

REGULAR SESSION FEBRUARY 5, 2020

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. Davis, Mr. Castle and Mr. Whiston.

Public in attendance: Darlene Morehart (Common Pleas), Lindsey Grimm (Recycling), Andy Ware (Development), Alberta Stojkovic (Sentinel), Darin Seiber, Danny Tubbs, Art Wooddell, Liz Combes, Dale Baker, Joel Dorfe, Mary Neumann, Paul Haubert and Susan DeVol.

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Castle, 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 FEBRUARY 3, 2020: 20-R-106**

Mr. Castle made a motion to approve the minutes of regular session of February 3, 2020, as recorded in the Commissioners Journal # 48.

Mr. Davis duly seconded this motion

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
APPROVAL OF BILLS FOR PAYMENT: 20-R-107**

Mr. Davis made a motion to approve payment of bills numbered 1 through 165 submitted by the Morrow County Auditor's office.

Mr. Castle duly seconded this motion

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle., "yea"

**IN THE MATTER OF
PAY-INS: 20-R-108**

The following pay-ins were made to Patricia K. Davies, Morrow County Auditor:

- Pay-in #200360 Payment received from Chester and South Bloomfield townships for EMA services 2012-1050-450525 \$2,296.85
- Pay-in #200361 Payment received from Green Savoree for 2019 Sheriff services to Mid-Ohio 1000-1030-430309 \$3,000.00
- Pay-in #200362 Payment received from Ketterman customers for sewer fund 5121 \$111.68
- Pay-in #200363 Payment received from Johnsville customers for sewer fund 5100 \$674.40
- Pay-in #200364 Payment received from Johnsville customers for sewer fund 5100 \$960.70
- Pay-in #200376 Payment received from Johnsville customers for sewer fund 5100 \$118.00
- Pay-in #200377 Payment received from Chesterville customers for sewer fund 5159 \$996.00
- Pay-in #200378 Payment received from Chesterville customers for sewer fund 5159 \$10,522.80
- Pay-in #200379 Payment received from SoMoCo customers for sewer fund 5110 \$6,104.16

**IN THE MATTER OF
APPROVAL TO SUBMIT THE OEPA GRANT APPLICATION ON BEHALF OF THE
MORROW COUNTY COMMISSIONERS: 20-R-109**

Mr. Whiston made a motion to give Lindsey Grimm, Morrow County Recycling, Keep Morrow County Beautiful, Program Director approval to submit the Ohio Environmental Protection Agency grant application on behalf of the Morrow County Board of Commissioners

Funding Request Details

Project Category	Project Grant Funds Requested	Match Funds Required	Total
Outreach and	\$8,304.00	\$2,076.00	\$10,380.00

Education: materials for outreach and education			
Keep America Beautiful: Annual Renewal Fee	\$176.00	\$44.00	\$220.00
Total	\$8,480.00	\$2,120.00	\$10,600.00

Budget Table Details

Category	Description	Grant Dollars	Match Dollars	Line Item Total
Advertising	Newsprint, awareness, labels for recycling bins	\$1,460.00	\$0.00	\$1,460.00
Education and Outreach	Direct Mailer, Recycle Right Magnets, Recycle Right publication	\$6,500.00	\$0.00	\$6,500.00
KAB Fees	Annual Dues	\$165.00	\$55.00	\$220.00
Supplies	23 – gallon recycle bins (150)	\$355.00	\$2,065.00	\$2,420.00
Total		\$8,480.00	\$2,120.00	\$10,600.00

Narrative:

Executive Summary:

Morrow County Recycling/Keep Morrow County Beautiful under the direction of the Morrow County Commissioners would like to expand efforts to combat contamination while increasing quality recyclables being collected in Morrow County. In order to do so, a series of tactics will be utilized to break through some of the traditional barriers and to blend the demand of a functioning recycling program from our newest population members. For many years, Morrow County has only been able to obtain about a 10% recyclable materials diversion rate from the landfill. In 2017, .39 pounds of recyclable material diverted from the landfill daily per person was achieved. This rate falls extremely low from the national average of 1.51 pounds per person diverted from the landfill daily. Not only is the recycling volume a concern, but the contamination rate in the same year (2017) averaged 12%. Recycling contamination is caused by a number of factors including confusion on what is and is not recyclable. There are a number of recyclers who believe they are doing the right thing. The community does not realize or fully understand that recycling the wrong items or simply hoping an item can be recycled is causing more damage than good and their actions are contaminating good clean recycling. Contamination of any sort creates havoc on an already stressed recycling system. Being able to provide accurate information to encourage residents to “Recycle Right” is of upmost importance.

**A complete copy of this grant application will be on file with the Morrow County Commissioners

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle..., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – MCAT FUND 2065: 20-T-006**

At the request of Sundie Brown, Director, a motion was made by Mr. Castle to approve the following transfer of funds:

**Reason – moving funds to Professional Services due to no funds being appropriated in the original budget and moving funds to Legal Advertising account due to not having enough to cover advertising costs in original budget

From 2065-0161-530321 Rents & Leases to 2065-0161-530310 Professional Services in the amount of \$1,000.00

From 2065-0161-530321 Rents & Leases to 2065-0161-530345 Legal Advertising in the amount of \$1,000.00

Mr. Whistoin duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
TRANSFER OF FUNDS – COMMON PLEAS FUND 2602 TARGETED COMMUNITY
ALTERNATIVE TO PRISON (TCAP): 20-T-007**

At the request of Darlene Morehart, Fiscal Coordinator, a motion was made by Mr. Whiston to approve the following transfer of funds:

**Reason – to pay for hosting and support and maintenance for the new CourtView3 update that was completed late in 2019

From 2602-6600-510120 Employee Wages to 2602-6600-530310 Professional Services in the amount of \$39,000.00

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “nay”

**IN THE MATTER OF
SATISFACTION OF MORTGAGE – MCCURDY: 20-R-110**

Mr. Castle moved the adoption of the following Resolution:

SATISFACTION OF MORTGAGE

This is to Certify, that the conditions of a certain mortgage bearing date of June 11, 2014, given to THE BOARD OF MORROW COUNTY COMMISSIONERS, OHIO, by John McCurdy residing at 5599 SR 229, Marengo, OH, County of Morrow, to secure the payment of \$7,590.00 and recorded in Volume 825 Page 358-362 Morrow County Records, have been fully complied with, and the same is hereby satisfied and discharged.

Signed this 5th day of February, 2020

Board of Morrow County Commissioners

s/Burgess Castle, Commissioner

s/Warren Davis, Commissioner

s/Tom E. Whiston, Commissioner

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
BRIDGE LOAD LIMIT REVISIONS – CANAAN, CHESTER, N. BLOOMFIELD AND TROY
TOWNSHIPS: 20-R-111**

WHEREAS, pursuant to O.R.C. 5591.42, a bridge load limit revision investigation was conducted by the Morrow County Engineers Office and the following bridge load limit revisions were submitted to the Morrow County Board of Commissioners by Bart Dennison, Morrow County Engineer:

TOWNSHIP	BRIDGE #	ROAD#	CURRENT LIMIT	REVISED LIMIT
Canaan	29	County Road 61	20 Tons	12 Tons
Chester	28	County Road 179	10 Tons	6 Tons
N. Bloomfield	23	County Road 46	20 Tons	8 Tons
Troy	20	County Road 50	10 Tons	Full Legal Load

THEREFORE, Mr. Whiston made a motion to approve the aforementioned bridge load limit revision.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle., “yea”

**IN THE MATTER OF
APPROVAL OF RESOLUTION RELATING TO THE MORROW COUNTY BOARD OF
COMMISSIONERS DECLARING THE OPPOSITION OF MORROW COUNTY, OHIO, TO
ANY RESTRICTIONS ON THE SECOND AMENDMENT: 20-R-112**

Mr. Davis made a motion to approve the following Resolution:

**A RESOLUTION RELATING TO THE MORROW COUNTY BOARD OF COMMISSIONERS
DECLARING THE OPPOSITION OF MORROW COUNTY, OHIO, TO ANY RESTRICTIONS
ON THE SECOND AMENDMENT**

WHEREAS, The Ohio Constitution: Article 1, Section 4 states that “The people have the right to bear arms for their defense and security”; and

WHEREAS, The 2nd Amendment of the Constitution of the United States of America states “A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

WHEREAS, The 2nd Amendment of the Constitution of the United States of America was ratified in 1791, and is still the Law of the Land; and

WHEREAS, Article 6 of the Constitution of the United States of America states “This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding”; and

WHEREAS, Article 15, Section 7 of the Ohio Constitution states: “Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office; and

WHEREAS, County Commissioner Thomas E. Whiston, County Commissioner Burgess Castle, and County Commissioner Warren Davis have all taken such oath and believe it to be binding on them morally, ethically, and legally; and

WHEREAS, the Morrow County Commissioners fully affirm their support of the rights of law-abiding citizens to keep and bear arms and stand firm against any law or ordinance on any level of government to remove that right from any law-abiding citizen without due process; and

WHEREAS, the Morrow County Commissioners will not authorize any County Official to expend County funds for the purpose of enforcing illegal and or unconstitutional laws for ordinances that seek to limit a law-abiding citizens right to keep and bear arms; and

WHEREAS, the Morrow County Board of Commissioners believe the best way to prevent gun violence is to address the growing mental health crisis, hold those accountable who use a political agenda to disarm law abiding citizens, and the enforcement of already existing criminal laws that aim to stop violence and not to limit the inalienable rights of law-abiding citizens; and

WHEREAS, the citizens of Morrow County, Ohio derive economic benefit from lawful use of firearms, including hunting, recreation and shooting sports; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Morrow County Ohio by the authority granted the Board by the laws of the State of Ohio and the people of Morrow County, Ohio to stand and defend their rights and liberties, which are guaranteed by the United States and Ohio Constitutions, we hereby declare this Resolution to be a Second Amendment Preservation Resolution and declare Morrow County Ohio to be a “2nd Amendment Constitutional County”; and

BE IT FURTHER RESOLVED that this Board does hereby pledge not to appropriate funds, resources, employees, or agencies to initiate unconstitutional seizures in Morrow County Ohio; and

BE IT FURTHER RESOLVED that the Board wishes to work with the state and national legislature to cease and desist any further actions restricting the Second Amendment rights of citizens and instead address the real and fundamental challenges in our communities.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners, hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board and of its Committees, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements including Section 121.22 of the Ohio Revised Code.

MORROW COUNTY COMMISSIONERS

Tom E. Whiston

Burgess W. Castle

Warren E. Davis

Passed: February 5, 2020

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
APPROVAL TO AMEND RESOLUTION# 20-R-072, IN THE MATTER OF RETAINING
SPECIALIZED LEGAL COUNSEL AND TO PROVIDE FOR COMPENSATION FOR SUCH
COUNSEL THROUGH RESOLUTION: 20-R-113**

WHEREAS, in the original resolution it stated:

Section 3 That the Morrow County Administrator is authorized to execute all contract related documents; and

WHEREAS, it should read as follows:

Section 3 That the Morrow County Board of Commissioners Chairman is authorized to execute all contract related documents.

THEREFORE, Mr. Whiston made a motion to approve amending Resolution# 20-R-072 as stated above.

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
APPROVAL TO RECESS SESSION: 20-R-114**

Mr. Davis made a motion to recess session at 9:30 a.m.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 20-R-115**

Mr. Castle made a motion to return to regular session at 11:29 a.m.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., “yea” ...,Mr. Davis..., “yea” .., Mr. Castle.., “yea”

**IN THE MATTER OF
APPROVAL TO ENTER INTO EXECUTIVE SESSION: 20-R-116**

Mr. Whiston made a motion to enter into Executive Session at 11:30 a.m. to discuss pending litigation with Isaac Wiles, Attorneys.

Mr. Castle duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

**IN THE MATTER OF
APPROVAL TO RETURN TO REGULAR SESSION: 20-R-117**

Mr. Whiston made a motion to return to regular session at 12:06 p.m.

Mr. Davis duly seconded this motion.

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

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

Roll Call Vote: ...,Mr. Whiston..., "yea" ...,Mr. Davis..., "yea" .., Mr. Castle.., "yea"

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS