

REGULAR SESSION

THURSDAY

FEBRUARY 17, 2011

The Board of Huron County Commissioners met this date in Regular Session. Roll being called found the following members present: Gary W. Bauer, Joe Hintz, Larry J. Silcox.

11-046

IN THE MATTER OF ANNEXATION OF .1377 ACRES IN WAKEMAN TOWNSHIP TO THE VILLAGE OF WAKEMAN

Gary W. Bauer moved the adoption of the following resolution:

WHEREAS, this matter came on for hearing pursuant to Section 709.03 of the Ohio Revised Code upon a petition by the Board of Trustees Wakeman Township to annex property into the Village of Wakeman, Huron County, Ohio;

and

WHEREAS, the Board of Huron County Commissioners is in receipt of an affidavit from Randal L. Strickler stating, 1) I am the Agent for the Petitioners in the above-captioned annexation petition, and am an attorney licensed to practice law in the State of Ohio; 2) I am also the law director for the Village of Wakeman, Ohio; 3) As Agent for Petitioner, I am aware that Ohio Revised Code Section 709.03 requires that a notice of the hearing be given to all adjoining landowners by certified mail and publication in a newspaper of general circulation in the county. However, since the only parties to the within matter are Petitioners, the Wakeman Township Board of Trustees, and the Village of Wakeman, both parties have actual notice of the proceedings herein, and therefore, the statutory notice requirement is moot; 4) Furthermore Ohio Revised Code Section 709.03 also requires that the legislative authority of the municipal corporation adopt an ordinance or resolution a statement indicating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation. However, due to the fact that the real property to be annexed into the Village is a portion of road right-of-way, this provision is also moot relative to the within matter; 5) I have personal knowledge of the facts stated above;

and

WHEREAS, upon the evidence presented, the Board of Huron County Commissioners find:

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 are owners of real estate located in the territory proposed to be annexed in the petition, and , as of the time of 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 has complied with division (D) of section 709.03 of the Revised Code in that the law director for the village of Wakeman Randall Strickler by affidavit stated that since the territory to be annexed is road- right- of-way the village would not provide any services and this requirement would be satisfied;
4. The territory proposed to be annexed is not unreasonably large.
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.

now therefore

BE IT RESOLVED, the annexation petition shall be and hereby is GRANTED;

and further

BE IT RESOLVED, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio relating thereto were conducted in meetings open

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to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Joe Hintz seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

Aye – Gary W. Bauer
Aye – Joe Hintz
Aye – Larry J. Silcox

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RUSSELL V. LEFFLER
Huron County Prosecutor
12 East Main Street, 4th Floor
Norwalk, Ohio 44857

Phone: (419) 668-8215
Fax: (419) 663-3844

February 14, 2011

Huron County Board of Commissioners
c/o Cheryl Nolan, Clerk Administrator
180 Milan Ave
Norwalk OH 44857

RE: Annexation of 0.1377 acres from Township Wakeman to Village of Wakeman

Dear Board:

The Board held a public hearing for the above referenced annexation, petitioned by Wakeman Township, as required by statute, ORC § 709.03. At the public hearing, the Agent for Petitioner represented that the Township and the Village had actual notice of the public hearing and, therefore, the statutory requirement for certified mailing and publication notice was moot. Further, the Agent acknowledged that the statute required a statement from the municipality regarding services and, in response, he asserted that the land to be annexed was a highway right-of-way and, therefore, this requirement was also moot. The Agent for Petitioner submitted an affidavit as to those matters.

Upon receipt of a petition for annexation, the board of county commissioners is required to schedule a public hearing. ORC § 709.03(A). Upon receipt of notice of the mailing to the municipality, township, and adjacent property owners, and to give notice by publication. ORC § 709.03(B). The agent is then directed to file with the board of county commissioners, proof of service of mailings, notice, and publication. ORC § 709.03(B).

After the hearing, the board of county commissioners is required to grant the petition for annexation if it finds that certain conditions have been met as described at ORC § 709.03(A)(1) through (A)(6). None of those conditions specifically require a finding that the agent for the petitioners has complied with the notice requirements of ORC § 709.03(B).

Under ORC § 709.03(A)(1), the board of commissioners is required to find that "the petition meets all of the requirements set forth in and was filed in the manner provided in section 709.02." The petition requirements are (a) that it be signed by a majority of the owners, (b) that it include an accurate legal description and map, and (c) that it name the agent for the petitioners. Section 709.02 also requires that the agent for

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the petitioners file at the same time a list of adjacent property owners – although the list "shall not be considered to be a part of the petition for annexation, and any error on the list shall not affect the validity of the petition." However, the statute does not address the question of validity of the petition if no list is filed.

Under ORC § 709.03(A)(3), the board of commissioners is required to find that "the municipal corporation to which the territory is proposed to be annexed has complied with division (2) of section 709.03 of the Revised Code." The municipal corporation is required to adopt by ordinance or resolution a statement of services to be provided to the annexed land. The affidavit by the Agent for the Petitioners has stated that as Law Director for the Village he asserts this requirement is moot since the annexed land is road and road right of way.

Other than implicitly in those two conditions, (A)(1) and (A)(3), there is no requirement for a board of commissioners to inquire whether the agent satisfied the notification requirements. Under the old law, the commissioners had to explicitly find that "notice has been published as required by section 709.03 of the Revised Code." Section 709.031 required the agent for the petitioners to publish notice of the substance of the petition and the public hearing dates. old ORC § 709.03(B) repealed 2001.

Certainly the publication requirement is meant to inform the general public – beyond just necessary parties. However, the law requires substantial compliance with the procedural requirements – not strict compliance. ORC § 709.015 provides:

The procedural requirements set forth in sections 709.02 to 709.21 of the Revised Code are directory in nature. Substantial compliance with the procedural requirements of those sections is sufficient to grant the board of county commissioners jurisdiction to hear and render its decision on a petition for annexation filed under those sections. The board shall cure a procedural defect and shall not deny a petition for annexation solely upon the basis of procedural defects.

Let me know if you have any questions or concerns regarding the above.

Sincerely,
Dawn S. Kasper
Dawn S. Kasper
Assistant Prosecutor

Cc: Randall L. Strickler, atty for petitioner
File

1 I would expect that the legislature did not intend that the agent could decline to satisfy the statutory requirements and such would not jeopardize the petition. As you may recall, there was a great deal of disagreement as to the "new" annexation legislation, including when it became effective. Nonetheless, it is not clear in the current statute – or judicial decisions constraining the current statute – that a petition must be denied for failure of the agent to comply with the notification requirements of ORC § 709.03(B).

2

IN THE MATTER OF TRAVEL

Gary W. Bauer moved to approve the following travel requests this day. Joe Hintz seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

Aye – Gary W. Bauer
Aye – Joe Hintz
Aye – Larry J. Silcox

- Sue Bommer, HR. Cheryl Nolan, Commissioners, on April 6, 2011 to Independence, Ohio, for Compensation Philosophy and design.
- Larry J. Silcox, Commissioner, on March 9, 2011, to Columbus, Ohio, for CCAO committee meeting.
- Joe Hintz, Commissioner, on February 23, 2011, to Columbus, Ohio, Area 7 Board meeting.
- Larry J. Silcox, and Joe Hintz, Commissioners, on March 16, 2011, to Columbus, Ohio, for legislative luncheon.

IN THE MATTER OF REQUEST FOR LEAVE

- Jason Roblin/EMA/sick/8:00 a.m. – 4:30 p.m. February 15, 2011.
- Larry Burdue/Buildings & Grounds/vacation/5:30 a.m. – September 9, 2011 – 2:00 p.m. September 9, 2011/vacation/5:30 a.m. May 30, 2011 – 2:00 p.m. June 3, 2011.
- Al Timbs/Buildings & Grounds/vacation/5:30 a.m. June 6, 2011 – 2:00 p.m. June 10, 2011/vacation/5:30 a.m. August 15, 2011 – 2:00 p.m. August 19, 2011.

Larry Silcox asked about the request from the fire department in regards to the door keys for the inside doors to the offices. Pete Welch will contact the fire department to discuss.

SIGNINGS

JAN. 18. 2011 1:52PM Huron Co. DJFS Admin. NO. 2700 P. 2

Huron County Buildings & Grounds Request Form

County office or department requesting service: Huron Co DJFS
 Signature of requesting official: Kenzie Ott
 Date of request: January 18, 2011

1. Description of the repair work or renovation needed: Asphalt they
needs moved to new position
There are not have a drive to move they.

2. Justification, purpose or pertinent documentation?
Water moved to new route and new location of
they been changed

3. If an improvement, what is the expected cost?
 4. Cost savings or "life expectancy," if applies?
 5. Does this constitute a safety or health hazard? Explain and document: No

6. Emergency or unexpected mandate? No
 7. If a renovation vs. a repair, how do you expect to fund this project?

8. Location of service? Huron Co DJFS 9. Deadline involved? ASAP

Your request is OK'd _____ Denied _____ Reasons: _____

Larry Silcox
 Board President Supervisor
 Huron County Board of Commissioners Buildings & Grounds

Work will commence _____

The board reviewed their upcoming meeting dates. Larry Silcox stated that he will be gone April 19th, 20th and 21st 2011. The board agreed to cancel the April 21st meeting and will meet on April 28th and will reschedule the investment board meeting on April 28, 2011 at 10:00 a.m. Gary Bauer will be gone May 3rd 4th and 5, 2011 and the board will cancel the meeting on May 5, 2011 as well.

The ODOT Government Day will be at DJFS on April 29th at 9:00 a.m. Cheryl Nolan reviewed the Tax Review Committee meetings as follows March 10th 3:00 p.m. Norwalk, March 22nd 1:00 p.m. Bellevue, March 24th 1:30 p.m. Willard City Hall.

At 9:30 a.m. Public Comment

Patricia LeClair stated that the Board of Commissions should get the airport, the raceway park to work together and that the commissioners should get this done. Mr. Bauer stated that he tried this when he first became a commissioner and everyone left upset. Ms. LeClair stated that the board should call and have all the parties meet and the board should take the lead in this.

At 9:46 a.m. Joe Kovach, County Engineer came before the board in regards to signing the plan for the Greenwich Milan Townline Road. This is the high risk area that has been discussed many times. The plans will be sent to ODOT for the final plan review. The board signed the plan and the plat.

Mr. Silcox asked Mr. Kovach to see what it would take to take the awning out and make some new parking spaces there behind the Huron County Office Building. Mr. Kovach stated that they would take a look this and see what can be done. The board will send a letter requesting this.

Mr. Bauer spoke in regards to the Collins elevator and apparently Collins road has a 70 foot road right-a-way. To get the new building up it was thought that the building would be on the roadway. After reviewing yesterday a variance from the township may take care of the situation. Mr. Kovach stated that he works with the townships and explained the process. The Engineer stated that he could stake it. Mr. Bauer also praised the Health Department for working with the EPA to get things moving for the Collin Elevator.

At 10:00 a.m. Mike Gastier, Agriculture Educator and Bonnie Malone, 4-H Educator, OSU Extension came before the board in regards of reporting to the board. Ms. Malone reviewed the 4-H projects in regards to the fair and reviewed the 4-H projects explained that there are 51 clubs with one new club being organized. Ms. Malone presented the 2011 Huron County 4-H enrollment packet sheet explaining the enrollment packet contents and stated that they have over 200 4-H projects. An explanation was presented in regards to the 4-H advisory committee and how it works. Ms. Malone also explained the process to become a 4-H advisor and also explained that she sends out a newsletter every other month to the advisors with information that the advisors are then responsible for getting to the 4-Hers. Ms. Malone explained 4-

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H camp and the training for camp counselors. The Junior Fair Board and its importance was also explained along with the volunteer that are in charge at the fair. Ms. Malone is there for a risk management or problem solving situation at the fair to keep things running smoothly. Ms. Malone further explained the carteens program and how that works with Juvenile Court traffic offenders. The offenders instead of paying a fine to the court they pay Extension for attending the carteen session. This is a peer directed program and Chris Simpson, Program Assistant coordinates this program, the State Patrol comes in and talks and then there are volunteer carteens that come in and help present the programs. This has been a very successful program and expected to continue to be successful. Extension has done some reorganization due to the budget constraints. We have organized into Extension Education Research Areas which is called EERA and Huron County is part of the ten counties Erie Basin EERA. As far as 4-H goes we work together to try to provide programming that we couldn't do on our own that we can do within the area and will provide more opportunities. The area wide concept is working quite well in the 4-H programming area. Ms. Malone discussed the quality assurance piece of 4-H as well.

Mike Gastier explained the changes in the Huron County office. Deb Angell, the Family Consumer Science Educator retired last year who was also the county director. At that point Mr. Gastier took over as county director, which takes 5 to 6 hours per week. Mr. Gastier also explained the joint position of the Economic and Community Development with HCDC and stated that when the last Educator left this position that HCDC decided to go another direction as they did not feel that the position needed to be filled by someone who had a masters degree as the university requires. Mr. Gastier feels that this has worked quite well and that extension still offers support staff which helps extension's budget. It is looking like the state will not fund more than two or three positions in one county. The other position that has not been filled in the county is the FSC Family Consumer Science position and stated that he hasn't been vocal about replacing that position because he knew it wouldn't happen because of budgets. At some point he may come to the board and ask to fill that position at least part time but feels we need to see what the state is going to do and if there will only be two positions funded by the state. Then it would not be feasible to fill that position. It is quite a void though we could keep someone very busy. There is one small part of that position that we still have left and that is the family nutrition program. Donna Winkle is half time in our county and half time in Erie County. Donna Green, Erie County is the extension educator that oversees this program as a supervisory role and we pay her roughly \$6,000 per year and because of that we are getting back roughly \$40,000 in federal grant money. Ms. Winkle stated that in 2010 she had documented 120 educational programs and about 1250 participants. She works with a lot of food stamp participants teaching them how to stretch a dollar and doing it nutritionally. Mr. Gastier discussed the agricultural programs which he states is economics. Mr. Gastier put together a presentation and stated that it is not hard to justify the programs that he has because they reflect the agriculture in our county. We are mostly a grain and vegetables agriculture for the most part in Huron County. There are 840 farms in the county and transforms to 300 operations. The greatest need is the pesticide training. Mr. Gastier stated that last year he trained about 500 people the whole idea of the EERA is fine however he would like for the commissioners to apply a little pressure to the commissioners south of Huron County such as Ashland and Richland counties and stated that he knows of no other county with a greater need for an Agriculture Educator than Richland County. He explained that he does a few yearly programs down there in pesticide training mainly but here are his rules for teaching in Ashland and Richland Counties. The whole EERA idea is that we will teach over county lines but it is supposed to be reciprocal but they do not have a lot that they can give back. So he is always thinking of Huron County when he teaches and his loyalty is to Huron County as he understands that Huron County funds them and so his rules for teaching down there he seldom creates a new program to take into another county. If he has already prepared a program for Huron County he will agree to go and do it provided there is enough money to pay for his travel and off set his time that goes back into their office budget. He feels this is a pretty safe way to do it so that it doesn't seem that Huron County is funding an agriculture program down in those counties. They have far more need than what he can give them there just isn't enough time to get that done but there is a great need. Mr. Gastier stated that he can justify spending most of his time teaching in the grain and vegetable area because the vast amount of dollars is in this area. Mr. Gastier then presented numbers in this regards.

Mr. Gastier also explained the Master Gardener program. Mr. Gastier stated that he has trained 50 people at this point. They have to go through a 12 week training session. Once you have trained the people you really buy into the program. It was set up correctly as it needed to stand on its own because he really doesn't have a lot of time to put into and stated that he spends about 150 hours per year with this group. They directly give back 5,000 hours per year. They have got to the point that they are now teaching some of the classes. There are a lot of places that would look a little rough without their help such as some of the county buildings. Everything they touch makes him proud. This year five counties hosted the annual conference over at BGSU Firelands and he was told that is was one of the best conferences that they ever

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had and stated that he was very proud of our people who put in a lot of time. There will be a training class this fall. Mr. Gastier stressed his feeling about being in the office to field calls etc. Mr. Gastier stated that he fields 600 to 800 calls some walk in the door but most are phone calls and stated that they try to get back to every one.

OTHER BUSINESS

Gary Bauer discussed the move for WIC and stated that he had called Pete Shade, Erie County WIC director and stated that the board would support the move to DJFS and also stated that he had spoken with Teresa Alt, DJFS Director and relayed information that Cheryl Nolan had emailed him in regards to the lease rent for other departments that lease space from the county. Ms. Alt stated that their lease will not be just dollars for square foot but that it is going to also include some services. This should work well for both of them and Mr. Shade assured Mr. Bauer that they would take care of the people of the north end of the county and make sure that they will be served as they are now. Mr. Bauer stated that he looked for Tim Hollinger and talked with Eric Cherry who assured Mr. Bauer that he would get this information to Mr. Hollinger. Mr. Bauer stated that he also relayed to Mr. Cherry that when WIC moves out they can look at that space. Mr. Silcox stated that he had also stopped out and talked with Ms. Alt yesterday as well and viewed where she wants to move SCORE to and where she plans to locate WIC. WIC will have their own entrance so this is a great opportunity for WIC.

At 10:52 a.m. Gary Ousley, Dog Warden came before the board to present his report. Mr. Ousley spoke in regards to the adoption of dogs and explained that they are still using Pet Finder for adoption. Mr. Ousley stated that they do not adopt with an attitude of as is. If there is something wrong such as the dog has parvo they will take the dog back and refund the money. Mr. Silcox asked how the tags on line is working and Mr. Ousley stated that it is working very well and stated that they have taken in \$88,782.30 vs. on line vs. last year of \$87,000.00 and stated that people love this service. Mr. Ousley stated that they are still doing well with the out posts as well. Mr. Ousley stated that he is looking at opening on a half day Saturday on the last week of tag sales and explained the reason for this. Mr. Ousley presented the goals of the office. Mr. Bauer complimented Mr. Ousley on the way that he handled the dog portion of the situation at Willard. Mr. Ousley explained the situation a little further. Mr. Ousley also stated that he is working together with the Humane Society as well. Mr. Ousley presented a report in regards to dogs claimed, placed and adopted and also presented the dog warden's office goals. The short term goal is their department working as a team and to increase the adoptions. The long term goal is to have a better facility and what he means is that they need outside runs. He has kept dogs longer than before and he doesn't feel that it is fair to keep the dogs caged up all this time. There was also discussion in regards to a dog walking park.

Mr. Silcox asked Pete Welch if he had had any conversation recently with Jim Ewell in regards to the clock plaque and asked Mr. Welch to call Mr. Ewell. Mr. Silcox stated that we need to move on this as we have a request from a gentleman to pay some maintenance fees. Mr. Silcox stated that he has contacted Mr. Ewell and it is mentioned in his information. Mr. Silcox stated that he would like to get this around so that this gentleman can look at it to see if what he has is what this gentleman was looking for. Mr. Welch gave a key update and it is going to be investigated whether or not some of the locks can be changed back to the master key locks and that way then there can be one master key in the key box. Mr. Welch will call Ron Betschman in this regard.

Joe Hintz asked if Mr. Bauer had followed up on the request from the fireman in regards to the memorial. Mr. Bauer stated that he had not done so yet and that he will follow up on this.

At 11:31 a.m. Joe Hintz moved to adjourn. Gary W. Bauer seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

IN THE MATTER OF OPEN SESSION

The Huron County Commissioners hereby attest that all actions and deliberations of the Board legally required to be public were conducted in an open session on this date and that the foregoing minutes represent the official action of the Board.

