Yea; Mr. Cultice, Yea; Mr. O'Brien, Yea.

Mr. Cultice moved and Mr. O'Brien seconded the motion to adjourn from Executive Session at 10:38 a.m. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

RESOLUTION NO. 15-04-482 Executive Session – Pending/Imminent Litigation

Mr. O'Brien moved and Mr. Cultice seconded the motion to enter into Executive Session at 10:39 a.m. for the purpose of Personnel/Appointments. The Board voted as follows upon roll call: Mr. O'Brien, Yea; Mr. Evans Yea; Mr. Cultice, Yea.

Mr. Cultice moved and Mr. O'Brien seconded the motion to adjourn from Executive Session at 10:59 a.m. The Board voted as follows upon roll call: Mr. Evans, Yea; Mr. Cultice, Yea; Mr. O'Brien, Yea.

RESOLUTION NO. 15-04-483 Executive Session – Personnel/Appointments

Mr. O'Brien moved and Mr. Cultice seconded the motion to enter into Executive Session at 10:59 a.m. for the purpose of Personnel/Appointments. The Board voted as follows upon roll call: Mr. Cultice, Yea; Mr. O'Brien, Yea; Mr. Evans, Yea.

Mr. Cultice moved and Mr. O'Brien seconded the motion to adjourn from Executive Session at 11:37 a.m. The Board voted as follows upon roll call: Mr. O'Brien, Yea; Mr. Evans Yea; Mr. Cultice, Yea.

There being no further business to be transacted, the Board of Miami County Commissioners adjourned from the General Session at 11:37 a.m. on this 14th day of April 2015.

Respectfully submitted:

Leigh M. Williams, Clerk/Commissioners' Administrator

Full minutes of the proceedings from this meeting have been digitally recorded.