

**REGULAR SESSION NOVEMBER 22, 2023**

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. Abraham, Mr. Mason and Mr. Siegfried

County Staff: Jamie Brucker, Director of Operations, Brent Russell, Planning & Zoning Director, Dixie Shinaberry, Recorder

Public in attendance: Peter Stoelzk, Jacob Elick and Joe & Stephanie Clase

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Abraham 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 NOVEMBER 20, 2023: 23-R-884**

Mr. Siegfried made a motion to approve the minutes of regular session of November 20, 2023, as recorded in the Commissioners Journal # 50.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF  
APPROVAL OF BILLS FOR PAYMENT: 23-R-885**

Mr. Abraham made a motion to approve payment of bills numbered 1 through 88 submitted by the Morrow County Auditor’s office.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF  
PAY-INS: 23-R-886**

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

Receipt Batch #3903 Payments received from Chesterville customers for sewer fund 5159 \$1,426.23  
Payments received from Johnsville customers for sewer fund 5100 \$544.00  
Payments received from Ketterman customers for sewer fund 5121 \$448.00  
Payments received from Somoco customers for sewer fund 5110 \$2,432.47

Receipt Batch #3906 Payments received from Chesterville customers for sewer fund 5159 \$7,778.32  
Payments received from Johnsville customers for sewer fund 5100 \$420.00  
Payments received from Ketterman customers for sewer fund 5121 \$56.00  
Payments received from Somoco customers for sewer fund 5110 \$3,799.60

Receipt #233274 Payment from Inmate Calling Solutions for Inmate phone commissary 2901-1020-420204 \$2,170.05 and 1000-1020-420204 \$382.95

**IN THE MATTER OF  
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – DEVELOPMENT  
FUND 2043: 23-A-174**

Mr. Siegfried made a motion to appropriate from the unappropriated certified monies to the following account to pay Burgess & Niple for Bennett ODOT assessment grant assistance:

2043-0043-530310 Professional Services \$43,011.00

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF  
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – SOMOCO SEWER  
FUND 5110: 23-A-175**

At the request of Whitney Smith, Assistant Clerk, Mr. Abraham made a motion to appropriate from the unappropriated certified monies to the following account to pay utilities through end of year:

5110-51015-530350	Utilities	\$1,675.00
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Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF  
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – GENERAL FUND,  
COMMISSIONERS: 23-A-176**

At the request of Whitney Smith, Assistant Clerk, Mr. Mason made a motion to appropriate from the unappropriated certified monies to the following account:

1000-0118-530300	Purchased Services	\$246.15
1000-0117-530300	Purchased Services	\$201.50

Mr. Abraham duly seconded this motion.

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

**IN THE MATTER OF  
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – DOG AND KENNEL  
FUND 2005: 23-A-177**

At the request of Whitney Smith, Assistant Clerk, Mr. Mason made a motion to appropriate from the unappropriated certified monies to the following account:

2005-0105-530341	Telephone/Cell Phones	\$90.95
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Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF  
TRANSFER OF FUNDS – JOHNSVILLE SEWER FUND 5100: 23-T-182**

At the request of Whitney Smith, Assistant Clerk, Mr. Abraham made a motion to approve the following transfer of funds:

\*\*Reason – Funds needed to pay current EPA invoice

From 5100-5101-530323 Facility Repairs and Maintenance to 5100-5101-530310 Professional Services in the amount of \$200.00

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF  
APPROVAL FOR REAPPOINTMENT TO THE MORROW COUNTY DEVELOPMENT  
AUTHORITY BOARD: 23-R-887**

**WHEREAS**, the term for Derek Allen on the Morrow County Development Authority Board will expire on December 31, 2023; and

**THEREFORE**, Mr. Mason made a motion to approve the reappointment of Derek Allen on the Morrow County Development Authority Board for the term of January 1, 2024 to December 31, 2027.

Mr. Siegfried duly seconded this motion.

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

**IN THE MATTER OF  
AUTHORIZING A COOPERATIVE AGREEMENT WITH THE MORROW COUNTY  
DEVELOPMENT AUTHORITY AND THE MORROW COUNTY ENGINEER; APPROVING  
THE ISSUANCE OF DEVELOPMENT AUTHORITY REVENUE BONDS; AND**

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**AUTHORIZING THE APPROPRIATION OF FUNDS FOR DEBT SERVICE ON SUCH BONDS AND APPROVAL FOR CHAIRMAN TO SIGN: 23-R-888**

WHEREAS, this Board of Commissioners (the "Board") determines it is in the best interest of Morrow County, Ohio (the "County") and its residents to construct, equip, and operate new facilities for the Morrow County Engineer in the County (the "Project"); and

WHEREAS, this Board determines that the Project will benefit the County and its residents by enhancing government operations, promoting transportation, and stimulating collateral development in the County; and

WHEREAS, it is in the best interest of the County to request the assistance of the Morrow County Development Authority (the "Development Authority") for constructing and financing the Project; and

WHEREAS, the Development Authority will issue revenue bonds (the "Bonds"), the proceeds of which Bonds will be made available for the Project, as further described in the Cooperative Agreement to be entered into by and among the Development Authority, the County, and the Morrow County Engineer (the "Cooperative Agreement"); and

WHEREAS, this Board has determined to authorize the payment of the principal of, premium, if any and interest on the Bonds ("Debt Service Charges") and Administrative Expenses (defined below) with the County's motor fuel excise tax funds, subject to annual appropriation, in accordance with the terms of the Cooperative Agreement and as provided in this Resolution, and to authorize the signing of the Cooperative Agreement.

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

**Section 1. Definitions.** In addition to the words and terms defined in the Cooperative Agreement, the following words and terms shall have the following meanings unless the context or use clearly indicates another or different meaning or intent:

"Administrative Expenses" includes the fee of the Development Authority as issuer of the Bonds, amounts required to enforce any provisions of the Cooperative Agreement, and any amounts other than Debt Service Charges required to be paid under the Cooperative Agreement in connection with the Bonds.

"Appropriation Payments" means the payment related to the Bonds to be made by the County pursuant to, and in accordance with the schedule attached as an exhibit to, the Cooperative Agreement, which payments are subject to annual appropriation by this Board and shall be paid from motor fuel excise tax or any available resources of the County to the extent lawfully available to make Appropriation Payments.

"Original Purchaser" means, with respect to the Bonds, the Office of the Treasurer of Morrow County, Ohio.

"Purchase Price" means, with respect to the Bonds, seven million two hundred and fifty thousand dollars (\$7,250,000), plus any accrued interest on the Bonds from their date to the date of their delivery to the Original Purchaser.

**Section 2. Determinations by the Board.** This Board finds and determines as follows:

(a) Public Purpose. The financing of the Project serves a proper public purpose by enhancing government operations, promoting transportation, and stimulating collateral development in the County.

(b) Cooperation with Development Authority. It is necessary, proper and in the best interest of the County to request the Development Authority to issue the Bonds and for the Development Authority to use the proceeds from the issuance of the Bonds pursuant to the Cooperative Agreement.

(c) Cooperative Agreement. It is necessary, proper and in the best interest of the County to authorize the Cooperative Agreement to provide for, among other things, (i) the issuance of the Bonds by the Development Authority, (ii) the provision of Appropriation Payments to pay Debt Service Charges on the Bonds and Administrative Expenses, and (iii) disbursement of the proceeds of the Bonds.

This Board finds and determines that the issuance of the Bonds and the signing and delivery of the Cooperative Agreement in connection with such issuance for the purpose provided in this Resolution serves a proper, public purpose.

**Section 3. Bond Terms; Application of Proceeds.**

(a) The Board approves the issuance by the Development Authority of the Bonds, in accordance with the Cooperative Agreement.

(b) Appropriation Payments. The Appropriation Payments to be payable under and in accordance with the Cooperative Agreement during any fiscal year shall be an amount sufficient to cover the Debt Service Charges on the Bonds that are due and payable during that fiscal year and the Administrative Expenses that are due and payable during that fiscal year, and such Appropriation Payments shall be specified in an exhibit to the Cooperative Agreement; provided, however, that the County's payment of Appropriation Payments is subject to appropriation as provided in the Cooperative Agreement and nothing in the Cooperative Agreement or the Bonds shall constitute a pledge by the County, or an obligation of the County, of any taxes or other moneys to the payments due thereunder other than the application of the motor fuel excise tax as provided in the Cooperative Agreement.

(c) Application of Proceeds. The proceeds from the sale of the Bonds shall be deposited and applied as provided in the Cooperative Agreement and for the purposes stated in this Resolution.

It is determined that the terms of the Bonds and the corresponding terms of Appropriation Payments as so determined within the limitations set forth in this Resolution and as so specified and set forth in the Cooperative Agreement will be in the best interest of the County and consistent with all legal requirements.

**Section 4. Authorization of Cooperative Agreement; Additional Documents.** In connection with the issuance of the Bonds, the Chair of the Board is authorized, in the name and on behalf of the County, to sign and deliver the Cooperative Agreement, substantially in the form on file with this Board, together with such changes that are not adverse to the County.

The Chair of the Board is authorized to sign and deliver and accept delivery of such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Resolution and the Cooperative Agreement.

The Chair of the Board is authorized to make the necessary arrangements on behalf of the County and cooperate with the Development Authority to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser and to take all actions necessary to effect due signing, authentication and delivery of the Bonds under the terms of this Resolution and the Cooperative Agreement. The Clerk of the Board or other appropriate official of the County shall furnish the Original Purchaser a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the authorization of the Cooperative Agreement and the payment of Debt Service Charges on the Bonds and the Administrative Expenses.

**Section 5. Interpretation.** Nothing in this Resolution is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the County with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures, or other agreements or contracts made or entered into by the County.

**Section 6. Severability.** Each section of this Resolution and each subdivision or paragraph of any section is hereby declared to be independent, and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Resolution.

**Section 7. Compliance with Open Meeting Law.** This Board finds and determines that all formal actions of this Board were taken in an open meeting of this Board, and that all deliberations of this Board were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

Mr. Mason introduced the resolution and moved its passage. Mr. Siegfried seconded the motion and, after discussion, a roll call vote was taken.

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

Passed: November 22, 2023

**IN THE MATTER OF  
APPROVAL FOR THE CHAIRMAN TO SIGN COOPERATIVE AGREEMENT BY AND  
AMONG MORROW COUNTY DEVELOPMENT AUTHORITY AND BOARD OF  
COMMISSIONERS AND COUNTY ENGINEER FOR COUNTY ENGINEER NEW  
OPERATIONS FACILITIES PROJECT – REVENUE BONDS: 23-R-889**

Mr. Siegfried made a motion to approve Chairman Tim Abraham to sign the Cooperative Agreement by and among Morrow County Development Authority, Board of Commissioners and County Engineer for County Engineer new operations facilities project – revenue bonds.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF  
MORROW COUNTY ZONING MAP AMENDMENT (RIDER) GILEAD  
TOWNSHIP: 23-R-890**

**WHEREAS**, on November 13, 2023, the Morrow County Commissioners held a public hearing to discuss the proposed County Zoning Map Amendment in regards to **Parcels** G19-001-00-074-00 4.35 acres and G19-001-00-070-00 1.50 acres changing the zoning classification from C-1 Commercial to R-1 Residential; and

**WHEREAS**, the following public was in attendance: Jamie Brucker, Director of Operations and Brent Russell, Planning and Zoning Director.

**THEREFORE**, Mr. Abraham made a motion to approve the amendment to the Morrow County Zoning Map in regards to Parcel#s G19-001-00-074-00 and G19-001-00-070-00 in Gilead Township changing the zoning classification from C-1 Commercial to R-1 Residential.

Mr. Siegfried duly seconded his motion.

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

**IN THE MATTER OF  
MORROW COUNTY ZONING MAP AMENDMENT (ELICK) BENNINGTON  
TOWNSHIP: 23-R-891**

**WHEREAS**, on November 13, 2023, the Morrow County Commissioners held a public hearing to discuss the proposed County Zoning Map Amendment in regards to Parcel A01-001-00-332-01 15.658 acres changing the zoning classification of 12.852 acres from A-1 Agriculture to I-1 Industrial and leaving approximately 2.806 acres with the current zoning of A-1 Agriculture; and

**WHEREAS**, the following public was in attendance: Jamie Brucker, Director of Operations, Brent Russell, Planning and Zoning Director, Lexus Thornton, Joe Clase, Peter Stoelzle, Jacob Elick and Bri Elick.

**THEREFORE**, Mr. Abraham made a motion to not approve the amendment to the Morrow County Zoning Map in regards to Parcel# A01-001-00-332-01 in Bennington Township changing the zoning classification for 12.852 acres to I-1 Industrial and leaving approximately 2.806 acres with the current zoning of A-1 Agriculture.

Mr. Siegfried duly seconded his motion.

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

**IN THE MATTER OF  
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – GENERAL FUND,  
RECORDER: 23-A-178**

At the request of Dixie Shinaberry, Morrow County Recorder, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following account for a shortage in employee wages:

1000-4220-510120	Employee Wages	\$10,000.00
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Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF  
APPROVAL TO RECESS SESSION: 23-R-892**

Mr. Abraham made a motion to recess session at 9:15 a.m.

Mr. Mason duly seconded this motion.

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

**IN THE MATTER OF  
APPROVAL TO RETURN TO REGULAR SESSION: 23-R-893**

Mr. Abraham made a motion to return to regular session at 2:41 p.m.

Mr. Mason duly seconded this motion.

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

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

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

We hereby certify the foregoing to be true and correct.

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CHAIRMAN

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CLERK

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ASSISTANT CLERK

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MORROW COUNTY COMMISSIONERS