

REGULAR SESSION JULY 1, 2024

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

County Staff: Jamie Brucker, Director of Operations, Brent Russell, Planning - Zoning

Public in attendance:

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

**IN THE MATTER OF
APPROVAL OF THE MINUTES
OF REGULAR SESSION OF JUNE 26, 2024: 24-R-505**

Mr. Mason made a motion to approve the minutes of regular session of June 26, 2024, as recorded in the Commissioners Journal # 51.

Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
APPROVAL OF BILLS FOR PAYMENT: 24-R-506**

Mr. Mason made a motion to approve payment of bills numbered 1 through 102 submitted by the Morrow County Auditor's office.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
PAY-INS: 24-R-507**

The following pay-ins were made to Conni McChesney, Morrow County Auditor:

- Receipt Batch #4435 Payments received from Chesterville customers for sewer fund 5159 \$1,084.94
Payments received from Johnsville customers for sewer fund 5100 \$ 261.00
Payments received from Somoco customers for sewer fund 5110 \$3,761.03
- Receipt Batch #4437 Payments received from Chesterville customers for sewer fund 5159 \$1,160.65
Payments received from Johnsville customers for sewer fund 5100 \$200.25
Payments received from Ketterman customers for sewer fund 5121 \$174.00
Payments received from Somoco customers for sewer fund 5110 \$2,481.33
- Receipt Batch #4440 Payments received from Chesterville customers for sewer fund 5159 \$238.50
Payments received from Johnsville customers for sewer fund 5100 \$622.50
Payments received from Somoco customers for sewer fund 5110 \$2,497.74
- Receipt# 241956 Payment from DKMM for 3rd quarter rent 2072-1070-470802 \$1,500.00, Admin fee 1000-1050-450599 \$2,025.00 and Postage reimb 1000-1020-420250 \$0.64
- Receipt# 241957 Payment from Perry Spangler for salt brine application fee 1000-1030-430330 \$50.00
- Receipt# 241958 Payment from MCAT for June 2024 svc garage rent 3173-1070-470802 \$1,710.33
- Receipt# 241950 Payment from Morrow Co Services for Older Citizens for July insurance premium 7222-7777-740100 \$2,815.26

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – FUND 2072 SOCIAL SERVICES FUND: 24-A-085**

Mr. Mason made a motion to appropriate from the unappropriated certified monies to the following account to increase PO for Ohio Edison at the Community Service Building:

2072-0172-530350	Utilities	\$20,000.00
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Mr. Siegfried duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
 APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – DOG & KENNEL
 FUND 2005: 24-A-086**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account we are short on appropriations to pay Ohio Edison for the remainder of the year:

2005-0105-530350	Utilities	\$1,500.00
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Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
 APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – DEVELOPMENT
 FUND 2043: 24-A-087**

Mr. Abraham made a motion to appropriate from the unappropriated certified monies to the following account to pay legal advertising (CDBG):

2043-0043-530345	Legal Advertising	\$90.00
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Mr. Mason duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
 APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – ARPA FUND 4121 AND
 OHIO BUILDS GRANT FUND 5113 (SIMONSON CONSTRUCTION PAY APPS): 24-A-088**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account to pay Simonson Pay Applications #11 and #12:

5113-5113-550730	Improvement of Sites (Somoco)	\$201,505.21
4121-0101-550730	Improvement of Sites (Somoco)	\$76,703.59

Mr. Mason duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
 APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – GENERAL
 FUND: 24-A-089**

Mr. Mason made a motion to appropriate from the unappropriated certified monies to the following account to move cash to Fund 2072 to reimburse for the payment of our portion of the paving with the Hospital:

1000-0101-590910	Transfer Out (General Fund)	\$13,050.00
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Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
 TRANSFER OF FUNDS (CASH) GENERAL FUND TO SOCIAL SERVICES FUND
 2072: 24-T-056**

Mr. Abraham made a motion to approve the following transfer of funds (cash) from general fund (rent received for Neal Avenue) to Fund 2072 for paving that was paid for:

1000-0101-590910 Transfer Out (General Fund) to 2072-1090-490931 Transfer In (Comm Svc Bldg) in the amount of \$13,050.00

Mr. Siegfried duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., "yea" .., Mr. Siegfried..., "yea".., Mr. Mason..., "yea"

**IN THE MATTER OF
APPROVAL OF SOFTWARE MAINTENANCE AGREEMENT WITH COURTVIEW
JUSTICE SOLUTIONS INC. dba EQUIVANT FOR MORROW COUNTY COMMON PLEAS
COURT AND APPROVAL FOR CHAIRMAN TO SIGN: 24-R-508**

Mr. Siegfried made a motion to approve the Software Maintenance Agreement with Courtview Justice Solutions Inc. dba Equivant for Morrow County Common Pleas Court which will be effective March 1, 2025.

SOFTWARE MAINTENANCE AGREEMENT

This Software Maintenance Agreement (“Agreement”) is entered into as of the 1st day of March, 2025 (“Effective Date”) by and between CourtView Justice Solutions Inc. d/b/a equivant, with offices at 4450 Belden Village Street, Suite 305, Canton, Ohio 44718 (“equivant”), and Morrow County with offices at 48 East High Street, Room 38, Mt. Gilead, OH 43338 (“Customer”), and describes the terms and conditions pursuant to which equivant shall provide software maintenance services for Customer for certain Software (as defined below).

Whereas, equivant and Customer are parties to a Software License Agreement pursuant to which Customer has licensed certain software products (“Software”) from equivant. Software expressly excludes software licensed by a third party;

Whereas the Software paid-up license fee includes a warranty without charge as set forth in the Software License Agreement. In addition, support and maintenance (“Maintenance”) for the Software is available. Maintenance includes bug fixes and telephone support and may include, if they are made available by equivant, software updates and enhancements; and

Whereas, the parties wish to set forth the terms and conditions upon which the parties have agreed Maintenance will be provided to the Customer for the Software, and to which the Customer, at its option, may subscribe annually to Maintenance from equivant. Except as expressly provided in this Agreement, equivant does not provide Maintenance for third party software that is licensed by a party other than equivant.

Therefore intending to be legally bound, the parties hereby mutually agree to the following terms:

1. **TERM**

Maintenance shall commence on the Effective Date, and shall have an initial term of twelve (12) months (“Initial Term”). The term shall automatically renew each year thereafter on the anniversary of the Effective Date for an additional twelve (12) month period (“Subsequent Term”) unless terminated as set forth below.

<u>Software – March 1, 2025 -February 28, 2026</u>	(see Schedule 1)	\$54,084.50
<u>Software – April 1, 2025 – February 28, 2026 (Prorated 11 months)</u>		<u>\$26,878.00</u>
Total		\$80,962.50

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have entered into this Agreement as of the Effective Date.

COURTVIEW JUSTICE SOLUTIONS INC.
d/b/a equivant

CUSTOMER

S/Stuart Rosove, General Manager 6/19/24
6/24/24
7/1/24

s/Robert C. Hickson, Jr., Administrative Judge
s/Jon Mason, Chair, Board of Commissioners
s/Sheri Clever, Clerk of Courts

**A complete copy of this agreement will be on file with the Morrow County Commissioners office

Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason..., “yea”

**IN THE MATTER OF
ACCEPT RESIGNATION OF WARREN DAVIS ON THE MORROW COUNTY REGIONAL
PLANNING COMMISSION BOARD: 24-R-509**

WHEREAS, correspondence was received from Warren Davis tendering his resignation as Agricultural Representative and Chairman of the Morrow County Regional Planning Commission Board effective June 30, 2024;

THEREFORE, Mr. Abraham made a motion to accept the resignation of Warren Davis on the Morrow County Regional Planning Commission board.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason..., “yea”

**IN THE MATTER OF
SURFACE APPLICATION OF BRINE – PERRY SPANGLER JR.: 24-R-510**

The following written plan for application of brine was submitted to the Morrow County Board of Commissioners:

WRITTEN PLAN FOR THE SURFACE APPLICATION OF BRINE, FOR PURPOSES OF ICE AND DUST CONTROL UPON PRIVATE ROADS OR SIMILAR SURFACES

TO: Morrow County Commissioners
80 North Walnut
Mt. Gilead, Ohio 43338

FROM: Perry Spangler Jr.
4450 State Route 229
Marengo, Ohio 43334

1. The surface application of brine shall be subject to the following standards:
 - A. “Brine” shall mean all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling, or production of oil or gas.
 - B. Surface application of brine is permitted only for the purposes of dust or ice control.
 - C. Brine shall not be applied:
 1. To a water-saturated surface;
 2. Directly to vegetation near or adjacent to surfaces being treated;
 3. Within twelve feet of structures crossing bodies of water or drainage ditches;
 4. Between sundown and sunrise, except for ice control.
2. Sources of brine: Please see attached list of wells for brine sources
3. Transporters of brine: Fishburn Services, Inc.
5012 St. Rt. 229
P.O. Box 278
Marengo, Ohio 43334

Registration Certificate Number: UIC-3
4. Places to which brine will be applied:

To private drive for the purpose of dust control.
5. Method, rate, and frequency of application:
 - A. The discharge of brine through the spreader bar shall stop when the application stops.
 - B. The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied.
 - C. The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter.
 - D. The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve foot wide road, or three gallons per sixty square feet on unpaved lots.
 - E. The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application.
 - F. Any valves that provide for tank drainage other than through the spreader bar shall be closed during the brine application and transport.
 - G. The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface.
 - H. Only the last twenty-five percent of an applicator vehicle’s contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five

percent of the applicator vehicle’s contents shall be discharged under atmospheric pressure.

- I. Frequency of application: Dependent upon weather conditions, estimated application would be; light to no rainfall surface application once every 10 days, medium rainfall surface application once every two weeks, over-all average application would be twice a month.

6. Other terms and conditions: None.

Submitted by: s/Perry Spangler, Jr. Date: 6/21/2024

**IN THE MATTER OF
PUBLIC HEARING TO DISCUSS THE FEASIBILITY OF SURFACE APPLICATION OF
BRINE FOR THE PURPOSE OF DUST CONTROL – PERRY SPANGLER JR.: 24-R-511**

WHEREAS, Perry Spangler Jr. has submitted application to the Board of Morrow County Commissioners for application of brine for the purpose of dust and ice control on private drive within the property owned by Perry Spangler Jr., 4450 State Route 229, Marengo, Ohio 43334; and

THEREFORE, Mr. Siegfried made a motion to hold a public hearing and advertise as follows:

PUBLIC NOTICE

Notice is hereby given that a Public Hearing will be held to discuss the feasibility of applying brine for purposes of dust control to private drive within the property owned by Perry Spangler Jr., 4450 State Route 229, Marengo, Ohio 43334, in the hearing room of the Morrow County Commissioners, 80 North Walnut Street, Mt. Gilead, Ohio 43338 on July 17, 2024 starting at 9:30 a.m.

BY ORDER OF THE MORROW COUNTY COMMISSIONERS

Advertise: July 10, 2024, Morrow County Sentinel and www.morrowcountyohio.gov

Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason..., “yea”

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 24-R-512**

Mr. Mason made a motion to recess session at 9:14 a.m.

Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason..., “yea”

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 24-R-513**

Mr. Mason made a motion to return to regular session at 3:30 p.m.

Mr. Siegfried duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason..., “yea”

**IN THE MATTER OF
APPROVAL OF CONTRACT AMENDMENT WITH KLEINFELDER FOR SOMOCO
WWTP EXPANSION: 24-R-514**

Mr. Abraham made a motion to approve the following Contract Amendment with Kleinfelder Inc..

Contract Amendment

Project:
SoMoCo WWTP Expansion
3550 County Road 225, Marengo, Ohio 43334

Contract Amendment Number: 2
Date: February 19, 2024

To: Morrow County Commissioners
80 North Walnut Street, Suite A
Mount Gilead, Ohio 43338

The Contract is changed as follows

This contract amendment is to cover anticipated costs for construction observation and construction administration based on the contractor’s anticipated completion of the project on or around July 1, 2024: All costs will be billed at our current rates based on a time and material basis, consistent with the original contract terms.

The original Contract Sum:	\$255,160.00
The net change by previously submitted Contract Amendments:	\$ 32,750.00
The Contract Sum prior to this Contract Amendment:	\$287,910.00
The Contract Sum will be increased by this Amendment in the amount of:	\$ 32,000.00
The new Contract Sum including this Contract Amendment:	\$319,910.00

The Contract Time will be increased by: 639 days

Kleinfelder, Inc. s/Neal Materni, Project Manager 2/19/24	Morrow County Commissioners s/Jon Mason, Commissioner s/Tim Abraham, Commissioner s/Tim Siegfried, Commissioner 7/1/24
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Mr. Siegfried duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason.., “yea”

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – ARPA FUND
4121: 24-A-090**

Mr. Mason made a motion to appropriate from the unappropriated certified monies to the following account to pay for the Kleinfelder contract amendment:

4121-0101-530310	Professional Services	\$32,000.00
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Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason.., “yea”

**IN THE MATTER OF
APPROVAL OF THE UPDATED MORROW COUNTY LODGING BED TAX
REGULATIONS EFFECTIVE JULY 1, 2024: 24-R-515**

Mr. Siegfried made a motion that the Morrow County Board of Commissioners desire to approve the updated Morrow County Lodging Bed Tax Regulations to be effective, July 1, 2024 and enforced as of October 1, 2024 of which a complete copy of these updated regulations will be on file with the Morrow County Commissioners office.

Mr. Mason duly seconded this motion.

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason.., “yea”

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

Roll Call Vote: .., Mr. Abraham..., “yea” .., Mr. Siegfried..., “yea”.., Mr. Mason.., “yea”

We hereby certify the foregoing to be true and correct.

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS