

FRANKLIN COUNTY BOARD OF COMMISSIONERS MINUTES

Mando Ditch Petition — Final Hearing

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

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

ATTENDANCE

Members Present: President John O'Grady; Commissioner Kevin L. Boyce.

Also Present: Jeanine Hummer, First Assistant Prosecuting Attorney, Franklin County Prosecutor's Office; Brittany Razek, Clerk to the Board of Commissioners and Director of Community Appointments; Zak Talarek, Director, Franklin County Office of Management and Budget; Kenneth Wilson, Franklin County Administrator; Michael Ruehrmund, Deputy Clerk to the Board of Commissioners; Adam Fowler, Franklin County Engineer and Drainage Engineer; James Ramsey, Riparian and Environmental Engineer, Franklin County Drainage Engineer's Office; Nick Solis, Government Affairs Liaison, Franklin County Engineer's Office.

Public Speakers: Anthony Sasson, Tim Shade, Michelle Stayrook, Tom Janz, Lance Randolph, Danielle Rohrbach, Jennifer Bevington, and Melissa Wood.

I. CALL TO ORDER

President O'Grady called the final hearing of the Mando Ditch Petition to order and asked those in attendance to silence their phones. He asked the Clerk to read the hearing process into the record.

II. HEARING PROCEDURE AND OATH

The Clerk stated that the matter was set for final hearing on the petition to improve Mando Ditch pursuant to Ohio Revised Code Chapter 6131. Documents or evidence to be entered into the record were to be submitted at the time of each presentation. All witnesses were required to state their full name and address or parcel number and to be sworn in by the Clerk prior to testifying.

Members of the Franklin County Engineer's Office were duly sworn.

III. REPORT OF THE FRANKLIN COUNTY ENGINEER

A. Adam Fowler, Franklin County Engineer and Drainage Engineer

Mr. Fowler reported that on February 24, 2022, a ditch petition was filed by Frank Mando and 11 other property owners seeking a remedy for flooding within the watershed along Morris and Patterson Roads in Brown Township, initiating the ditch-petition process under the Ohio Revised Code. The Board conducted a viewing of the area on May 1, 2022, and the first hearing on June 8, 2022, after which the Board directed the Engineer's Office to prepare plans, estimates, and a schedule of assessments. The final report and schedule of assessments were submitted to the Board on August 27, 2026.

Mr. Fowler stated that the purpose of the final hearing is for the Board to determine whether to proceed with construction of all, some, or none of the project and to confirm the assessments. He explained that ditch petitions are used when property owners face drainage problems requiring a regional solution; the County cannot solve such problems on its own because the solution involves improvements outside the public right-of-way, where the County has no jurisdiction. The project was initiated by residents, not proposed by the County, and the Engineer's Office engaged consultants to identify the best solution at the lowest possible cost to residents.

B. Nick Solis, Government Affairs Liaison

Mr. Solis reported that more than 95 items of correspondence were received by the Engineer's Office and the Clerk's Office: initially in 2025 following the first public information meeting, again in June 2026 following a second public information meeting, and in the week of the final public information meeting held September 15, 2026. All correspondence was provided to the Board and staff, made available on the Franklin County Engineer's website, and would be made part of the record.

Mr. Solis read into the record a letter dated September 21, 2026, from the Brown Township Board of Trustees (Pam Sayre, Joe Martin, and Pete Marsh). The Trustees stated their support for the proposed "Area 2 only" drainage project, noted that they had previously adopted a resolution against the entire Mando Ditch Petition project, and commended the Franklin County Drainage Engineer's Department for its work with residents and trustees.

Mr. Solis further reported that notice of the final hearing was provided by the Clerk's Office to all residents within the watershed by certified mail and published in The Columbus Dispatch, as required by statute, and that the affidavit of publication is part of the record.

C. James Ramsey, Riparian and Environmental Engineer — Presentation

Mr. Ramsey presented the project schedule and background. He stated that drainage problems are distributed throughout the large watershed, which has transitioned from agricultural to predominantly large-lot residential use requiring a higher level of service. Contributing factors include deteriorating farm tiles, some more than 100 years old; private tiles that were never well mapped and have been disrupted by construction and grading; and tree roots plugging drainage systems. He presented photographs and video submitted by property owners and noted that a one-year rain event is approximately 2.25 inches in 24 hours and a five-year rain event approximately 3.25 inches in 24 hours.

The project was divided into four drainage areas:

- **Area One:** installation of a pipe.
- **Area Two:** installation of a pipe; removal of sediment, debris, and blockages from the existing ditch; and replacement of undersized private culverts.
- **Area Three (primarily Morris Road):** ditch cleanout and installation of a 30-inch pipe and an additional pipe.
- **Area Four (primarily Patterson Road):** installation of pipes along the rear of properties.

Mr. Ramsey explained that assessments are calculated by parcel based on the factors set forth in the Ohio Revised Code, including parcel area, land use and its effect on runoff, distance from the improvement, and the portion of the improvement used. Because upstream parcels use the entire improvement, assessments are weighted toward the upstream (eastern) end of the watershed. The Engineer recommended a 15-year assessment schedule, the maximum permitted. A total of 91 parcels are assessed, together with road rights-of-way of Franklin County and Brown Township. Area One, Area Two, and Area Four may each be approved or dismissed independently; Area Three may be approved only if Area Four is approved. Because Area Three drains through Area Two, Area Three property owners would also be assessed for Area Two.

Drainage Area	Estimated Cost	Lowest Assessment	Highest Assessment
Area One	\$176,645	\$543	\$22,639
Area Two	\$376,574	\$10	\$19,801
Area Three	\$1,289,790	\$43	\$56,379
Area Four	\$2,084,000	\$14	\$98,510
All Four Areas	approx. \$3.9 million	—	\$114,000 (cumulative)

The County Engineer agreed to take the direct assessment for work in the Patterson Road right-of-way, in addition to its regular assessment, although not required by code. Brown Township agreed to take all assessments for work in its road rights-of-way in Areas Two and Three, in addition to its regular assessments; however, the Township has indicated that it supports Area Two only.

Mr. Ramsey reported 31 written comments against the project, 4 unclear, and 5 in favor. Of the 12 petitioners, three submitted comments in favor, two against, and one unclear. Comments in favor were located in Area Two. The Engineer's Office recommended that the Board approve Area Two and dismiss Areas One, Three, and Four, with cost versus benefit as the key factor, giving significant weight to resident feedback given the predominantly residential character of the watershed.

IV. STATEMENT OF LEGAL COUNSEL AND BOARD QUESTIONS

Ms. Hummer stated that the Prosecutor's Office serves as legal counsel to the Board for purposes of the hearing and does not advocate any position, although it otherwise represents the Engineer's Office. She explained that residents living within the watershed may question witnesses before the Board does so. No questions were posed by the public.

Commissioner Boyce asked whether the Board's vote is a "yes" or "no" on the Engineer's recommendation. Ms. Hummer advised that, as in an administrative hearing, the Board may accept the recommendation but is not bound by it; it may modify it, dismiss the petition as a whole, or approve and dismiss individual areas based on the evidence presented.

A short recess was taken to maintain a quorum, after which the hearing resumed.

V. PUBLIC TESTIMONY

The following people were duly sworn by the Clerk and testified:

1. Anthony Sasson, 8351 Patterson Road, Hilliard (Area Four)

Mr. Sasson, who has worked professionally on conservation of Big Darby Creek since 2001, thanked the County Engineer for reducing the project scope and asked that the Area Two portion incorporate environmental improvements, including channel redesign, to reduce impacts to Big Darby Creek. He stated that the project would discharge stormwater, through a tributary, to Big Darby Creek within Prairie Oaks Metro Park approximately 100 yards upstream of federally endangered species, and that the final report does not address potential effects on those species. He noted that at least three federally endangered species and 19 other rare mussel species inhabit the area; that Big Darby Creek is a National and State Scenic River; and that the Ohio Department of Natural Resources will survey mussels in 2026 after finding no living mussels in Hellbranch Run in 2025. He stated that drainage projects in the Big Darby watershed undermine conservation gains such as the recent acquisition of 330 acres of conservation land by Metro Parks.

2. Tim Shade, 8178 Morris Road, Parcel No. 120-000509-00 (Area Two)

Mr. Shade stated that he has lived on Morris Road for 45 years and that flooding has worsened significantly. He reported recent losses of \$1,500 to \$2,000, with an additional \$4,000 to \$5,000 needed to replace riding-arena sand. He stated that when he asked Engineer's Office staff what he could do on his own property, he was advised that his only recourse was to sue his neighbor over a plugged 10-inch tile. He supported Area Two, and would support Areas Two, Three, and Four, and attributed the worsening conditions in part to the Township permitting roadside ditches to be filled. There were no questions.

3. Michelle Stayrook, 7806 Morris Road (Area Three)

Ms. Stayrook, a soil scientist and hydrogeologist, thanked the Engineer's Office for its communication and supported its recommendation not to proceed with Areas One, Three, and Four. She stated that the area's clay soils limit drainage and that, as the Township Trustees have communicated, water management is the responsibility of the property owner. She noted that of the 12 petitioners, three have moved from the Township, and that the remainder are divided between support, opposition, and no response. She stated that Area Three exceeds \$1 million distributed across 35 property owners, that the assessment calculator is designed for agricultural land, and that she is assessed \$15,000 for Area Three although she is approximately 2,000 feet from the first catch basin and is also assessed for Area Two approximately 4,000 feet away. She submitted a letter for the record.

In response to a question from Commissioner Boyce, Ms. Stayrook clarified that she is not in favor of any area of the project, as the overall and individual costs are too high for property owners.

4. Tom Janz, 7762 Roberts Road

Mr. Janz stated that his family has farmed and performed drainage work in the area for 70 to 80 years and acknowledged that drainage problems have worsened. He commended the County Engineer's efforts but stated that the benefit does not justify the cost: his family would be assessed

close to \$30,000, with an additional \$50,000 to \$60,000 on rented ground, and would still need to cross Morris Road and other properties to use the system. He opposed the plan and urged less costly alternatives. In response to President O'Grady, he identified his family's parcels north and south of Morris Road and noted his family connection to the Shreck family. President O'Grady noted that he grew up at 8520 Morris Road and has observed seasonal flooding in the area for more than 50 years.

5. Lance Randolph, 8071 and 8113 Morris Road (Area Three)

Mr. Randolph stated that the Area Two improvement would not move water from his 110 acres faster because a 24-by-24 catch basin downstream of his property is the choke point, yet his assessment is \$8,000. He praised Engineer's Office staff for their outreach but stated that the process is too regimented, questioned whether the project represents the lowest possible cost, and urged consideration of more County funding or other creative solutions. He stated that he could not support the project.

6. Danielle Rohrbach, 8142 Morris Road (German Farms)

Ms. Rohrbach stated that her farm is upstream and has no drainage problems, that her proposed assessment of \$27,766 provides essentially no benefit, and that while she would assist neighbors, any such work should be privately funded. She asked to be recorded as opposed to the Area Two plan.

Mr. Shade asked Ms. Rohrbach why, if she wished to help, she would not restore the roadside ditch along Morris Road that he stated was filled by a previous owner of German Farms. Ms. Rohrbach responded that the filling predated her ownership, that this was the first she had heard of the issue, and that she would entertain a private community solution and a lower assessment.

President O'Grady asked how the roadside ditch came to be filled. Mr. Ramsey responded that he was not aware of the County allowing it; that Brown Township is responsible for that ditch; that the County now issues such permits but may not have historically; and that property owners sometimes undertake such work without permission. In response to Ms. Hummer, Mr. Ramsey stated that the Engineer's Office has no record of an approval.

7. Jennifer Bevington, 8166 Morris Road

Ms. Bevington stated that her property, adjacent to and lower than the Rohrbach property, collects water from surrounding properties. Since approximately 2018, water has entered her basement during heavy rains; her family created a swale with the prior owners' agreement and this spring added a second sump pit, but the outlet pipe under the road is barely above the water level and existing pipes are inadequate, one of which slopes uphill. She described ongoing standing water, odor, and mosquitoes, stated that she cannot resolve the problem without County assistance, submitted a letter for the record, and stated her support for Area Two. In response to a question from Ms. Rohrbach regarding the proposed work on her property, Ms. Bevington deferred to the engineers.

Ms. Hummer explained to the public that the hearing follows a trial-like process in which witnesses testify and are questioned in order.

8. Melissa Wood, 8154 Morris Road, Parcel No. 120-00-1245

Ms. Wood stated that she and her husband, George Wolanin, oppose the entire project. She cited its impact on Big Darby Creek; stated that their property, purchased in part because it did not flood, receives no benefit; and objected to the proposed widening of the ditch along the rear of their property and removal of trees, which she stated as a realtor would reduce property value and privacy. She noted that the County had previously required them to plant additional trees, that rising property taxes burden older residents, and that their assessment for Areas Two and Three would exceed \$10,000. She stated that residents are willing to help neighbors, including by restoring the filled roadside ditch.

VI. REBUTTAL TESTIMONY OF THE ENGINEER'S OFFICE

Mr. Ramsey stated that proposed ditch work would remove woody debris and sediment and replace private culverts and would not enlarge the ditches. An alternative channel design, as suggested by Mr. Sasson, was considered but rejected because of the additional excavation, property impacts, and cost. Detention basins were evaluated but removed because the flat terrain would make them large, costly, and of little benefit. Smaller pipes could reduce costs but would not perform as residents expect; the design follows modern standards for a five-year storm. He stated that the design is intended to provide an outlet to petitioners; that pipes were not extended to the south side of Morris Road because those owners did not petition, although they could be added later; and that private solutions require 100 percent owner agreement, whereas the petition process provides the necessary property rights. For the Bevington property, the Area Two work would install a pipe under Morris Road to the ditch and along the property line, picking up a deteriorated field tile and upstream water.

Mr. Solis stated that "benefit" is defined in Ohio Revised Code Section 6131.01 to include advantages to land and owners, to public corporations as entities, and to the state resulting from drainage, conservation, control and management of water, and environmental, wildlife, and recreational improvements, and that the cost of an improvement may not exceed its benefit. While the Engineer's Office finds that improvement is necessary and conducive to the public welfare, it cannot demonstrate that the cost of Areas One, Three, and Four would not exceed the benefit, and therefore recommends Area Two only.

Board Questions

- Commissioner Boyce asked whether owners in Areas One, Three, and Four would be assessed for Area Two. Mr. Solis responded that Areas One and Four would not be assessed; Mr. Ramsey clarified that all of Area Three drains through Area Two, so the Area Two assessment would be spread across Areas Two and Three.
- Commissioner Boyce asked the duration of the assessment. Mr. Solis responded that the term is determined by the Board; the Board has historically used the maximum 15-year term, payable twice yearly with property taxes (30 payments), with no interest charged because the County will not bond the project. Owners may pay in full at any time.

- Commissioner Boyce asked whether the County would pay for any work. Mr. Ramsey stated that the County will pay for all work in the Patterson Road right-of-way, which it maintains, and Brown Township will pay for all work in township road rights-of-way, in addition to their regular assessments. Area Two contains only township-maintained right-of-way. In response to Ms. Hummer, Mr. Ramsey confirmed that if Area Two is approved, a direct assessment would be applied to Brown Township but not to the County, and that these amounts are already included in the assessment schedule.

VII. CLOSE OF TESTIMONY AND RECESS

Ms. Hummer declared the testimony portion of the hearing closed. President O'Grady called a 10-minute recess for the Board to deliberate.

VIII. ADMISSION OF EVIDENCE

The Clerk requested admission of all evidence presented, including the final report, assessment schedule, plats and plans, slide-show presentation, all public comments submitted by email and mail, and all documents submitted by property owners testifying at the hearing.

Motion: Commissioner Boyce moved to admit all evidence and exhibits presented before the Board. **Second:** President O'Grady.

Commissioner Boyce	Yes
President O'Grady	Yes

The motion carried, and the evidence was admitted.

IX. RESOLUTION NO. 623-26

The Clerk read Resolution No. 623-26 into the record:

"Resolution affirming the Franklin County Board of Commissioners' order to proceed with project surveys and plans for the Mando Ditch watershed improvements, confirming the assessments as presented, and ordering the Franklin County Engineer to let the contract for the improvements to the Mando Ditch watershed, Brown Township, Franklin County, Ohio."

The resolution finds that the proposed Mando Ditch watershed improvements identified as Part Two are necessary and conducive to the public welfare, and that the benefits to be derived from the Part Two improvements will be greater than their costs; and that the costs of the improvements identified as Parts One, Three, and Four will be equal to or greater than the benefits to be derived from them if constructed.

Board Discussion

Commissioner Boyce thanked the County Engineer's Office for its engagement with the community and for presenting a narrowed recommendation, describing the process as one of the more cooperative ditch-petition engagements he has witnessed. He acknowledged residents' concerns regarding cost, environmental impact on Big Darby Creek and Hellbranch Run, standing

water, and basement flooding, and stated that safety and the broader benefit to the community weighed in favor of the improvement. He expressed support for advocating to the General Assembly for more flexible assessment terms for property owners.

President O'Grady thanked the Engineer's Office and concurred with Commissioner Boyce. He noted that ditch petitions are uncommon in Franklin County, recalled his family's experience with seasonal flooding at their former home on Morris Road, thanked residents and those representing the Big Darby for their participation, and seconded the motion.

Motion: Commissioner Boyce moved to accept the recommendation of the Engineer's Office as presented before the Board, Resolution No. 623-26. **Second:** President O'Grady.

Commissioner Boyce	Yes
President O'Grady	Yes

Resolution No. 623-26 was adopted.

X. ADJOURNMENT

There being no further business before the Board, President O'Grady closed the public hearing. The hearing was adjourned at 12:14 p.m.

John O'Grady, President

Kevin L. Boyce, Commissioner

ATTEST:

Brittany Razek, Clerk to the Board of Commissioners

Minutes prepared from the verbatim transcript of proceedings by Spectrum Reporting LLC.