

FRANKLIN COUNTY BOARD OF COMMISSIONERS
MANDO DITCH PETITION FINAL HEARING

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TRANSCRIPT OF PROCEEDINGS

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Tuesday, September 22, 2026
10:00 a.m.

Judicial Services Building
Commissioners Hearing Room, First Floor
369 South High Street
Columbus, Ohio 43215

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Spectrum Reporting LLC
400 South Fifth Street, Ste. 201
Columbus, Ohio 43215
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MEMBERS PRESENT:

President John O'Grady
Commissioner Kevin L. Boyce

ALSO PRESENT:

Jeanine Hummer, Franklin County First Assistant
Prosecuting Attorney
Brittany Razek, Clerk to the Board of
Commissioners and Director of Community
Appointments
Zak Talarek, Franklin County Office of Management
and Budget Director
Kennith Wilson, Franklin County Administrator
Michael Ruehrmund, Deputy Clerk to the Board of
Commissioners
James Ramsey, Franklin County Drainage Engineer
Adam Fowler, Franklin County Drainage Engineer
Nick Solis, Government Affairs Liaison

SPEAKER LIST:

Anthony Sasson, Resident
Michelle Stayrook, Resident
Tim Shade, Resident
Danielle Rohrbach, Resident
Lance Randolph, Resident
Jennifer Bevington, Resident
Melissa Wood, Resident

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2 P R O C E E D I N G S

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4 PRESIDENT O'GRADY: Good morning,
5 everyone. First of all, if you might please --
6 before we begin the administrative hearing for the
7 Mando Ditch Petition, and I'll call it to order,
8 if you might please mute your phones. That would
9 be great. And then I will call the Mando -- the
10 final hearing of the Mando Ditch Petition to
11 order. I will have the clerk read the hearing and
12 the process into the record.

13 THE CLERK: Thank you, Mr. President.
14 This matter has been set today for final hearing
15 of the petition to improve Mando Ditch as set
16 forth in ORC Chapter 6131.

17 Any documents or evidence you wish to
18 submit into the record, please do so at the time
19 of your presentation. All witnesses who testify
20 in this matter shall state their full name and
21 address or parcel number, and be sworn in by
22 myself, the clerk, prior to their testimony.

23 Before starting the hearing and prior
24 to hearing testimony, I would like all members of

1 the County Engineer's Office to please rise for
2 their oath.

3 (The Franklin County engineers are duly
4 sworn in.)

5 THE CLERK: Thank you very much. And
6 with that, Mr. President, I'll turn it back to
7 you.

8 PRESIDENT O'GRADY: All right. So,
9 Madam Clerk, if you could -- well, you have
10 already sworn in the Engineer's Office.

11 THE CLERK: Are we okay to proceed?

12 PRESIDENT O'GRADY: Yeah. If you
13 could, go ahead.

14 THE CLERK: Mr. Engineer, whenever
15 you're ready.

16 MR. FOWLER: All right. Good morning,
17 Commissioners. My name is Adam Fowler, Franklin
18 County Engineer and Franklin County Drainage
19 Engineer.

20 On February 24th, 2022, a ditch
21 petition was filed by Frank Mando and 11 other
22 property owners seeking a remedy for the flooding
23 issues occurring within the watershed along Morris
24 and Patterson Roads in Brown Township. This

1 triggered the ditch-petition process set forth by
2 the Ohio Revised Code.

3 On May 1st, 2022, the Board conducted
4 the viewing of the area, and on June 8th, 2022,
5 the first hearing was conducted. After the
6 hearing, the Board directed the Engineer's Office
7 to prepare plans, estimates, and a schedule of
8 assessments for the proposed improvements to the
9 watershed. We have done so, and I have prepared
10 and submitted to the Board the final report and
11 schedule of assessments on August 27th, 2026.

12 We are now at the final hearing for you
13 to determine whether or not to proceed with the
14 construction of all, some, or no portions of the
15 project and to confirm the assessments.

16 Commissioners, for the benefit of those
17 here, the ditch-petition process is guided by
18 state law and we have to follow those
19 requirements. Ditch petitions are used when
20 property owners have drainage issues that require
21 a regional drainage solution, and they require the
22 county assistance to identify a solution and
23 acquire property rights to implement it.

24 The County cannot solve the problem on

1 its own because the solution always involves
2 making improvements outside the public
3 right-of-way, and we have no jurisdiction on
4 private property. We are brought into this
5 process because residents needed assistance. It
6 was not a project we are proposing. We have
7 utilized our resources and engaged consultants to
8 find the best solutions for the drainage issues in
9 this watershed at the lowest possible cost to the
10 residents.

11 Jim Ramsey, Franklin County Riparian
12 and Environmental Engineer, along with Nick Solis,
13 Government Affairs Liaison, will present the
14 proposed improvements and can answer any questions
15 you or the residents may have here.

16 MR. SOLIS: Thank you. Good morning,
17 Commissioners. Nick Solis, Government Affairs
18 Liaison; for Franklin County, Engineer and
19 Drainage Engineer, Adam Fowler.

20 Commissioners, I just wanted to take
21 this opportunity to present to you that there were
22 over 95 correspondences that were received by the
23 County, both by the Engineer's Office and by the
24 Clerk's Office, pertaining to this project. They

1 were received at different times, initially in
2 2025, after we conducted our first public
3 information meeting; and again, earlier this
4 summer in June of 2026, when we conducted another
5 public information meeting; and again last week
6 and this week, correspondence has been received as
7 we conducted our final public information meeting
8 last week on the 15th of September.

9 All of those correspondences have been
10 provided to you and your staff for your review.
11 They will be part of the record. I will be making
12 a motion later -- or I will be requesting that
13 they will be introduced as a part of the record
14 formally, a little bit later in the proceedings.

15 Additionally, we did receive a
16 correspondence from the Brown Township Board of
17 Trustees. They had made a request to read their
18 letter into the record, as they are a public body
19 and a Board, it's not possible for them to
20 personally appear -- to individually appear at
21 this proceeding.

22 So I will read their letter that we
23 received last night, September 21, '26. The
24 letter is dated September 21, '26, addressed to

1 the Franklin County Commissioners, 373 South High
2 Street, 26th Floor, Columbus, Ohio 43215.

3 "Dear Honorable Commissioners, the
4 Board of Trustees of Brown Township supports the
5 proposed 'Area 2 only' drainage project submitted
6 for your consideration at your hearing on
7 September 22nd. Previously, we approved and
8 submitted a resolution against the entire Mando
9 Ditch petition project."

10 "The Franklin County Drainage Engineers
11 Department worked diligently to find a solution
12 for property owners in the sub watershed after
13 listening to feedback from the residents and the
14 trustees. We applaud these efforts and the
15 department's tireless work on this project."

16 "Sincerely, the Brown Township
17 Trustees: Pam Sayre, Joe Martin, and Pete Marsh."

18 Commissioners, as I stated, these --
19 all the correspondences were provided to you and
20 your staff. They have also been made available on
21 the Franklin County Engineer's website, for the
22 public to access and review, as well.

23 I will also note, finally, that notices
24 of this final hearing were provided by the Clerk's

1 Office, to all the residents within the watershed
2 via certified mail, as required by statute. And
3 publication was made via the Columbus Dispatch,
4 again, as required by statute. And the affidavit
5 of publication has been provided to the Clerk, and
6 that is a part of the record as well.

7 Now Mr. Ramsey will present the
8 presentation -- the PowerPoint presentation.
9 Thank you.

10 MR. RAMSEY: Good morning,
11 Commissioners. Jim Ramsey, Riparian and
12 Environmental Engineer with the Franklin County
13 Drainage Engineer's Office.

14 So earlier -- the introduction slide,
15 and then this is the schedule that we went
16 through. So this project has been in development
17 for quite some time. The petition was filed in
18 February of '24. Then per the code, we had the
19 viewing on May 5 of '21 and the first hearing on
20 June 8th of '21.

21 It's been in the engineering study and
22 design phase through '21 to '24, and then in March
23 of '24 we had a public involvement meeting.
24 Spring of '26, we had an additional

1 public-involvement meeting. And then in the
2 summer of '26, we got property owner feedback
3 again. So -- and then, here, we are at the final
4 hearing and recommendations for you all.

5 Project background: The Mando
6 Improvement was petitioned, or initiated, by Frank
7 Mando, but then 11 other people also petitioned.
8 As you will see in the future slides, the drainage
9 problems are throughout this large watershed. And
10 then the petition included work to clean,
11 construct, install tile, relocate, and basically
12 do whatever work is necessary to give a proper
13 drainage outlet to the people who petitioned you
14 all for a drainage improvement.

15 Here is a map of the watershed, and the
16 dots there show the people who signed the
17 petition. So as we -- it's important because as
18 we get into design, we want to come up with a
19 design that gets an outlet to all those people.
20 It wouldn't necessarily solve every problem. They
21 may need to do something on their property to
22 connect into it, but they would have an option,
23 where now they really struggle with that because
24 they need to get across private property or road

1 right-of-way to be able to drain the project.

2 A lot of the project, if you look at
3 it, is not any one thing. The problems are pretty
4 well spread out through the watershed. In some
5 areas they are worse than others. With the
6 history of the condition, it basically was an
7 agricultural area that is now still some
8 agricultural but predominantly large-lot
9 residential, and that requires a -- asks for a
10 higher level of service than an ag field does.

11 But in addition to that, the
12 farm-fields tiles are very old. There were some
13 petitioned tiles there, that were done, that were
14 over 100 years old, and then private drainage that
15 we don't know how old, but they're substantially
16 old. And as time goes by, those will deteriorate
17 naturally. The tiles will eventually crack and
18 break and collapse in some areas.

19 But the other thing that happens is the
20 tiles that were installed privately, that worked
21 for the farm fields people, they weren't really
22 mapped well, so people didn't know where they are.
23 So as people come in and build houses and do
24 grading around their houses and things like that,

1 they can unintentionally interrupt drainage
2 patterns and also interrupt drainage tile systems.

3 And then homeowners like trees and
4 things, and often trees will put roots down into
5 the system and plug them that way. In addition to
6 that, there's not any one thing that somebody did.
7 There are not things out here that people did
8 intentionally to cause the problem; it's just time
9 and change of use.

10 Here are some images that we can go
11 through. Some of them are submitted by property
12 owners, so that we don't have dates and rain
13 events for them. But you can see the events
14 through the watershed. And then we will have some
15 others that are -- that we know, that we took, and
16 we know the date they were taken and the rain
17 event that preceded them.

18 Here are some videos. So this is a
19 drone video, it's not too long, submitted by a
20 property owner and showing that way that the
21 drainage problems are distributed -- really
22 distributed throughout. And it's, as you can see,
23 quite a large area.

24 And I do have some other videos here,

1 but I'm going to go past them. But in the
2 interest of being brief, because I know we have a
3 lot of people who are going to want to speak on
4 the petition, but if somebody wants to see them,
5 let me know and I'll show you those. These are
6 additional photographs submitted by property
7 owners. These are ones that are off of Morris
8 Road from Frank Mando's house.

9 This is a quarter-inch rain event.
10 Just for background, a one-year rain event would
11 be about 2.25 inches in 24 hours; a five-year rain
12 event would be about 3.25 inches in 24 hours. So
13 this was not a big rain event, nor this one. So
14 that event exceeded a one-year event, and this
15 event exceeded a five-year event.

16 Project overview: Because the area is
17 so big and it had so many areas, we broke it down
18 into different areas that could be separate --
19 could be really three separate systems. But we
20 did break it into four because of the size of it.
21 So you have areas one through four and I'll go
22 through them each individually.

23 If you can see my pointer, this is area
24 one; this is area two; this is area three; and

1 this is area four. So each drainage area, and
2 then we'll be able to see the improvements
3 proposed.

4 Area one is fairly small. It just has
5 a pipe proposed coming up, here.

6 Area two, the work is, here, to install
7 a pipe; clean out sediment from the ditch here;
8 and just remove debris or blockages from the ditch
9 here, like woody debris or things like that; and
10 then replace some culverts on private property
11 that are not the right size for it, so they are
12 fairly small. It's just for people to get over to
13 the back part of their property.

14 Area three, primarily Morris Road. So
15 it would clean out this section of the ditch,
16 again, just removing blockages and sediment
17 removal as needed, and then install a large
18 30-inch pipe going up here and then another pipe
19 going up this way.

20 So that's a pretty big project. These
21 pictures show where some of the old pipes were and
22 how they cross properties. We tried to avoid that
23 because it splits people's properties with the
24 easement and we just didn't want to -- the code

1 asks us not to do that if we can avoid it.

2 And then area four, primarily Patterson
3 Road are properties there. So it has a pipe
4 starting up here on Patterson Road that comes
5 down, crosses these properties in the back of
6 them, and then a pipe that comes up in the back of
7 those properties as well.

8 So the assessment schedule that we have
9 is broken up by parcels. Each parcel is assessed
10 based on the guideline the code gives. We take
11 into consideration the things that it tells us to
12 take into consideration, and I'll get to that on
13 the next slide.

14 Road rights-of-way can also be assessed
15 if they drain into the area. And we have that for
16 Franklin County and Brown Township. The
17 properties, the parcels, are only assessed for the
18 portion of the project that they use. So the
19 result of that, as you've seen in other petitions,
20 is that the assessment amount gets heavily
21 weighted towards the upstream end of the project,
22 because they use the entire thing that you're
23 building, where somebody at the downstream end
24 only uses what's downstream of them, and so their

1 assessment ends up being much lighter. You will
2 see that in a future slide, that our -- you know,
3 our opposition to this is also heavily weighted
4 towards that upstream end on the eastern side
5 because of the -- primarily because of the cost, I
6 believe.

7 There are -- you know, we look at the
8 assessment factors for each parcel. And then we
9 are going to recommend a 15-years assessment
10 schedule, which is the maximum you could do for
11 anything that you approve, to collect the money
12 back over 15 years from the property owners.
13 There are 91-total parcels assessed, and then also
14 the right-of-way for Franklin County and Brown
15 Township.

16 The calculation of the assessment, what
17 it takes into consideration is the area, so how
18 big the parcel is, the use of the area, is it
19 agricultural, residential, commercial, and
20 basically how does it affect runoff rates. So a
21 wooded lot that's not used for anything but is
22 wooded and natural is the very lowest, ag and
23 agricultural, and then we added a second version
24 of residential here because the lots are so big.

1 So you have residential that's a -- we
2 counted a half-acre for where the homes are on a
3 large lot residential, and the remainder of it was
4 residential one, which was a lower rate because
5 they're usually just big yards.

6 How far away it is from the improvement
7 matters. So if you're right next to the
8 improvement, it's, you know, basically the full
9 amount of what you get up to there. But if you're
10 back some, it discounts it, because you're far
11 from where the improvement is.

12 And then how much of the improvement --
13 the proposed improvement that you use. The code
14 defines "benefit from" or "benefit" as if your
15 water goes there. And that's often concerning for
16 people because a lot of residents will say, I
17 don't have a drainage problem, so I don't benefit
18 from them because I don't have a problem to solve.
19 But the way the code reads is if your water drains
20 to the area, or drains to the improvement, you
21 benefit. So I'm not speaking for or against the
22 idea of that. I understand the sentiment from
23 property owners, but we have to do it the way the
24 code tells us to do it.

1 The cost estimate, so area one,
2 \$176,645; area two, \$376,574; area three is
3 \$1,289,790; and area four, \$2,084,000. And then
4 the total, if you were to do all-four sections,
5 which is not what we're recommending, would be
6 \$3.9 million.

7 The County Engineer and the Brown
8 Township officers have agreed the County Engineer
9 will take the direct assessment for area four,
10 which is Patterson Road right-of-way. So all of
11 the work in the Patterson Road right-of-way would
12 get assessed by the Franklin County Engineer's
13 Office. That's not required by code. The
14 Franklin County Engineer's Office is volunteering
15 to do that, but then also take their regular
16 assessment.

17 And then Brown Township has road
18 right-of-ways in area two and area three. And
19 they have agreed to take all the assessments in
20 their road right-of-way in addition to their --
21 additional assessments for the other parts of the
22 project.

23 Important to note, with Brown Township
24 is Nick said, they said, "If you approve these

1 sections, we want to take this direct
2 assessment -- we want to take this assessment on
3 as a Township." But that's not saying that they
4 wanted you to build them, particularly, area
5 three.

6 They did that initially for all the
7 whole petition, all of it together. Now they've
8 come back and said area two, they are in favor of.
9 But they have told us, areas one, three, and four,
10 they are not in favor of.

11 These are -- this is a map showing the
12 comment forms that we've received since we were in
13 the final phase of development, so this last
14 phase. We mapped them out so you can see. In
15 area one, we have only negatives. Area two, we
16 have positives all over -- in favors of are green
17 here. So those are people in favor of the
18 petition.

19 But as you get further upstream, and
20 area two does extend up here to some of these
21 ones, so there, the water drains down through
22 here. So red is against the petition. And in
23 area three and area four, you can see primarily,
24 you have people against the petition.

1 And again as stated earlier, the fact
2 of that is -- and purple was basically just saying
3 that they sent in comments forms. They said
4 things in favor of it, things against it.
5 Primarily the things against it were the cost.
6 And the people at the east end, which is the
7 upstream end, their assessments end up being
8 significantly larger, because they use the entire
9 thing -- when you do it.

10 The way we set this up, area one can be
11 improved or dismissed independently. Area two can
12 be approved or dismissed independently. Area
13 three can only be approved if area four is
14 approved. And area four could be approved or
15 dismissed independently.

16 The range of assessments in area one
17 is -- the lowest is \$543; the highest is \$22,639.
18 The range of assessments for area two: The lowest
19 is \$10; the highest is \$19,801. In area three the
20 range of assessments is \$43 up to \$56,379. And
21 area four, the low assessment's \$14; the highest
22 assessment is \$98,510.

23 It's important to note that some
24 properties are in more than one area. So if we

1 approved all of it, some people would have
2 cumulative assessments for different areas. And
3 the highest assessment in that case is \$114,000.
4 And then the max over 15 years would be 76 --
5 again, not what we are recommending to you, but
6 that's how it comes out because the project is so
7 big -- such a big area. It's a large pipe and a
8 large length of pipe to be installed.

9 We had 31 written comments against, 4
10 written comments that were unclear, 5 written
11 comments in favor. And as we talked about Brown
12 Township. They have now communicated that they're
13 in favor of area-two only. And when we took those
14 comments from the property owners, they were not
15 doing -- they were not giving us their in favor
16 of, or against, by-area. They were giving us in
17 favor of, or against, for the entire thing.

18 So there were -- out of the 12 people
19 who signed the petition, three have given comments
20 in favor, two have given comments against, and
21 we've got one unclear comment.

22 I think I talked about the assessments
23 being weighted towards the upstream end and the
24 comments in favor are all located in area two. As

1 we go through that, it's important to note,
2 because area three drains through area two, people
3 who live in area three, up here, will also be
4 assessed for area two if it's built. It won't
5 only be the people who live in area two.

6 We are recommending to you that you
7 build area two and -- or approve area two, and
8 dismiss areas one, three, and four. The key
9 factor for this recommendation is cost versus
10 benefit.

11 And the reason we did that is the code
12 asks us to give you our opinion of what the cost
13 versus benefit of the project is. If it's all ag,
14 that's fairly easy because we got documents of
15 studies of how crop yields differ when you install
16 drainage systems, and you can calculate the
17 difference in crop yield and advantage if it's
18 worth it or not. But in an area like this where
19 you have a lot of large-lot residential, we --
20 it's really hard to do that in a way that that we
21 feel like, we have a certainty of what the cost
22 benefit is. So we did -- you know, we looked at
23 it and had our opinion. We looked at it and then
24 listened to the feedback from the residents and

1 weighted that very heavily, in our opinion,
2 because of the cost of it. And there is the
3 contact information, and Commissioners, if you
4 have any questions, I would be happy to answer
5 them now.

6 PROSECUTOR HUMMER: Commissioners,
7 Jeanine Hummer, First Assistant Chief Counsel of
8 the Franklin County Prosecutor's Office.

9 I want to first make clear that as
10 legal counsel to the Board, we are only -- we are
11 not advocating one position or another. We are
12 merely providing legal counsel to the Board. We
13 do represent the Engineer's Office, but for
14 purposes of this hearing, we are not advocating on
15 behalf of the Engineer's Office. We are strictly
16 representing the Board with regard to guidance on
17 this hearing.

18 Secondly, after hearing the testimony
19 of the Engineer's Office, the first step here is
20 to determine whether any of the residents or
21 individuals who are present, who actually live
22 within the watershed, which is a requirement of
23 law in order to participate in this hearing, have
24 any questions for any of the individuals who spoke

1 today and provided testimony.

2 If you have a question, now is the time
3 for you to ask those questions, before the Board
4 actually participates in asking questions.

5 Does anyone have any questions of the
6 individuals?

7 PROSECUTOR HUMMER: You need to go up
8 to the podium if you have a question.

9 UNKNOWN SPEAKER: So this isn't the
10 public comment section; this is just to ask
11 questions to the engineers.

12 PROSECUTOR HUMMER: Correct. All
13 right. Given that there are no questions in
14 cross-examination of these individuals, the Board
15 may ask any clarifying questions of the witnesses
16 who have testified.

17 COMMISSIONER BOYCE: Mr. President, I
18 don't have any questions for the witness, but I do
19 have a question for the Prosecutor's Office.

20 Just to be clear, when we vote on the
21 resolution, we are voting on the recommendation of
22 the Engineer's Office. It's a "yes" or "no" on
23 the recommendation of the engineer's office.

24 PROSECUTOR HUMMER: You have before

1 you, because this is an administrative hearing,
2 just like a court, you will have the opportunity
3 to vote on what is before you, which is one of the
4 resolutions, which is accepting the Engineer's
5 Office. However, you are not bound by that
6 recommendation. You can make any changes, you can
7 dismiss it as a whole, which is another, or you
8 can accept one and two and dismiss three and four.

9 COMMISSIONER BOYCE: Okay.

10 PROSECUTOR HUMMER: So you, just like a
11 trial, have the ability to make a decision based
12 on the evidence you have heard.

13 COMMISSIONER BOYCE: Okay. Do we get
14 robes to wear? We can't wear robes?

15 PROSECUTOR HUMMER: If you do this
16 well, we will get it next time.

17 COMMISSIONER BOYCE: Okay. All right.

18 PRESIDENT O'GRADY: Madam Prosecutor,
19 are you finished?

20 PROSECUTOR HUMMER: So at this point,
21 any resident who lives within the watershed may
22 proceed with providing testimony. And it's very
23 important that you provide your name, your
24 address, and whether or not you live within the

1 watershed.

2 THE CLERK: So at this time, I will
3 call folks up one by one who have submitted
4 speaker slips today. Again, as the prosecutor has
5 mentioned, please state your name clearly and your
6 address or parcel number.

7 So first I will have Anthony Sasson
8 come up.

9 PROSECUTOR HUMMER: Commissioner, do
10 you want to pause the hearings since one of the
11 individuals who -- it's an administrative hearing
12 unlike legislation.

13 COMMISSIONER BOYCE: It would really be
14 up to Commissioner O'Grady because --

15 PROSECUTOR HUMMER: I think we have to
16 pause because it's a trial.

17 (A short recess is taken.)

18 PRESIDENT O'GRADY: Sorry about that.
19 I didn't realize we had to have a quorum. He will
20 be right back.

21 PROSECUTOR HUMMER: You may begin.

22 PRESIDENT O'GRADY: Sorry about that.

23 THE CLERK: Please state your name --
24 first and last name, since there is somebody

1 transcribing this, as well as your address or
2 parcel number.

3 MR. SASSON: Good morning. My name is
4 Anthony Sasson, 8351 Patterson Road, Hilliard. I
5 am a landowner in area four and know the area in
6 Big Darby Creek well, having worked professionally
7 on conservation at Big Darby Creek since 2001.

8 First, I thank Mr. Fowler, Franklin
9 County Drainage Engineer, for proposing to reduce
10 the proposed area covered by the project, which,
11 because of the generation of a large amount of
12 stormwater, would have been the equivalent of a
13 very large residential development. The latest
14 proposal covering area two is smaller but will
15 still have an impact.

16 I'm asking Franklin County to reduce
17 the proposed impact of this Mando Ditch project
18 through environmental improvements to the
19 phase-two portion. Please, at least, consider
20 channel redesign in order to --

21 PROSECUTOR HUMMER: Excuse me. Was
22 this witness sworn in?

23 THE CLERK: My apologies. You were
24 not.

1 (Anthony Sasson is duly sworn in.)

2 THE CLERK: If you could please begin
3 again. Thank you.

4 MR. SASSON: Good morning. My name is
5 Anthony Sasson. My address is 8351 Patterson
6 Road, Hilliard. I am a landowner in area four. I
7 know the area well and Big Darby Creek well,
8 having worked professionally on conservation of
9 Big Darby Creek since 2001.

10 First, I thank Mr. Fowler, Franklin
11 County Drainage Engineer, for proposing to reduce
12 the proposed area covered by the project, which,
13 because of the generation of a large amount of
14 stormwater, would have been the equivalent of a
15 very large residential development. The latest
16 proposal, covering area two, is smaller but will
17 still have an impact.

18 I'm asking Franklin County to reduce
19 the proposed impact of this Mando Ditch project
20 through environmental improvements to the
21 phase-two portion. Please, at least, consider
22 channel redesign in order to further reduce the
23 potential impact to the rare species and high
24 biodiversity of Big Darby Creek.

1 This proposal would send stormwater to
2 Big Darby Creek within Prairie Oaks Metroparks,
3 about 100 yards upstream of federal-endangered
4 species. This discharge would occur indirectly
5 through a tributary. The final report does not
6 address the potential effect on these rare
7 species.

8 At least three federal endangered
9 species are known to exist in this area. These
10 and 19 other rare mussel species and rare fish
11 are what makes Big Darby Creek, a National and
12 State Scenic River, an outstanding stream under
13 the Clean Water Act.

14 I ask that Franklin County
15 Commissioners and the Engineer consider options to
16 further reduce the potential impacts to Big Darby
17 Creek and these rare species in this
18 environmentally sensitive area. For example, if
19 the project is to continue in area two, channel
20 designs should be included, which better process
21 pollutants than the proposed conventional ditch.

22 The Ohio Department of Natural
23 Resources will complete a survey of mussels in Big
24 Darby Creek, in 2026, based on the failure to find

1 any living mussels in Hellbranch Run, a major
2 tributary, in their 2025 survey.

3 We are very concerned that not enough
4 is being done despite the efforts you might be
5 familiar with under requirements like the Big
6 Darby Stormwater Permit and the Big Darby Accord.
7 These mussels are some of the aquatic animals that
8 make Big Darby special. Their further loss would
9 mean that Big Darby has been degraded.

10 You might have seen this month that
11 Metroparks acquired 330 acres of conservation land
12 as future parkland in the Hilliard area. That
13 conservation land was required to be protected by
14 the Big Darby Stormwater Permit and other Clean
15 Water Act requirements. The conservation land
16 will increase the groundwater recharge and help
17 protect Big Darby Creek and tributaries. However,
18 this Mando Ditch and other drainage projects in
19 the Big Darby Watershed will undo some of that
20 gain from that new conservation land.

21 Again, I thank Franklin County for
22 reducing the proposed scope of this Mando Ditch
23 project, but ask that phase-two portion further
24 reduce the potential impact of Big Darby Creek and

1 the rare species and high biodiversity that have
2 made it so special. Thank you.

3 PRESIDENT O'GRADY: Thanks.

4 THE CLERK: Thank you very much. Next
5 I will call up Tim Shade.

6 (Tim Shade is duly sworn in.)

7 THE CLERK: Please state your first and
8 last name as well as your address or parcel
9 number.

10 MR. SHADE: Name is Tim Shade. I live
11 at 8178 Morris Road, and the parcel is
12 120-000509-00. It's in the heart of area two.

13 Good morning, Commissioners. Thank you
14 for allowing me to speak on this matter. If you
15 have even a low level of common sense, all you
16 have to do is drive down Morris Road and you
17 become well aware of the fact that there is a
18 watershed problem.

19 Now, I've lived there 45 years, so I'm
20 well aware of the problem. There was water there
21 when I moved there in 1981, so I'm well aware of
22 that. But I'm here to tell you it's a lot worse
23 today than it was then.

24 Now, I know there are people right here

1 in this room that are going to tell you the water
2 doesn't bother them. I don't know if they're
3 telling the truth or not. But if they happen to
4 like the mud and the weeds and the mosquitoes and
5 black water laying in the yard and the stench from
6 it, don't mind walking through the water to their
7 mailbox, or to their outbuildings, I guess that's
8 their business. But I'm also here to tell you
9 that some of us, as you can see by the map, are
10 darn sick of the water.

11 It's costing us thousands of dollars a
12 year. My losses this year alone for the last rain
13 are somewhere between \$1,500 and \$2,000, and
14 that's before I replace the sand in my riding
15 arena that washed away. And that's going to be
16 another \$4,000 to \$5,000. I just don't have it
17 right now.

18 Okay, so I asked your Raritan,
19 "Supposing this doesn't go through, what can I do
20 on my property?" I said, "You've studied this
21 thing six ways from Sunday; had professional
22 companies come in and look at it; tell me what I
23 can do on my property to fix this problem?"

24 Do you know what he said? "Sue your

1 neighbor." Sue your neighbor, because the
2 ten-inch tile that crosses your property and goes
3 through his property and on down to this ditch is
4 plugged.

5 Our Darby-Creek lover here, he's
6 probably happy with that tile being plugged. He's
7 wrong. Because what happens is rather than the
8 water flowing through that tile being nice and
9 clean, it bubbles out of the ground on the edge of
10 my property, collects manure, weeds, chemicals,
11 and everything else when it hits the Darby Creek.
12 So what's going to help is to get it in a clean
13 tile and get it to the creek and get it there in
14 the summertime so that the ground can absorb this
15 moisture.

16 We need area two done. The only excuse
17 I've heard for not doing this is it cost too much.
18 Well, duh. Have you been anywhere today? Did you
19 go to the grocery store this week? Have you tried
20 to buy a car, a truck, anything? I don't care
21 what it is. Last year my Z-turn mower failed; it
22 cost too much. My septic tank failed; it really
23 cost too much. My roof failed; it really costs
24 too much. Everything costs too much.

1 But you know what? I can't think of
2 anything that's more important than a person's
3 home. Why wouldn't we want to spend the money?
4 Why wouldn't this be the one thing that was worth
5 it to us, to spend the money on, to fix the
6 problem? I can't imagine why we wouldn't want to
7 do that.

8 So I'm in favor of area two. In fact,
9 I would be in favor of areas two, three, and four.
10 And why don't I say one, because I don't know a
11 darn thing about one. But I know about two,
12 three, and four. So please vote, at least, to do
13 area two.

14 And I'll say one other thing. If you
15 can't see yourself clear to do that -- a lot of
16 these problems occurred, got worse, when the
17 township allowed people to fill the roadside
18 ditches it. Now, if that isn't the stupidest
19 thing I've ever heard in my life.

20 Why would we fill ditches in an area
21 that's already wet? It's even stupider, because
22 now the ditch is higher than the yards, so the
23 water can't even get to where they placed an
24 undersized tile.

1 Somebody ought to make the township
2 tear all that back out. And I say "the township,"
3 because the township is the one that let it
4 happen. Thank you very much for listening to me.

5 PROSECUTOR HUMMER: I want to make sure
6 that the Engineer's Office knows, if you have any
7 questions after any of the witnesses, please, at
8 least, stand up and let us know that you do have
9 those questions.

10 So do you have any questions,
11 Engineer's Office?

12 All right. Board of Commissioners, do
13 you have any clarifying questions?

14 THE CLERK: Okay. Thank you very much.
15 Next, Michelle Stayrook.

16 (Michelle Stayrook is duly sworn.)

17 MS. STAYROOK: My name is Michelle
18 Stayrook. I live at 7806 Morris Road. I
19 currently live in the assessment-three area on the
20 northern -- not northern, the most upgrading area.
21 And I will point it out for the room. The parcel
22 right there.

23 Because the Commissioners can vote on
24 areas one, two, three, and four, my testimony

1 today is primarily focused on area three. And I
2 like to thank the Engineers for their testimony
3 today. They have done a nice job communicating
4 with us, and I support their not moving forward
5 with area one, two, and -- excuse me, one, three,
6 and four.

7 I do want to bring up that I'm a soil
8 scientist, hydrogeologist by degree and by
9 practice. So I understand that Brown Township is
10 about 100 feet of clay, right? And so when it
11 rains on clay, the water doesn't have a place to
12 go, is going to sit for a while, right? I've been
13 in the township for 13 years. And as communicated
14 by the trustees in numerous letters is that the
15 water problem is the resident problem, not the
16 County problem, not the Township problem. If you
17 have a problem with your water, you have to manage
18 it.

19 And I think many neighbors have tried
20 to manage it over time to the point of
21 frustration. So I can't fault the Mando family
22 and all the petitioners, because they were trying
23 to do the right thing over COVID. COVID has
24 increased the cost. So yes, it's very expensive.

1 It's very unfortunate.

2 I also want to bring up, as talked
3 about, there were 12 petitioners, three of which
4 have since moved out of the Township, so that's 25
5 percent. Twenty-five percent said "no" to the
6 cost, another 25 percent said "yes," and another
7 25 percent said "no response" to comments. So
8 it's really a split decision here today.

9 The area-three project exceeds
10 \$1 million, but the primary benefit, as
11 communicated by the engineers, is for the
12 petitioners, right? So right now we have three
13 petitioners who are, "yes," three petitioners who
14 have not responded within the full area. Over
15 \$1 million for area three, but distributed across
16 35 property owners, with majority of them being
17 agricultural parcels.

18 One of the other things the Engineers
19 had said is that the calculator used for the
20 assessments is primarily based on agricultural
21 land, not residential land. So you're using a
22 calculator that's not really based for residential
23 purposes, but you're tweaking it. I get it;
24 you're trying to fit something, maybe a square

1 into a round hole. But for the purpose of this
2 exercise, it is primarily residential properties.

3 As I said, the cost allocation is
4 unreasonable. I will tell you that our property,
5 we're the back third. I'm 2,000 feet from the
6 first catch basin. The design of the system is
7 based on catch basins -- surface, right? So when
8 you only have surface catch basins, it's only
9 going to move surface water. The elevation change
10 across this -- again, clay, flat. Surface water
11 is not moving. That's why we have a problem. So
12 a catch basin 2,000 feet from my property is not
13 going to catch that water.

14 I'm being assessed \$15,000 to solve a
15 problem that's over 2,000 feet away. The next
16 tile, which is also a series of catch basins --
17 again, surface water doesn't move. So it's not
18 going to catch my water, on my property, 4,000
19 feet away in area two. I'm also being assessed
20 for that.

21 So you see a lot of red in area three
22 and four, just because the water is not going to
23 move through a series of how it's designed, catch
24 basins. Morris Road, what the trustees are

1 willing to pay for is a closed pipe. It's a
2 closed pipe. It's only moving water from where
3 the petitioners have signed. So all those people
4 who are being assessed will have to pay to tie
5 into that drain. Okay. So that's an additional
6 cost.

7 Again, as the Engineers say, and I
8 respect this, the point of the project is to only
9 appeal and support the petitioners, of which only
10 25 percent said "yes."

11 You said that we can submit evidence;
12 is that true? So I have my letter, and I would
13 like to submit that to somebody. It has more
14 detail. I think more residents, I'm hoping, will
15 communicate today and speak to it. Is that okay?
16 Thank you for your time.

17 PROSECUTOR HUMMER: Are there any
18 questions for this witness?

19 COMMISSIONER BOYCE: Yeah. Thank you,
20 Madam Prosecutor, Mr. President.

21 Michelle, was it?

22 MS. STAYROOK: Yes.

23 COMMISSIONER BOYCE: Okay -- or
24 Ms. Stayrook?

1 MS. STAYROOK: Michelle is fine.

2 COMMISSIONER BOYCE: Okay. Thank you.

3 Just to be clear, so you are in favor of the
4 recommendation, which is on area -- the assessment
5 on area two only, and you are in favor of
6 assessment area three, which you live in?

7 MS. STAYROOK: I'm sorry. I am in
8 favor of none. No areas. I'm sorry.

9 COMMISSIONER BOYCE: Oh, okay. I'm
10 sorry. I'm glad I asked then. I misunderstood
11 you. So you are not in favor of any assessment.

12 MS. STAYROOK: Right.

13 COMMISSIONER BOYCE: Okay.

14 MS. STAYROOK: The cost of the project
15 as a whole is too much. The cost for the
16 individual areas, for the burden of the property
17 owners who live there is too high.

18 COMMISSIONER BOYCE: Okay. Thank you.

19 MS. STAYROOK: Thank you so much.

20 THE CLERK: Thank you. Next, we will
21 have Melissa Brinkerhoff, please come up. Is
22 Melissa here? Okay.

23 Next, we'll have Tom Geer (phonetic).
24 Apologies if I mispronounced that.

1 MR. JANZ: Oh, that's all right. I
2 have sloppy handwriting, so it would be my fault.

3 (Tom Janz is duly sworn.)

4 MR. JANZ: My name is Tom Janz. My
5 address is 7762 Roberts Road.

6 I come before you guys today.
7 Commissioners, thank you. I am involved, and my
8 family has been, for the last 70-80 years in this
9 area. We farm; we also do drainage work, so we're
10 familiar with this situation. Yes, it has gotten
11 worse over the years. There is no question about
12 it.

13 The County Engineers have done their
14 best with revising the initial plan to where we
15 are today; however, with that being said, I
16 understand they have guidelines that they have to
17 abide by with the design system.

18 I think the value is not there with the
19 cost versus the benefit. Myself and my family, we
20 would be on the hook for close to \$30,000. And
21 then some other ground that we rent would be --
22 that would be an additional \$50,000 to \$60,000. I
23 don't know how they would respond to that; if they
24 would want more money to help offset their cost

1 involved in this?

2 And I think this needs to be -- the
3 scale is too large in terms of what's being used
4 and how the current design is. There can be a
5 compromise where people get benefits at a less
6 costly price. And then for us specifically, if we
7 wanted to use the system that's been proposed, we
8 still would have to cross the road -- Morris Road,
9 that is -- cross the road to utilize the proposed
10 system, which obviously is -- more cost incurred.
11 And then some of the other parcels, we would have
12 to go through -- still some other people's
13 properties, to reach the proposed design, and
14 sometimes that does not work out well, in past
15 experiences, what I've heard people talk -- or
16 been in the middle of working with other people on
17 similar situations.

18 So with that being said, I -- you know,
19 with the diminished value, as a whole with this,
20 in this particular plan, I can't agree with it and
21 I am against it. Do I acknowledge some things
22 need to be addressed, absolutely. Problems have
23 gotten worse, absolutely. But I think there are
24 alternative ways to accomplish that and not at the

1 financial burden that is being proposed currently.
2 That is it.

3 THE CLERK: Thank you. Are there any
4 questions or comments from the Board or the
5 Engineer's Office?

6 PRESIDENT O'GRADY: So, Mr. Janz --

7 MR. JANZ: Yes.

8 PRESIDENT O'GRADY: You live on
9 Roberts, but you farm some of the land that's on
10 the -- is it on the south side of Morris Road? Or
11 do you also have some of the land on the north
12 side?

13 MR. JANZ: There is one parcel on the
14 north side of Morris Road. Okay. I can lay out
15 in the map here, where I actually live is right
16 here, this property here. Myself included, we are
17 owners along with other family members.

18 This is another family farm. In this
19 individual parcel right here is another one as
20 well as -- we are kind of a representative and we
21 are tenants of this farm in these two parcels
22 right there as well.

23 PRESIDENT O'GRADY: Okay.

24 MR. JANZ: So, yes. Most of our stuff

1 is on the back side of our properties.

2 PRESIDENT O'GRADY: I'm familiar
3 with -- for those of you who don't -- some of you
4 may know, for those of you who don't know, I grew
5 up in the area. I know the area very, very well.
6 I lived at 8520 Morris Road for -- my parents
7 owned a house at 8520 Morris Road for 25 years,
8 and so I know the area well.

9 And I've seen the flooding, and I've
10 driven down Morris Road recently. I generally get
11 down there every springtime. My daughter was a
12 softball player, and so I'm at Bradley High School
13 on a regular basis -- or used to be. She's in
14 college now. So I have seen the flooding every
15 spring for the last 50 years -- 50-plus years.

16 MR. JANZ: Mr. Commissioner, you would
17 know my family then, the Schreck's.

18 PRESIDENT O'GRADY: Oh. I grew up with
19 Greg.

20 MR. JANZ: Yes.

21 PRESIDENT O'GRADY: I've known the
22 Shrek's for a long, long time.

23 MR. JANZ: Yep.

24 PRESIDENT O'GRADY: That's the farm?

1 MR. JANZ: That's -- yes. We're -- you
2 know, the Schrecks as a whole. You know, we have
3 several parcels. But yes, that's -- and I'm
4 Greg's nephew -- is the connection.

5 PRESIDENT O'GRADY: I went to high
6 school with Greg.

7 MR. JANZ: But that's what I have to
8 say about it. Yes, there is some attention that
9 needs to be given, but I don't think quite in this
10 manner; and therefore, I can't support it as it is
11 presented.

12 THE CLERK: Thank you very much. Are
13 there any further questions or comments of this
14 witness?

15 Okay. Thank you very much.

16 We'll have Lance Randolph come up.

17 (Lance Randolph is duly sworn.)

18 MR. RANDOLPH: Lance Randolph, 8071
19 Morris Road and 8113 Morris Road. They are
20 adjacent parcels, 110 acres. I technically live
21 in area three.

22 I'm going to assume from the previous
23 comments that no one's going to approve areas one,
24 three, and four, just because of the cost benefit.

1 And I'm going to talk a little bit about area two
2 and, kind of, the whole process. Can we get the
3 area-two map up by chance?

4 So the improvement is here. And I
5 think the neighbor that spoke before is in this
6 area. And I understand they're completely
7 underwater. The challenge, whether it's Ohio
8 Revised Code or assessment of the engineers or
9 whatever the case might be, the challenge I think
10 a lot of us feel is area-two improvement starts
11 here, right? I live here. This road is elevated.
12 The access -- my water drains across here: From
13 his farm, across my property very slowly, across
14 my neighbor's property, to a 24-by-24 catch basin,
15 here, that then drains into this ditch.

16 Nothing is happening here. The
17 improvements start here. That won't move any of
18 this water. One drop of water will not move
19 faster, because the choke point is this catch
20 basin. You could put the Grand Canyon on this
21 side of the property, it's not going to make the
22 water go through the catch basin any faster.

23 For the privilege of this getting
24 drained, my assessment is \$8,000. And so that's

1 really the problem I have, and I think my
2 neighbors have, with the whole process here. It's
3 just -- it's not just cost benefit in terms of --
4 in total, but in terms of how individual
5 landowners are assessed, what our benefit is.
6 There will be no less water in my yard ten years
7 from now than there is today, and I struggle to
8 understand how that's worth eight grand to us.

9 I think the other overarching challenge
10 I have with this process -- and Jim and his staff
11 have been fantastic. They've come out, they met
12 with us individually, they've walked the property.
13 One of your guys had a broken leg, was walking
14 through mud at my place; I felt like a real moron.
15 But you know, that aspect has been fantastic.

16 But we seem like we're pigeonholed into
17 this very regimented process where today there's
18 no ditch, so we're going to put a 30-inch culvert
19 next to a road that's not even ODOT-regulation
20 wide. Like, is there some middle ground? I think
21 that's what all of us are asking for. Is there
22 some -- one of the slides said they have done this
23 for the lowest possible cost. I take issue with
24 that.

1 I think there are other creative ways
2 to move water that don't cost \$1 million. But
3 this quite -- isn't it. And I recognize the
4 area-two folks have real problems. Frank Mando is
5 a friend of mine. He has moved away, but he has
6 had real problems. But they weren't \$30,000
7 problems to me necessarily, and that's the
8 struggle. So perhaps more of this is county
9 money, perhaps there's other solutions, perhaps we
10 could take another look at the drawing board, but
11 it's hard for me to support this.

12 THE CLERK: Thank you. Are there any
13 questions from the Engineer's Office or the Board?
14 Okay. Thank you.

15 Danielle Rohrbach?

16 (Danielle Rohrbach is duly sworn.)

17 MS. ROHRBACH: I'm Danielle Rohrbach,
18 8142 Morris Road, which is also known as German
19 Farms. I'll kind of show you -- like Lance just
20 said, we are kind of upstream here. We are the
21 farm -- it's right across from Lance, before the
22 drain -- well, before the people who are really
23 looking for some drainage to be done.

24 We currently don't -- we're very

1 fortunate, and we don't have any drainage issues
2 coming through us. We do know it kind of starts
3 here and moves forward, but on our land, we are
4 okay. It's farmland, but even the houses and the
5 barns that are on the property, we do not have
6 sitting water.

7 So we had a proposed assessment of
8 \$27,766. So the benefit for us is essentially
9 nothing. We do not have a problem. I get that
10 that's -- I hate to say that, because everybody is
11 so under water, but currently we don't.

12 Now, I also noticed that the property
13 right next to us, in some of the pictures they are
14 full of water, which happens in, kind of, that
15 tree line.

16 THE CLERK: You will need the
17 microphone if you continue, because we're having
18 this transcribed.

19 MS. ROHRBACH: Sorry. So the property
20 right next to us, who's in green, is quite a bit
21 underwater. And I think they got assessed about
22 \$10,000 for that. Our property runs right next to
23 it. You know, as a good neighbor, we would
24 entertain any ideas to help with our property to

1 assist, but once again, we are upstream. And if
2 there's something that we need to do to assist, we
3 would propose that that happens on private
4 dollars, private funding, private plan. Also with
5 that, we are not in red currently. We would like
6 to be in red. We are not for this area two plan.

7 THE CLERK: Thank you very much. Are
8 there any questions or comments from the
9 Engineer's Office or the Board of Commissioners?

10 Mr. Shade, you will have to come up to
11 the podium and speak into the microphone.

12 PROSECUTOR HUMMER: Please make sure
13 your question is directed to the witness that's
14 testifying.

15 MR. SHADE: I don't know you, ma'am,
16 and if I offend you, I'm sorry. But you said,
17 you're willing to do something to help with this
18 problem. And I'm here to tell you, that the first
19 time that my horse barn --

20 PROSECUTOR HUMMER: Sir, it has to be a
21 question of the witness. Are you asking a
22 question?

23 MR. SHADE: I'm asking you a question,
24 yes.

1 PROSECUTOR HUMMER: Okay.

2 MR. SHADE: The first time my horse
3 barn filled up with water was when the previous
4 owner of German Farms filled the roadside ditch
5 along Morris Road full of dirt. That's the first
6 time my barn has filled full of water. It has
7 filled full of water ever since.

8 So my question to you is if you want to
9 do something to help, why don't you dig that ditch
10 back out and turn it back into a roadside ditch
11 like it's supposed to be, so that the water can
12 flow and get off of my property and her property?
13 That's my comment. That's my question.

14 MS. ROHRBACH: Do I respond to that?

15 PROSECUTOR HUMMER: Yes. If you have
16 a -- if you are able to respond to the question,
17 respond. If you don't have a response or can't --
18 do not have the ability to answer the question,
19 you can just so say.

20 MS. ROHRBACH: Well, clearly that
21 happened before our time. And it kind of
22 surprises me that we are sitting here in a hearing
23 and it's the first time I'm hearing of it. As
24 neighbors and as these communities have come

1 together, questions after question, how has nobody
2 knocked on our door and said, there is an issue in
3 this, whereas -- where it is.

4 So what I'm saying is we propose that
5 we do as a community, as in private, and we will
6 entertain something less than a \$27,000 assessment
7 on us, when we have no water.

8 PRESIDENT O'GRADY: Madam Prosecutor,
9 can I ask a question?

10 PROSECUTOR HUMMER: Sure.

11 PRESIDENT O'GRADY: And I would imagine
12 this would go to, Jim. How did the Engineer's
13 Office allow Mr. German -- and I grew up -- I
14 remember Mr. German very well.

15 How did the Engineer's Office, or how
16 did the County, allow for Mr. German to fill in
17 the roadside ditch?

18 PROSECUTOR HUMMER: Are there -- just
19 so we're clear, there are no answer -- no
20 questions for this witness?

21 PRESIDENT O'GRADY: Oh, I'm sorry. No.

22 PROSECUTOR HUMMER: All right. Thank
23 you.

24 PRESIDENT O'GRADY: Or did -- I mean,

1 or did we? Or is it just something that
2 Mr. German did?

3 MR. RAMSEY: Commissioner O'Grady, I'm
4 not sure that we allowed it. It's -- Brown
5 Township is the -- owns Morris Ditch, meaning
6 they're responsible for taking care of it.

7 PRESIDENT O'GRADY: Sure.

8 MR. RAMSEY: Now we do permits for
9 them, I think. But I don't know if we always did
10 permits for them. And sometimes people will do
11 things without necessarily asking. They will go
12 out and do it and on their own without permission.

13 So it could have been done. I don't --
14 you know, I don't know of us allowing that. It
15 does happen sometimes where people ask to pipe in
16 a ditch because it's hard to mow or it's unsightly
17 in front of their house to do that. If it happens
18 on our roads, we evaluate it and see if there's a
19 benefit to the road, safety hazard, or anything
20 like that, and we make a decision based on that.

21 The Township could have easily done
22 that on their own as well, and if they had asked
23 us for help, we would have helped them, but if
24 they didn't, we wouldn't have. And I just -- I

1 can't say for certain that we would have done
2 that. But it could have happened with township
3 approval. It could have happened with our
4 approval, but I doubt it. It's been a long time.
5 So, yeah.

6 PROSECUTOR HUMMER: Mr. Ramsey, to go
7 with the Commissioner's question, do you have any
8 records showing that there was approval?

9 MR. RAMSEY: We do not.

10 PROSECUTOR HUMMER: Commissioners, are
11 there any witnesses that testified earlier that
12 you have additional questions for?

13 THE CLERK: We have one more.

14 PROSECUTOR HUMMER: Okay.

15 THE CLERK: Jen Bevington.

16 (Jennifer Bevington is duly sworn.)

17 THE CLERK: Please state your first and
18 last name as well as your address or parcel
19 number.

20 MS. BEVINGTON: Jennifer Bevington,
21 8166 Morris Road. I am, as Danielle just stated,
22 the property first in green that's on that screen.
23 I would venture to say that if we looked at the
24 property line, the water is sitting on both mine

1 and your property. So it is -- and I am the lower
2 of it. So as we all know, if you have a bowl and
3 a little funnel at the bottom of it, it's going to
4 go into that. So the water is sliding onto my
5 property, right on the edge of our properties, and
6 the ditch and the culvert is not taking the water
7 off in comparison.

8 But going back to what I brought, I
9 have been in my home for 16 years. 8166 was built
10 in 1972, and that's putting it over 50 years old.

11 We went several years where the water
12 would somewhat build up on that edge that's in
13 question, on the edge of the property, but it
14 would drain within a couple hours. We would get
15 spring rains and the ground would stay frozen.
16 And those rains, as Mr. O'Grady was mentioning, it
17 would -- the water would sit there a little bit
18 longer. We actually, in our family, would
19 jokingly say it was "Lake Bevington." But the
20 water all stayed on that side of the road -- or
21 that side of the driveway.

22 Starting in about 2018, this joke
23 became way more serious as we began getting water
24 creeping up and into our basement through the

1 cracks in the floor. This would only happen if we
2 got a lot of water within days, and the day -- and
3 the rain would just sit on our property because it
4 can't go anywhere, and eventually it would try to
5 find its way somewhere, which was my basement.

6 Basically, if you would see my house at
7 that time, you would see that we almost get a moat
8 around our entire home. And you can see some of
9 the pictures showing water going across my
10 property, not just alongside. But it has nowhere
11 to go and as I mentioned, we're a bowl, so it's
12 going to hang out there.

13 Let's see, after the last several years
14 of mopping up water in our basement, whenever it
15 rains, we attempted to create a swale along the
16 edge of our property in order to keep the water
17 over there and away from our house.

18 We -- and that was when the Germans
19 still owned the farm next to us. There was an
20 agreement that we could, kind of, clear out the
21 woods a little bit so that there wasn't so much
22 gunk that was also blocking. And we -- my husband
23 created a bit of a swale to try to keep the water
24 over there. As we have stated, we all try to do

1 things on our property to make it livable.

2 However -- hold on, let me find my spot here.

3 So we finally hit a point this spring
4 where the -- and this is not the most recent
5 rains, this is this past spring, where we finally
6 needed to call in specialists. See, at this
7 point, we have water sensors in our basement. We
8 constantly are making sure any time it rains, if
9 there's something going on that we go down, we
10 pick up everything off the floor, and then we make
11 sure that we're home so that we can mop it up the
12 next, whatever many hours it's going to take to
13 mop up our basement, until it finally stops,
14 because there's no way to stop it.

15 Until this last spring when we didn't
16 really have a choice, we had to leave, we had a
17 medical appointment we had to get to, and so I sat
18 in the waiting room while my husband was having
19 his medical procedure and watched on camera as my
20 basement flooded. And there was nothing I can do
21 about it, because I couldn't be home.

22 So at that point we called in the
23 specialists. We added a second sump pit to our
24 house of 50 years. It worked fine for the

1 majority of that 50 years, but we added a second
2 one.

3 As I've stated, we're at the bottom of
4 a bowl, so we got to go pretty far out with that
5 drainage in order to get it to get out of my home.
6 So it goes out the back -- and for those of you
7 that have the pictures in front of you, that's
8 this one. It goes back, to that back swale in the
9 back of the backyard; not the back of our
10 property, just the backyard.

11 So now we have two outlets. We have
12 one out front that runs where the existing one did
13 since 1972. And now we have the new one that runs
14 out the back.

15 So in addition to all the water I need
16 to get off the property from all the rains, I also
17 need to get it out of my home, which many of us
18 do. So I did -- in a different picture, for those
19 looking at the pictures -- and I'm sorry for
20 everybody not looking at the pictures, I didn't
21 have them sent in ahead of time. They actually
22 are in one document I had sent, but there's a
23 grate in the pictures I'm showing you. And I
24 circled where the outlet is for the water to come

1 out of my basement, and it goes into that area
2 that goes underneath the road. You can see that
3 it's barely above water, and I think everybody
4 pretty much knows if the water's up, the water is
5 not going to go through that hole anymore. It's
6 not going to go until the water recedes and we can
7 get the water out.

8 Thankfully, in the picture I gave you,
9 it was still slightly above, so I was still
10 getting water out of my home; otherwise, no amount
11 of specialists are going to be able to get -- to
12 help me without building another route out of my
13 home, which, again, needs to get off of my
14 property because my property is already flooded.

15 You will also notice there is another
16 one which shows what that pipe looks like on the
17 other side of the road. I had to circle it,
18 because you wouldn't know where it was, because
19 it's covered in vegetation, and if -- knowing that
20 the water is flowing because of how high it is in
21 the previous picture, the water is not flowing
22 like you would expect to see it coming out. So
23 we're barely getting water out of there. And by
24 the way, that's both mine and Mr. Shade's property

1 that is draining to that one spot.

2 I will admit that our pictures are
3 not -- they are from the most recent rain, but
4 they were from the first couple of days. The
5 August craziness that happened across the state of
6 Ohio, this is not like after all of that. This is
7 within the first couple of days before we even
8 realize we were going to get it.

9 And I did send a letter in at that time
10 with these pictures. So there's dates associated
11 to that, kind of, proving that out, that it was
12 not, after all, of the gigantic amount of rain
13 that flooded the entire state, to go into a much
14 worse state. So of course, with all of that rain,
15 we ended up into that much worse state.

16 Now I was still capable of getting the
17 water off my property -- or out of my home. Not
18 off my property though. So at that point we ended
19 up with this horrible smell, that I'm sure
20 everybody noticed when they were walking down the
21 road, and the incredible super breed of mosquitoes
22 that are still alive and well on 8166, if you want
23 to come meet them. The amount of times that we
24 send a fogger past not going to do it, because

1 they've gotten smart and they just go to the
2 backyard and they won't die. The water is still
3 sitting on my property, by the way, so you're more
4 than welcome to come out and see that as well.

5 To answer the questions that others may
6 say that we need to fix the problem on our own, we
7 can redirect as much water as possible, but we
8 still can't get it off the land. It has to go to
9 the other side of the road. The pipes that exist,
10 just, are not working. They're not going to work,
11 there is too much water to move, and ultimately,
12 the one that was put in as part of the Germans --
13 whatever he did, and it was before I got out
14 there, it actually goes uphill, which -- no shock,
15 water doesn't go uphill. So it's not going to get
16 off my property that way. It will only go
17 downhill through the existing that goes across the
18 road, which we've already proven isn't working
19 because it's not the right amount to get it off
20 the property.

21 And so ultimately, in some of my other
22 pictures -- I showed you the one where it's going
23 across the back. That's the one that goes over
24 into Mr. Shade's property and ends up filling up

1 his barn as well, although there could be more.

2 I'm not speaking to his property in particular.

3 But you can see that there is a section
4 there where we're trying to regrow grass. That is
5 where we had to lay the pipe to get the water out
6 of the house and out, and you can see that
7 there's -- it's almost up to where that grass is.
8 So that swale has filled up so much in this
9 particular picture that it's near impossible to
10 get that water off to.

11 So I'm not sure what we can do if we
12 don't have the county help us. You know, I can't
13 really go out and jackhammer the road and put it
14 in myself. It would be, kind of, a fun project,
15 but I don't think anybody wants me doing that. So
16 can I give you guys my letter as well?

17 THE CLERK: I can take it.

18 MS. BEVINGTON: Thank you.

19 PROSECUTOR HUMMER: All right --

20 MS. BEVINGTON: Just so we're ahead --
21 totally clear on that, I'm for two.

22 PROSECUTOR HUMMER: So are there any
23 questions for this witness? Do you have a
24 question for this witness? Make sure you're

1 asking the question directly to her.

2 MS. ROHRBACH: I'm just curious, for
3 the proposed, what they are planning to do for
4 your property to fix it -- like, on your property
5 to get it off. Do you know that, or is that a
6 County question?

7 PROSECUTOR HUMMER: Well, if she -- you
8 were asked that question. If you know that
9 answer, please answer it. If you do not know it,
10 just indicate that you do not have an answer to
11 it.

12 MS. BEVINGTON: I believe I know the
13 answer, but I would like the engineers to answer
14 that question better.

15 PROSECUTOR HUMMER: All right. Let's
16 hold off. If you don't have -- therefore, if you
17 know the answer, please answer. If not, indicate
18 you do not, because you are right now the person
19 testifying.

20 MS. BEVINGTON: So I would say, I know
21 there is an increase in -- well, I don't even
22 think it's an increase in the pipe. They're
23 talking about putting a different pipe across the
24 road. But there's way more to it that I don't

1 feel like I can speak to appropriately and would
2 want experts to speak to.

3 PROSECUTOR HUMMER: All right. So hold
4 up. The reason I want the public to know, we have
5 to follow a hearing process just like a trial.
6 And if you have ever watched trials, you see
7 people jump up and ask -- different people come
8 through and they have to orderly testify in
9 questions, cross-examination. And that's what
10 we're trying to achieve here. That's why we have
11 a court reporter, so that all this flows.

12 So any questions for this witness? All
13 right. Ma'am, you can now be excused.

14 MS. BEVINGTON: Thank you.

15 PROSECUTOR HUMMER: All right. At this
16 time --

17 MS. WOOD: I was told that my email was
18 received to speak.

19 PROSECUTOR HUMMER: All right. We will
20 ask the clerk in -- hold on. Ma'am, why don't you
21 come to the podium and provide your name and
22 address, because you don't need necessarily to
23 email to testify at an administrative hearing. So
24 just give your name and address and make sure that

1 we swear you in first.

2 (Melissa Wood is duly sworn.)

3 THE CLERK: Please state your first and
4 last name as well as your address or parcel
5 number.

6 MS. WOOD: Sure. My name is Melissa
7 Wood. My address is 8154 Morris Road and my
8 parcel number is 120-00-1245.

9 Me and my husband, George Wolanin, we
10 are opposed to the entire project, whether it's by
11 one area or all areas. And a large part of our
12 objection is the impact on the Big Darby. I grew
13 up there. I used to run there every day. I love
14 everything about the area, and I just think that
15 this project would be detrimental to it. I don't
16 want it to turn into the Scioto River. I don't
17 want it to turn into the "Olen-skanky River." I
18 mean, it's called that for a reason.

19 And so that's one of the reasons; the
20 other is that we do not have benefit to this. And
21 I heard the engineer at the beginning say, you
22 know, some of us will say, "Well, there's no
23 benefit to us. There's no improvement for us."
24 There truly is not.

1 This is our property, and we used to be
2 part of the German Farm. It was sold off and
3 somebody built a house on it and then we bought it
4 from them. One of the reasons we bought this
5 property was because we would drive down the road,
6 we would wait until it rained and several
7 properties were flooded, and we picked this
8 property, probably the ugliest house on the road
9 at the time, because it did not have flooding
10 issues.

11 So this went into something that we
12 considered before we bought the property. And
13 with all this rain this year, our property is, at
14 most, marshy in certain areas; no flooding.

15 There is a ditch that runs along the
16 whole back side of our property, and it also
17 goes -- it's on the other side of Danielle's farm.
18 They have proposed to widen this ditch and clear
19 out every tree on our property. This is not okay.
20 This -- we were told this is going to improve our
21 property value. I'm a realtor; this will decrease
22 our property value. Not only that, but it is the
23 only privacy we have on our property.

24 If they need to clean out some of the

1 trees that are dead or whatever, we have no
2 problem helping our neighbors out. We're okay
3 with that. But I'm not okay with being charged
4 \$10,000 to help out a neighbor when I have zero
5 problems on my property. I've also said if --
6 just from what I've learned here today, if the
7 Germans did fill in the road, the ditch along the
8 road in front of our house, we would be happy to
9 get that dug back out. We have so many tractors
10 on our road and so many people are so helpful. If
11 that's an issue, I bet ten people would say,
12 "Okay, let's dig the ditch out."

13 I mean, we had an addition put on our
14 house for my son who was hit by a car. And when
15 we did that addition, the County came out and told
16 us -- they sent us an email, which we provided to
17 you guys at one point throughout all this, saying
18 that we needed to build -- we needed to plant
19 two-and-a-half more trees on our property based on
20 the amount of building space we had on our
21 property between our house and our barn. So we
22 had to plant more trees, but now this project is
23 going to take out all of our trees; which is it?

24 This just -- the cost of this is not

1 beneficial. Another consideration is our property
2 taxes have been going up in our area tremendously.
3 That combined with this -- we have a number of
4 older people on our road. They're not going to be
5 able to keep their houses. I mean, it's not --
6 this isn't a sustainable build for a lot of
7 people, and it's going to cause problems.

8 But again, we're willing to help. I
9 think -- I haven't talked to one person that said
10 they were not willing to help out their neighbor.
11 We're willing to have access to the property and
12 do what it takes, but the bill that comes along
13 with it, this is not worth it.

14 And there are people that have flooding
15 problems, and I get that -- I totally get that.
16 But this project is way too expensive. It's
17 not -- it doesn't make sense for the benefit. We
18 are in two and three, so if two and three get
19 worked, then we're, you know -- we're at over
20 \$10,000. And again, for no benefit to our home,
21 for a home we purchased, looking for no problem
22 with it. So we are against it. Thank you.

23 THE CLERK: Thank you very much. Are
24 there any questions or comments for this witness?

1 PROSECUTOR HUMMER: All right.

2 Commissioners, we are now at the stage where,
3 because of the hearing process, that the
4 Engineer's Office is able to provide what is
5 called "rebuttal testimony," based on what they
6 heard.

7 And so any of the engineer staff that
8 are here that would provide that testimony, I
9 believe, Mr. Solis, are you going to also provide
10 rebuttal?

11 MR. SOLIS: I'll probably participate.
12 First, I will let Mr. Ramsey speak.

13 PROSECUTOR HUMMER: All right. Thank
14 you.

15 MR. RAMSEY: Thank you, Commissioner.
16 Jim Ramsey, Riparian and Environmental Engineer
17 for the Franklin County Drainage Engineer's
18 Office.

19 First, I'll talk about the work to be
20 proposed on the ditches. So in area two, in this
21 area, we proposed to remove woody debris that's
22 blocking it, that can obstruct flow and also
23 replace some private culverts that go to the backs
24 of their properties. In this area, same thing,

1 remove obstructions to flow and clean out
2 sediment. We're not enlarging the ditches
3 anywhere.

4 If we were to do area three, we do the
5 same thing here. We would remove trees that
6 obstructed flow, or woody debris that obstructed
7 flow, and we would remove trees that were
8 obstructing us being able to get equipment and
9 remove sediment.

10 Mr. Sasson asked about, you know, doing
11 a different channel design for that. And I
12 respect Anthony, he has dedicated his life to
13 protecting the Darby, I think, and is a very good
14 advocate.

15 We considered that in this case, but we
16 chose not to because that's people's yards, it's
17 their private properties, and so the different
18 channel design would be like an over-wide design,
19 or a two-stage channel design, something like
20 that. It would add a tremendous amount of
21 excavation, make the site much -- the thing much
22 wider, take the property rights away, and so we
23 chose not to do that in addition, because also the
24 cost of the project.

1 Another thing people asked us to look
2 at was sediment basins. And we did look at those,
3 and we evaluated them. There's -- you see
4 detention basins used all the time on -- not
5 sediment basins. I misspoke. I'm talking about
6 detention basins. So you see them used all the
7 time on site development, commonly.

8 But when they work well is when you're
9 doing site design, you're doing a lot of grading
10 work, and you can regrade the property to be able
11 to get an elevation difference between the water
12 coming into the detention basin and the water
13 leaving the detention basin.

14 When you're only installing pipe, you
15 don't -- you're not doing a mass grading plan. So
16 you can't really do that in this very flat area.
17 We had very little difference between the pipe --
18 the water coming into the basins that we designed
19 and the water going out. So it meant that they
20 would have to be very big and very expensive and
21 accomplish very little as far as benefit to
22 detaining water. So we opted to take those out
23 and not have that additional money. Also, the
24 space they would take up would also have to come

1 from private-property owners.

2 Some folks mentioned -- and I thought
3 it was a good point of -- is there a compromise?
4 Could we do this privately and do something
5 smaller, or is the scale of it? I think that's
6 something to consider. We did design according to
7 the modern standards. We designed for a five-year
8 storm -- we do that.

9 Could you do something smaller and
10 would it make a difference? You could, and it
11 would make a big difference. We did not do that
12 because if -- you know, it's very frustrating for
13 people to get assessed for a drainage petition,
14 but it's more frustrating if they get assessed for
15 a drainage petition and it doesn't work the way
16 they expect it to work.

17 So you could save money putting in much
18 smaller pipes. But it's -- and it would be better
19 than what's there now, but it would not work the
20 way people expect it to work in a residential
21 area. Now, it would get overwhelmed much more
22 frequently to do that.

23 And then in addition, there was to talk
24 about the project benefiting the petitioners. So

1 I would just like to clarify, when we design a
2 project where property owners have petitioned the
3 county to make a drainage improvement, and in all
4 of these were -- also people talked about where
5 we've tried to do things on their own property,
6 but they can't. That is the issue here, that the
7 problem is regional.

8 One property owner -- unless you're on
9 the existing ditch, you can't really do much to
10 solve your problem. You need an outlet to get to.
11 And so we do design to get to the people who
12 petition, so that they have an option to fix their
13 own property by having a drainage outlet.

14 Some of the folks on the south side of
15 Morris Road spoke, and it's fair what they say,
16 the water goes there, but it's very slowly. This
17 project is not going to increase the speed of it
18 getting there. The reason we didn't put pipes
19 across Morris Road is because it would increase
20 cost and they didn't petition. But they could be
21 added at a future date if the project were built.
22 That would be, kind of, speaking in respect to
23 area three. We are still not proposing area
24 three, but if we did that, we could.

1 I think the idea of people doing things
2 privately is a good idea. They could do it
3 smaller, they could take the plans we have, the
4 only problem with it is that you need 100 percent
5 agreement, because the petition process is what
6 gets you property rights to do the work. So if
7 one person doesn't agree with the petition or with
8 the work that they're proposing to do or doesn't
9 want -- and they all have to agree to come up with
10 their fair share of the cost or do that at once,
11 if somebody doesn't agree, then they're stuck.
12 And so that's where the petition process comes
13 into it.

14 Addressing the question for the
15 specific property owner of what area-two proposes
16 on her property. So her property's here, the
17 area-two work that we talked about cleans out
18 sediment in the ditch that's minor, but it also
19 adds a pipe coming from Morris -- going under
20 Morris Road to access the ditch and then coming
21 back along this property line.

22 There's an existing old tile, field
23 tile, back here that comes down across -- comes
24 across these properties diagonally. It's been

1 impacted by the houses and trees. It's been moved
2 a little bit, so it's in bad shape. It's not
3 working correctly. Now, this pipe would go back
4 and pick that up, and instead of having it -- be
5 in that diagonal route, it would bring that water
6 right out here.

7 It would also -- there's water from
8 area two, up here, and area four that come down
9 across these properties. And it would help pick
10 up that water, so it doesn't just sit here and
11 flood onto those properties. So it's pretty
12 significant for that property owner in that area.

13 And I think that's it. If there are
14 any other questions, I would be happy to answer
15 them.

16 PROSECUTOR HUMMER: So are there any
17 clarifying questions for this witness? I think
18 Mr. Solis also has a statement.

19 COMMISSIONER BOYCE: Okay. I do have
20 questions, but if you want to go, Nick, you can
21 go. And then I can just ask whoever can answer
22 the questions.

23 MR. SOLIS: That's fine. Thank you,
24 Commissioners. Just for purposes of

1 clarification, we do talk about the benefit.
2 Obviously, one of the important considerations in
3 an assessment project is trying to evaluate the
4 benefit accruing to properties, to the entire
5 watershed and to the individual properties. And
6 one of the limiting factors is that the cost
7 cannot exceed the benefit.

8 So with benefit, we are constrained by
9 the Revised Code. Benefit is defined, in this
10 instance, by the Revised Code, which benefit
11 means -- and I apologize. I'm reading from
12 6131.01 of the Revised Code -- provides the
13 definitions. Benefit means advantages to land and
14 owners, to public corporations as entities, and to
15 the state resulting from drainage, conservation,
16 control and management of water, and environmental
17 wildlife and recreational improvements.

18 So what we are talking about is
19 managing the drainage to all the properties.
20 You've heard testimony and it's uncontroverted.
21 Certainly there are some people that are inundated
22 with water. There are some properties that do not
23 currently have standing water on their property,
24 even after major rain events.

1 When you look at the watershed as in
2 total, which is why we are recommending the
3 advancement, at least of area two, is that the
4 water that falls on a particular property is going
5 somewhere. It doesn't stay on the property, so
6 water that falls on a particular property is
7 draining downstream. And that is the benefit as
8 defined by the Revised Code, that we are looking
9 at and determining whether or not to recommend
10 going forward.

11 Now, that is our office's
12 recommendation with respect to area two. As
13 Mr. Ramsey had testified earlier and during his
14 presentation -- his initial presentation, the
15 reasons for us not recommending areas one, three,
16 and four is because while we do think there is no
17 doubt in our office's mind that the improvement is
18 necessary and that it will be conducive to the
19 public welfare, those are two of the three factors
20 that need to be found in order to proceed. We are
21 very concerned, based on the testimony, based on
22 the comments that we have received -- now, I'm
23 speaking solely for areas one, three, and four --
24 that it is difficult for us to demonstrate that

1 the cost will not exceed the benefit.

2 We think that these property owners
3 know their properties much better than we will
4 ever know their properties. And we do believe
5 that there is a benefit that is accruing to each
6 property as defined by the Revised Code.

7 But for areas one, three, and four, we
8 cannot confidently state or prove that the cost
9 will not exceed that. The costs are very high,
10 and we recognize that. So that is why we feel
11 that we cannot meet that one factor, that the cost
12 is not allowed to exceed the benefit, and we
13 cannot do that with areas one, three, and four.

14 COMMISSIONER BOYCE: Thank you,
15 Mr. President, Madam Prosecutor. Thanks,
16 Mr. Solis. You kind of answered my question, but
17 it was more around, how an assessment works in
18 terms of the geographic region of it.

19 So if area two is the only improvement
20 area, what is the law -- what does the Ohio
21 Revised Code say with regards to the area that
22 you're assessing? So even though you're only
23 doing the improvements in two, my question is, You
24 are still assessing areas one, three, and four to

1 pay for two, "yes" or "no"?

2 MR. SOLIS: Not exactly. The answer is
3 "no," to be direct. Areas one and four are not
4 included. There are -- and I'm going to look to
5 Mr. Ramsey just for confirmation here. There are
6 parts of area three that directly drain into area
7 two, and by statute they do receive a benefit from
8 the improvement to area two.

9 Now it is true, as folks have
10 testified, Mr. Ramsey has pointed out, that it
11 doesn't drain that fast. There are no direct
12 outlets being provided to some of the properties
13 in three -- in area three, but their water is
14 going there. So the improvement to two is, by the
15 code's definition, resulting in a benefit to those
16 properties.

17 COMMISSIONER BOYCE: Mr. President,
18 Madam Prosecutor, may I please?

19 PRESIDENT O'GRADY: Sure.

20 COMMISSIONER BOYCE: And then what's
21 the full duration of the assessment timeline?

22 MR. SOLIS: That is ultimately
23 determined by the Board. It is the Engineer's
24 recommendation. And what the Board has

1 historically done with assessments -- with ditch
2 petitions is taking it to the longest term
3 possible, which is 15 years, paid twice a year
4 with property taxes, so 30 payments, but over 15
5 years.

6 Important to point out that interest is
7 not charged on the cost of the project because the
8 county is not going to bond the project. So it
9 is -- whatever the final assessment is, it's
10 broken out into 30-separate payments. Property
11 owners may pay it up front if they so choose, or
12 they may take advantage of the full-15 years and
13 pay it off every six months.

14 COMMISSIONER BOYCE: And then,
15 Mr. President, Madam Prosecutor, my final question
16 is: In the initial presentation, you had
17 indicated that the county would cover one of the
18 areas. I believe it was area four? That -- did I
19 not hear that correctly?

20 MR. RAMSEY: In area three -- and we
21 have this in the assessment schedule already. The
22 county will pay for all the work into the
23 Patterson Road right-of-way, because the County
24 Engineer maintains Patterson Road.

1 And the Township agreed to pay all of
2 the cost for work in the Township Road
3 right-of-way too, so that would be areas three and
4 two. So that's more than what the code would
5 require them to pay, basically. They're going to
6 pay all the work in the right-of-way that they
7 maintain for the County and the Township for any
8 sections you approve. And they're going to do
9 their regular assessment also.

10 COMMISSIONER BOYCE: So that -- Madam
11 Prosecutor, Mr. President. Does it not apply in
12 area two? There is no roadway/right-of-way
13 improvement section that the county could pay for
14 as well?

15 MR. RAMSEY: In area two, there is no
16 county-maintained road right-of-way. There is
17 just township-maintained road right-of-way.

18 COMMISSIONER BOYCE: Okay.

19 MR. RAMSEY: Correct. Okay.

20 PROSECUTOR HUMMER: Commissioner, just
21 so we're clear, based on your question,
22 Mr. Ramsey, I think the question is, is there any
23 assessment -- if the Board approved the Engineer's
24 recommendation, is there any assessment that would

1 be applied to the County? And is there any
2 assessment being applied to the Township? And
3 what would those be?

4 MR. RAMSEY: So if area two is
5 approved, there will be a direct assessment
6 applied to Brown Township in their regular
7 assessment. There will not be an assessment
8 brought to the County, because it doesn't take the
9 Brown Road water.

10 COMMISSIONER BOYCE: And is that
11 already -- Madam Prosecutor, Mr. President -- is
12 that already calculated in the numbers?

13 MR. RAMSEY: Yes. Yes, Commissioner.

14 COMMISSIONER BOYCE: Okay.

15 MR. RAMSEY: And the only correction I
16 would make, what Nick said earlier was that all of
17 area three drains through area two. So it's
18 everybody, as opposed to part of it.

19 COMMISSIONER BOYCE: Okay. So you're
20 saying that it says, area three would be assessed.

21 MR. RAMSEY: Yes. Everybody in area --
22 if we do area two, that assessment is spread
23 across area two and area three.

24 COMMISSIONER BOYCE: Okay.

1 MR. RAMSEY: Correct.

2 COMMISSIONER BOYCE: Okay. Thanks.

3 PRESIDENT O'GRADY: Anything else?

4 COMMISSIONER BOYCE: No, sir.

5 PROSECUTOR HUMMER: At this time,
6 Commissioners, the hearing for purposes of
7 testimony, it's closed. And the Commissioners may
8 at this point recess into a closed session, or
9 they may have a discussion here. It's up to you.

10 COMMISSIONER BOYCE: Is there a length
11 of time?

12 PROSECUTOR HUMMER: You can just -- you
13 may deliberate away from the public.

14 PRESIDENT O'GRADY: Take a 10-minute
15 recess.

16 PROSECUTOR HUMMER: Recess to
17 deliberate.

18 THE CLERK: Thank you. At this time, I
19 would like to request the admission of all the
20 evidence presented today. So the evidence would
21 include the final report, assessment schedule,
22 plats and plans, the slide-show presentation, all
23 public comments submitted via email and mail, pro
24 and con, by the property owners. All documents

1 submitted by the property owners testifying at the
2 hearing today.

3 Is there a motion to admit all the
4 evidence and exhibits and evidence heard before
5 the Board today?

6 COMMISSIONER BOYCE: So moved.

7 PRESIDENT O'GRADY: Second.

8 THE CLERK: Moved and seconded.

9 Voting: Commissioner Boyce?

10 COMMISSIONER BOYCE: Yes.

11 THE CLERK: Commissioner O'Grady?

12 PRESIDENT O'GRADY: Yes.

13 THE CLERK: Thank you. The evidence
14 has been admitted. Next, I will go ahead and read
15 the resolution into the record.

16 Resolution No. 623-26: Resolution
17 affirming the Franklin County Board of
18 Commissioners' order to proceed with project
19 surveys and plans for the Mando Ditch watershed
20 improvements, confirming the assessments as
21 presented, and ordering the Franklin County
22 Engineer to let the contract for the improvements
23 to the Mando Ditch watershed, Brown Township,
24 Franklin County, Ohio.

1 The proposed Mando Ditch watershed
2 improvements identified as Part Two are necessary,
3 and the proposed Mando Ditch watershed
4 improvements identified as Part Two are conducive
5 to the public welfare and the benefits that will
6 be derived from the proposed Mando Ditch watershed
7 improvements identified as Part Two will be
8 greater than their costs.

9 The cost of the improvements identified
10 as Parts One, Three, and Four will be equal or
11 greater than the benefits that were that will be
12 derived from the improvements if constructed.

13 Commissioners, at this time it would be
14 up to you to make a motion to approve or deny.

15 PRESIDENT O'GRADY: Thank you.

16 COMMISSIONER BOYCE: Mr. President, I
17 would like to make a few comments before I make
18 the motion?

19 PRESIDENT O'GRADY: Please.

20 COMMISSIONER BOYCE: Okay. Thank you.

21 One, I want to thank the County
22 Engineer's Office for listening well to the
23 public. I got to say, I've been here for almost
24 ten years, and it's probably one of the more

1 cooperative engagements that I've witnessed when
2 it comes to the ditch-petition process. And so I
3 want to commend the Engineer's Office for being so
4 engaged. What I think, listening to the community
5 and going out of your way to provide, I think, a
6 base of a compromised version of recommendation to
7 the residents that live in the community and have
8 taken the time to come here and share your
9 thoughts, not just about your property, but about
10 the community.

11 I'm very grateful, and I know I speak
12 on behalf of my colleagues when I say that this is
13 very much an important part of the process for us.
14 We read your letters -- the many letters that came
15 in. We listened to your testimony today, and I
16 think of a lot of very legitimate issues were
17 raised.

18 For example, we're always concerned
19 when it comes to the actions that we take that
20 lead to higher living costs. And that's what
21 we're talking about, an assessment on your
22 property, which ultimately means more cost for you
23 to live in the home that you already live in.

24 But we are ordained with the idea that

1 we have to do what's in the best interest of the
2 broader community. And I'll just personally
3 acknowledge, Central Ohio is growing. Central
4 Ohio is going to continue to grow. And as a
5 result, as a community, we are going to deal with
6 challenges, whether they are neighborhood,
7 district, or community wide that are impacted by
8 the development, that are impacted by growth, et
9 cetera.

10 But we have to take into account the
11 broader impact on the community. And what I heard
12 today was a lot of -- two things: The impact on
13 the broader community, which means things like how
14 we impact the Big Darby. Hellbranch Run, its
15 impact on the tributary -- the tributary of
16 Hellbranch Run. We heard about standing water and
17 mosquitoes and mud and basements flooding. We
18 heard about roadways being impacted, culverts
19 being impacted, and those are all things that
20 ultimately have an undergirding of safety in them.
21 They ultimately have some undergirding of safety
22 that we have to think about as Commissioners.

23 And so for me, I think about safety, I
24 think about the broader impact to the community,

1 and I definitely, definitely think about costs and
2 the impact on you. At the end of the day, though,
3 it's my perspective and belief that this is an
4 action that's meant to benefit the broader
5 community.

6 And I do believe that the 15-year
7 assessment semiannually, monthly, or once a
8 year -- while I think terms could be better that
9 benefit the community better, especially a
10 hardship, those of you who have that larger-sized
11 assessment. But I believe those standards are
12 driven by the Ohio Revised Code. We don't get to
13 deviate from those standards.

14 If it's up to me, I would say it should
15 be a 30-year assessment, or it could match the
16 term of your mortgage on the property, or it could
17 be whatever, and you could pay it in monthly
18 payments. I think you can pay it how you want in
19 terms of the times you pay, but that's something
20 that we should be advocating as a county to the
21 general assembly, to say that we need more tools
22 to give to our communities when it comes to these
23 assessments so that it's not a burden.

24 It's not meant to be a financial burden

1 for you. It's meant to be an impact for the
2 community, improvement for the community. And
3 unfortunately, this is the process that we've been
4 given as Commissioners, that, and we have to make
5 that decision.

6 When I see it, I simply say -- I first
7 start with the safety issue, and to me -- and the
8 safety issue and the cost-benefit issue which is
9 embedded in safety. I do see a safety concern and
10 issue, to me, that makes it a reasonable action to
11 make the improvements. And I do think that the
12 cost-benefit analysis -- I tend to agree with the
13 Engineer's Office and think that they've done a
14 very thorough job of evaluating, assessing, and
15 then giving us something that is less than what
16 they started with. Because I'll tell you, we have
17 been through a number of these, and I've rarely
18 seen it start at one thing and, kind of, work its
19 way down to one thing.

20 Historically, at least in my
21 experience -- Commissioner O'Grady has a lot more
22 than me, but in my experience, it's "This is what
23 the improvements are, this is the only thing, and
24 this is the assessment, 'yes' or 'no.'"

1 Here, they've gone through a series of
2 engagements with you and come down, taking what
3 was a broader recommendation and brought it to a
4 very narrow recommendation that they are
5 recommending to us as professionals, will have a
6 positive impact.

7 So, Commissioner O'Grady, Prosecutor
8 Hummer, it would be my recommendation -- so I can
9 make the motion and pass it on, I would make the
10 motion to accept the recommendation that has been
11 presented before this body today.

12 PRESIDENT O'GRADY: Thank you,
13 Commissioner.

14 So thank you to the Engineer's Office.
15 I appreciate -- I agree with and concur with
16 Commissioner Boyce, that you guys have done a
17 phenomenal job here. You know, Commissioner Boyce
18 indicates that we do this -- you know, we've done
19 this a number of times.

20 But you know, as the County
21 Commissioners in the largest county in Ohio, this
22 is not something that we do a lot.

23 COMMISSIONER BOYCE: That's true.

24 PRESIDENT O'GRADY: Ditch petitions are

1 not the norm. These are not things that we do on
2 a weekly basis, or certainly even on a monthly
3 basis.

4 In Franklin County, as the Engineer's
5 Office knows, and as you guys -- certainly those
6 of you who live in rural Franklin County know,
7 rural Franklin County is becoming rarer and
8 smaller all the time. I know my friend from the
9 Schreck family knows that farmers in Franklin
10 County are becoming rarer and fewer and far
11 between all the time.

12 That being said, you know, I was a
13 young kid when my parents decided that we would
14 move from the city to the county to the rural part
15 of the county. And we moved to Brown Township,
16 when I was just a young kid in elementary school,
17 we moved to Morris Road.

18 And every spring when I was a young
19 guy, it would rain. And my parents -- you know,
20 our front yard would flood, our backyard would
21 flood, we had five acres of land and most of it
22 would flood. And I lived -- for those of you on
23 Morris Road, I lived just -- for those of you,
24 Mr. Shade, and you guys that live down there in

1 area two, I lived just above the rise, out there
2 to your west.

3 But we still flooded up there as you
4 guys well know. And every spring my dad would
5 order -- or every spring it would flood. And
6 every summer my dad would order dump trucks full
7 of topsoil to come be delivered to the yard. And
8 they would back up right into our front yard, and
9 they would unload gigantic mounds of dirt into our
10 yard because, you know, he was a city guy and he
11 figured he could fix that problem.

12 And then I would spend the rest of the
13 summer with wheelbarrow and a shovel as a
14 junior-high-aged kid and a high-school-age kid.
15 You know, he figured he had a football
16 player/wrestler that he could put to work all
17 summer. And I would spend the whole summer
18 spreading that dirt all over the front yard. And
19 then next -- the following spring it would flood.

20 And then he did that for, I don't know,
21 all the way through my high school years. And
22 then I went off to -- I left and went off to
23 college. And, you know, he decided, I guess, that
24 he was beaten and, you know, no more dump trucks

1 full of dirt.

2 But guess what, I would imagine the
3 folks who own 8520 Morris Road, still get flooded
4 every spring. And so I've been paying attention
5 to it, as I told you guys earlier, for my entire
6 life. I go out there and travel -- I go out to
7 see that piece of property because my parents
8 bought a cornfield, basically. There was a house
9 that had a couple trees on it, and that was about
10 it.

11 And my brothers and I planted 1,500
12 trees, probably, on that property. And so anybody
13 that knows that piece of property knows, when my
14 parents sold it, it was advertised as a park-like
15 setting. And it is a beautiful piece of property
16 now. And so we go out there a lot. Anytime I'm
17 out at Bradley High School, I swing by, drive down
18 the street, see all of your properties.

19 Mr. Shade, I've seen your horse farm
20 many times. I stop by, I drive past, I went to
21 see Mr. Gravel -- Mr. and Mrs. Gravel, his
22 property, that old house that's there, I've seen
23 all -- most of your houses. I've watched them
24 being built over the years. When we moved there

1 when I was a kid, there were 12 houses on Morris
2 Road. Twelve. How many are out there now? I
3 don't know, probably 30-some? Forty?

4 MR. JANZ: I think about 80.

5 PRESIDENT O'GRADY: Eighty houses?
6 Eighty houses on Morris Road. So, you know, the
7 presentation that Jim made, you know, all the
8 development that's happened out there over the
9 years, I've seen it all. I mean, there are some
10 beautiful homes on Patterson and Morris Roads, you
11 know, and it's going to continue. It will
12 continue.

13 It was a great place to grow up. It
14 was a great place to be when I was in junior high
15 and high school. It was a great place. Believe
16 me, it was a great place to be in college. My
17 parents enjoyed my friends and I coming out there.
18 My dad used to make everybody spend a night
19 whenever we would go out there and have a bonfire
20 in the back of the yard.

21 But -- so anyway, I really appreciate
22 all of you guys coming today. I really appreciate
23 all of your testimony, whether you're for this or
24 you're against it. I appreciate all of you being

1 a part of the process. I appreciate those of you
2 that are here on behalf of the Darby. My mom was
3 a part of the very beginnings of the "Don't Drown
4 Brown" property -- or movement, back in the day.
5 And appreciate all the work that all of you guys
6 have put in over the years.

7 And by the way, this is only the
8 latest. You know, we have had people from Brown
9 Township coming in here for years and years on all
10 kinds of different issues. This isn't the first
11 issue or the first ditch petition from the area in
12 Brown Township; this won't be the last.

13 We were just having this conversation
14 in the back, you know, so we appreciate all of you
15 guys being here today. And thank you for all the
16 work from the Engineer's Office. So I will second
17 the motion.

18 THE CLERK: Thank you, Mr. President.
19 So the motion has been moved and seconded for the
20 Resolution No. 623-26, which is the recommendation
21 of the Engineer's Office. So now we will vote.

22 Commissioner Boyce?

23 COMMISSIONER BOYCE: Yes.

24 THE CLERK: Commissioner O'Grady?

1 PRESIDENT O'GRADY: Yes.

2 THE CLERK: Resolution No. 623-26 has
3 been adopted.

4 Mr. President, at this time, unless
5 there is anything else before the Board?

6 PRESIDENT O'GRADY: We will close the
7 public hearing.

8 THE CLERK: Thank you. We are
9 adjourned.

10 - - - - -

11 Thereupon, the foregoing proceedings
12 concluded at 12:14 p.m.

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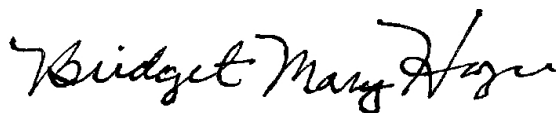
24

1 State of Ohio : C E R T I F I C A T E
2 County of Franklin: SS

3 I, Bridget Mary Hoyer, a Notary Public in and
4 for the State of Ohio, do hereby certify that I
5 transcribed or supervised the transcription of the
6 audio recording of the aforementioned proceedings;
7 that the foregoing is a true record of the
8 proceedings.

9 I do further certify I am not a relative,
10 employee or attorney of any of the parties hereto,
11 and further I am not a relative or employee of any
12 attorney or counsel employed by the parties
13 hereto, or financially interested in the action.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my seal of office at Columbus,
16 Ohio, on October 7, 2026.

17
18
19 

20 _____
21 Bridget Mary Hoyer, Notary Public - State of Ohio
22 My commission expires April 14, 2030.
23
24

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