The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio, on Tuesday, August 1, 2023, with the following members present: Mr. Jay H. Wippel, Mr. Harold R. Henson, and Mr. Gary K. Scherer. April Metzger, County Administrator, was also in attendance.

# In the Matter of Minutes Approved:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve the minutes from July 25, 2023, with corrections.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Bills Approved for Payment:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

BE IT RESOLVED, that the bills have been found to be properly filed and their respective vouchers shall be cross-referenced to the approving pages dated August 1, 2023, in the Commissioners' Voucher Journal, the date in which checks will be cut; then,

BE IT FURTHER RESOLVED, that the Board of Pickaway County Commissioners orders the Auditor of Pickaway County, Ohio, to draw his warrant on this entry in the amount of <u>\$157,390.83</u> the County Treasurer to satisfy the same.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Then and Now Certification Approved for Payment:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

BE IT RESOLVED, that the County Auditor certifies that both at the time that the following contracts or orders were made and at the time that a certification (Section 5705.41) was completed, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appointed and free from any previous encumbrance. The Then and Now Certification has been found to be properly filed and their respective vouchers shall be cross-referenced to the approving pages dated August 1, 2023, in the Commissioners' Voucher Journal, the date in which checks will be cut; then,

BE IT FURTHER RESOLVED, that the Board of Pickaway County Commissioners, as Taxing Authority are authorizing the Auditor of Pickaway County, Ohio, to draw his warrant on this entry in the amount of **<u>\$37,496.90</u>** on the County Treasurer to satisfy the same.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Appropriations Approved:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve the following requests for APPROPRIATION:

#### \$58,160.00 - 101.1105.5703 - Contingencies - Board of Elections

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Transfer and Reappropriations Approved:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve the following requests for TRANSFER AND REAPPROPRIATION:

\$58,160.00 – 101.1105.5703 – Contingencies – Board of Elections TO 101.1140.5444 – Elections Assistance – Board of Elections \$1,122.00 – 101.1220.5203 – Clerk of Courts Insurance – Clerk of Courts TO 101.1220.5901 – Clerk of Courts Other Expenses – Clerk of Courts

#### \$2,000.00 – 101.5010.5437 – Transportation – Veterans Services TO 101.5011.5305 – Grave Markers – Veterans Services

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

#### In the Matter of Blanket Purchase Order Approved:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve the following requests for BLANKET PURCHASE ORDER:

# \$1,122.00 - 101.1220.5901 - Clerk of Courts Other Expenses - Clerk of Courts

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Report Provided by Preston Schumacher:

The following is a summary of the report provided by Preston Schumacher, Deputy Dog Warden.

- Mr. Schumacher reported they had five adoptions last week and this week have two in the works.
- The golf outing fundraiser Putt for Paws collected \$1,200 for the Dog Shelter.

# In the Matter of Report Provided by Robert Adkins:

The following is a summary of the report provided by Robert Adkins, IT Director.

- Health Department laptops and cleanup of loaned laptops
- AV Setup in Courtroom
- NeatBar Setup
- Veeam Offsite Issues

# In the Matter of Report Provided by Michael Sherron:

The following is a summary of the report provided by Michael Sherron, EMA Director.

- This week LEPC Exercise planning team. Tentative date for next exercise 4/6/2023, Clearcreek Twp Fire Department Festival (Saturday), LE National Night Out (Tuesday), Fair planning for veterinary emergencies (Thursday), Health and Safety Day (Thursday), Futurity software meeting (Friday) and AED Training at Courthouse (Friday).
- Next week Village of South Bloomfield Council Meeting, Village of Ashville Safety Committee Meeting (Monday), Election Day (Tuesday), DuPont Emergency Exercise (Wednesday), Protest debrief (Wednesday) and Police Chiefs meeting (Thursday).
- General Information
  - Run card project continuing Scioto Township is using the run cards and it seems to be working well. This project is going to take several more months.
  - Critical Incident Debriefing project continues developing relationship with Scioto Valley Peer Assistance Team.
  - ▶ Disaster Relief Fund Additional research underway.
  - ▶ NIMS Training for Elected Officials link sent to your email.
  - Started a discussion about Human Trafficking and steps we can take to mitigate this during special events in the county.
- EMA Projects
  - Purchase of a damage assessment tool for the County Requested refund on July 4 software is not capable of handling the chemical facility data as indicated by their sales team.
  - PCSO fiber connection conversion Frontier upgrading our system connections before installation.
  - EMA inventory audit more shelving space needed at EOC. Maintenance will be assisting with the installation of shelves so we can reorganize the garage.
  - Homeland Security grant of \$58,804 to purchase PPE for law enforcement bids received, working with OEMA to finish grant paperwork before purchasing supplies.
  - Issues requiring Commissioners Support/Notification:
    - MOU for Siren Maintenance.
    - > Unknown if an MOU exists for EMA dues.

# In the Matter of Report Provided by Tim McGinnis:

The following is a summary of the report provided by Tim McGinnis, Planning and Development:

- Planning Commission: August 8th Agenda
  - Harrison Township rezoning request 4.1 acres on SR 762 and Airbase Rd from Residential to Planned Business for outdoor container/truck storage.
- Outstanding Plats:
  - Navah Place Cul-de-sac, Walnut Township, need proof of bond before final approval can be granted.
- Lot Splits:
  - > Approved 5 lot splits in the last week, 6 open applications currently.
- Scioto Township New Proposed Subdivision: Intersection of Commercial Point Road & Graham Road. Will advise further once formal application has been received. Approximately 30 new 2+ acre lots out of 70 acres. Will include 2 new township roads.

• DRCS Site F – Assignment and Assumption Agreement

# In the Matter of Pickaway Progress Partners and Port Authority:

Tim Colburn, Pickaway Progress, met with the Commissioners to discuss the Port Authority and interviews that took place for the Port Authority Executive Assistant position. Mr. Colburn made his recommendation of hiring Tiffany Anderson for the Executive Assistant for the Port Authority effective August 28, 2023. Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve the hiring of Tiffany Anderson for the Executive Assistant position for the Port Authority.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Resolution Approving the Pickaway County Port Authority As the Lead Entity for the Brownfield Remediation Program and Building Demolition and Site Revitalization Program:

Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, to adopt the following Resolution:

# Resolution No.: PC-080123-79

#### RESOLUTION FOR APPOINTING THE PICKAWAY COUNTY PORT AUTHORITY AS THE LEAD ENTITY FOR THE BROWNFIELD REMEDIATION PROGRAM AND BUILDING DEMOLITION AND SITE REVITALIZATION PROGRAM

# BE IT ORDAINED BY THE COMMISIONERS OF PICKAWAY COUNTY, STATE OF OHIO:

**SECTION 1.** That the revised procedures for the Brownfield Remediation Program and Building demolition and Site Revitalization Program states that if a County has a population of less than 100,000, a lead entity must be selected by the Board of County Commissioners of said County.

**SECTION 2.** That Pickaway County has a population of less than 100,000, and has already established the Pickaway County Port Authority ("Port").

**SECTION 3.** That the County of Pickaway hereby recommends and designates the Port Authority as the lead entity for the Brownfield Remediation Program and Building Demolition and Site Revitalization Program in accordance with R.C. 122.6511 and R.C. 122.6512.

**SECTION 4.** This resolution shall take effect and be in force from and after its passage and approval by the Pickaway County Commissioners.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Executive Session:

At 9:35 a.m., Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, to enter into Executive Session pursuant to ORC §121.22 (G) (8) to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or

personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, with Tim Colburn, P3, April Dengler, County Administrator, Angela Karr, Clerk and Tim McGinnis, Planning and Development Director in attendance.

Roll call vote on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

At 9:58 a.m., the Commissioners exited Executive Session and Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to resume Regular Session.

Roll call vote on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

No action taken.

#### In the Matter of Type II Annexation of 109.863 Acres into the Village of Commercial Point, Scioto Township Petitioners David B. Weller, Andrea L. Weller and John C. Steck:

Attendees: Kim Knipp, Betty Knipp (neighboring landowners) and Jack Reynolds, Smith and Halle LLC.

Jack Reynolds, Smith and Hale LLC, opened the Type II Annexation hearing for 109.863 acres to be annexed into the Village of Commercial Point. The petition was filed June 29, 2023, and Mr. Reynolds stated that he served municipalities June 29, 2023, and surrounding landowners by regular mail on June 29, 2023. Commissioner Wippel addressed the Village of Commercial Point's Resolution Adopting Statement of Services for Proposed Annexation and the non-guarantee of being able to provide sanitary sewer capacity. Mr. Reynolds explained that the services may not be available at the given time but in the process of being provided in the future. They do not have the capacity to provided if their services remain how they are currently are. The annexation can still proceed even if not approved by the County Commissioners.

Kim Knipp asked why the letter she received from council for the petitioners had no date of the hearing. Mr. Reynolds explained that he is required to notify the surrounding landowners when filed and a date is not set at the time of filing. The hearing date is set by the commissioners once recorded. Mr. Reynolds stated that per the Ohio Revised Code he must notify of filing, and it is the responsibility of the landowners to follow up for additional information.

Commissioners informed that they would confirm with legal counsel for the county. Commissioners Wippel addressed that in the past there were issues of the Village of Commercial Point not maintaining roads that have been annexed into the village. A decision shall be made once discussed with the County Prosecutor.

# In the Matter of Pickaway County Sheriff's Report:

The following is a summary of the report provided by Sheriff Matthew Hafey, Pickaway County Sheriff:

- Sargent Brown discussed that he was only able to get a quote for one Ford Explorer and asked if a quote for a Chevy Tahoe and Dodge Durango would suffice. Local dealers do not have vehicles on hand and have to order. He is on a waiting list for additional Ford Explorers. Four of the six are currently available.
- The Jail Sewer Project is almost complete, and Sheriff Hafey requested the Commissioners take a tour of the facility once complete.

# In the Matter of Executive Session:

At 10:25 a.m., Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, to enter into Executive Session pursuant to ORC §121.22 (G) (5) matters required to be kept confidential by federal law or regulations or state statutes; with April Dengler, County Administrator, Angela Karr, Clerk Sheriff Matthew Hafey and Sargent James Brown in attendance.

Roll call vote on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

At 10:44 a.m., the Commissioners exited Executive Session and Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, to resume Regular Session.

Roll call vote on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

No Action taken.

# In the Matter of Soil and Water Conservation District Quarterly Update:

Tawn Seimer, Brad Hughes and Adriahna Karr, Soil and Water Conservation District, met with the Commissioners to provide a quarterly update.

#### Administrative

Mrs. Seimer started with the District Technician position being filled with Adriahna Karr on May 30, 2023. Two hired Summer Interns from high school worked through the summer. Emma Brown from Westfall and Quincy Lowery from Logan Elm. Mrs. Seimer attended a Personnel Management and Leadership training at ODA and the Workforce Summit at Pickaway Ross Technical Center. Mrs. Seimer also attended the Grain C.A.R.T. safety training through Bureau of Workers Comp and Farm Bureau. Finalized customer orders for the annual Plug Sale and sent to Patchwork Gardens with pick up on May 25<sup>th</sup>. Staff assisted with rearranging offices to create space for interns and new technician.

#### Education/ Outreach

Completed 70 classroom programs with 1,432 students. Attended the Chamber Annual Dinner, Pickaway County Farm Bureau meetings and other partnership meetings. Helped with the Area 5 Envirothon Participation of 215 students, including a team of LE students. Presented at a Noon Rotary meeting. Ms. Sharp attended the YMCA Healthy Kids Day event and the Growing Up Wild event by Head Start and Leadership Pickaway program/ trainings. Partnered with Park District to host a rain barrel workshop for 41 individuals. The April newsletter was received by 1,881 people electronically. SWCD hosted annual poster contest that had 268 student participants. Provided trees to all 800 5<sup>th</sup> grade students in county as well as the high school students who helped prepare the trees. Judged 22 natural resource 4-H projects at the fair. Helped judge 4-H Communications Contest. Completed summer programming with the Sr. Center, a 4-H club, Jr. Derby Garden Club, Park District, and Cloverbuds at the fair. There were 227 participants from the 5 events. Partnered with Park District and Solid Waste District to have our fair tent Monday through Friday at the fair. There were 1,075 people visited. Planning for EE Camp in July and Ag Day in September.

# **Technical**

Mr. Hughes and Ms. Karr worked on 17 CRP grassed waterway projects on county farms, all in various stages of progress/ completion. Completed 47 re-enrolled CRP I&E, 2 CRP Grass Waterway Contracts signed and 2 CRP Grass Waterway Contracts under construction. The drill was rented a total of 8

times. Assisted with 10 drainage complaints/ land evals for county landowners and completed 2 technical trainings.

# In the Matter of Sanitary Projects with County Engineer:

Chris Mullins, County Engineer, met with the Commissioners to discuss sanitary projects. An estimate for Knollwood and Wintergreen project was provided. The mapping showed the layout and discussed an access point and purchasing a small amount of land to be utilized for the access.

Mr. Mullins explained that he received a second estimate for Walnut Heights. Repairs have been made but Mr. Mullins still have concerns. It is estimated at \$2.6- \$3.2 million and Mr. Mullins would request additional ARP funds for the projects. It is sized and permitted at 40 acres just south of Sunnyside and Cornstalk. Mr. Mullins is not opposed to getting a loan for the project; however, ARP funds would help get the project started. It is around 9 months for design plans and ARP funds would have to be allocated by 2024. Knollwood houses 41 homes and Wintergreen 27 homes, Walnut Heights 79 homes and Circle Hills 61 homes. All three projects could be combined to make a customer base of 147. By doing so, it would increase customers' bill by \$20 for 30 years.

Mr. Mullins is working with Soil and Water Conservation District on the estimate for the Sunnyside Ditch Improvement and in hope to bid out to start the project this winter.

# In the Matter of Allocation of Second Quarter 2023 Casino Revenue:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to allocate the 2023 second quarter Casino Revenue in the following manner:

# \$10,757.00 to 401.0000.4575 – Capital Fund \$204,387.74 to 101.0000.4575 – General Fund

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Out of County Travel Approved For Job & Family Services Employees:

The Commissioners reviewed and signed the Out-of-County Travel Authorization for numerous Job & Family Services employees to attend various meetings, training sessions, and to conduct home visitations throughout the month of August 2023, at the total probable cost \$2,555.87. Commissioner Harol Henson offered the motion, seconded by Commissioner Gary Scherer, to approve the JFS Out-of-County Travel Authorization.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Resolution Approving Memorial Hall Sign Replacement with American Rescue Plan Funds:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

# Resolution No. PC-080123-80

#### **Memorial Hall Sign replacement**

Pickaway County received direct payments from the U.S. Treasury under the Coronavirus State and Local Fiscal Funds authorized by the American Rescue Plan Act, referred to as fiscal recovery funds. Pickaway County will use the funding in accordance with the American Rescue Plan Act and guidance from the U.S. Treasury.

On Tuesday, May 18, 2021, Pickaway County set up a special revenue fund to receive the funds and account for the use of the funds (**special revenue fund # 938 – American Rescue Plan Act Fund**)

TUESDAY, MAY 18, 2021 OFFICE OF THE BOARD OF COMMISSIONERS PICKAWAY COUNTY, OHIO In the Matter of Amended Certificate Approved: Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution: Resolution No.: PC-051821-30 WHEREAS, the Pickaway County Budget Commission approved an AMENDED CERTIFICATE in the amount of \$5,677,293.50 to amend the budget due to fund received for the American Rescue Plan, THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriated the following sum for expenditure for period ending December 31, 2021: AMERICAN RESCUE PLAN ACT REVENUE FUND – 938.0000.4534 \$5,677,293.50 Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion

The U.S. Treasury guidance as an interim rule was issued on May 10, 2021, and such guidance has been uses of the fiscal recovery funds based on the federal legislation can be to:

- 1. Respond to the public health emergency with respect to the COVID19 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel and hospitality;
- 2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.
- 3. Allow for the provision of government services to the extent of the reduction in revenue (i.e., online, property or income tax) due to the public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency (i.e., January 20, 2020); or
- 4. Make necessary investments in water, sewer or broadband infrastructure.
- 5. A resolution authorizing initial uses of American Rescue Plan fiscal recovery funding and approving appropriations form unappropriated funds for the County ARP fiscal recovery fund, **# 938** for managing ARP fiscal recovery funds, disbursing funds, and monitoring of contracts and grants associated with the ARP.

As provided in the U.S. Treasury Interim Final Rule and Guidance for State and Local Fiscal Recovery Funds, Dated May 24,2021, an amended to Final Rule beginning April 1, 2022, an allowable use of ARP funds is for governmental services.

This resolution is issued to approve expenditures from the county ARP Fund #938 to purchase a replacement granite sign for Memorial Hall in the amount of \$8450.00 from Wellman's Monument.

# This expenditure will come from ARP Fund #938 – 938.1123.5903 – ARP – Governmental Services – Other Expense – in the amount of \$8,450.00 for a replacement sign for Memorial Hall from Wellman's Monument.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

#### In the Matter of Resolution Approving Magistrate's Office Heating Project with American Rescue Plan Funds:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

# Resolution No. PC-080123-81

#### **Magistrate's Office Heating Project**

Pickaway County received direct payments from the U.S. Treasury under the Coronavirus State and Local Fiscal Funds authorized by the American Rescue Plan Act, referred to as fiscal recovery funds. Pickaway County will use the funding in accordance with the American Rescue Plan Act and guidance from the U.S. Treasury.

On Tuesday, May 18, 2021, Pickaway County set up a special revenue fund to receive the funds and account for the use of the funds (**special revenue fund # 938 – American Rescue Plan Act Fund**)

TUESDAY, MAY 18, 2021 OFFICE OF THE BOARD OF COMMISSIONERS PICKAWAY COUNTY, OHIO In the Matter of Amended Certificate Approved: Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution: Resolution No.: PC-051821-30 WHEREAS, the Pickaway County Budget Commission approved an AMENDED CERTIFICATE in the amount of \$5,677,293.50 to amend the budget due to fund received for the American Rescue Plan, THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriated the following sum for expenditure for period ending December 31, 2021: AMERICAN RESCUE PLAN ACT REVENUE FUND – 938.0000.4534 \$5,677,293.50 Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion

The U.S. Treasury guidance as an interim rule was issued on May 10, 2021, and such guidance has been uses of the fiscal recovery funds based on the federal legislation can be to:

- 6. Respond to the public health emergency with respect to the COVID19 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel and hospitality;
- 7. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.
- 8. Allow for the provision of government services to the extent of the reduction in revenue (i.e., online, property or income tax) due to the public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency (i.e., January 20, 2020); or
- 9. Make necessary investments in water, sewer or broadband infrastructure.
- 10. A resolution authorizing initial uses of American Rescue Plan fiscal recovery funding and approving appropriations form unappropriated funds for the County ARP fiscal recovery fund, **# 938** for managing ARP fiscal recovery funds, disbursing funds, and monitoring of contracts and grants associated with the ARP.

As provided in the U.S. Treasury Interim Final Rule and Guidance for State and Local Fiscal Recovery Funds, Dated May 24,2021, an amended to Final Rule beginning April 1, 2022, an allowable use of ARP funds is for governmental services.

This resolution is issued to approve expenditures from the county ARP Fund #938 to install new heating in the Magistrate's Office in the amount of \$7643.00 to Accurate Heating and Cooling.

# This expenditure will come from ARP Fund #938 – 938.1123.5903 – ARP – Governmental Services – Other Expense – in the amount of \$7,643.00 to Accurate Heating and Cooling.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Resolution Approving IT department phones with American Rescue Plan Funds:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

# Resolution No. PC-080123-82

#### IT department phones

Pickaway County received direct payments from the U.S. Treasury under the Coronavirus State and Local Fiscal Funds authorized by the American Rescue Plan Act, referred to as fiscal recovery funds. Pickaway County will use the funding in accordance with the American Rescue Plan Act and guidance from the U.S. Treasury.

On Tuesday, May 18, 2021, Pickaway County set up a special revenue fund to receive the funds and account for the use of the funds (**special revenue fund # 938 – American Rescue Plan Act Fund**)

TUESDAY, MAY 18, 2021 OFFICE OF THE BOARD OF COMMISSIONERS PICKAWAY COUNTY, OHIO In the Matter of Amended Certificate Approved: Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution: Resolution No.: PC-051821-30 WHEREAS, the Pickaway County Budget Commission approved an AMENDED CERTIFICATE in the amount of \$5,677,293.50 to amend the budget due to fund received for the American Rescue Plan, THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriated the following sum for expenditure for period ending December 31, 2021: AMERICAN RESCUE PLAN ACT REVENUE FUND – 938.0000.4534 \$5,677,293.50 Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion

The U.S. Treasury guidance as an interim rule was issued on May 10, 2021, and such guidance has been uses of the fiscal recovery funds based on the federal legislation can be to:

- 1. Respond to the public health emergency with respect to the COVID19 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel and hospitality;
- 2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.
- 3. Allow for the provision of government services to the extent of the reduction in revenue (i.e., online, property or income tax) due to the public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency (i.e., January 20, 2020); or
- 4. Make necessary investments in water, sewer or broadband infrastructure.
- 5. A resolution authorizing initial uses of American Rescue Plan fiscal recovery funding and approving appropriations form unappropriated funds for the County ARP fiscal recovery fund, **# 938** for managing ARP fiscal recovery funds, disbursing funds, and monitoring of contracts and grants associated with the ARP.

As provided in the U.S. Treasury Interim Final Rule and Guidance for State and Local Fiscal Recovery Funds, Dated May 24,2021, an amended to Final Rule beginning April 1, 2022, an allowable use of ARP funds is for governmental services.

This resolution is issued to approve expenditures from the county ARP Fund #938 to purchase additional phones for the IT department's use in the amount of \$5940.00 to Convergent Communications.

# This expenditure will come from ARP Fund #938 – 938.1123.5903 – ARP – Governmental Services – Other Expense – in the amount of \$5940.00 to Convergent Communications.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

#### In the Matter of Resolution Approving VMware for IT Dept. and Sheriff's Dept. with American Rescue Plan Funds:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

# Resolution No. PC-080123-83

#### VMware for IT Dept. and Sheriff's Dept.

Pickaway County received direct payments from the U.S. Treasury under the Coronavirus State and Local Fiscal Funds authorized by the American Rescue Plan Act, referred to as fiscal recovery funds. Pickaway County will use the funding in accordance with the American Rescue Plan Act and guidance from the U.S. Treasury.

On Tuesday, May 18, 2021, Pickaway County set up a special revenue fund to receive the funds and account for the use of the funds (**special revenue fund # 938 – American Rescue Plan Act Fund**)

TUESDAY, MAY 18, 2021 OFFICE OF THE BOARD OF COMMISSIONERS PICKAWAY COUNTY, OHIO In the Matter of Amended Certificate Approved: Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution: Resolution No.: PC-051821-30 WHEREAS, the Pickaway County Budget Commission approved an AMENDED CERTIFICATE in the amount of \$5,677,293.50 to amend the budget due to fund received for the American Rescue Plan, THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriated the following sum for expenditure for period ending December 31, 2021: AMERICAN RESCUE PLAN ACT REVENUE FUND – 938.0000.4534 \$5,677,293.50 Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion

The U.S. Treasury guidance as an interim rule was issued on May 10, 2021, and such guidance has been uses of the fiscal recovery funds based on the federal legislation can be to:

- 1. Respond to the public health emergency with respect to the COVID19 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel and hospitality;
- 2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.
- 3. Allow for the provision of government services to the extent of the reduction in revenue (i.e., online, property or income tax) due to the public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency (i.e., January 20, 2020); or
- 4. Make necessary investments in water, sewer or broadband infrastructure.
- 5. A resolution authorizing initial uses of American Rescue Plan fiscal recovery funding and approving appropriations form unappropriated funds for the County ARP fiscal recovery fund, **# 938** for managing ARP fiscal recovery funds, disbursing funds, and monitoring of contracts and grants associated with the ARP.

As provided in the U.S. Treasury Interim Final Rule and Guidance for State and Local Fiscal Recovery Funds, Dated May 24,2021, an amended to Final Rule beginning April 1, 2022, an allowable use of ARP funds is for governmental services.

This resolution is issued to approve expenditures from the county ARP Fund #938 to purchase VMware for the IT department and the Sheriff's Department. IT department cost = \$4970.55 and Sheriff's Office cost = \$1803.75 from OARnet.

# This expenditure will come from ARP Fund #938 – 938.1123.5903 – ARP – Governmental Services – Other Expense – in the amount of \$6774.30 for VMware from OARnet.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

#### In the Matter of Resolution Approving Scanning Project for Engineer's Office with American Rescue Plan Funds:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

# Resolution No. PC-080123-84

#### Scanning Project for Engineer's Office

Pickaway County received direct payments from the U.S. Treasury under the Coronavirus State and Local Fiscal Funds authorized by the American Rescue Plan Act, referred to as fiscal recovery funds. Pickaway County will use the funding in accordance with the American Rescue Plan Act and guidance from the U.S. Treasury.

On Tuesday, May 18, 2021, Pickaway County set up a special revenue fund to receive the funds and account for the use of the funds (**special revenue fund # 938 – American Rescue Plan Act Fund**)

TUESDAY, MAY 18, 2021 OFFICE OF THE BOARD OF COMMISSIONERS PICKAWAY COUNTY, OHIO In the Matter of Amended Certificate Approved: Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution: Resolution No.: PC-051821-30 WHEREAS, the Pickaway County Budget Commission approved an AMENDED CERTIFICATE in the amount of \$5,677,293.50 to amend the budget due to fund received for the American Rescue Plan, THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriated the following sum for expenditure for period ending December 31, 2021: AMERICAN RESCUE PLAN ACT REVENUE FUND – 938.0000.4534 \$5,677,293.50 Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion

The U.S. Treasury guidance as an interim rule was issued on May 10, 2021, and such guidance has been uses of the fiscal recovery funds based on the federal legislation can be to:

- 1. Respond to the public health emergency with respect to the COVID19 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel and hospitality;
- 2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.
- 3. Allow for the provision of government services to the extent of the reduction in revenue (i.e., online, property or income tax) due to the public health emergency relative to revenues collected in the most recent full fiscal year of the county prior to the emergency (i.e., January 20, 2020); or
- 4. Make necessary investments in water, sewer or broadband infrastructure.
- 5. A resolution authorizing initial uses of American Rescue Plan fiscal recovery funding and approving appropriations form unappropriated funds for the County ARP fiscal recovery fund, **# 938** for managing ARP fiscal recovery funds, disbursing funds, and monitoring of contracts and grants associated with the ARP.

As provided in the U.S. Treasury Interim Final Rule and Guidance for State and Local Fiscal Recovery Funds, Dated May 24,2021, an amended to Final Rule beginning April 1, 2022, an allowable use of ARP funds is for governmental services.

This resolution is issued to approve expenditures from the county ARP Fund #938 to proceed with a scanning project for the Engineer's Office in the amount of \$50,000 to GEOPRO Consultants.

# This expenditure will come from ARP Fund #938 – 938.1123.5903 – ARP – Governmental Services – Other Expense – in the amount of \$50,000 to GEOPRO Consultants.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of Temporary Liquor F Permit Application For Pickaway Co. Agricultural Society:

Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, to approve and authorize Commissioner Jay Wippel to sign the F Permit Application with the Ohio Department of Commerce, Division of Liquor Control for Pickaway County Ag Society. The request is for an event to be held at the Pickaway Agricultural and Event Center, 415 Lancaster Pike, Circleville, September 15, 2023, from 3:00 p.m. to September 16, 2023, at 11:59 p.m.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

#### In the Matter of Resolution Approving Scanning Project for Engineer's Office with American Rescue Plan Funds:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

# Resolution No. PC-080123-85

# SECOND PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT

This SECOND PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Agreement") is made and entered into as of <u>August 1</u>, 2023 by and between the COUNTY OF PICKAWAY, Ohio (the "County"), a political subdivision duly organized and validly existing under the constitution and laws of the State, DRCS INTERMODAL SITE F, LLC (the "Assignor"), a Delaware limited liability company, and COLUMBUS OH I DGH, LLC (the "Assignee"), a Delaware limited liability company. Except as otherwise provided herein, capitalized terms used herein shall have the same meaning as in the Amended and Restated Community Reinvestment Area Agreement (Northern Industrial CRA) dated August 7, 2019, but effective as of September 19, 2007 (the "Amended and Restated CRA Agreement"), between the County, the Columbus Regional Airport Authority (the "Authority") and DRCS, LLC ("DRCS").

# WITNESSETH:

WHEREAS, pursuant to Section 3735.66 of the Ohio Revised Code, the County has by a resolution adopted July 10, 2006 (the "CRA Resolution"), designated the area specified in that CRA Resolution as the "Northern Industrial Community Reinvestment Area" (the "Northern Industrial CRA") and authorized real property tax exemptions for industrial buildings and related site improvements, and that designation was approved by the Ohio Director of Development on October 22, 2008; and

WHEREAS, effective September 19, 2007, the Authority and the County entered into that certain CRA Agreement (the "Original CRA Agreement") relating to the development of a series of retail, non-retail business and industrial facilities and related site improvements on the CRAA Land (all as defined and more particularly described in the Original CRA Agreement and the Amended and Restated CRA Agreement and referred to herein as the "Project"); and

WHEREAS, pursuant to County Resolution No. PC-080619-2, the Authority, the County and DRCS entered into the Amended and Restated CRA Agreement on August 7, 2019; and

WHEREAS, the Authority, DRCS and the Assignor entered in a Partial Assignment and Assumption Agreement dated September 24, 2021 (the "First Assignment Agreement," a copy of which is attached hereto as Exhibit A and incorporated herein), approved and acknowledged by the County, pursuant to which the Authority and DRCS assigned their benefits and obligations under the Amended and Restated CRA Agreement to the Assignor; and

WHEREAS, the Assignor has conveyed or intends to convey a portion of the CRAA Land to the Assignee (that portion being referred to herein as the "Transferred Property" and is further described on Exhibit B hereto), with the closing to take place on a certain date (the "Transfer Date"); and

WHEREAS, in connection with the anticipated and planned conveyance of the Transferred Property by the Assignor to the Assignee, the Assignee wishes to assume the rights and obligations of the Assignor under the Amended and Restated CRA Agreement and the First Assignment Agreement, effective on the Transfer Date;

NOW, THEREFORE, in consideration of the circumstances described above, the covenants contained in the Amended and Restated CRA Agreement and the First Assignment Agreement, and the benefit to be derived by the parties from the execution hereof, the parties hereto agree as follows:

1. From and after the Transfer Date, the Assignor hereby assign (a) all of the obligations, agreements, covenants and restrictions set forth in the Amended and Restated CRA Agreement to be performed

and observed by the Owner with respect to the Transferred Property, and (b) all of the benefits of the Amended and Restated CRA Agreement with respect to the Transferred Property. From and after the Transfer Date, the Assignee hereby (i) agrees to be bound by, assume and perform, or ensure the performance of, all of the obligations, agreements, covenants and restrictions set forth in the Amended and Restated CRA Agreement to be performed and observed by the Owner with respect to the Transferred Property, including the payment of the Millage Differential Amount in accordance with Section 16 of the Amended and Restated CRA Agreement; and (ii) certifies to the validity, as to the Assignee as of the date of this Agreement, of the representations, warranties and covenants made by the Authority in the Amended and Restated CRA Agreement with respect to the Transferred Property. Such obligations, agreements, covenants, restrictions and warranties include, but are not limited to, those contained in the following Sections of the Amended and Restated CRA Agreement: Section 1 (construction of the project), Section 2 (employment positions), Section 3 (provision of information), Section 5 (payment of non-exempt taxes), Section 9 (certification as to no delinquent taxes), Section 10 (covenant as to no past due payments to the state), Section 12 (non-discriminatory hiring) and Section 14 (covenant as to no false statements) and Section 18 (annual fee requirements). In addition, to supplement Section 1 and Section 2 and to provide detailed investment and job creation estimates, the Assignee represents that there will be created on the Transferred Property in 2025 approximately 15 full-time equivalent employees ("FTE") and that the total cost of construction of its portion of the Project exceeds \$5,900,000. The estimates provided in this Section 1 are good faith estimates provided pursuant to Section 3735.671(B) of the Ohio Revised Code and shall not be construed in a manner that would limit the amount or term of the tax exemption provided in this Agreement. The parties to this Agreement recognize that the employment and payroll estimates associated with the Transferred Property may increase or decrease significantly and that all employees at the Transferred Property will be hired by Owners other than the Assignee. The Assignee agrees to encourage such Owners to timely provide all job postings to the County's Jobs Program office for hiring employees to fill new full-time and part-time positions to ensure that County residents are given a fair opportunity to apply for these employment opportunities. The Assignee currently has zero full-time, zero part-time, zero permanent and zero temporary positions at other sites in the State.

In addition, to supplement Section 16 and to provide a specific 2007 land valuation as well as a minimum post-development land valuation, the Assignee agrees that the Transferred Property will have a 2007 land value of \$7,425 per acre (\$265,815) and a minimum post-development land valuation for purposes of the calculation in Section 16 of \$41,000 per acre (\$1,467,800).

2. The Assignee further certifies that (i) the Assignee is not a party to a prior agreement granting an exemption from property taxation for a structure in Ohio, at which structure the Assignee has discontinued operations prior to the expiration of the term of that prior agreement and within the five (5) years immediately prior to the date of this Agreement, (ii) nor is the Assignee a "successor" to, nor "related member" of, a party as described in the foregoing clause (i). As used in this paragraph, the terms "successor" and "related member" have the meaning as prescribed in Revised Code Section 3735.671(E).

3. Assignee further certifies that it is in compliance with State of Ohio campaign financing laws contained in Revised Code Chapter 3517, including, but not limited to, divisions (I)(1) and (3) and (J)(1) and (3) of Revised Code Section 3517.13, as applicable. Assignee hereby certifies that it is not aware of any violations of any provisions of Revised Code Section 2921.42 in connection with this Agreement.

4. Assignee acknowledges that, by virtue of County Resolution passed December 31, 2007, the County has approved and created a 100% 30-year tax increment financing ("TIF") that includes the Transferred Property and requires the Assignee to make service payments in lieu of taxes (the "Service Payments") pursuant to Sections 5709.40 et seq. of the Revised Code (the "TIF Statutes"); *provided* that (i) Assignee will not, under any circumstances, be required for any tax year to pay both real property taxes and Service Payments with respect to any Improvement (as defined in the TIF Statutes), and (ii) no Service Payments shall be required as to any portion of the Improvement for any period it is subject to a real property tax exemption under the Amended and Restated CRA Agreement. Assignee agrees to cooperate in the execution or any further agreements and documents and any real property declaration of covenants for the purpose of implementing and securing that tax increment financing provided for in Section 17 of the Amended and Restated CRA Agreement.

5. The County agrees that, from and after the Transfer Date, as to the Transferred Property, the Assignee has and shall have all entitlements and rights to tax exemptions, and obligations, as both (a) an "Owner" under the Amended and Restated CRA Agreement, and (b) in the same manner and with like effect as if Assignee had been an original signatory (i.e., the Authority or DRCS) to the Amended and Restated CRA Agreement, including, but not limited to, the commitment of the County not to terminate or modify the exemptions granted or available under the Amended and Restated CRA Agreement with respect to the Transferred Property without the consent of the Assignee.

6. Notices to the Assignee with respect to the Amended and Restated CRA Agreement shall be addressed as follows:

Columbus OH I DGH, LLC

Attn:

7. Upon execution of this Agreement, the Assignor is released from all liability under the Amended and Restated CRA Agreement and First Assignment Agreement with respect to the Transferred Property.

IN WITNESS WHEREOF, the parties have caused this Second Partial Assignment and Assumption Agreement to be executed by their duly authorized representatives to be effective as of the Transfer Date.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

# In the Matter of County Administrator Report:

The following is a summary of the report provided by Angela Karr, Clerk:

- Mrs. Metzger provided an update of the Jail Sewer Project.
- Mrs. Metzger discussed the Building Department Office Manager position and new CBO. One application received.
- Joyce Gifford, Recorder, requested cloud storage estimated at \$14,151.75. Robert Adkins, IT Director agrees, and ARP funds can be used to purchase.
- Mrs. Metzger provided an estimate she received from the Engineer's Office for a Map Cabinet from GeoPro Consultants in the amount of \$25,000.
- Mrs. Metzger received an email follow-up from Matt Pritchard regarding Scioto Solar Project, HB501 and roles.
- The chair lift at Memorial Hall broke down again. Michael Wills, Maintenance, called in repair services. Mrs. Metzger asked for a quote on a new lift. Parts are hard to find for the current lift.

# In the Matter of Weekly Dog Warden Report:

The weekly report for the Wright Poling/Pickaway County Dog Shelter was filed for the week ending July 29, 2023.

A total of \$550 was reported collected as follows: \$270 in adoptions; \$90 dog license; \$40 in owner turn-ins; \$75 in redemptions and \$75 in microchip fees.

Five (5) stray dogs were processed in; five (5) dogs were adopted.

With there being no further business brought before the Board, Commissioner Scherer offered the motion, seconded by Commissioner Wippel, to adjourn.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Jay H. Wippel, President

Harold R. Henson, Vice President

Gary K. Scherer, Commissioner BOARD OF COUNTY COMMISSIONERS PICKAWAY COUNTY, OHIO

Attest: Angela Karr, Clerk