

**COMMISSIONERS' MEETING
MINUTES SUMMARY
THURSDAY, FEBRUARY 17, 2022
1:30 P.M.**

Saved as digital recording: CGS02-17-2022

Ted S. Mercer, President, Absent
Wade H. Westfall, Vice President, Present
Gregory A. Simmons, Member, Present

Appointments

9:00 a.m. Rich Osgood, Michael Clarey, Rob England and Dan Suerdieck – DOD
9:30 a.m. Matt Gearhardt and Adam Emswiler – Auditor/IT Department
9:40 a.m. Paul Huelskamp – Engineer's Office
1:30 p.m. General Session
1:35 p.m. Executive Session – Personnel/Disciplinary

General Business

Welcome and Pledge of Allegiance

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the agenda as presented. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the minutes of the February 10, 2022, meeting and dispense with the oral reading. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-165

Mr. Simmons moved and Mr. Westfall seconded the motion to authorize and sign bills for all funds as submitted. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-166

Mr. Simmons moved and Mr. Westfall seconded the motion to authorize the Operations and Facilities Director to purchase one John Deere 1575 47" HD two-stage snow blower attachment, including mounting hardware and a 5cu ft. TerrainCut Drop Spreader, from Koenig Equipment, Tipp City, Ohio, through the Ohio DAS Purchasing Program, total cost not to exceed \$9,166.05, which will be paid from Fund 001, Dept. 060. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-167

Mr. Simmons moved and Mr. Westfall seconded the motion to authorize the Operations and Facilities Director to purchase one John Deere 636M Commercial QuikTrak machine with a 36” 7-guage floating deck from Koenig Equipment, Tipp City, Ohio, through the Ohio DAS Purchasing Program, total cost not to exceed \$7,618.72, which will be paid from Fund 001, Dept. 060. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-168

Mr. Simmons moved and Mr. Westfall seconded the motion to accept the resignation of Melinda L. Bashore, Telecommunicator at the Miami County Communication Center, effective February 10, 2022. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-169

Mr. Simmons moved and Mr. Westfall seconded the motion to authorize and sign the following attached Employee Requisition(s):

FT/PT & POSITION TITLE	DEPARTMENT	PAY RANGE	VACANT/DEPARTURE
FT Telecommunicator	Communication Center	\$20.14	Departure Melinda Bashore

The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-170

Mr. Simmons moved and Mr. Westfall seconded the motion to release the sum of \$127,367.50 (Fourth Release) from the Escrow Agreement with the North Branch Land Company, LLC for the construction of North Branch Pass Subdivision, Phase 2, as requested by the County Engineer. This release is a partial reduction of the referenced Escrow Agreement and does not constitute final acceptance of the constructed facilities or cancelation of the Escrow Agreement. Further authorize the Clerk of the Board to notify Monroe Federal Savings & Loan Association, 24 E. Main Street, P.O. Box 119, Tipp City, Ohio 45371 to issue a warrant in the sum of \$127,367.50 to Balsbaugh Excavating, 5405 Phillipsburg Union Road, Englewood, Ohio 45322 for the constructed facilities. A balance of \$341,330.65 shall remain in said Escrow Agreement for completion of the guarantied improvements. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-171

Mr. Simmons moved and Mr. Westfall seconded the motion to accept the attached quote and authorize the services of R.T. Industries, Inc. of Troy, Ohio to provide workers for the collection of recyclables at events and festivals within Miami County, for calendar years 2022, at a total cost not to exceed \$10,000.00 per year, which will be paid from Fund 437. Quotes were requested from various contractors with the following specifications: Cost of labor to setup, monitor and pick up recycling stands and bags provided by the Miami County Sanitary Engineering Department, at the various events and festivals per the attached tentative schedule, for calendar year 2022, including any travel, minimum or daily fees if applicable. Multiple quotes were received: R.T. Industries, Inc., Troy, Ohio- \$15.00 hourly rate per worker and \$18.00 per hour for supervisor, Daily Rate \$252.00, Total not to exceed \$10,000.00 per year; First Systems, Inc. Troy, Ohio- \$325.49 Daily Rate. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-172

Mr. Simmons moved and Mr. Westfall seconded the motion to authorize contract negotiations with Access Engineering Solutions LLC of Celina, Ohio for the Swailes Road Waterline Loop Project. The Sanitary Engineering Department desires to install approximately 1,970 L.F. of 8” C-909 water main along Swailes Road, in Concord Township, Miami County, Ohio to create a looped system in Miami County Sanitary’s Camp Troy Water Distribution System. On November 23, 2021, by Resolution No. 21-11-1595, the Board of Miami County Commissioners opened and read Statements of Qualifications for Professional Design and Engineering Services for calendar year 2022. The Miami County Sanitary Engineer used the “qualifications-based selection” process to evaluate statements of qualifications and the firm of Access Engineering Solutions LLC of Celina, Ohio ranked highest using the qualifications based selection for said Project. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-173

Mr. Simmons moved and Mr. Westfall seconded the motion to authorize and sign the attached Memorandum of Agreement (MOA) between the Miami County Commissioners, Miami County Municipal Court (Court) and TCN Behavioral Health Services dba the Miami County Recovery Council (MCRC) for the purpose of the MCRC providing the Court with drug and alcohol outpatient services for high-risk and moderate risk offenders as outlined in said MOA. The cost of the Agreement shall not exceed \$30,000 for the term of January 1, 2022 through December 31, 2022 and will be paid from the following Funds: Fund 135, Fund 157 and Fund 190. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-174

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the Storm Water Management Program, as submitted by Kreig Smail, Miami Soil & Water Conservation District. The Board and/or parties under their supervision shall actively cooperate, to the extent permitted by law, with the Township Trustees of affected Townships within Miami County in the implementation of said Storm Water Management Program. Miami County is required to submit a storm water management program (SWMP) for the period of April 1, 2021 through March 31, 2026, in accordance with Ohio Law. Said SWMP is to stipulate programmatic goals and initiatives to be undertaken by Miami County and the three regulated townships (co-permittees) of Bethel, Concord, and Monroe to comply with the County's NPDES Permit (No. OHQ000004). Further, the Clerk of the Board is directed to certify a copy of this Resolution to the Miami County Soil and Water Conservation District. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-175

Mr. Simmons moved and Mr. Westfall seconded the motion to acknowledge receipt of the notice requesting a transfer of a liquor permit from H & C Gobind LLC to K and D Satsahib LLC, 6929 E US40, Tipp City, Ohio (Bethel Township). The Sheriff's Office does not oppose this request, so therefore there is no need to request a hearing. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-176

Mr. Simmons moved and Mr. Westfall seconded the motion to re-appoint Jordan Hodges, Miami County Family & Children First Council Coordinator, to serve on the Child Abuse and Child Neglect Regional Prevention Council, said term to expire February 21, 2024. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-177

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the annexation petition filed on behalf of James W. Mortell and Pamela L. Mortell, Co-Trustees of the Pamela L. Mortell Revocable Intervivos Trust, Troy, Ohio, Agent being William J. Fulker, Esq., 12 S. Cherry St., Troy, OH 45373, asking for the annexation of a portion of Concord Township (25.3483 acres +/-) to the City of Troy, OH, being more particularly described in "Exhibit A" of the petition, pursuant to Section 709.023 O.R.C. The Board of Miami County Commissioners finds based upon substantial, reliable and probative evidence on the whole record that each of the following statutory requirements and conditions for an expedited II annexation under Ohio Revised Code Section 709.023 have been met:

1. That the petition for annexation meets all the requirements set forth in, and has been filed in the manner provided by Ohio Revised Code 709.023; and
2. That the persons who signed the petition for annexation are owners of property located in the territory proposed to be annexed, and they constitute all owners in such territory; and
3. That the territory proposed to be annexed does not exceed 500 acres; and
4. That the territory proposed to be annexed shares a contiguous boundary with the City of Troy, Ohio, the municipality to which it is being annexed, for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed; and
5. That the annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed; and
6. That the City of Troy, Ohio, the municipality to which the territory is sought to be annexed, passed an ordinance in which it agrees to provide the territory proposed to be annexed certain municipal services; and
7. That a street or highway will not be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem.

The Miami County Engineer's Office/Map Department has submitted to the Board of Commissioners a letter dated January 24, 2022 stating that the map and legal description of the territory proposed for annexation meet their requirements, that 22.84% of the perimeter is along the current corporation line and it creates no unincorporated islands. Concord Township has failed to submit an ordinance or resolution within 25 days of the petition filing, consenting or objecting to said annexation, which under ORC 709.023 constitutes as consent to the proposed annexation. Further sign the mylar this date. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-178

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the Expedited Type 1 annexation petition filed on behalf of David W. Arbogast, Owner, Agent being Jon Freeman of Altick & Corwin Co., LPA, City of Tipp City Law Director, for the annexation of 2.2881 acres, more or less, in Monroe Township to the City of Tipp City, Ohio, pursuant to Section 709.022 O.R.C. The Monroe Township Board of Trustees, Miami County, Ohio, the City of Tipp City, Ohio and David W. Arbogast, Tipp City, Ohio (Owner) entered into an Annexation Agreement pursuant to Section 709.192 O.R.C. The County Engineer's Office reviewed the map and legal description of the territory proposed for annexation, pursuant to Section 709.022 O.R.C., and has submitted a letter stating that the map and legal description of the territory proposed for annexation meet their requirements. Further sign the mylar this date. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-179 Travel Training

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the travel training requests as submitted. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent;

RESOLUTION NO. 22-02-180 Then and Now Certificates

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the then and now certificates as submitted. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent;

RESOLUTION NO. 22- 02-181 through 22-02-186 Transfers

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the transfers as submitted. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-187 Additional Appropriations

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the additional appropriations as submitted. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent;

RESOLUTION NO. 22-02-188 through 22-02-189 Additional Certifications of Estimated Revenue and Additional Appropriations.

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the additional certifications of estimated revenue and additional appropriations as submitted. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-190 Signatures Only

Termination(s)

Mr. Simmons moved and Mr. Westfall seconded the motion to approve the signatures only as submitted. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

RESOLUTION NO. 22-02-191 1:35 p.m. Executive Session – Personnel/Disciplinary
Mr. Simmons moved and Mr. Westfall seconded the motion to enter into Executive Session at 1:50 p.m. for the purpose of discussion Personnel/ Disciplinary. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

Mr. Simmons moved and Mr. Westfall seconded the motion to adjourn Executive Session at 2:01 p.m. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Absent.

ACTION FOLLOWING EXECUTIVE SESSION:

Mr. Simmons moved and Mr. Westfall seconded the motion to accept resignation and terminate from employment Hannah Wenner, Social Services Supervisor 1, at the Department of Job & Family Services, effective immediately. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Westfall, Yea; Mr. Mercer, Absent.

There being no further business to be transacted, the Board of Miami County Commissioners adjourned from the General Session at 2:02 p.m. on this 17th day of February 2022.

Respectfully submitted:
Janelle S. Barga, Clerk

Full minutes of the proceedings from this meeting have been digitally recorded.