

REGULAR SESSION JULY 13, 2020

This day the Board of Morrow County Commissioners met in their office at 80 North Walnut St., Ste. A, Mt. Gilead, Ohio with the following members present: Mr. Davis, Mr. Whiston and Mr. Castle.

Public in attendance: Tim Siegfried, Alberta Stojkovic (Sentinel) and Andy Ware (Development).

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Castle, who then proceeded with the business at hand. The following matters came before the Board for their consideration and approval.

**IN THE MATTER OF
APPROVAL OF THE MINUTES
OF REGULAR SESSION OF JULY 8, 2020: 20-R-537**

Mr. Davis made a motion to approve the minutes of regular session of July 8, 2020, as recorded in the Commissioners Journal # 48.

Mr. Whiston duly seconded this motion

Roll Call Vote: ...,Mr. Whiston..., “yea”...,Mr. Davis..., “yea” .., Mr. Castle., “yea”

**IN THE MATTER OF
APPROVAL OF BILLS FOR PAYMENT: 20-R-538**

Mr. Whiston made a motion to approve payment of bills numbered 1 through 38 submitted by the Morrow County Auditor’s office.

Mr. Castle duly seconded this motion

Roll Call Vote: ...,Mr. Whiston..., “yea”...,Mr. Davis..., “yea” .., Mr. Castle., “yea”

**IN THE MATTER OF
PAY-INS: 20-R-539**

The following pay-ins were made to Patricia K. Davies, Morrow County Auditor:

- Pay-in #201978 Payment received from Johnsville customers for sewer fund 5100 \$118.00
- Pay-in #201979 Payment received from Chesterville customers for sewer fund 5159 \$180.00
- Pay-in #201991 Payment received from Ketterman customers for sewer fund 5121 \$167.52
- Pay-in #201992 Payment received from Chesterville customers for sewer fund 5159 \$266.69
- Pay-in #201995 Payment received from Metropolitan Housing rent for July 2072-1070-470802 \$775.00
- Pay-in #201996 Payment received from CORSA for reimb of antivirus software and training 1000-1020-420240 \$3,025.00
- Pay-in #202008 Payment received from Chesterville customers for sewer fund 5159 \$120.00

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, COMMISSIONERS AND MAINTENANCE: 20-T-059**

Mr. Whiston made a motion to approve the following transfer of funds:

**Reason – to pay invoice for TID audit for FY19

- From 1000-0053-530390 Memorial Day Grant to 1000-7005-530312 Auditing Services in the amount of \$600.00
- From 1000-0101-520330 Comm Travel/Training to 1000-7005-530312 Auditing Services in the amount of \$150.00

**Reason – to pay for flooring work already approved at the Correctional Facility

- From 1000-0117-550720 Gen Fund Capital Improvements to 1000-0119-530323 Jail Maintenance in the amount of \$8,304.34

From 1000-0118-530323 Courthouse Maintenance to 1000-0119-530323 Jail Maintenance in the amount of \$1,777.66

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
TRANSFER OF FUNDS – COMMON PLEAS FUND 2640 DYS GRANT: 20-T-060**

At the request of Darlene Morehart, Fiscal Coordinator, a motion was made by Mr. Castle to approve the following transfer of funds:

**Reason – the FY2020 DYS Grant ended June 30th. DYS is not granting funds for Competitive Reclaim for the new FY2021, therefore, we need to utilize the funds previously appropriated for Competitive Reclaim for Diversion in order to keep probation officers' payroll in the FY2021 Grant.

From 2640-6470-510120 Employee Wages to 2640-6440-510120 Employee Wages in the amount of \$35,781.00

From 2640-6470-510211 OPERS to 2640-6440-510211 OPERS in the amount of \$4,539.20

From 2640-6470-510213 Medicare to 2640-6440-510213 Medicare in the amount of \$523.02

From 2640-6470-510230 Workers Compensation to 2640-6440-510230 Workers Compensation in the amount of \$502.38

From 2640-6470-540400 Supplies & Materials to 2640-6430-540400 Supplies & Materials in the amount of \$1,786.42

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
APPROVAL OF AMENDED CONTRACT TO PURCHASE SO MO CO WASTEWATER TREATMENT
PLANT: 20-R-540**

Mr. Whiston made a motion to approve and for the Morrow County Commissioners to sign the Amended Contract to Purchase So Mo Co Wastewater Treatment Plant as presented:

**AMENDED CONTRACT TO PURCHASE
So Mo Co WASTEWATER TREATMENT PLANT**

This Agreement, entered into as of this 25th day of June, 2018, by and between the **BOARD OF COMMISSIONERS OF MORROW COUNTY, OHIO**, hereinafter called "Buyer"; and the **So Mo Co Board of Directors**, hereinafter called "Seller". This contract is now amended on July 13, 2020.

THIS CONTRACT FOR THE TRANSFER OF THE SOMOCO WASTEWATER TREATMENT PLAN (this "Agreement") is entered into as of this 25th day of June, 2018 (the "Effective Date"), by and between the **BOARD OF COMMISSIONERS OF MORROW COUNTY, OHIO** (the "County"), **SOMOCO SANITARY INC.**, an Ohio non-profit corporation ("Somoco"), **MORROW CMEADOWS DEVELOPMENT, INC.**, an Ohio corporation ("MMD"), **HEARTLAND CONFERENCE RETREAT CENTER**, an Ohio non-profit corporation ("Heartland"), and **FISHBURN SERVICES, INC.**, an Ohio Corporation ("Fishburn").

WITNESSETH:

Whereas the Buyer and Seller have determined that it is in their mutual interests to Amend the original Agreement to modify and clarify certain terms and language of the Agreement, now therefore:

In consideration of the mutual promises, representations, and agreements contained herein, the SELLER and BUYER hereby agree to:

- 1. Legal Description of Property.** Seller agrees to transfer and convey, all ownership, easements and assets by good and sufficient deed of general warranty,

with release of dower of all spouses and with covenant against encumbrances, unto said BUYER, free of all liens and encumbrances except as hereinafter provided, and in acceptable condition and state of repair as at the time of the signing of this Agreement, the following described real estate:

LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

ADDITIONALLY, SELLER SHALL GRANT A FORTY FOOT WIDE PERMANENT EASEMENT TO BUYER TO USE THE EXISTING GRAVEL DRIVE TO THE SOMOCO WASTEWATER TREATMENT PLANT AND SEWER INFRASTRUCTURE FOR THE PURPOSE OF INGRESS AND EGRESS.

ADDITIONALLY, SELLER SHALL GRANT TO BUYER THE EXISTING GRAVITY SEWER COLLECTION SYSTEM AND PROVIDE EASEMENTS TO ALL EXISTING SEWER INFRASTRUCTURE (MANHOLES, LIFT STATIONS, PUMPS, MOTORS, MAINLINES, ETC.) FOR OPERATION, REPAIR, AND MAINTENANCE.

ADDITIONALLY, SELLER SHALL GRANT TO BUYER AN EASEMENT FOR FIELD APPLICATION WITH ALL EXISTING INFRASTRUCTURE FOR NOT LESS THAN 20 YEARS ON PROPERTY DESCRIBED HERETO AS EXHIBIT "B"

ADDITIONALLY, SELLER SHALL GRANT TO BUYER THE EFFLUENT LINE AND ALL APPURTENANCES.

2. **Transfer of Sewer District.** SELLER promises, covenants, and agrees to transfer said real estate and to pay BUYER based upon the following payment schedule:
 - A. The sewer plant shall service the area around the 71/61 interchange in Bennington and Peru Townships. The hook up fee for each potential user shall be calculated on a formula basis predicated upon the prospective user's daily Equivalent Dwelling Unit of three hundred (300) gallons per day. This agreement applies to existing and future residential, commercial, industrial and institutional users within the sewer district.
 - B. In consideration for their initial investment in the SoMoCo wastewater treatment facility, Morrow Meadows Development and Heartland Conference Retreat Center will each be assigned twenty-five (25%) percent of the connection fees paid by each prospective user to the BUYER. Payments to Morrow Meadows Development and HEARTLAND CONFERENCE RETREAT CENTER (or their successors in interest) Shall be distributed as agreed upon by all parties until the \$2,210,000 payment amount is reached. The right of the Morrow Meadows Development and HEARTLAND CONFERENCE RETREAT CENTER to collect any connection fees from the BUYER will terminate after the twenty-five year agreement time period. Thus, if the agreed upon sum is not attained within the twenty-five year period, no further sums will be paid. These shared tap fee payments to Morrow Meadows Development and HEARTLAND CONFERENCE RETREAT CENTER will be paid within 30 days of receipt by the Morrow County Commissioners.

Thereafter, all connection fees paid by prospective users in excess of \$2,210,000.00 shall be the exclusive property of the BUYER. However, twenty (20%) percent of the shared connection fee shall be deducted until \$60,000 is credited to a maintenance expense fund. Information about the maintenance fund disbursements will be available, upon request, to the seller for the years 2018, 2019, & 2020.

The Dollar Tree Distribution Center tap fee of \$212,000 is exempted from this shared distribution and will be fully utilized towards SOMOCO operations as the County Commissioners so determine.
 - C. The Seller understands and agrees that increases to the monthly sewer rates to existing and future customers may be necessary to fund future regulatory and outfall improvements. Such increase could be significant to pay for the improvements and

secure low interest loans and potential grants where needed. Operational rates should be expected to be comparable to similar sized systems with similar technology and of similar age. This general comparison excludes debt financing for Maintenance, Improvements, Expansions, and Regulatory Mandates that are specific to each particular facility.

- D. Prior to transfer to the BUYER, an evaluation of the Sewer District was performed to determine integrity of existing sewer infrastructure. Maintenance, replacement of existing equipment, mainlines, lift station, manholes, and other components of the sewer system that is needed to be replaced in order to maintain designed capacity, operation, and OEPA compliance. These maintenance improvements, that were not addressed prior to transfer, will be deducted at 20% of the shared tap fee, prior to distribution until \$60,000 has been credited to the maintenance expense.

- E. Land retained for land application purposes shall stay in an approved cover crop or green vegetative state year round. Land for land application shall maintain compliance with Ohio Environmental Protection Agency Detail Plans, "Special Conditions".
 - a. the BUYER shall rent the land designated for land application from FISHBURN SERVICES INC. as identified in Exhibit "B" for \$9,000 per year. Rental of the land as described shall occur each year for the life of this agreement or until the BUYER no longer needs the area for land application.

- F. HEARTLAND CONFERENCE RETREAT CENTER AND FISHBURN SERVICES INC shall provide an easement for the discharge of the controlled outlet through the property owned by HEARTLAND CONFERENCE RETREAT CENTER, an Ohio Corporation prior to the BUYER securing required permits from the Ohio Environmental Protection Agency for a controlled outlet to Alum Creek. This easement is contingent upon the completion of an engineering study concerning this easement. The easement through the HEARTLAND CONFERENCE RETREAT CENTER land is contingent upon an engineering study, by a licensed engineer, that establishes that the only reasonable path for the easement is through the HEARTLAND CONFERENCE RETREAT CENTER land. The Seller desires that, to the extent possible and financially feasible, the path of the outflow line be located within the road right of way of County Road 225. The Buyer will make a good faith effort to use the road right of way for the outflow line. The BUYER will relinquish the agreed upon easement from Morrow Meadows Development through HEARTLAND CONFERENCE RETREAT CENTER if the outflow line is located within the road right-of-way.

- G. The SELLER will provide easements for all existing mainlines, manholes, gravity lines, pumps, motors, etc., that consists of the entirety of the sewer district at the date of acceptance of this agreement.

- H. The BUYER will provide quarterly reports and distributions for any connection fees due to Morrow Meadows Development and HEARTLAND CONFERENCE RETREAT CENTER within 10 days following the end of each calendar quarter.

**A complete copy of this amended agreement will be on file with the Morrow County Commissioner's office.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "nay"

**IN THE MATTER OF
 APPROVAL OF CHANGE ORDER #3 FOR PROJECT MRW-CR40-1.58, ADENA CORPORATION FOR
 CR 40 CULVERT REPLACEMENT AND APPROVAL FOR CHAIRMAN TO SIGN: 20-R-541**

Mr. Whiston made a motion to approve Change Order #3 for project MRW-CR40-1.58, Adena Corporation for CR 40 Culvert Replacement and approval for Chairman Burgess Castle to sign.

Project: MRW-CR40-1.58 PID 111025 Date of Issuance: 7/6/2020

Owner: Morrow County Commissioners Owner's Project # MRW-CR40-1.58
 80 North Walnut Street
 Mount Gilead, OH 43338

Contractor: Adena Corporation Engineer: Morrow County Engineer
 50 East High Street
 Mount Gilead, OH 43338

Contract For: CR 40 Culvert Replacement

You are directed to make the following changes in the Contract Documents.

Description: Minor additional asphalt for the surface courses

Purpose of Change Order: Additional asphalt

| | |
|---------------------------------------|--------------|
| Original Contract Price | \$264,085.79 |
| Previous Change Orders | \$ 8,278.18 |
| Contract Price | \$272,363.97 |
| Net Increase this change order | \$ 338.05 |
| Contract Price with change order | \$272,702.02 |

s/County Engineer
 s/Contractor
 s/Commissioners

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
 APPROVAL OF PAY REQUEST# 2, ADENA CORPORATION, MRW-CR40-1.58 AND APPROVAL
 FOR CHAIRMAN TO SIGN: 20-R-542**

Mr. Whiston made a motion to approve Pay Request# 2, Adena Corporation, MRW-CR40-1.58 and approval for Chairman Burgess Castle to sign.

PAY REQUEST

Project: MRW-CR40-1.58 PID 111025

Owner Address: Morrow County Commissioners
 80 North Walnut Street
 Mount Gilead, OH 43338

Contractor Address: Adena Corporation
 1310 West Fourth Street
 Mansfield, OH 44906

Engineer Address: Morrow County Engineer
 50 East High Street
 Mount Gilead, OH 43338

| | |
|-------------------------------|---------------|
| Original Contract | \$264,085.79 |
| Change order to date | \$ 8,616.23 |
| Amount Completed to date | \$272,702.02 |
| Less Previous Payments | (\$76,274.20) |
| Total Amount due this request | \$196,427.82 |

s/Contractor
s/Engineer
s/Commissioner

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

**IN THE MATTER OF
APPROVAL OF CHANGE ORDER #3 FOR PROJECT 2020 MORROW COUNTY CONTRACT
PAVING PROJECT NORTH BID, MID-OHIO PAVING FOR COUNTY ROAD RESURFACING AND
APPROVAL FOR CHAIRMAN TO SIGN: 20-R-543**

Mr. Whiston made a motion to approve Change Order #3 for project 2020 Morrow County Contract Paving Project North Bid, Mid-Ohio Paving for County Road resurfacing and approval for Chairman Burgess Castle to sign.

CHANGE ORDER

Project: 2020 Morrow County Contract Paving Project North Bid Date of Issuance: 7/8/2020

Owner: Morrow County Commissioners
80 North Walnut Street
Mount Gilead, OH 43338

Contractor: Mid-Ohio Paving 6095 Columbus Rd., P.O. Box 777 Centerburg, OH 43011
Engineer: Morrow County Engineer 50 East High Street Mount Gilead, OH 43338

Contract For: COUNTY ROAD RESURFACING

You are directed to make the following changes in the Contract Documents.

Description: Change in contract price and quantities for CR 29 & CR61 & CR76 & CR130 Invoice# 20191824

Purpose of Change Order: Change in contract price to reflect actual quantities used

| | |
|---------------------------------------|--------------|
| Original Contract Price | \$399,390.95 |
| Previous Change Orders | \$ 0.00 |
| Contract Price | \$399,390.95 |
| Net Decrease this change order | \$137,514.50 |
| Contract Price with change order | \$261,876.45 |

s/County Engineer
s/Contractor
s/Commissioners

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

**IN THE MATTER OF
APPROVAL OF PAY REQUEST# 3 FINAL, MID-OHIO PAVING, 2020 MORROW COUNTY CONTRACT
PAVING PROJECT NORTH BID AND APPROVAL FOR CHAIRMAN TO SIGN: 20-R-544**

Mr. Whiston made a motion to approve Pay Request# 3 Final, Mid-Ohio Paving, 2020 Morrow County Contract Paving Project North Bid and approval for Chairman Burgess Castle to sign.

PAY REQUEST

Project: 2020 Morrow County Contract Paving Project
North Bid – CR 29, CR61, CR76 & CR130

Owner Address: Morrow County Commissioners
80 North Walnut Street
Mount Gilead, OH 43338

Contractor Address: Mid-Ohio Paving
6095 Columbus Rd., P.O. Box 777
Centerburg, OH 43011

Engineer Address: Morrow County Engineer
50 East High Street
Mount Gilead, OH 43338

| | |
|-------------------------------|----------------|
| Original Contract | \$973,158.45 |
| Change order to date | (\$239,935.12) |
| Amount Completed to date | \$733,223.33 |
| Less Previous Payments | (\$471,346.88) |
| Total Amount due this request | \$261,876.45 |

s/Contractor
s/Engineer
s/Commissioner

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
APPROVAL OF EXPENSE OF INCREASED INMATE HOUSING MEAL COST PER DAY FOR
REIMBURSEMENT FROM FUND 4119 COUNTY PORTION CRF DUE TO COVID-19: 20-R-545**

Mr. Davis made a motion to approve directing the Morrow County Auditor to process the reimbursement of increased inmate housing meal cost per day from Fund 4119 County Portion CRF as the increase was due to COVID-19.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “nay”

**IN THE MATTER OF
APPROVAL FOR THE MORROW COUNTY AUDITOR TO PAY MORROW COUNTY
CORRECTIONAL FACILITY OUTSIDE HOUSING INVOICES FROM FUND 4119 COUNTY
PORTION CRF: 20-R-546**

Mr. Whiston made a motion to approve the expenses of Outside Housing invoices be paid from Fund 4119 County Portion CRF due to COVID-19 outbreak at the Morrow County Correctional Facility which ended as of June 15, 2020.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
APPROVAL AND EXPLANATION OF THE NEED TO PURCHASE MINI-BARN FOR
THE MORROW COUNTY CORRECTIONAL FACILITY DUE TO COVID-19
OUTBREAK: 20-R-547**

Mr. Davis made a motion to approve the purchase of a mini-barn for the Morrow County Correctional facility due to the COVID-19 outbreak and have this expensed reimbursed from Fund 4119 County Portion CRF.

Explanation of purchase per Mark Mathews, Maintenance Supervisor:

Storage shed was purchased to move the Maintenance department out of the Sheriff's Office, to help prevent the exposure and spread of Covid-19.

The maintenance department was located on the administration side of the facility, most of the facilities maintenance issues are on the correctional side of the building. This means constant traffic between the jail side and administration side of the facility.

Upon the return of a positive test of the Corona virus and potential exposure to other employees, the Sheriff was advised to start a 14 day quarantine period, so he decided to remove as much traffic from the administration side of the building as possible, thus protecting the vital office employees and dispatch operations for the county. The Sheriff used our only enclosed trailer for an outside building as a booking area. This allowed him to process arrested people outside of the structure also to help with the spread. With nowhere to go and the need to have access to tools, supplies and a weather protected work environment I brought in my personal enclosed 10 x 16 trailer and within 48 hours we removed 90% of the maintenance department into an enclosed trailer. While it was not my responsibility to provide the Sheriff's office with a storage trailer it was our best option at the time and I did so, so that we could eliminate exposure and start a quarantine asap.

Unknown as to how long this was going to last and us needing to provide much needed maintenance and facilities support to the building, employees and inmates, I purchased and had delivered within a week a 14 x 28 storage building for the purposes of operating the maintenance department outside of the main structure. I had donated services of a skid loader and dump truck to remove topsoil, install cloth and a gravel base. This is operating today and is helping us lessen the spread of any contamination between anything that may be transmittable between the correctional side and the administration side of the facility by our maintenance staff. As the storage building has no heat and electric, we currently are maintaining an office (only) in the administration side for record keeping, HVAC electronic monitoring, battery charging and freezable product storage.

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 20-R-548**

Mr. Whiston made a motion to recess session at 9:23 a.m.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 20-R-549**

Mr. Castle made a motion to return to regular session at 10:31 a.m.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

PUBLIC HEARING – 2021 COUNTY TAX BUDGET

**IN THE MATTER OF
ADOPTION OF COUNTY TAX BUDGET FOR FISCAL YEAR 2021: 20-R-550**

WHEREAS, this day, July 13, 2020, the Morrow County Board of Commissioners held a public hearing on the County Tax Budget for fiscal year 2021; and

WHEREAS, the following individuals were present at the hearing: Dixie Shinaberry, Mike Golf, Andy Ware, Tim Siegfried, Nancy Foglesong, Lyndsey Keesee, Bob Sutherland, Darlene Morehart, Greg Thomas, Lori Epling, Sara Fulk, Kim Bood, Patricia Davies and Sundie Brown.

THEREFORE, Mr. Whiston made a motion to approve the tax budget as submitted by various Elected Officials and Department Heads along with the current budget commission certification as of June 22, 2020 and to submit the 2021 County Tax Budget Resolution to the Morrow County Budget Commission. Amendments to negative accounts will need to be completed before final appropriations are approved in December 2020.

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

There being no further matters to bring before the board, a motion to adjourn was made by Mr. Davis and duly seconded by Mr. Whiston.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS