

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; Jennifer Hutchinson, County Administrator; Angela Wheeler, Commission Clerk; Michael Cooper, Public Information Officer; Ron Coss, Veterans Service Commission; Ethan Harris, Community and Economic Development Director; Jennifer Tuttle, Community and Economic Development; Sam George; Sidney Dawes, Springfield News-Sun; Aurora Sue Lehmkuhl; Christopher Bougger; John Ashley; Mary-Ann Schmidt; William Agle; Adam Agle; Garrett Agle; Seth Agle; Peter Blair; Pam Littlejohn, Clark County Treasurer; Mindy Clark, Treasurer's Office; Jerome Best; Jay Flax; Kevin Siferd; Scott King; John Rosenberger; Andrew Rosenberger; John Kronocer; Andrew Elder; Nichol Smith; Katelyn Massie; Carolyn Zarecky; Doug Zarecky; Larry Ricketts; Jennifer Robinson; illegible name; W. Eugene Barnett, Tecumseh Land Trust.

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

Agenda Review:

Ms. Hutchinson reviewed the agenda.

Resolution 2022-0873 authorized agreement with Capital Electric Line Builders, Inc. on behalf of the Engineer's Office for maintenance of traffic signals. The funding is from Motor Vehicle/Gas Tax.

Resolution 2022-0874 authorized contract with TAC on behalf of the Department of Job and Family Services to provide ground-based transportation services to eligible, low-income people.

Resolution 2022-0875 authorized contract with Warren County Board of Commissioners on behalf of Warren County Probate Juvenile Court for residential treatment services.

Resolution 2022-0876 authorized renewal contract with Voya Financial on behalf of the Personnel Department for Reinsurance – Renewal Option 1 for health insurance fund. This was just over a 9% increase from last year.

Resolution 2022-0877 accepted grant agreement with Ohio EMA on behalf of Clark County EMA Department. This is additional allocation to EMA due to moving the grant year to January 1, 2023.

Resolution 2022-0878 accepted grant agreement with Ohio EMA on behalf of Clark County EMA Department. This will provide seven additional trainings. The last time Clark County was awarded this grant was in 2012.

Resolution 2022-0879 accepted grant agreement with Office of Criminal Justice Services on behalf of the Sheriff's Department for retention bonuses and violence reduction. Authorizes County Administrator to sign the Grant Pre-Award Condition Form.

Resolution 2022-0880 authorized disposal of obsolete equipment on behalf of the Dog Warden to sell a 2009 Dodge Ram SLT on Govdeals.com.

Resolution 2022-0881 authorized disposal of obsolete equipment on behalf of Buildings and Grounds to sell a 2010 Ford Expedition.

Resolution 2022-0882 authorized transfer of 2019 Mazda 6 to Clark County Juvenile Court for \$28,000. This vehicle was awarded to Clark County in a court case. Commissioner McGlothin asked if the funds would go into the general fund. Ms. Hutchinson said the proceeds would go back into the accounts the money was stolen from.

Resolution 2022-0883 authorized amended certificate #14 and appropriate funds. This is for the Sewer District.

Resolution 2022-0884 authorized Intra-Fund Transfers.

Resolution 2022-0885 approved Supplemental Appropriations. This was needed to correct an error in the Auditor's office.

Resolution 2022-0886 approved issuance of warrants for then and nows. When the Sheriff's Office cancelled the contract with Job and Family Services, 33% is from Board of County Commissioners. This is a correction.

Resolution 2022-0887 approved travel and expense allowances for several meetings and trainings.

Resolution 2022-0888 is a resolution for the public hearing to authorize acceptance of request by townships restricting the siting of large wind farms, large solar farms or an economically significant wind farm facility.

Commissioner Wilt said the Commissioners would need to make the hearing about the Commissioners getting public input. She said they could acknowledge questions but not necessarily answer each question. Commissioner McGlothlin said it will help that Economic and Community Development personnel are attending the hearing. Commissioner Rittenhouse said the Commissioners would need to explain that it is not about the Harmony Township Solar Project. Mr. Harris said they have a PowerPoint presentation to share. Commissioner Rittenhouse said she read the planning commission minutes and asked if it is correct that they have only basic wording in the code regarding small solar projects. Commissioner Wilt said that today they would discuss the topics in House Bill 52.

Commissioner Rittenhouse asked Jennifer Tuttle regarding language in our zoning about the smaller solar projects. Ms. Tuttle said no, we do not have anything for community solar. Commissioner Rittenhouse asked if there is an opportunity for townships to restrict solar and wind energy projects. Ms. Tuttle said they do not have that availability. Commissioner Wilt said they could still intervene. Commissioner Wilt asked if solar and wind would still be zoned A1. Ms. Tuttle said if it is a public utility, zoning does not matter. Ms. Hutchinson asked if there are deadlines to respond to townships that have requested restriction. Ms. Tuttle said the only deadline would be after anything is declared restricted, to report restricted areas. Commissioner Wilt said if Commissioners did not approve the restrictions, every project would still have to come through the Commission like the townships that did not ask to be restricted.

County Administrator Updates:

Ms. Hutchinson reported on referral sign-on bonuses. The incentive was very successful and the County has already reached the dollar amount. The County has had forty-one (41) sign-on bonuses. The majority of new hires were for the Sheriff's Department, who had eleven (11) new hires and Job and Family Services, who had fourteen (14) new hires. If the new hire does not make it through probation, they will not get the second half of the sign-on bonus. Ms. Hutchinson reported all departments were appreciative. Commissioner Wilt asked how many did not make it through the probationary period. Ms. Hutchinson said Job and Family Services has had three (3) people that did not make it through the probationary period. She was not sure how many people did not make it through from other departments.

Ms. Hutchinson said the County is having a promotion for Dog and Kennel. Renewal of dog tags for 2023 start December 1. Each week in December, a person who purchases dog tags will get their name in a drawing to win a \$50 gift card. Commissioner Rittenhouse asked if names are entered per dog or per owner. Ms. Hutchinson said it is per dog. Mr. Cooper said the community should buy licenses to help instead of donating food or other items. The County depends on the license fees and monetary donations.

Ms. Hutchinson said the Emergency Management Agency Director brought to her attention that former Commissioner Lohnes needs to be replaced on the LEPC Board. Commissioner Rittenhouse volunteered.

Calendar Events:

Commissioner Wilt said there are several budget meetings next week, including the Sheriff's Office.

Commissioner Updates:

Commissioner McGlothlin asked Mr. Harris to discuss his guest at New Carlisle Rotary. Discussion ensued.

Commissioner McGlothlin also asked Mr. Harris to talk about the compliment Community Development received. Mr. Harris said a person who does business with Clark County gave accolades on their work. Commissioner McGlothlin stated the person told him Clark County is the easiest county to work with.

Audience Comments:

None.

Commissioner Rittenhouse moved to go into executive session to discuss purchase or sale of property. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

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

In attendance were Commissioner Rittenhouse, Commissioner McGlothlin; Commissioner Wilt; Jennifer Hutchinson, Alex Dietz, Ethan Harris

The board recessed until 10:00 a.m.

Call to Order, Commission President Wilt.

Resolution 2022-0872

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

Commissioner Rittenhouse moved to approve the agenda in its entirety with the exception of Resolution 2022-0874 and Resolution 2022-0888. 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 2022-0874. Commissioner McGlothlin seconded the motion. The roll being called for passage resulted as follows:

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

Resolution 2022-0873
ENG file

**Authorize Agreement with
Capital Electric Line Builders, Inc.**

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

Organization Name: Capital Electric Line Builders, Inc.
Address: 3150 Encrete Lane, Dayton, Ohio 45439
In the amount of: Not to exceed \$35,000.00
Funding Source(s): Local Funds (MVGT)
Purpose: Traffic Signal Maintenance
Effective Dates: November 23, 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 2022-0874
JFSC file

**Authorize Contract with
TAC - The Abilities Connection**

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

Organization Name: TAC – The Abilities Connection
Organization Address: 2160 Old Selma Road, Springfield, Ohio 45505
In the amount of: \$2,159,803.00
Funding Source(s): Medicaid Title XIX 93.778, TANF 93.558, CCMEP TANF 93.558, Title XX 93.667, WIOA Youth Activities 17.259, FAET 10.561, and Children Services Levy
Purpose: Provide ground-based transportation services to eligible low-income people, such as Medicaid clients, CCMEP and OhioMeansJobs participants, individuals involved with, or minors in the custody of, Family & Children Services, as well as any other eligible customer of Department.
Effective Dates: January 1, 2023 through December 31, 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, Abstain

Resolution 2022-0875
JUVC file

**Authorize Contract with
Warren County Board of Commissioners on behalf of Warren County Probate Juvenile Court**

Commissioner Rittenhouse moved, per the request of Clark County Juvenile Court, to authorize a contract with:

Organization Name: Warren County Board of Commissioners on behalf of Warren County Probate Juvenile Court
Organization Address: 406 Justice Drive, Lebanon, Ohio 45036
In the amount of: \$175.00 per diem (per individual)
Funding Source(s): Juvenile
Purpose: Residential Treatment Services
Effective Dates: August 1, 2022 through July 31, 2023

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 2022-0876
PERC file**

**Authorize Renewal Contract with
Voya Financial**

Commissioner Rittenhouse moved upon the recommendation of the County Administrator, per the request of the Assistant County Administrator/HR Director, to authorize a renewal agreement with:

Organization Name: Voya Financial
Organization Address: 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401
Funding Source(s): Health Insurance Fund
Purpose: Reinsurance – Renewal Option 1
 Policy Number 698415
Effective Dates: January 1, 2023

Further move to authorize the County Administrator to execute all contract related documents upon receipt of originals.

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 2022-0877
EMAG file**

**Accept Grant Agreement with
Ohio Emergency Management Agency**

Commissioner Rittenhouse moved, per the request of the Emergency Management Agency Director, to accept the following:

Grantor: Ohio Emergency Management Agency
Amount Funding: \$31,802.00
Purpose: Additional allocation to EMA due to moving the grant year to January 1, 2023.
Effective Dates: October 1, 2020 through December 31, 2022

Further move to authorize the County Administrator to execute the grant 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 2022-0878
EMAG file

**Accept Grant Agreement with
Ohio Emergency Management Agency**

Commissioner Rittenhouse moved, per the request of the Emergency Management Agency Director, to accept the following:

Grantor: Ohio Emergency Management Agency
Amount Funding: \$24,580.00 Grant pays (local match \$6,145.00 through multiple funding sources)
Purpose: To provide additional Hazmat Training to the First Responders of Clark County. This will allow Clark County to host seven (7) different classes.
Effective Dates: September 30, 2022 through September 29, 2023

Further move to authorize the County Administrator to execute the grant 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 2022-0879
SHRG file

**Accept Grant Agreement with
Office of Criminal Justice Services**

Commissioner Rittenhouse moved, per the request of the Sheriff's Office, to accept the following:

Grantor: Office of Criminal Justice Services
Amount Funding: \$639,691.00
Purpose: Retention Bonuses & Violence Reduction
Effective Dates: June 1, 2022 through June 1, 2023

Further move to authorize the County Administrator to execute the Grant Pre-Award Condition Form.

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 2022-0880
INVS file

Authorize Disposal of Obsolete Equipment

Commissioner Rittenhouse moved, per the request of the Clark County Dog Warden, to dispose of the following through on-line auction for 15 calendar days in accordance with Resolution 2022-0009 §307.12(E) of the Ohio Revised Code:

<u>Description</u>	<u>VIN/Serial No.</u>
2009 Dodge Ram SLT	3D7KS28TX9G515177

Further, the Board finds this property no longer needed for county use.

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 2022-0881
INVS file

Authorize Disposal of Obsolete Equipment

Commissioner Rittenhouse moved, per the request of the Building and Grounds Director, to dispose of the following through on-line auction for 15 calendar days in accordance with Resolution 2022-0009 §307.12(E) of the Ohio Revised Code:

<u>Description</u>	<u>VIN/Serial No.</u>
2010 Ford Expedition	1FMJU1G59AEB64833

Further, the Board finds this property no longer needed for county use.

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 2022-0882
INVP file

Authorize Transfer of Equipment

Commissioner Rittenhouse moved, per the request of the County Administrator, to transfer use of the following vehicle to Clark County Juvenile Court for \$28,000.00

<u>Description</u>	<u>VIN/Serial No.</u>
2019 Mazda 6	JM1GL1WY3K1507092

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 2022-0883
FINA file

**Authorize Amended Certificate #14 and
 Appropriate Funds**

Commissioner Rittenhouse moved, upon the recommendation of the County Administrator, to authorize Amended Certificate #14 and appropriate funds.

CAFR Format - Commission and Auditor's Use Only			
<u>Fund</u>	<u>Department</u>	<u>Account</u>	<u>Amount</u>
SEWER DISTRICT (5010)	UTLS	OPERATING EXP	\$ 100,000.00
		Total	\$ 100,000.00

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 2022-0884
FINF file

Authorize Intra-Fund Transfer(s)

Commissioner Rittenhouse moved, upon the recommendation of the County Administrator, to authorize the following Intra-Fund Transfer(s):

From			To		
Department	Expense Acct.	Amount	Department	Expense Acct.	Amount
Fund: Special Projects					
Comm. Pleas	Operating Exp.	\$ 9,521.10	Comm. Pleas	Pers. & Fringes	\$ 9,521.10

Reason: Transfer needed to cover salaries and health insurance.

Fund: General					
Comm. Pleas	Operating Exp.	\$ 3,193.08	Comm. Pleas	Pers. & Fringes	\$ 3,193.08

Reason: Transfer needed to cover salaries and health insurance.

Fund: Community Corrections					
Comm. Pleas	Pers. & Fringes	\$ 14.00	Comm. Pleas	Operating Exp.	\$ 14.00

Reason: Transfer needed due to insufficient appropriations.

Fund: General

Juvenile Ct. Pers. & Fringes \$30,000.00 Comm. Pleas Pers. & Fringes \$30,000.00
Reason: Transfer needed to adjust accounts.

Fund: ARPA

ARPA Transfer Out \$26,810.70 ARPA Operating Exp. \$26,801.70

Reason: Transfers needed to move appropriations from inter-fund 'transfer out' line to 'contracts' line to allow for direct payment to conference room AV vendor.

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 2022-0885
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:
General	Miscellaneous	Operating Exp.	-\$238,000.00

Reason: Eliminates supplemental appropriation on 4/1/22 (GL #5991). Appropriation was not needed for 2022 Bureau for Children with Medical Handicaps billing from State of Ohio (Resolution 2022-0240).

Sewer Dist. Residential	Utilities	Transfers Out	\$100,000.00
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Reason: Appropriation needed as funds being transferred to Sewer District Fund for Operations.

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 2022-0886
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
220025206	General (BOCC)	Robert A. Wise	11/2/22	\$1,442.28

Reason: Commission's 34% portion of JFS contract. Additional purchase order needed that was separate from JFS.

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 2022-0887

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
BOCC	J. Hutchinson	Eng./Township Mtg.	Springfield, OH	12/8/22	\$ 25.00
BOCC	A. Wheeler	Notary Certification	Online	TBD	\$180.00
Juv. Ct.	Probation Staff	Tall Cop Says Stop Webinar	Online	Various	\$144.00
Utilities	C. Bauer	CCAO/CEAO Conf.	Columbus, OH	12/8-9/22	\$100.00

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

**Revised
Resolution 2022-0888
COMO file**

Public Hearing to Authorize Accepting Requests by The Boards of Township Trustees of Bethel, Springfield, Madison, Harmony, Pike and Moorefield Townships, Clark County, Ohio, As Resolutions Restricting The Siting Of Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 of the 134th General Assembly (SB52) In Their Respective Townships

This is the date and time set by the Board of County Commissioners, Clark County, Ohio, to hold a public hearing, based on Senate Bill 52, Establishing a Development Process for a Large Wind Farm, a Large Solar Farm or an Economically Significant Wind Farm Facility for Clark County, Ohio, on whether to designate all of the unincorporated areas of Clark County as a Restricted Area.

Public Hearing opened by the Commission President at 10:01 a.m.

WHEREAS, this Board of County Commissioners, adopted Resolution No. 2022-0732 on September 28, 2022, based on Senate Bill 52, Establishing A Development Process For A Large Wind Farm, A Large Solar Farm or An Economically Significant Wind Farm Facility for Clark County, Ohio, on whether to designate all of the unincorporated areas of Clark County as a Restricted Area; and,

WHEREAS, this Board of County Commissioners, has received a Resolution from the Boards of Township Trustees of Bethel, Springfield, Madison, Harmony, Pike and Moorefield Townships, Clark County, Ohio, each of which requests the Board of County Commissioners to designate their respective townships as Restricted Areas under the provisions of Senate Bill 52; and,

WHEREAS, this Board of County Commissioners, invited the Boards of Township Trustees, school districts, municipal corporations and any interested residents of the Townships to address the Board personally or to submit

written comments to the Board, published notice of public hearing in the Springfield News-Sun on October 23, 2022, posted a map and text at all libraries in the County, and,

WHEREAS, this Board of County Commissioners, conducted a public hearing on November 23, 2022, per Senate Bill 52 and received the oral and written comments of the Boards of Township Trustees and interested residents.

NOW, THEREFORE, BE IT RESOLVED, by The Board Of County Commissioners, Clark County, Ohio, that:

Section 1. This Board of County Commissioners accepts the Resolution of Bethel Township as its statement opposing Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in Bethel Township, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62.

Section 2. This Board of County Commissioners accepts the Resolution of Springfield Township as its statement opposing Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in Springfield Township, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62

Section 3. This Board of County Commissioners accepts the Resolution of Madison Township as its statement opposing Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in Madison Township, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62

Section 4. This Board of County Commissioners accepts the Resolution of Harmony Township as its statement opposing Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in Harmony Township, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62

Section 5. This Board of County Commissioners accepts the Resolution of Moorefield Township as its statement opposing a Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in Moorefield Township, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62

Section 6. This Board of County Commissioners accepts the Resolution of Pike Township as its statement opposing Any Large Wind Farm, Large Solar Farm or An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in Pike Township, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62

Section 7. This Board of County Commissioners restricts Any Large Wind Farm, An Economically Significant Wind Farm Facility as described in Substitute Senate Bill 52 that may seek to be sited in German, Mad River, Pleasant and Green Townships, Clark County, Ohio and shall vote to prohibit the construction of such facility within the time required under R.C. §303.62

Section 8. Any Township listed in Section 1 to Section 6 that changes its opinion as to the desirability of Large Solar Farm as described in Substitute Senate Bill 52, whether generally or as to a specific project, must notify the Board of County Commissioners of such opinion by submitting a resolution to that effect to the Board of County Commissioners.

Commissioner Wilt stated rules for the hearing. She said she appreciates everyone being here today and she realizes people are passionate about the topic. The Commissioners are here to look at the process by which they evaluate and restrict, or do not restrict, development of solar or wind. This is specific to the authority given to County Commissioners by Senate Bill 52. This is one item Commissioners were given to develop rules and policies. The State Legislature said the counties are to decide this process. The townships have been asked to weigh in on the topic. It is specific to fifty (50) megawatts or greater. Those under fifty (50) megawatts are not being addressed today. House Bill 450 will cover those small projects. Smaller solar projects are personal solar projects and are not handled through this House Bill, but are handled through zoning and building codes. She understands there are projects in development already and the decisions made today will not impact those projects. She has been researching the process of solar and wind farms. The goal is to develop a process that is fair and thoughtful. This is the opportunity to get public input, not an opportunity to answer questions. She said this is not a public information session. It is a public hearing.

Staff Report: Jennifer Tuttle said Senate Bill 52 went into effect on November 11, 2022 to give oversight to County Commissioners for solar and wind facilities. (See attached.) If Commissioners decide to restrict land, it is subject to referendum. Large solar farm, large wind farm, and economically significant wind farm which is fifty (50) megawatts or more, are the subject of the hearing today. Commissioners have the power to pass a resolution denying.

Ms. Tuttle named the townships requesting restriction and discussed the timeline of the process to date.

Ms. Tuttle said Mark Massie, resident of City of Springfield, submitted a written opposition. Justin and Kimberly Flax also submitted an email in opposition to solar but not in opposition of restricting.

Audience Comments: Ms. Lehmkuhl asked Ms. Tuttle if she has any knowledge of minimum or maximum acreage requirements. Ms. Tuttle said there are no limits to minimum or maximum.

Ms. Lehmkuhl asked if ad hoc members are for Ohio Power Siting Board, depending on the project. Ms. Tuttle said there is a County Commissioner and a Township Trustee on each project, if it is not a restricted area.

Commissioner Wilt said resolution 2022-0732 was adopted in September and is a great reference. Copies were printed for the audience.

Bill Agle, State Route 54 between South Vienna and Plattsburg. Mr. Agle heard there was a possible wind farm going in next door to his property. He is the fourth generation on the family farm. He is interested in land preservation. He is not against solar power. He would like to see solar energy put in areas where it does not destroy valuable farmland. The county can use brown land that needs cleaned up. He does not want to destroy landscapes in the country. He feels there are plenty of places to put solar without using farmland. He hopes the County will look at long range planning. Mr. Agle said he is very passionate about this subject.

Sam George, 4088 Osborne Road, Medway, Ohio. Mr. George said he is at the hearing in support of Bethel Township Trustees. Mr. George went over statistics of property value loss connected to wind farms written by an appraisal group. Mr. George said wind farms are noisy, unsightly, lights flicker, they cause health issues, sleep deprivation, anxiety, etc. He said the World Health Organization said it negatively affects health with symptoms such as headaches, dizziness, nausea, etc. This is from independent researchers. Solar panels requires five (5) acres per megawatt and 5000 acres of solar panels are required. Coal and gas have to be ready to use in case of no wind and no sun. Mr. George said instead of using farmland, put solar on buildings. The County could also assist individuals to put solar panels on their homes.

Mary-Ann Schmidt, North Bird Road. Ms. Schmidt said as far as wind energy, per Ohio Department of Natural Resources there are at least five (5) bald eagle nests in Clark County that would be non-existent if wind farms go

up in the County. Ms. Schmidt stated there are reports of sixty-seven (67) eagles being killed in five (5) years. She also said United States landfills are getting a second life being used as solar farms. She said experts are questioning the economic value of wind energy. She said the blades from the wind turbines catch on fire, fall down, and are not recyclable. There is nothing in any legislature that states energy power generated by solar or wind will stay in the community. The energy produced could be transported out of state.

Commissioner Wilt commented she is not aware of any wind projects that have been proposed.

Jay Flax, Harmony Township. Mr. Flax said he is a lifelong farmer and a Township Trustee in Harmony Township. He agreed with Mr. Agle, he does not want to see farmland ruined. He understands people have the right to do what they want with their property. The zoning remains A-1 but the taxing will be at the same rate as it is for farming so the schools and county will not receive more money. The companies are making millions of dollars from these projects. There are extra fees that will be added on to taxes based on how much power will be generated. There are no facts given on how much money it will bring to the County. Farmers are given some tax breaks, but this should not be taxed the same.

Mr. Harris said zoning does not affect the taxes. He said once the land is no longer being used for farming, the property would be charged the normal rate for taxes.

Peter Blair, Pike Township. Mr. Blair is a farmer and works for U.S. Bank as a Farm Manager and manages all of the wind, solar, oil and gas leases for the eastern half of the United States. He has been involved in several of these projects. To answer the question from earlier, he said a forty (40) acre farm facilitates five (5) megawatts of energy. For a fifty (50) megawatt facility, the company would need 400 acres of land. He is opposed to solar and wind farms in Clark County. He dealt with a lease recently in Indiana where they used land that could not be farmed. The leases he has dealt with in the past have gray areas that leave landowners in the dark. The landowners will be left with this equipment if the company goes bankrupt. He is not opposed to solar. They use solar on their farm but production does go down over the years. As far as wind projects, they are neat to look at but they cut out portions of land. There is a lot of good but a lot of negative in wind farms. He suggests using non-usable land for these projects. As the population increases so does the need for food and if farmland is used for these projects, the farmers will not be able to grow enough food.

Commissioner Rittenhouse asked Mr. Blair about comparing Ohio's rules to Indiana's rules. He has not compared them. On the recent project in Richmond, Indiana, he had to go to multiple Commission Meetings.

Aurora Sue Lehmkuhl, City of Springfield resident. Ms. Lehmkuhl asked the Commissioners if a project were considered on the edge of Clark County, would the Commissioners consider reciprocity by the adjacent counties affected. She posed the same question regarding townships instead of counties. Commissioner Wilt said one of the main issues we are looking at restricting in those areas, there would still be a hearing process in unrestricted areas. She is not sure if House Bill 52 directly addresses this specifically. Commissioner Rittenhouse said she believes other counties do have input when it affects multiple counties.

Andy Rosenberger, 7449 North River Road, Greene Township. Mr. Rosenberger currently has a 10-kilowatt wind turbine that is broken so he does think these energies are good. He said the County needs to be careful taking productive farmland and paving it over with solar farms. He wishes Greene Township was requesting restriction of these energy farms. He said one issue with large solar and wind generation facilities is that the sun does not always shine and the wind does not always blow. In Texas, a grid shut down because they were dependent on wind production. He also said the County must make sure the leases have decommission language written into the agreement so the company is required to take the equipment at the end of the lease and return the land to useful farmland.

Commissioner Wilt said the County has language in the resolution for decommissioning.

Commissioner Rittenhouse said Senate Bill 52 has language requiring a bond to decommission.

Larry Ricketts, 1736 North Fountain Avenue, Springfield, Ohio. Mr. Ricketts said Senate Bill 52 is backed by the oil and gas industry. It only gives you the right to do this for solar and wind. The siting board still has the power to frack if they find natural gas or oil. The public should accept the fact that solar and wind farms are the wave of the future. Wind farms out west are in the middle of draught areas. Farmers get lease payments from utility companies, so they still have income in case their crops are wiped out. The point Mr. Ricketts wants to make is the County has a choice now. This Senate Bill is designed to stop these projects now but when the utility companies decide they are switching to solar and wind energy in the future, there could be an exception to these types of bills that will allow the utility companies to use eminent domain. Then the County will no longer have a choice. He said the County should be careful placing blanket rules on the land because it could be restricting what can be done in the future.

Scott King, 1757 Stratford Place, Springfield, Ohio. Mr. King wanted to address the process. He would like to speak against prohibition of wind and solar. They can enter into contracts in the county and do what they want with their land. Everyone should be able to take advantage of changing technologies. If places are prohibited, it is no longer a choice to do what we want with our land.

Commissioner Wilt said they have identified brown lands within the county.

Gene Barnett, 299 West Harding Road, Springfield, Ohio. Mr. Barnett said forty-eight (48) years ago, he saw hundreds of windmills built on tall hills in northern California. It was on land that could not be farmed due to the hills. Mr. Barnett said his neighbors have solar panels on their homes and their energy bills are reasonable. His electric bill has increased considerably. He said he would be using solar panels in the next few years. He feels solar panels should be used on land that cannot be developed.

Mr. Agle wanted to thank everyone for being at the hearing. He wanted to let everyone know he is not against solar but thinks it would be a mistake to use valuable land for solar. His son-in-law told him there are solar farms around Hillsboro that are not receiving payments yet. The project has been in the process for four (4) years. The land has been destroyed and not useful for farming so no money is being made on that land. Mr. Agle said his other concern is the possibility of solar panels being toxic. If they break or are decommissioned, could toxins get into the ground?

The Public Hearing was closed by the Commission President at 10:56 a.m.

Commissioner Rittenhouse moved to accept designation of all unincorporated areas of Clark County as a Restricted Area.

Commissioner McGlothlin seconded the motion.

Commissioner Wilt wanted the Commissioners to discuss the topic prior to voting.

Commissioner McGlothlin said he watch a television program about high rises using solar panels in place of glass in the buildings. He said using solar this way would be a good opportunity to not use valuable farmland.

Commissioner Wilt said she wrote down all of the issues mentioned, as well as all of the issues she has researched on the topic. She wrote down - prime farmland, decommissioning, flood plane, aesthetics, real estate values, property rights, zoning, free enterprise, renewable energy, quality of life, using brown fields, noise, flicker, electro-sensitivity, eagles, tax rates, pilot taxes, corporations contracts, eminent domain, ground water, etc. She

said she feels good about the processes in place. Other communities have been using the process for a long time. The one issue that she really continues to be unable to rectify is property rights and land use. It concerns her to take away the choice of property rights for any legal use.

The roll being called for its passage, the vote resulted as follows:

Commissioner Rittenhouse, No; Commissioner McGlothlin, No; Commissioner Wilt, No

Commissioner Wilt stated the resolution fails. She said this means the County has a process in place and the Commissioners will evaluate every project that comes their way, individually. It means there will be a hearing for each of the projects along the way. The vote means the Commissioners are not going to blanket restrict areas for opportunity. It means the Commissioners will look at these projects in great detail. The Commissioners do not take this lightly.

Commissioner Rittenhouse moved to adjourn the meeting. Commissioner McGlothlin seconded the motion and the roll being called for its passage resulted as follows:

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

Resolution 2022-0889

Commissioner Wilt adjourned the meeting.

BOARD OF CLARK COUNTY COMMISSIONERS

By: _____
Melanie F. Wilt, President

By: _____
Lowell R. McGlothlin

By: _____
Sasha L. Rittenhouse

I certify that the record is true and accurate:

Commission Clerk