

REGULAR SESSION NOVEMBER 18, 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. Whiston and Mr. Castle

Public in attendance: Becky Barker (OSU Extension), Dixie Shinaberry (Recorder), Andy Ware (Development), Sarah Cleveland and her children.

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 NOVEMBER 16, 2020: 20-R-845**

Mr. Whiston made a motion to approve the minutes of regular session of November 16, 2020, as recorded in the Commissioners Journal # 49.

Mr. Castle 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-846**

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

Mr. Whiston duly seconded this motion

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

**IN THE MATTER OF
PAY-INS: 20-R-847**

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

- Pay-in #203339 Payment received from Ketterman customers for sewer fund 5121 \$55.84
- Pay-in #203340 Payment received from Chesterville customers for sewer fund 5159 \$120.00
- Pay-in #203362 Payment received from Ketterman customers for sewer fund 5121 \$841.30
- Pay-in #203363 Payment received from Johnsville customers for sewer fund 5100 \$542.80
- Pay-in #203364 Payment received from Chesterville customers for sewer fund 5159 \$4,489.34
- Pay-in #203365 Payment received from Somoco customers for sewer fund 5110 \$417.37
- Pay-in #203366 Payment received from Metropolitan Housing Authority for Nov 2020 CSB rent 2072-1070-470802 \$775.00

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – CORONAVIRUS
RELIEF FUND 4119 – SHERIFF: 20-A-159**

Mr. Castle made a motion to appropriate from the unappropriated certified monies to the following account for payment of backpack sprayer:

4119-9119-530323	Maintenance/Repair	\$70.72
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Mr. Davis duly seconded this motion.

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

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – GENERAL FUND,
PROSECUTOR: 20-A-160**

At the request of Debbie Statler, Administrative Assistant, a motion was made by Mr. Castle to appropriate from the unappropriated certified monies to the following accounts:

1000-4404-510120	Employee Wages (General)	\$23,500.00
1000-4404-510124	Employee Wages (AI)	\$ 2,100.00
1000-4404-510211	OPERS	\$ 5,150.00
1000-4404-510213	Medicare	\$ 300.00

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – CLERK OF COURTS
FUND 2415 TITLE FUND: 20-A-161**

At the request of Kimberly Bood, Clerk of Courts, a motion was made by Mr. Whiston to appropriate from the unappropriated certified monies to the following accounts:

2415-4313-510120	Employee Wages	\$9,800.00
2415-4313-510211	OPERS	\$ 900.00
2415-4313-510213	Medicare	\$ 50.00

Mr. Castle duly seconded this motion.

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

**IN THE MATTER OF
APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – RECYCLING FUND
2006: 20-A-162**

At the request of Lindsey Grimm, Recycling & Litter Prevention, a motion was made by Mr. Whiston to appropriate from the unappropriated certified monies to the following accounts:

2006-2006-510120	Employee Wages	\$275.75
2006-2006-510211	OPERS	\$267.70
2006-2006-510220	Health Insurance Employer	\$3,779.94
2006-2006-540410	Office Supplies	\$655.97

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 – CORONAVIRUS FUND 4119 – RECORDER: 20-T-176**

At the request of Dixie Shinaberry, Morrow County Recorder, a motion was made by Mr. Castle to approve the following transfer of funds:

From 4119-4220-530360 Contract Services to 4119-4220-550740 Equipment/Computer/Furniture in the amount of \$1,175.00

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – GENERAL FUND, BOARD OF ELECTIONS: 20-T-177**

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

From 1000-0016-530315 Poll Workers to 1000-0016-510213 Medicare in the amount of \$300.00
From 1000-0016-530315 Poll Workers to 1000-0016-510120 Employee Wages in the amount of \$15,000.00

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
TRANSFER OF FUNDS – BOARD OF ELECTIONS FUND 2097 HAVA GRANT: 20-T-178**

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

From 2097-0116-530310 Professional Services to 2097-0116-540410 Office Supplies in the amount of \$2,655.28

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 – JOB AND FAMILY SERVICES FUND 2101 CSEA: 20-T-179**

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

From 2101-1010-550740 CSEA Equipment/Computers/Furniture to 2101-1010-530345 CSEA Legal Advertising in the amount of \$900.00

Mr. Castle duly seconded this motion.

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

**IN THE MATTER OF
APPROVAL TO APPROPRIATE FROM THE UNAPPROPRIATED CERTIFIED MONIES
FROM THE GENERAL FUND FOR COVID EXPENSES: 20-A- **HOLD PER AUDITOR****

**IN THE MATTER OF
MEMORANDUM OF UNDERSTANDING BETWEEN MORROW COUNTY
COMMISSIONERS DBA CMM MOBILITY (HEREIN REFERRED TO AS CMM MOBILITY)
AND CRAWFORD COUNTY BOARD OF DEVELOPMENTAL DISABILITIES (HEREIN
REFERRED TO AS CRAWFORD COUNTY DD) AND APPROVAL FOR CHAIRMAN
TO SIGN: 20-R-848**

Mr. Davis made a motion to approve the following Memorandum of Understanding between Morrow County Commissioners (herein referred to as CMM Mobility) and Crawford County Board of Developmental Disabilities (herein referred to as Crawford County DD) and approval for Chairman Burgess Castle to sign:

**MEMORANDUM OF UNDERSTANDING
BETWEEN MORROW COUNTY COMMISSIONERS
DBA CMM MOBILITY
(HEREIN REFERRED TO AS CMM MOBILITY)
AND
CRAWFORD COUNTY BOARD OF
DEVELOPMENT DISABILITIES
(HEREIN REFERRED TO AS CRAWFORD COUNTY DD)**

1. **Parties.** This Memorandum of Understanding (hereinafter referred to as “MOU”) is made and entered into by and between CMM Mobility, whose address is 4565 County Road 9, Cardington, Ohio, 43315, and Crawford County DD, whose address is 1650 E Southern Ave, Bucyrus, Ohio, 44820.
2. **Purpose.** The purpose of this MOU is to establish the terms and conditions under which the CMM Mobility functions. The geographical area of coverage will include the counties of Crawford, Marion, and Morrow.

3. Term of MOU. This MOU is effective January 1, 2021 and ends December 31, 2021. This MOU may be terminated, without cause, by either party with a ninety (90) day written notice, which notice shall be delivered by hand or by certified mail to the address listed above.

4. Responsibilities of CMM Mobility.

CMM Mobility shall provide mobility management services to the Crawford, Marion, and Morrow County region during the term of this MOU. The majority of the work CMM Mobility performs will involve addressing the regional and local goals that have been listed within the Regional Coordinated Public Transit-Human Services Transportation Plan and its goals shall be reviewed and updated annually.

CMM Mobility will have the Regional Mobility Manager spend a minimum of eight (8) hours per week in Crawford County, eight (8) hours per week in Marion County, and eight (8) hours per week in Morrow County working on local county-specific goals and issues. The Regional Mobility Manager shall spend the remaining hours each week working on regional goals and issues, attending training, providing training, compiling documentation/reporting, attending meetings, and doing other various allowable items as noted on the Mobility Manager Position Description and/or in the Regional Coordinated Public Transit-Human Services Transportation Plan.

5. Responsibilities of Crawford County DD.

Crawford County DD agrees to support the CMM Mobility project in its efforts to further enhance and improve mobility options in Crawford, Marion, and Morrow Counties. This includes participating in meetings and assisting, when applicable, the Regional Mobility Manager to meet both the regional and local goals as laid out in the Regional Coordinated Public Transit-Human Services Transportation Plan. Crawford County DD agrees to reimburse CMM Mobility for one-third of the local match costs covering the mobility management project, not to exceed a maximum of six-thousand eight-hundred dollars (\$6,800) during the duration of this MOU. Reimbursement shall be made within thirty (30) days after receipt of each quarterly invoice. A copy of the quarterly reimbursement form that is submitted to the Ohio Department of Transportation (ODOT) shall accompany all invoices sent to Crawford County DD to validate expenditures being claimed by CMM Mobility.

Crawford County DD agrees to provide an area and/or office space for the Regional Mobility Manager to utilize while in Crawford County. This space and utilities for such will be considered an in-kind expense and shall be provided in addition to any other reimbursable expenditure costs.

6. General Provisions

A. Amendments. Either party may request changes to this MOU. Any changes, modifications, revisions, or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.

B. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Ohio. The courts of the State of Ohio shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be located in Morrow County, Ohio.

C. Entirety of Agreement. This MOU, consisting of four (4) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

D. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

E. Sovereign Immunity. The Morrow County Board of Commissioners and the Crawford County Board of Developmental Disabilities and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

F. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this

MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

7. Signatures. In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The MOU effective date is from January 1, 2021 through December 31, 2021.

Morrow County Commissioners DBA CMM Mobility

s/Burgess Castle, Chairman
s/Timothy A. Maceyko, Mobility Manager

Crawford County Board of Developmental Disabilities

s/Court Sturts, Superintendent

Mr. Whiston duly seconded this motion.

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

**IN THE MATTER OF
SATISFACTION OF MORTGAGE – SCOTT: 20-R-849**

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 July 8, 2008, given to THE BOARD OF MORROW COUNTY COMMISSIONERS, OHIO, by Christina Scott residing at 6889 County Road 15, Centerburg, OH 43011 County of Morrow, to secure the payment of \$5,752.00 and recorded in Volume 684 Page 794-798 Morrow County Records, have been fully complied with and the same is hereby satisfied and discharged.

Signed this 18th day of November, 2020.

Board of Morrow County Commissioners
s/Burgess W. Castle, Commissioner
s/Warren E. Davis, Commissioner
s/Tom E. Whiston, Commissioner

Mr. Davis duly seconded this motion.

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

**IN THE MATTER OF
SATISFACTION OF MORTGAGE – BLACK: 20-R-850**

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 September 6, 2012, given to THE BOARD OF MORROW COUNTY COMMISSIONERS, OHIO, by Jeremy and Kristina Black residing at 7035 State Route 229, Mt. Vernon, OH 43050, County of Morrow, to secure the payment of \$8,017.00 and recorded in Volume 776 Page 746-750 Morrow County Records, have been fully complied with and the same is hereby satisfied and discharged.

Signed this 18th day of November, 2020.

Board of Morrow County Commissioners
s/Burgess W. Castle, Commissioner

s/Warren E. Davis, Commissioner
s/Tom E. Whiston, Commissioner

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-851**

Mr. Whiston made a motion to enter into Executive Session at 9:31 a.m. to discuss pending litigation.

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-852**

Mr. Whiston made a motion to return to regular session at 10:03 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 RECESS SESSION: 20-R-853**

Mr. Whiston made a motion to recess session at 10:03 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 RETURN TO REGULAR SESSION: 20-R-854**

Mr. Castle made a motion to return to regular session at 1:02 p.m.

Mr. Whiston 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. Whiston and duly seconded by Mr. Castle.

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