

The Board of Clark County Commissioners met in regular session pursuant to adjournment in accordance with Section 121.22 O.R.C. (Sunshine Law) in the Commission Chambers, 3130 East Main Street, Springfield, Ohio.

The following members and guests were present: Commissioner Melanie F. Wilt; Commissioner Lowell R. McGlothin; Commissioner Sasha L. Rittenhouse; Commissioner Jennifer Hutchinson, County Administrator; Michelle Noble, HR Director/Assistant County Administrator; Megan Burr, Commission Clerk; Angela Wheeler, Administrative Assistant; Michael Cooper, Public Information Officer; Ron Coss & Tom O'Neal, Veterans Service Commission; Dirk Lackovich-Van Gorp, Community & Economic Development Department; Sydney Dawes, Springfield News-Sun; Beau Thompson, Assistant County Prosecutor; Allan Neimayer, Jennifer Tuttle, Alex Dietz, Community & Economic Development Department; Jason Graver and Hope Beard, Information Systems Department; Chris Clark, Sheriff's Office; John Federer, County Auditor; Ed Evans & Chad Watkins, Evan's Family Ranch; Barry Todd; Felix & Nina Shanahan.

Commissioner Wilt called the meeting to order and introductions were made.

Agenda Review:

Ms. Hutchinson reviewed the agenda.

Resolution 2022-0608 authorized a sub award contract with Habitat for Humanity of Greater Dayton on behalf of Community & Economic Development. It used to be the Fuller Center. Now they are part of Greater Dayton. This contract has been done before under a different name. There will be two new homes. Commissioner McGlothin asked about New Carlisle. Mr. Lackovich-Van Gorp said the first house will be built on Penny Pike. It will be the first build in 2023. The second will come in 2024 on a yet to be identified property in New Carlisle.

Resolution 2022-0609 authorized a contract with Neighborhood Housing Partnership of Greater Springfield (NHP) on behalf of Community & Economic Development. This contract has been done in the past as well. It will provide support for 4-6 low-moderate households with down payment assistance.

Resolution 2022-0610 authorized the memorandum of understanding (MOU) between Buildings & Grounds and the Clark County Combined Health District. It is for the maintenance garage.

Resolution 2022-0611 authorized the memorandum of understanding (MOU) between the Clark County Commissioners and Montgomery County Commissioners to transfer equipment purchased by a grant that Montgomery County currently has to Clark County. It is for a variety of equipment.

Resolution 2022-0612 authorized the memorandum of understanding (MOU) between the Board of Clark County Commissioners and the Board of Township Trustees of Bethel Township to transfer radiation equipment.

Resolution 2022-0613 authorized an agreement with the Ohio Department of Transportation (ODOT) for LPA Agreement No. 35855 Spangler Road Safety Project.

Resolution 2022-0614 authorized amendment #5 to agreement with ODOT for LPA Agreement No. 33106 Selma Pike/Possum Road Project. This amendment increases funding by \$2,823 for construction inspection services.

Resolution 2022-0615 authorized a contract with CDW Government LLC, on behalf of Information Systems (IS), for the Microsoft license for three years. This was a budgeted purchase from the Permanent Improvement fund.

Resolution 2022-0616 authorized a contract with SHI on behalf of IS to purchase servers.

Resolution 2022-0617 authorized contract amendment #2 with Miller's Textile Service to extend the contract until 2023.

Resolution 2022-0618 authorized contract amendment #1 with OIC of Clark County to amend the sub grant line item. It is a change in the scope not the amount of the contract.

Resolution 2022-0619 cancelled the contract between the Sheriff and Department of Job and Family Services (DJFS). The Sheriff requested the contract be cancelled. DJFS will work on hiring an individual to serve papers.

Resolution 2022-0620 cancelled the contract between the Sheriff and DJFS. This was requested by the Sheriff's Office. This contract was for security. The Sheriff plans to assign the deputies to road patrol. Ms. Hutchinson noted the PRIDE deputies contracted for Solid Waste will also be discussed.

Resolution 2022-0621 authorized a contract with Kofile, on behalf of the Recorder, for their records conservation treatments. It will be paid from their general fund.

Resolution 2022-0622 awarded request for proposal and authorized contract to Rumpke of Ohio on behalf of the Solid Waste District. This is for comingled recycling bins throughout the county. It is a three-year contract.

Resolution 2022-0623 authorized a contract with Environmental Enterprises, Inc., on behalf of the Solid Waste District, for household hazardous waste pick up. It is a not to exceed amount.

Resolution 2022-0624 authorized a contract with OpenEye Studios on behalf of the Veterans Service Commission. It is a video production.

Resolution 2022-0625 authorized lease agreement amendment #6 with the United States of America for Natural Resources Conservation Services (NRCS) space. They rent two rooms in the basement of Springview and this is a 3% increase. They are co-located with Soil and Water and OSU Extension.

Resolution 2022-0626 established the fees for the Dog Warden's Office. The veterinarians have increased pricing, therefore, adoption fees need to increase. It is required all dogs be spayed or neutered before adoption. Usually, a grant helps cover the costs.

Resolution 2022-0627 authorized purchase of equipment for the Engineer's Office. It is a 2022 pick-up truck.

Resolution 2022-0628 authorized purchase of equipment for the Engineer's Office. The John Deere cab tractor will be purchased from a cooperative program.

Resolution 2022-0629 rescinded resolution 2022-0242. This was the original resolution for the truck purchase for the County Engineer. They stopped producing the 2022 Chevy.

Resolution 2022-0630 approved four supplemental appropriations. The first one was a check that was deposited. A couple are housekeeping budget items. The lower half were for the bonuses.

Resolution 2022-0631 approved the weekly then and nows for the Sheriff's Office. She noted their finance director was out for a couple weeks.

Resolution 2022-0632 approved weekly travel and expense allowances.

Resolution 2022-0633 authorized allocation of American Rescue Plan Act (ARPA) funds for the Clark County Park District. They submitted a few projects which include broadband, automatic doors, & touchless restroom

equipment. The ARPA team reviewed it and it met the requirements. It is not to exceed \$45,000. Commissioner Wilt asked if they have access to FEMA or if they pursued other funds. Ms. Hutchinson said they pursued CARES funds as well.

Resolution 2022-0634 acknowledged the receipt of a petition for the detachment of approximately 7.85 acres from the City of Springfield.

Resolution 2022-0635 set the date and time for rezoning case Z-2022-08 filed by Anne Demmy.

Resolution 2022-0636 set the date and time for a viewing and hearing for a road vacation on Moorefield Road in Moorefield Township.

Resolution 2022-0637 is the public hearing for rezoning case Z-2022-04.

Resolution 2022-0638 is the public hearing for rezoning case Z-2022-05. Please note the corrected resolution.

Resolution 2022-0639 replaces resolution 2022-0513 to authorize the issuance of hospital facilities revenue bonds for Allen County, Ohio. When the hospital started planning the project they realized they did not request enough money due to the environment.

Commissioner Updates:

Commissioner Rittenhouse attended the groundbreaking at the airport. It is amazing for the community. The future is now. Commissioner Wilt attended as well.

Commissioner Rittenhouse met with OSU Extension. Discussion ensued about OSU outreach.

Commissioner Wilt will attend the ribbon cutting for the Rocking Horse Health Bus dedicated to former Commissioner James Sheehan.

The Board reviewed calendars.

Commissioner McGlothlin noted sales tax decreased.

County Administrator Updates:

Ms. Hutchinson tested the employment market with IS and was able to hire two employees starting September 1. The employees worked with Entegriy formerly and hired on with the County. Proper processes were followed to allow for that to happen.

Ms. Hutchinson received a letter from the Village of Enon thanking the Utilities Department. They assisted Enon during a water main leak. Dave Hasting and his crew provided the assistance.

The Courthouse renovation will have an official kickoff meeting internally on September 6. A kick off meeting with the tenants of the building will follow.

Mr. Thompson gave a recap on the past litigation that's been resolved. Clark County filed a civil lawsuit against West Jefferson and Tom Hale in Madison County Common Pleas Court a few years ago. Clark County alleged there were recurring contracts with outside municipalities, including West Jefferson, City of London and a couple others, while Tom Hale was working for Clark County, using county equipment, he was negotiating to transfer those contracts to West Jefferson. It was problematic. Clark County sued Tom Hale and West Jefferson for the

breach of contract and interference with the contract. The parties settled that lawsuit along with counter claims in March of 2022, with no admissions of wrong doing and a single payment from West Jefferson to Clark County in the amount of \$175,000. At the same time, Clark County filed a complaint with the Ohio Ethics Commission against Tom Hale. The allegations were essentially the same. The Ohio Ethics Commission acted in June of this year. He shared part of the public record received from the Ohio Ethics Commission. In lieu of referral of this matter to the appropriate prosecuting authority, Tom Hale accepted a reprimand from the Commission [Ohio Ethics Commission]. Tom Hale further agreed that he will not voluntarily make any public statement to the media in defense of this acknowledgement contained in this settlement agreement by saying he didn't do anything wrong; that the facts are not supported potential violation of Ohio Ethics Law; that the resolution of this matter is legally or factually deficient for any reason due to the investigation or processes of the Ethics Commission. Tom Hale accepted a public reprimand for the activities he did and accepted they were wrong and in violation of Ohio Ethics Law. The Clark County Prosecutor didn't have a say in the decision from the Ohio Ethics Commission. He brought it to attention in public session to assure everyone Clark County took Tom Hale's actions very seriously and took every remedy available to the County, both in court and through the Ethics Commission.

Commissioner Wilt thanked Mr. Thompson for shepherding that. It was a long drawn out process. She felt it was worthwhile to take those actions. There is training provided on what is permissible. While this ruling sounds like it was a slap on the hand, he acted inappropriately, and the Ohio Ethics Commission supported that.

Commissioner McGlothlin thanked Mr. Thompson.

Audience Comments:

Mr. O'Neal shared information about a mission trip being run by Colonel Kim Fitzgerald. It is for all of Clark County.

Commissioner Rittenhouse moved to go into executive session to discuss security matters. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

The Board recessed.

Call to Order, Commission President Wilt

Resolution 2022-0607

Following the pledge, Commissioner Rittenhouse moved to approve the minutes of the last meeting and dispense with reading of the same. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Commissioner Rittenhouse moved to approve the agenda its entirety excluding Resolutions 2022-0634, 0637 and 0638. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Commissioner Rittenhouse moved to approve Resolution 2022-0634. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Abstain

The Board held the two public hearings for rezoning.

Resolution 2022-0608
CDDC file

**Authorize Sub Award Contract with
Habitat for Humanity of Greater Dayton**

Commissioner Rittenhouse moved, per the request of the Community & Economic Development Director, to authorize a sub-award contract with:

Organization Name: Habitat for Humanity of Greater Dayton
Organization Address: 115 West Riverview Avenue, Dayton, OH 45405
In the amount of: \$60,000.00
Funding Source(s): PY21 CHIP Grant B-C-21-1AL-2 (HOME)
Purpose: Habitat for Humanity of Greater Dayton will be responsible for implementing, in coordination and cooperation with the Clark County Community & Economic Development Department, Activity 3 of the PY2021 Community Housing Impact and Preservation Program (CHIP) “Homeownership- New Construction Habitat for Humanity”. Habitat for Humanity of Greater Dayton will receive funding to support the construction of 2 new Habitat homes in Clark County for low-moderate income households.
Effective Dates: July 1, 2022 through February 29, 2024

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0609
CDDC file

**Authorize Sub Award Contract with
Neighborhood Housing Partnership of Greater Springfield**

Commissioner Rittenhouse moved, per the request of the Community & Economic Development Director, to authorize a sub-award contract with:

Organization Name: Neighborhood Housing Partnership of Greater Springfield
Organization Address: 527 East Home Road, Springfield, OH 45503
In the amount of: \$45,000.00
Funding Source(s): PY21 CHIP Grant B-C-21-1AL-2 (HOME)
Purpose: Neighborhood Housing Partnership will be responsible for implementing, in coordination and cooperation with the Clark County Community & Economic Development Department, Activity 3 of the PY2021 Community Housing Impact and Preservation Program (CHIP) “Homeownership- Down Payment Assistance/Rehabilitation or Down Payment Assistance Only”. NHP will provide support services for 4-6 low-moderate income households in Clark County to become homeowners.
Effective Dates: July 1, 2022 through February 29, 2024

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0610
B&GC file

**Authorize Memorandum of Understanding (MOU) Between
Clark County Buildings and Grounds Department and Clark County Combined Health District**

Commissioner Rittenhouse moved, per the request of the Buildings and Grounds Director, to authorize the following MOU:

MOU with: Clark County Combined Health District
Address: 529 East Home Road, Springfield, Ohio 45503
Purpose: To provide services consistent with the proper repair of vehicles, equipment, provide assessment of repair, including parts and labor, and procure parts, if necessary, utilizing County accepted quote processes.
Effective Date(s): September 1, 2022 through August 31, 2024

Further move to authorize the County Administrator to execute the MOU and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0611
EMAC file

**Authorize Memorandum of Understanding (MOU) Between
the Board of Clark County Commissioners and Board of County Commissioners of Montgomery County**

Commissioner Rittenhouse moved, at the request of the County Administrator, to authorize the following MOU:

MOU with: Board of County Commissioners of Montgomery County
Address: 6750 Webster Street, Dayton, Ohio 45414
Purpose: To transfer and maintain equipment purchased by grant from Montgomery County EMA to Clark County EMA
Effective Date(s): August 24, 2022

Further move to authorize the County Administrator to execute the MOU and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0612
EMAC file**

**Authorize Memorandum of Understanding (MOU) Between
the Board of Clark County Commissioners and the Board of Township Trustees of Bethel Township**

Commissioner Rittenhouse moved, at the request of the Emergency Management Agency Director, to authorize the following MOU:

- MOU with:** Board of Township Trustees of Bethel Township
- Address:** 3333 Lake Road, Springfield, Ohio 45341
- Purpose:** To transfer possession of a Ludlum 26-3, CDV-750 charger and Direct Reading Dosimeters "Equipment" to Bethel Township for the benefit of Bethel Township having access to and use of the Equipment.
- Effective Date(s):** August 24, 2022

Further move to authorize the County Administrator to execute the MOU and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0613
ENG C file**

**Authorize Agreement with Ohio Department of Transportation for
LPA Agreement No. 35855 - CLA-CR-335-0.00 Spangler Road Safety Project**

Commissioner Rittenhouse moved, per the request of the County Engineer, to authorize the following agreement:

- Agreement With:** Ohio Department of Transportation
- Total Project:** 90% up to \$1,271,900 for Right of Way
100% up to \$547,000 for Design
80% up to \$3,000,000 for Construction
- Description:** CLA-CR-335-0.00 Spangler Road Safety Project
- Identification:** CLA-CR-335-0.00
LPA Agreement No. 35855
PID 114352

Further move to authorize the County Administrator to execute the agreement and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0614
ENG C file**

**Authorize Amendment No. 5 to Agreement with the Ohio Department of Transportation (ODOT) for
LPA Agreement No. 33106 for CLA CR 351-7.92 Selma Pike/Possum Road Project (PID 109451)**

Commissioner Rittenhouse moved, per the request of the County Engineer, to authorize the following agreement:

Agreement With: Ohio Department of Transportation

Amend SECTION 3 Funding increase and revise amount of funds for construction inspection.

3. FUNDING

3.1 The total cost for the PROJECT is estimated to be \$ 1,964,462 as set forth in Attachment 1. ODOT shall provide to the LPA 100 percent of the eligible costs, up to a maximum of \$ 347,311 Federal CMAQ (4TB7) funds for Design. ODOT shall provide to the LPA 100 percent of the eligible costs, up to a maximum of \$ 240,000 Federal CMAQ (4TB7) funds for Right of Way. ODOT shall provide to the LPA 100 percent of the eligible costs, up to \$ 1,451,982 for Construction in Federal CMAQ (4TB7) funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the transportation project improvements and construction engineering/inspection activities.

Identification: LPA Agreement No. 33106
CLA CR 351-7.92 Selma Pike/Possum Road Project
PID 109451

Further move to authorize the County Administrator to execute the agreement and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0615
ISDC file

Authorize Contract with CDW Government LLC

Commissioner Rittenhouse moved, per the request of Information Systems Director, to authorize a contract with:

Organization Name: CDW Government LLC
Organization Address: 75 Remittance Drive, Suite 1515, Chicago, Illinois 60675-1515
In the amount of: \$320,481.04
Funding Source(s): Permanent Improvement
Purpose: Microsoft Enterprise license agreement
Effective Dates: July 1, 2022 through June 30, 2025

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0616
ISDC file

**Authorize Contract with
SHI**

Commissioner Rittenhouse moved, per the request of Information Systems Director, to authorize a contract with:

Organization Name: SHI
Organization Address: 290 Davidson Ave, Sommerset, New Jersey 08873
In the amount of: \$23,393.90
Funding Source(s): General Fund
Purpose: Upgrade of existing servers - Purchase being made using state term contract pricing under Contract: Microsoft Agreements & Enrollments LSP
 Contract# 0A1252

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0617
JFSC file

**Authorize Contract Amendment #2 with
Miller's Textile Service**

Commissioner Rittenhouse moved, per the request of the Department of Job and Family Services Director, to authorize contract amendment #2 with:

Organization Name: Miller's Textile Service
Organization Address: 520 Commerce Drive, Wapakoneta, Ohio 45895
Amendment Amount: \$ 2,166.67
New Contract Amount: \$10,833.34
Funding Source(s): Shared Administrative Dollars
Purpose of Amendment: To increase value and extend term of the contract.
Purpose of Contract: To provide uniform rental and laundering services for maintenance employees.
Amendment Effective Date: September 24, 2022
Original Effective Date: September 24, 2018

Further move to authorize the County Administrator to execute the contract amendment and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0618
JFSC file

**Authorize Contract Amendment #1 with
OIC of Clark County, Inc.**

Commissioner Rittenhouse moved, per the request of the Department of Job and Family Services Director, to authorize contract amendment #1 with:

Organization Name: OIC of Clark County, Inc.
Organization Address: 10 South Yellow Springs Street, Springfield, Ohio 45506
Amendment Amount: \$0
New Contract Amount: \$86,918.00
Funding Source(s): TANF 93.558
Purpose of Amendment: To amend the Subgrantee's budget line item and Submittals A1-A3.
Purpose of Contract: To provide pre-vocational training to low income adults in Clark County.
Amendment Effective Date: August 24, 2022
Original Effective Date: July 1, 2021

Further move to authorize the County Administrator to execute the contract amendment and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0619
JFSC file

**Cancel Contract(s) between
Clark County Sheriff's Office and Department of Job and Family Services**

Commissioner Rittenhouse moved, per the request of the Clark County Sheriff's Office and the Department of Job and Family Services Director, to cancel the contract(s):

Organization Name(s): Clark County Sheriff's Office
Department of Job and Family Services
In the amount of: \$265,413.32
Purpose: IV-D Service of Process services for Department of Job and Family Services
Cancellation Date: September 11, 2022
Reason for cancellation: Mutually agreed upon by both parties due to personnel changes.

Further move to authorize the County Administrator to execute the termination documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0620
JFSC file

**Cancel Contract(s) between
Clark County Sheriff's Office and Department of Job and Family Services**

Commissioner Rittenhouse moved, per the request of the Clark County Sheriff's Office and the Department of Job and Family Services Director, to cancel the contract(s):

Organization Name(s): Clark County Sheriff's Office
Department of Job and Family Services
In the amount of: \$119,448.87
Purpose: Security services for Department of Job and Family Services
Cancellation Date: September 11, 2022
Reason for cancellation: Mutually agreed upon by both parties due to personnel changes.

Further move to authorize the County Administrator to execute the termination documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0621
RECC file**

**Authorize Contract with
Kofile Technologies**

Commissioner Rittenhouse moved, per the request of the County Recorder, to authorize a contract with:

Organization Name: Kofile Technologies
Organization Address: 6300 Cedar Springs Road, Dallas, Texas 75235
In the amount of: \$11,061.78
Funding Source(s): General Fund
Purpose: Preservation (conservation treatments, de-acidify, encapsulate and bind)

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0622
SWDB/C file**

**Award Request for Proposal (RFP) and Authorize Contract to
Rumpke of Ohio, Inc. for Recycling Drop-off Facility Services**

Commissioner Rittenhouse moved, per the request of the Solid Waste District Director, to award the RFP and authorize the contract with Rumpke of Ohio for their bid of \$183,271.44 for the Comingled Recycling Drop-off Facility Services project.

Organization Name: Rumpke of Ohio, Inc.

Organization Address: 10795 Hughes Road, Cincinnati, Ohio 45251
In the amount of: \$183,271.44 (three year contract pricing based on current requested service levels and frequencies)
Funding Source(s): Solid Waste District Fund
Purpose: Provide recycling drop-off services at designated County operated locations that includes providing comingled recycling collection dumpsters, hauling of collected recyclables to a material recovery facility (“MRF”), and processing of collected and transported recyclable materials at the MRF. Bid includes pricing for a three (3) year agreement with an option to renew for two (2) additional, one (1) year periods.
Effective Dates: November 1, 2022 through October 31, 2025 (with the option for two one-year extensions)

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0623
SWDC file

**Authorize Contract with
Environmental Enterprises, Inc**

Commissioner Rittenhouse moved, per the request of Solid Waste District Director, to authorize a contract with:

Organization Name: Environmental Enterprises, Inc.
Organization Address: 4620 Spring Gove Avenue, Cincinnati, Ohio 45232
In the amount of: Not to exceed \$49,000.00
Funding Source(s): Solid Waste District Fund
Purpose: Household hazardous waste pickup and disposal
Effective Dates: August 24, 2022

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0624
VETC file

**Authorize Contract with
OpenEye Studios**

Commissioner Rittenhouse moved, per the request of the Veterans Services Commission Director, to authorize a contract with:

Organization Name: OpenEye Studios
Organization Address: 3895 Cabot Drive, Apt. N, Springfield, Ohio 45503
Contract Amount: \$24,500.00
Funding Source(s): General Fund
Purpose of Contract: Video production for advertisement
Effective Date: August 24, 2022

Further move to authorize the County Administrator to execute the contract amendment and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0625
COML file

Accept Lease Amendment #6 with the United States of America for Natural Resources Conservation Service (NRCS) Space

Commissioner Rittenhouse moved, per the request of the County Administrator, to accept the following lease amendment:

Lessee: United States of America, General Services Administration for NRCS Space
In the amount of: \$541.95 per month (\$6,503.42 per year)
Purpose: To extend the lease of two rooms at the Springview Government Center located at 3130 East Main Street, Springfield, Ohio.
Effective Dates: August 1, 2022 through July 31, 2025

Further move to authorize the County Administrator to execute the lease amendment and related documents.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0626
DWAF file

Establish Fees for the Dog Warden's Office

Commissioner Rittenhouse moved, per request of the Chief Dog Warden, in accordance with Ohio Revised Code Section 955.17(D), this resolution sets forth the fees to replace the fees outlined in 955.17(A)(4), establishing these fees will be sufficient to cover the direct cost of providing the service. Furthermore, this section establishes reasonable fees for the disposal of dog carcasses, as established under 955.17(E).

Boarding Fee (first day/shots & intake)	\$35
Boarding Fee associated with Redemption (excluded first day)	\$20 per day
Microchip (separate service)	\$15
Heartworm testing (included in adoption price)	\$24

Microchip (included in adoption price)	\$15
Rabies inoculation (included in adoption price)	\$10
Shelter Board/Distemper Shot (included in adoption price)	\$40
Adoption Price (w/o spay/neuter)(includes dog license)	\$111
Adoption Price (w spay/neuter)(includes dog license)	\$232
Public Cremation	
1-15 pounds	\$45
16-49 pounds	\$75
50-99 pounds	\$100
100-150 pounds	\$120

Further move this fee schedule be effective September 1, 2022.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0627
INVP file

**Authorize Purchase of Equipment for the
Clark County Engineer's Office**

Commissioner Rittenhouse moved, per the request of the County Engineer, to authorize the purchase of one (1) new 2022 Chevrolet 1500 pickup truck from Jeff Schmitt Auto Group at a cost of \$45,667.60. The cost to be paid from the Motor Vehicle & Gas Tax (MV>) Fund.

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0628
INVP file

**Authorize Purchase of Equipment for the
Clark County Engineer's Office**

Commissioner Rittenhouse moved, per the request of the County Engineer, to authorize the purchase of a John Deere 6110M cab tractor from the Kenn-Feld Group, LLC for a cost of \$80,966.63, to be paid from the Motor Vehicle & Gas Tax (MV>) Fund. This purchase is necessary to replace equipment. The equipment will be purchased through ODOT Cooperative Purchasing Contract 207-22.

Further move to authorize the County Administrator to execute the contract and related documents, including the purchase order.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0629
INVP file

Rescind Resolution 2022-0242

Commissioner Rittenhouse moved to rescind resolution 2022-0242 to purchase a 2022 Chevrolet 1500 Pick-Up Truck. The Clark County Engineer is unable to purchase the approved vehicle(s) due to supply chain issues and product availability.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0630
FINS file

Approve Supplemental Appropriation(s)

Commissioner Rittenhouse moved, upon the recommendation of the County Administrator, to authorize the following supplemental appropriation(s) from unappropriated funds:

Fund:	Department:	Account:	Amount:
Cash Deposits	Commission	Operating Exp.	\$ 25,210.00
Reason: Assurance check to be disbursed after completion of work performed on Lower Valley Pike. Check #1469 for \$25,210.00 was deposited into 0150-010-481000 on June 30, 2022 by Engineer's Office.			

ARPA	Comm. Dev.	Contract Serv.	\$137,987.00
Reason: To cover Emergency Housing Oversight Task Force position (Allocation Resolution 2022-0373).			

General Fund	EMA	Transfer Out	\$ 900.00
Reason: For transfer of payment to 911 Dispatch for training.			

ARPA	Comm. Dev.	Salaries- Emp.	\$920,220.28
ARPA	Comm. Dev.	PERS	\$136,355.27
ARPA	Comm. Dev.	Medicare	\$ 13,280.00
Reason: First Retention Incentive payment (Allocation Resolution 2022-0604).			

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0631
FINT file

Approve Issuance of Warrants for Then and Now(s)

Commissioner Rittenhouse moved, upon the recommendation of the County Administrator, to approve the issuance of warrants for then and now(s) are as follows:

P.O. Number	Fund	Vendor	Date	Purchase Amount
220024573	General (Sheriff)	KOI Auto Parts	8/10/22	\$461.89

Reason: The County Garage was in need of the vendor's services and the invoice date was prior to the purchase order being assigned on August 15, 2022.

220024475	General (Sheriff)	Thumpers Classic Glass	8/8/22	\$696.60
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Reason: The Sheriff's Department was in need of the vendor's services and the invoice date was prior to the purchase order being assigned on August 9, 2022.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0632
TRAV file

Approve Travel/Expense Allowance

Commissioner Rittenhouse moved, per request of the following Department Director(s) or Elected Official(s), to approve the following travel allowances:

Dept.	Name	Purpose	Place	Date	Cost
Engineer	R. Hankison	Ethical Issues of the Land Surveying Profession	Online	8/4/22	\$ 109.00
JFS	A. Rife	Forensic Interviewing	Virtual	10/17-21/22	\$ 1,399.00
CCJC	L. Collier	Training Drug Lab	Newark, DE	9/19-21/22	\$ 1,000.00
JFS	13 staff	PCSAO Conf.	Columbus, OH	9/19-21/22	\$10,250.00
Juv. Ct.	B. Marlow	Ohio Magistrates Conf.	Columbus, OH	9/7-9/9/22	\$ 1,000.00
Engineer	J. Burr	Half Moon-Ohio Sub. Law & Platting	Webinar	8/31/22	\$ 319.00

Further move reimbursements shall comply with all requirements of the Travel Policy as adopted in the Personnel Manual.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0633
ARPA file

Authorize Allocation of American Rescue Plan Act (ARPA) Funds toward the Clark County Park District's ARPA Funding Request

Commissioner Rittenhouse moved, per request of the County Administrator, to approve the following project:

WHEREAS, Clark County has received direct payments from the United States (US) Treasury under the Coronavirus State and Local Fiscal Recovery Funds authorized by the American Rescue Plan Act (ARPA); and,

WHEREAS, Clark County will use the funding in accordance with ARPA and guidance from the US Treasury; and,

WHEREAS, the Department of Treasury issued the Final Rule, effective April 1, 2022, to provide guidance on permissible uses; and,

WHEREAS, investments made to broadband infrastructure, water and sewer infrastructure, and adaptations made to public facilities in order to support COVID-19 mitigation efforts are permissible uses of the ARPA funds; and,

WHEREAS, upon request of the Clark County Park District (CCPD), the allocated funds will be used to make improvements to the Davidson Interpretive Center including the installation of two new furnaces with air purifiers to help reduce airborne contaminants including the Covid-19 virus, new automatic door openers, and touchless restroom equipment and amenities. Additionally, the allocated funds will be used to reimburse the Park District's broadband installation costs through Spectrum in the amount of \$6,056.62.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that:

The Board of County Commissioners approves the use of ARPA funds toward the Clark County Park District's ARPA funding request in the amount not to exceed \$45,000.00.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0634
ANXD file

**Acknowledge Receipt of Petition for the Detachment
of Approximately 7.85 Acres from the City of Springfield**

Commissioner Rittenhouse moved, upon recommendation by the County Administrator, to acknowledge receipt of the Detachment Petition for the following property:

Petitioner: Gregory R. Flax, Esq. (Agent) on behalf of Richard C. Board (Petitioner)
Petitioner Address: 383 Titus Road, Springfield, Ohio 45505
Property Address: PID 3050700005000095
Location: Approximately 7.85 acres
From: The City of Springfield
To: Springfield Township
Documents Received: Items received from the City of Springfield include Petition for Detachment, Legal Description, Map, Properties included in Proposed Detachment.
Date Received: August 19, 2022

Further move to refer to staff for review and recommendation.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Abstain

Resolution 2022-0635
ZMRV file

**Set Date and Time for Public Hearing for
Rezoning Case Z-2022-08 filed by Anne Demmy**

Commissioner Rittenhouse moved, per the certification and recommendation of the Clark County Rural Zoning Commission, to set 10:00 a.m., Wednesday, September 7, 2022 in the Commissioners Chambers, Room 151 at the Springview Government Center, 3130 East Main Street, Springfield, Ohio as the date and time for a public hearing to rezone property located in Mad River Township being 1.31 acres located at 3920 Fairfield Pike, to rezone property from A-1 (Office District) to A-1 (Agricultural District), to convert an existing building to a single-family residence.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0636
VACM file**

**Set Date and Time for Viewing and Public Hearing for
Public Road Vacation located on Moorefield Road in Moorefield Township**

Commissioner Rittenhouse moved to set 11:30 a.m., Wednesday, September 7, 2022 as the date and time for the viewing of the public road vacation located between 4341 and 4361 Moorefield Road, Springfield, Ohio. The viewing will be held at 4341 Moorefield Road, Springfield, Ohio. Further move to set 10:00 a.m., Wednesday, September 14, 2022 in the Springview Government Center, Commission Chambers, Room 151, 3130 East Main Street, Springfield, Ohio as the public hearing for the Public Road Vacation located on Moorefield Road in Moorefield Township.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Resolution 2022-0637
ZBTH file**

**10:00 a.m. Public Hearing for Rezoning Case Z-2022-04
filed by Chad Watkins in Bethel Township**

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing on the proposed rezoning case Z-2022-04 in Bethel Township being 10.74 acres located at 11140 Milton-Carlisle Road, to rezone property from A-1 (Agricultural District) to B-1S (Neighborhood Business District – Specific Use Control District), to allow for general store, concession stand and a farmers (vendors) market, with continued agricultural uses.

Public Hearing opened by the Commission President at 10:03 a.m.

Staff Report: Mr. Neimayer gave the report. See attached. The subject property is located on Milton Carlisle Road. Most of the property is used for agriculture. There are some non-agriculture uses that are a business district. The property is the former Studebaker's Nursery. Building #1 is a concession stand. The applicants want to include a farmers' vendor market that will include product other farmers have raised. The Comprehensive Plan identified the area as rural agricultural. It is not in the flood plain. Staff recommends a B-1(S) Specific Use

designation limiting business use to 'Local Retail or Service Establishments' as listed under Section 201 and further excluding the following: laundromat, clothes cleaning and laundry pick up station. The B-1S zoning will have no impact on continued agricultural uses on the property. County Planning Commission met on May 4, 2022 and recommended approval as presented by staff. Rural Zoning Commission met on May 12, 2020 and recommended approval as presented by staff with the stipulation that the general store be confined to the existing former Studebaker headquarters building as identified in the report.

Commissioner Wilt asked what the stipulation was from Rural Zoning. Mr. Neimayer replied it was for the general store and what building it will be housed in. All the buildings are existing.

Audience Comments: Barry Todd, 10983 Milton Carlisle Road, asked what the proposed footprint for the vendors' market was.

Chad Watkins, 10201 New Carlisle Pike, explained the foot print will be where the garden was between buildings 1 and 2, in the gravel area. It will be approximately a 50x50 area and will be seasonal.

Felix Shanahan, 11111 Milton Carlisle Road, felt the requested uses were already happening at this location.

Commissioner McGlothlin explained there are two parcels being rezoned today. Commissioner Wilt explained rezoning is done by parcel. There are agriculture businesses operated under the existing zoning. The change is to rezone it from agriculture to business so they can operate a general store and not just a farmers' market. It is changing zoning and business types allowed on the property.

Mr. Shanahan has been a resident in the area and a public servant for 30 years. His wife was a Studebaker and lifelong resident, community member and is a school teacher. He shared their family's background. They opposed the plans for using the property for anything but agriculture. The plans Mr. Evans has is the making of a new Young's Dairy Farm. They have had a garden center, porta-pots, a family fun center, an air B&B and at least four events. He shared events he has witnessed on this property: graduation, wedding, fundraiser and Fourth of July celebration. Mr. Shanahan was upset the employees have not been respectful to the neighbors. Litter has been left behind. Guests have not respected property lines. He expressed concerns about traffic and fire safety as well.

He was upset about the auto repair shop and wedding venue that will be discussed in the next hearing. All of these events are in their front and back yard. The Rural Zoning Commission has raised questions and has not received answers. They tabled the issue twice to get answers. Ed Evans Farms rejected the offer stating improvements were not cost effective. A lot of money is being spent. He didn't understand why 93 acres needed to be rezoned to business. This rezoning will impact their enjoyment of their home and access to their home. He wanted to be a good neighbor. Currently, Evans' Farm is using an access point on the Shanahan land for agriculture purposes. Mr. Shanahan was not opposed to it as he supported the purpose. Ed Evans Farms doesn't seem to care about neighbors or being a good neighbor. He asked the Board not to vote for it today.

Mr. Shanahan voted for all three Commissioners based on their platform to preserve agriculture land. He noted Commissioner Rittenhouse's biggest campaign donation came from Ed Evans in the amount of \$10,000. He had doubts they could make an unbiased decision. If this is approved, he planned to referendum it.

Commissioner Wilt reiterated the question during this hearing is on the 10.74 acres and the specific use for that property.

Mr. Shanahan understood but wanted to slow this down. He was in opposition because they don't know where it will grow to.

Commissioner Rittenhouse stated the property is currently zoned agriculture and Mr. Evans wants to rezone to business specific use district. She asked if this was for the general store or if that spoke to the events.

Ed Evans, 9737 New Carlisle Pike, disagreed with trash being left behind. He has told his people not to use the Shanahan access. The fence will be underway soon. All of the concerns are being addressed as quickly as possible. He was not going to rebut everything that was said because it has been said many times in the prior meetings. Those are on the record. The reason for this rezoning is for the general store, concession stand and play area for kids. He has had deputies helping control traffic at large events.

Mr. Todd has experienced the same difficulties and un-neighborliness. He was glad to see the cattle company come in and wants to see it profit and do well. He would love to see some neighborliness and courtesy towards the neighbors. He requested the music be eliminated. He asked Commissioner Rittenhouse and anyone that's received campaign contributions from Evans' to recuse themselves from the vote.

Commissioner Wilt asked Mr. Neimayer if he could share any noise ordinances or management of noise on any property. Mr. Neimayer replied the Board can put limitations in place through the rezoning process.

Commissioner Rittenhouse asked if the noise issue changed based on the type of zoning for the property. Mr. Neimayer replied agritourism will eliminate any zoning reviews/authority. If a property is doing agritourism the county has no authority. A township can issue a noise ordinance.

Commissioner McGlothlin has lived in the area most of this life. He sympathized about the noise levels. He felt Mr. Evans would make sure everything was cleaned up. Events could end at a certain time to address the noise complaint. He attended the charity event recently held at this property. He felt Mr. Evans was trying to do what is right in the community. He understood the neighbors' concerns. He explained things are trying to go forward for that area. If the township had concerns they haven't brought them to staff. Discussion ensued about this property being used as a wedding venue. The business specific use does not allow for a wedding venue.

Mr. Watkins clarified the fundraiser and 4th of July events were agritourism events. Those events were held on the neighboring parcel. If this rezoning were approved today it would not include the ability to host a wedding. They were operating under agritourism for the July 4th celebration. For the charity event they pulled a permit.

Discussion ensued about the events that have been held.

The Public Hearing was closed by the Commission President at 10:47 a.m.

Commissioner Rittenhouse moved to approve rezoning case Z-2022-04 as presented.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Abstain; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

**Amended
Resolution 2022-0638
ZBTH file**

**10:00 a.m. Public Hearing for Rezoning Case Z-2022-05
filed by Chad Watkins in Bethel Township**

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing on the proposed rezoning case Z-2022-05 in Bethel Township being 93.74 acres located at 571 Milton-Carlisle

Road, to rezone property from A-1 (Agricultural District) to B-2S (Community Business District – Specific Use Control District), to allow for a wedding venue and auto repair shop business, with the majority of the property to continue in agricultural use.

Public Hearing opened by the Commission President at 10:48 a.m.

Staff Report: Mr. Neimayer explained this request was for a total of 93+ acres. See attached report. The use will be concentrated in the upper right corner of the property. The acreage is predominately agriculture use. There are existing buildings on the property. See plot plan. The applicant will use an existing barn for the event center. There is a second case tomorrow to allow for gravel parking through Board of Zoning Appeals. Code requires a paved surface and they are asking for gravel. Overflow parking will be on the [BZA] agenda tomorrow as well. The yellow area represented the shared driveway. The deed transfers show it is a shared drive. There is a recommendation that a written ingress/egress document take into account the shared drive. There is substantial flood plain on the property. The buildings are outside of flood plain. Staff recommended rezoning to B-2S (community business district, specific use) limiting to the wedding venue (event center) and auto repair shop business at the two identified buildings. This B-2S zoning will have no impact on continued agricultural uses on the property. County Planning Commission met May 4 and recommended approval as presented by staff. Rural Zoning Commission met May 12 and June 9, 2022 and tabled the decision. They were concerned with rezoning large agricultural land area from A-1 District. Rural Zoning Commission directed the owner/applicant to look into the lot split options to split off the smaller business area from the larger agricultural area in order to preserve farmland. On July 14, 2022 Rural Zoning Commission recommended rezoning the subject property to B-2S limiting to the wedding venue (event center) and auto repair shop business at the two identified buildings.

Commissioner Wilt clarified the wedding venue will be in the building not in a tent. The parties and noise would be inside eventually. Mr. Neimayer stated in testimony it was stated events would be inside not outside.

Commissioner McGlothlin asked if the auto shop would work on company vehicles or others and how many vehicles might be there at one time.

Audience Comments:

Felix Shanahan, 11111 Milton Carlisle Road, thanked staff for the efforts to be accommodating. He asked for clarification on the township's opinion. Commissioner Wilt explained it isn't a requirement but sometimes a township will give an opinion.

He shared concerns about fire code. Commissioner Wilt said it would have to go through the building permit process.

He shared concerns about traffic on the lane. He asked the Board to ask these questions. He thought Clark County wants to preserve agriculture land. He didn't understand why 93 acres needed to be rezoned. He is part of the community and need to be considered. Commissioner Wilt explained the entire parcel has to be rezoned otherwise it needs to be split to change it. Mr. Shanahan was fiercely opposed to the request to rezone. In less than a year the properties will continue to grow.

Ed Evans, 9737 New Carlisle Pike, replied most of the 90 acres is in the floodplain which means no one in their right mind would put a business there. He planned to grow vegetables in the lower area. Traffic will be rerouted soon which will alleviate the traffic by their home.

Mr. Watkins, 10201 New Carlisle Pike, pointed out the new entrance for farm equipment.

Commissioner McGlothlin asked if something could be done for vehicles. He asked if the vehicle repair shop would be open to the public.

Mr. Evans replied it would be both company vehicles and equipment and general public. It wouldn't be more than 2-4 vehicles at a time. There won't be vehicles sitting around waiting to be worked on.

Mr. Evans stated he needed to expand to make the agriculture payment at the end of the year. Strictly farming isn't making enough money. He tries to give back to the community. This is all a pain.

Commissioner Wilt asked once the wedding venue was completed would that eliminate tents. Mr. Evans replied if the community doesn't want fireworks they will stop providing them. Commissioner Wilt asked if events could end at a certain time. Mr. Evans cut off events by 10. Commissioner Wilt has worked in agriculture/agritourism communications. Clearly he has some neighbor relations work to do. The complaints of noise, traffic, and litter control all impact the relations.

Commissioner Rittenhouse asked if she understood he did not split the land because of the land lock issue. Mr. Evans said yes and utilities and survey costs. Most of the rest of the land is in the flood plain. That should put the concern to rest. There is no desire to put anything back there.

Mr. Todd, 10983 Milton Carlisle Road, asked for clarification about the new point of egress for agriculture equipment. Mr. Evans explained it will come off Milton Carlisle along the bean field. Mr. Watkins showed the new entrance/exit on the map.

Mr. Shanahan felt it was important to not marginalize this into a neighbor issue. It is 93 acres of agricultural land and the political platforms have been to protect farmland. This is to rezone farmland to business. In the future it can be used for anything.

Commissioner McGlothlin expressed all the Commissioner are pro-agriculture.

Commissioner Wilt has committed many years of her life to agriculture. She explained her understanding and the change in zoning. Agriculture is an allowed and common use under the B2 Community Business District. It is still a use in this category. She heard the neighbors' concerns.

Commissioner Wilt offered an amendment to the resolution. She moved to amend the resolution language as follows: rezoning case Z-2022-05 in Bethel Township being 93.74 acres located at 571 Milton-Carlisle Road, to rezone property from A-1 (Agricultural District) to B-2S (Community Business District – Specific Use Control District), to allow for a wedding venue and auto repair shop business, with the majority of the property to continue in agricultural use *with the following stipulations: 1) that events and music conclude by 10 p.m.; 2) the applicant change the location of the driveway for heavy traffic as discussed.*

Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

The Public Hearing was closed by the Commission President at 11:21 a.m.

Commissioner Rittenhouse moved to approve rezoning case Z-2022-05 as amended.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Abstain; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Resolution 2022-0639
Replaces Resolution 2022-0513
FINB file

**Authorize the Issuance of Hospital Facilities Revenue Bonds of
The County of Allen, Ohio**

WHEREAS, Bon Secours Mercy Health, Inc., successor by merger to Mercy Health, is a Maryland nonprofit nonstock membership corporation (the "Corporation") that, through its subordinate and affiliated nonprofit entities (the "Affiliates"), owns and operates healthcare facilities at various locations in Ohio, including Hospital Facilities, as defined in Section 140.01 of the Ohio Revised Code, in Clark County, Ohio (the "County") and the Corporation has determined to acquire, construct and equip certain additional Hospital Facilities located in the County (collectively, the "Local Facilities"), and has requested the County of Allen, Ohio (the "Issuer") to issue its bonds therefor; and,

WHEREAS, Chapter 140 of the Ohio Revised Code provides a procedure by which "Public Hospital Agencies," as defined therein and including counties and municipal corporations, may enter into an agreement pursuant to which a Public Hospital Agency may issue its revenue bonds to fund the capital needs of Hospital Facilities located in the jurisdictions of each of the Public Hospital Agencies which are parties to such agreement, for the public purpose of better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby; and,

WHEREAS, the Corporation has represented to the County that it has organized under a master trust indenture the financing of certain debt of the Corporation and the Affiliates, including debt incurred to fund the capital needs of the Local Facilities, and from time to time will undertake the financing and refinancing of Hospital Facilities, including the Local Facilities, thereby enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby in the County; and,

WHEREAS, the County entered into the Participating Public Hospital Agencies Agreement with the Issuer and certain additional political subdivisions (collectively with the County, the "Participating Public Hospital Agencies") pursuant to Section 140.03, Ohio Revised Code, on May 1, 2008 for the purposes of (a) financing and refinancing through the Issuer certain capital equipment and construction needs of the Corporation and its Affiliates, including the Local Facilities, located within the jurisdiction of the County, including the reimbursement of costs advanced for those purposes, and (b) refunding and retiring outstanding prior indebtedness incurred for such purpose; and,

WHEREAS, the Corporation anticipates that the Issuer will issue its Hospital Facilities Revenue Bonds, Series 2022 (Bon Secours Mercy Health, Inc.), in one or more series (the "Series 2022 Bonds"), in an amount not to exceed \$300,000,000 to finance and refinance the acquisition, construction and equipping of Hospital Facilities located in the jurisdiction of the Participating Public Hospital Agencies, and the Issuer may, from time to time, determine to issue additional revenue bonds, in order to finance and refinance the costs of Hospital Facilities, in cooperation with the Participating Public Hospital Agencies; and,

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that prior to their issuance, the Series 2022 Bonds must be approved by the "applicable elected representative" (as defined in such Section 147(f) of the Code) of the Issuer and of certain political subdivisions in which Hospital Facilities will be financed, including the County; and,

WHEREAS, this Board of County Commissioners is the applicable elected representative of the County; and,

WHEREAS, a public hearing was held with respect to the issuance of the Series 2022 Bonds prior to the consideration of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Clark, Ohio:

SECTION 1. That any revenue bonds issued under the authority of the Participating Public Hospital Agencies Agreement shall not be, and are not, general obligations, debt or bonded indebtedness of the County or any Participating Public Hospital Agency and the holders or owners of such revenue bonds shall not have the right to have excises or taxes levied by the County or any Participating Public Hospital Agency for the payment of principal of, or interest or premium, if any, on such revenue bonds. Such payment shall be made only from funds provided by the Corporation or its Affiliates.

SECTION 2. That this Board, as the "applicable elected representative" of the County for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, hereby approves the issuance of the Series 2022 Bonds by the County of Allen, Ohio, in the maximum principal amount of \$300,000,000. It is anticipated that the proceeds of the Series 2022 Bonds will be made available to the Corporation and certain of its nonprofit affiliates. The Series 2022 Bonds will be issued as qualified 501(c)(3) bonds as defined in Section 145 of the Internal Revenue Code of 1986, as amended, to (i) finance, refinance, or reimburse the costs of, the acquisition, construction and equipping of equipment, real property and improvements to Hospital Facilities, at some or all of the following locations in the County: (A) 240 Enon Road North, Enon, known as Enon MOB, (B) 1343 North Fountain Boulevard, Springfield, known as Springfield Regional Imaging Center and Hospice, (C) 2501-2503 East High Street, Springfield, known as Community Mercy Center for Occupational Health and Medicine, (D) 2600 and 2610 North Limestone Street, Springfield, known as Community Mercy Rehab Center and Springfield Regional Outpatient Center, (E) 2055 South Limestone Street, Springfield, known as South Springfield Family Medicine, (F) 2105 East High Street, Springfield, known as East Springfield Internal Medicine, (G) 30 West McCreight Avenue, Springfield, known as Mercy Crest Medical Arts Building, North Family Medicine, (H) 100 West McCreight Ave, Springfield, known as Mitchell Thomas Center fka Mercy St. John's Center, (I) 211 Northparke Road, Springfield known as Clark County Gastroenterology and Northparke Internal Medicine, (J) 218 Northparke Road, Springfield, (K) 148 West North Street, Springfield, known as Springfield Regional Cancer Center, (L) 200, 206, 216, 218, 296 O'Connor Lane, Springfield, (M) 1310, 1316, 1320 Pythian Avenue, Springfield, (N) 100 Medical Center Drive, Springfield, Ohio, (O) 200 Medical Center Drive Suite 100, Springfield, known as Community Hospital Health Services Foundation, (P) 200 West Ward Street Springfield, known as North Family Medicine Wittenberg Clinic, (Q) 346 South Burnett Road, known as CMHP lab, (R) 362 South Burnett Road, known as CMHP Wound Care Center, (S) 1911 E. High Street, Springfield, Ohio known as Cardiologists of Clark & Champaign County, (T) 234 Hubert Avenue, Springfield, Ohio known as Cardiologists of Clark & Champaign County, (U) 1840 Springfield Road, also referred to as 1840 Dayton Springfield Road, Fairborn, Ohio, known as Mercy Health – Dayton Springfield Emergency Center (each, a "project" and collectively, the "projects"), the initial legal owner or principal user of each project being Community Mercy Health Partners or Mercy Health Physicians LLC, each an Ohio non-profit corporation or limited liability company, or the Corporation, or a related party thereof; (ii) refinance all or a portion of a taxable loan, the proceeds of which refunded the outstanding principal amount of the \$89,425,000 County of Allen, Ohio Adjustable Rate Hospital Facilities Revenue Bonds, Series 2017B (the "Series 2017B Bonds"); and (iii) finance certain costs associated with the issuance of the Series 2022 Bonds. The Corporation and its non-profit affiliates operate a healthcare system on several campus sites. The projects are and will be used by the Corporation in an integrated operation for the delivery of healthcare, education, scientific research and administrative activities supporting those activities on several campuses. Not more than \$20,000,000 of the stated principal amount of the Series 2022 Bonds will be spent at the projects in the aggregate, and not more than \$10,000,000 of the stated principal amount of the Series 2022 Bonds will be spent at any one project listed above. A portion of the proceeds of the Series 2022 Bonds will also be used to finance and refinance Hospital Facilities at locations outside the County, in the State of Ohio.

This approval is intended to comply with the provisions of Section 147(f) of the Code, and does not constitute a finding of the Board as to the compliance or noncompliance by the Corporation or the County of Allen, Ohio with any legal requirements imposed upon them in connection with the issuance of the Series 2022 Bonds.

SECTION 3. That the Clerk of this Board and any member of this Board be and they hereby are authorized to execute and deliver on behalf of the County such certificates, documents and instruments in connection with the issuance and public sale of the Series 2022 Bonds and of revenue bonds issued from time to time under authority of the Participating Public Hospital Agencies Agreement, and the delivery of the Participating Public Hospital Agencies Agreement, as may be required, necessary or appropriate, including, without limitation, applicable elected representative approvals, conveyances of title to real and personal property, terminations of financing statements and other releases of security interests in property. Such documents, including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution thereof by the proper officers of this Board.

SECTION 4. That the provisions of this Resolution are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Resolution.

SECTION 5. That all resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 6. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code, and the rules of this Board in accordance therewith.

SECTION 7. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

SECTION 8. This Resolution shall be in full force and effect immediately upon its adoption.

Commissioner McGlothlin seconded the motion and the roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, Yes; Commissioner McGlothlin, Yes; Commissioner Wilt, Yes

Commissioner Wilt hoped the amended resolution would address the neighbors' concerns. She thanked the applicant and urged him to continue to talk and work with the neighbors so it's a good community going forward.

Resolution 2022-0

Commissioner Wilt adjourned the meeting.

BOARD OF CLARK COUNTY COMMISSIONERS

By: _____
Melanie F. Wilt, President

I certify that the record is true and accurate:

By: _____
Lowell R. McGlothin

Commission Clerk

By: _____
Sasha L. Rittenhouse