

# THE BOARD OF COUNTY COMMISSIONERS

50 East Columbia Street, 5<sup>th</sup> Floor  
Springfield, Ohio 45501

## CLARK COUNTY, OHIO AGENDA



Source: google images

January 23, 2019

- |   |   |
|---|---|
| 8:30 A.M.   | Informal Session  |
| 10:00 A.M.  | Formal Session  |
| Call to Order   | President of County Commission<br>Resolution 2019-0043  |
| Invocation  |   |
| Pledge to the flag  |   |
| Approve minutes of the last meeting and<br>Dispense with reading of same: | Commissioner McGlothin  |
| <i>Review/Action:</i>   |   |
| Matters before the Board and Departmental Requests:                       | See attached motions  |
| Staff Notes:  |   |
| 8:30  | Review Agenda<br>County Administrator Updates<br>Strategic Plan Updates<br>Calendar/Event Updates |
| 10:00   | Formal Session<br>Public Hearing – Rezoning Case Z-2018-04  |

The Board of County Commissioners, in and for Clark County, Ohio, met this 23<sup>rd</sup> day of January, 2019 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0044**  
**SHRC file**

**Authorize Dispatching Contract(s) with  
Harmony Township**

Commissioner \_\_\_\_ moved, per the request of the County Sheriff, to authorize contract(s) for dispatching services with:

**Township:** Harmony  
**In the amount of:** \$12,595.40  
**Effective Dates:** January 1, 2019 through December 31, 2019

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

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

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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I, Megan Burr, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under the date of January 23, 2019.

Megan Burr, Clerk

copy: County Auditor  
County Administrator  
Requesting Department(s)

The Board of County Commissioners, in and for Clark County, Ohio, met this 23<sup>rd</sup> day of January, 2019 in regular session, pursuant to adjournment, in accordance with Section 121.22 O.R.C. (Sunshine Law), with the following members present, viz:

Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0045**  
**ENG file**

**Authorize Change Order #1 for  
CLA CR 314-0.15 New Carlisle Pike (PID 104810)**

Commissioner \_\_\_\_ moved, per the request of the Deputy Engineer, to authorize change order #1 with:

**Organization Name:** Barrett Paving Materials, Inc.  
**Original Contract:** \$1,108,699.85  
**Previous Changes:** \$0.00  
**This Change:** \$29,732.90  
**New Contract Total:** \$1,138,432.75  
**Funding Source(s):** Federal and OPWC Grant  
**Reason for Change:** Final cost adjustments.

Further move to authorize the County Administrator to execute the change order.

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

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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County Administrator  
Requesting Department(s)  
Organization

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**Resolution 2019-0046**  
**BOEC file**

**AUTHORIZING PARTICIPATION IN A SUBLEASE-PURCHASE ARRANGEMENT WITH THE OHIO SECRETARY OF STATE FOR THE PURPOSE OF ACQUIRING AND IMPLEMENTING VOTING MACHINES AND EQUIPMENT AND FINANCING CERTAIN COSTS THEREOF, A SUBLEASE-PURCHASE AGREEMENT EVIDENCING SUCH ARRANGEMENT, AND MATTERS RELATED THERETO.**

Commissioner \_\_\_\_ moved to adopt the following:

**WHEREAS**, pursuant to Amended Substitute Senate Bill 135 of the 132nd Ohio General Assembly (as the same may be amended, modified, revised, supplemented or superseded from time to time, the “Act”) and the financing program authorized thereunder (the “SoS Financing Program”), the Secretary of State of the State of the Ohio (the “Sublessor”) is providing financing to Ohio counties for the acquisition of voting systems, including, but not limited to, voting machines, marking devices, automatic tabulating equipment, and direct record electronic voting machines, as defined in Ohio Revised Code (“ORC”) Section 3506.01, together with associated allowable expenditures, as defined in the Act; and,

**WHEREAS**, in accordance with ORC Section 3506.02, it has been determined that the equipment used by the citizens of the County of Clark, Ohio (the “Sublessee”) to vote in federal, state and local elections shall be changed to that equipment described in the Proposal of Clear Ballot Group (the “Vendor”) dated January 2, 2019 (the “Proposal”); and,

**WHEREAS**, the Vendor has submitted a draft contract for the implementation of the Proposal to the Sublessee (the “Project Contract”), and the Sublessor has reviewed and approved the Project Contract (as it relates to the SoS Financing Program) and the Project Equipment (as hereinafter defined); and,

**WHEREAS**, the Proposal requires the Sublessee to acquire certain voting machines and equipment (the “Project Equipment”) and pay certain costs related to implementing the Proposal (along with the acquisition of the Project Equipment, the “Project”) and this Board of County Commissioners of the Sublessee (the “Legislative Authority”) desires to accept the Proposal, enter into the Project Contract, undertake the Project, and finance a portion of the cost of the Project by utilizing the provisions of the SoS Financing Program.

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

**SECTION 1.** It is hereby determined to be necessary, desirable and expedient, and in the best interests of the Sublessee and its citizens, for the Sublessee (i) to accept the Proposal, (ii) enter into the Project Contract, (iii) acquire the Project Equipment, and (iv) finance a portion of the costs of the Project Equipment (the “State-Financed Equipment”) and other costs of the Project by participating in the SoS Financing Program.

**SECTION 2.** The Sublessee's participation in the SoS Financing Program shall be evidenced by a Sublease-Purchase Agreement between the Sublessor and the Sublessee (together with all exhibits and appendices thereto, the "Sublease"). At least two members of the Legislative Authority and the Sublessee's County Auditor (collectively, the "County Signers") are hereby separately and individually authorized, alone or with others, to execute and deliver the Sublease on behalf of the Sublessee in substantially the form presently on file with the Legislative Authority, which is hereby approved, with such changes not substantially adverse to the Sublessee as the County Signers may approve; the approval of such changes and that the same are not substantially adverse to the Sublessee shall be conclusively evidenced by the execution of the Sublease by the County Signers.

**SECTION 3.** All of the obligations of the Sublessee set forth and covenants made by the Sublessee under the Sublease are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the Sublessee within the meaning of ORC Section 2731.01 et seq.

**SECTION 4.** Pursuant to the SoS Financing Program, the Sublessee shall not be required to make any scheduled payments towards the purchase of the State-Financed Equipment to the Sublessor or any other entity. To pay that portion of the cost of the Project not financed through the SoS Financing Program, there is hereby appropriated from the Sublessee's General Fund (i) the amount of \$0.00, and (ii) to pay the Sublessee's other obligations under the Sublease during this 2019, the amount of \$0.00.

**SECTION 5.** The County Signers and other appropriate officers of the Sublessee, or any of them, are hereby separately and individually authorized and directed to (i) make the necessary arrangements with the Sublessor to establish the date, location, procedure and conditions for executing and delivering the Sublease, and delivering the Sublease to, the Sublessor, and (ii) give all appropriate notices and execute and deliver, on behalf of the Sublessee, such additional instruments, documents, agreements, certificates, and other papers as may be in their discretion necessary or appropriate in order to carry out, give effect to and consummate the transaction contemplated thereby in such forms as the official executing the same may approve, and to take all other steps necessary or appropriate to effect the due execution, delivery and performance of the Sublease pursuant to the provisions of this resolution. The Clerk of the Board of County Commissioners shall furnish to the Sublessor a true transcript of proceedings pertaining to the Sublease containing such information from the records of the Sublessee as is necessary to evidence or determine the regularity and validity of the authorization, execution and delivery of the Sublease. Each of the County Signers is hereby separately and individually designated to act as the authorized representative of the Sublessee for purposes of the Sublease until such time as the Legislative Authority shall designate any other or different authorized representatives for such purpose.

**SECTION 6.** The Sublease shall constitute a special obligation of the Sublessee. Nothing in the Sublease or any agreements or documents relating thereto shall constitute or be construed or deemed to constitute a debt, bonded indebtedness or a general obligation of the Sublessee. Neither the taxing power nor the full faith and credit of the Sublessee are pledged or shall be pledged for the payment or security of the Sublease, or any other related agreement or document.

**SECTION 7.** The Legislative Authority acknowledges that the Sublessor has obtained funds for the SoS Financing Program by utilizing a sublease-purchase / certificates of participation arrangement, and that the interest component of the Sublessor's lease payments thereunder is intended to be exempt from federal income taxation under the Internal Revenue Code of 1986, as amended and the regulations prescribed thereunder (the "Code"). The Legislative Authority hereby covenants that it will restrict the use of the State-Financed Equipment in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the Sublease is entered into, so that the interest portion of such lease payments by the Sublessor will not be subject to federal income taxation under the Code. Any County Signer or any other officer having responsibility with respect to the execution and delivery of the

Sublease is authorized and directed to give an appropriate certificate on behalf of the Sublessee on the date of delivery of the Sublease, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the State-Financed Equipment and other matters under the Code.

**SECTION 8.** It is hereby determined that the terms of the Sublease and this resolution are in compliance with all legal requirements. If any section, paragraph, clause or provision of this resolution or the Sublease shall for any reason be held invalid or unenforceable, such invalidity or unenforceability shall not affect any remaining provisions of this resolution or the Sublease, respectively. Any provisions of any ordinance or resolution inconsistent with this resolution are hereby repealed, but only to the extent of such inconsistency; this provision shall not be construed as reviving any ordinance or resolution or any part thereof.

**SECTION 9.** It is found and determined that all formal actions of the Legislative Authority concerning and relating to the adoption of this resolution were adopted in an open meeting of the Legislative Authority, and that all deliberations of the Legislative Authority and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including ORC Section 121.22.

**SECTION 10.** This resolution shall take effect and be in force upon its adoption.

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

Commissioner McGlothin, Commissioner Lohnes, Commissioner Wilt,

---

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Megan Burr, Clerk

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County Administrator  
Requesting Department(s)

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Melanie F. Wilt

Richard L. Lohnes

Lowell R. McGlothlin

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**Resolution 2019-0047**  
**SWDG file**

**Authorize Grant Submission**  
**Recycle Ohio, Ohio EPA**

Commissioner \_\_\_\_ moved, per the request of the Solid Waste Director, to authorize grant submission of the following:

**Grant:** 2019 Community and Litter Grant  
**Grantor:** Recycle Ohio, Ohio EPA  
**Funding Amount:** \$43,400.00  
**Purpose:** To purchase an EPS/PS densifier (Styrofoam) recycling unit. The Solid Waste District would be able to offer recycling of EPS/PS to residents and businesses in the county as part of our drop-off recycling program. Our match would be 25%.  
**Effective Date:** July 1, 2019

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

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

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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Lowell R. McGlothlin

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**Resolution 2019-0048**  
**SWDG file**

**Authorize Grant Submission**  
**Recycle Ohio, Ohio EPA**

Commissioner \_\_\_\_ moved, per the request of the Solid Waste Director, to authorize grant submission of the following:

**Grant:** 2019 Community and Litter Grant  
**Grantor:** Recycle Ohio, Ohio EPA  
**Funding Amount:** \$12,381.99  
**Purpose:** To purchase surveillance cameras. There are sites throughout the city of Springfield and the county that get targeted regularly by individuals who are illegally dumping items such as mattresses and furniture. These cameras will offer a better chance for our Environmental Officers to catch and prosecute those individuals. Our match would be 25%.  
**Effective Date:** July 1, 2019

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

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

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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Lowell R. McGlothlin

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**Resolution 2019-0049**  
**ENGO file**

**Mileage Certification**  
**Ohio Department of Transportation**

Commissioner \_\_\_\_ moved, per the request of the Deputy Engineer, to acknowledge and certify the County's total road mileage of 308.159 miles for the year 2018.

**Agreement with:** Ohio Department of Transportation  
**Purpose:** Annual County Highway System Mileage Certification

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

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Lowell R. McGlothlin

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**Resolution 2019-0050**  
**SHRR file**

**Acknowledge Sheriff's Jail Expenditure Report**

Commissioner \_\_\_\_ moved to acknowledge the receipt of the Sheriff's Jail Expenditure Report for December 2018.

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

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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Lowell R. McGlothlin

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**Resolution 2019-0051**  
**INVS file**

**Authorize Disposal of Unneeded, Obsolete or Unfit Property**

Commissioner \_\_\_\_ moved, per request of the Sheriff's Office, to dispose of equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired. Further, in the opinion of the Board, the fair market value of the property is less than \$2,500 in accordance with Ohio Revised Code Section 307.12 (B).

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

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Lowell R. McGlothlin

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**Resolution 2019-0052**  
**EMAP file**

**Approve Payment to  
Clark County Sheriff's Office and City of Springfield**

Commissioner \_\_\_\_ moved, per request of the 9-1-1 Coordinator, to approve the following payment:

**Payment to:** Clark County Sheriff's Office  
**Address:** 120 North Fountain Avenue, Springfield, Ohio  
**Services:** Distribution of funds received from the Wireless 9-1-1 Government Assistance Fund pursuant to the Clark County Final 9-1-1 Plan Wireless Amendment, and the Board of Clark County Commissioners Resolution 861-07 dated 10/9/07. (December 2018 payment received 1/10/19)  
**Funding Source(s):** State Treasurer's 9-1-1 Government Assistance Fund  
**Amount:** \$6,962.74

**Payment to:** City of Springfield  
**Address:** 76 East High Street, Springfield, Ohio  
**Services:** Distribution of funds received from the Wireless 9-1-1 Government Assistance Fund pursuant to the Clark County Final 9-1-1 Plan Wireless Amendment, and the Board of Clark County Commissioners Resolution 861-07 dated 10/9/07. (December 2018 payment received 1/10/19)  
**Funding Source(s):** State Treasurer's 9-1-1 Government Assistance Fund  
**Amount:** \$10,444.11

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

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Lowell R. McGlothlin

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**Resolution 2019-0053**  
**FINT file**

**Approve Issuance of Warrants for Then and Now(s)**

Commissioner \_\_\_\_ moved, to approve the issuance of warrants for then and now(s) are as follows:

<b>P.O. Number</b>	<b>Fund</b>	<b>Vendor</b>	<b>Date Purchase</b>	<b>Amount</b>
180013811	General (Dom Rel)	Aqua Falls	12/14/2018	\$13.90
Reason: Invoice received prior to purchase order approved.				
180013865	General (Dom Rel)	Thomas J. Capper	11/19/2018	\$50.00
Reason: Money was reserved after invoice date.				
180013803	General (Dom Rel)	Thomson-Reuters	12/4/2018	\$1,400.00
Reason: Invoice received prior to purchase order approved.				
180013866	General (Dom Rel)	Modern Office Methods	12/19/2018	\$38.60
Reason: Invoice received prior to purchase order approved.				
180013807	General (Dom Rel)	CDW Government Inc	12/7/2018	\$189.00
Reason: Invoice received prior to purchase order approved.				
190014413	General (Sheriff)	The UPS Store	1/4/2019	\$10.94
Reason: Received invoice after cut off for payments from blankets. Then & Now is required because invoice date is before PO approval.				
190014413	General (Sheriff)	The UPS Store	12/26/2018	\$16.03
Reason: Received invoice after cut off for payments from blankets. Then & Now is required because invoice date is before PO approval.				
190014413	General (Sheriff)	The UPS Store	12/27/2018	\$9.72
Reason: Received invoice after cut off for payments from blankets. Then & Now is required because invoice date is before PO approval.				
190014413	General (Sheriff)	The UPS Store	12/27/2018	\$10.94
Reason: Received invoice after cut off for payments from blankets. Then & Now is required because invoice date is before PO approval.				
190014413	General (Sheriff)	Dickman Directories	12/20/2018	\$313.00
Reason: Received invoice after cut off for payments from blankets. Then & Now is required because invoice date is before PO approval.				

190014146 Dog & Kennel Mercy Health Spfld Occ 12/31/2018 \$108.50  
Reason: Super blanket PO# 180012812 was in place to pay this expense in 2018. This PO was liquidated for year end before invoice was received.

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

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Lowell R. McGlothlin

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**Resolution 2019-0054**  
**TRAV file**

**Approve Travel/Expense Allowance**

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

<b>Dept.</b>	<b>Name</b>	<b>Purpose</b>	<b>Place</b>	<b>Date</b>	<b>Cost</b>
Comm Dev	5 Staff Members	OSHA Compliant	Cincinnati, OH	1/24/19	\$ 600.00
Clerk of Cts.	M. Tuttle	SPBR Conference	Columbus, OH	3/22/19	\$ 185.00
Clerk of Cts.	M. Tuttle	Various Mtgs/Trng.	Ohio	2019	\$1,000.00
DJFS	C. Guittar	Supervisor Cert.	Springfield, OH	2/7-4/18/19	\$ 413.50

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

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

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**Resolution 2019-0055**  
**ENGX file**

**Decision on Proposed Increase in Permissive Tax**

Commissioner \_\_\_\_ moved to \_\_\_\_ the proposed increase in permissive tax.

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

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**Resolution 2019-0056**  
**ZGRN file**

**10:00 a.m. Public Hearing for Rezoning Case Z-2018-04**  
**Filed by Evan Jr. & Charlotte Richards in Green 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-2018-04 being 1.16 acres located at 5811 Springfield-Xenia Road, Springfield, Ohio to rezone from current B-3 (General Business District) to R-1 (Rural Residence District for an existing single-family dwelling.

Public Hearing opened by the Commission President at \_\_\_ a.m.

Staff Report:

Audience Comments:

The Public Hearing was closed by the Commission President at \_\_\_ a.m.

Commissioner \_\_\_ moved to \_\_\_ rezoning case Z-2018-04 as presented.

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

Commissioner McGlothlin, Commissioner Lohnes, Commissioner Wilt,

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