

**COMMISSIONERS' MEETING  
MINUTES SUMMARY  
THURSDAY, SEPTEMBER 23, 2021  
1:30 P. M.**

**Saved as digital recording: CGS09-23-2021**

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

Appointments

9:00 a.m. Jeff Busch – Communication Center  
9:15 a.m. Paul Huelskamp – Engineer  
9:30 a.m. Angela Lewis – Human Resources Department  
9:50 a.m. Chris Johnson – Operations and Facilities  
1:30 p.m. General Session  
1:35 p.m. Zoning Hearings (6) – Department of Development  
2:00 p.m. Mike Kindell – CEBCO Health and Wellness  
2:30 p.m. Executive Session – Pending Imminent Litigation

General Business

Welcome and Pledge of Allegiance

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

Mr. Mercer moved and Mr. Westfall seconded the motion to approve the minutes of the September 21, 2021 meeting and dispense with the oral reading. The Board voted as follows upon roll call: Mr. Mercer, Yea; Mr. Westfall, Yea; Mr. Simmons, Yea.

RESOLUTION NO. 21-09-1282

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

RESOLUTION NO. 21-09-1283

Mr. Mercer moved and Mr. Westfall seconded the motion to authorize and sign the attached Waste and Recycling Services Contract with Rumpke Trash and Recycling Services, Cincinnati, Ohio and authorize their waste management services at the Animal Shelter (one container for trash removal). The monthly cost is approximately \$121.00 (plus fuel surcharge)(\$100.00 one-time delivery fee), which will be paid from Fund 105. The duration of the contract is September 23, 2021 through September 22, 2022, with two additional one year contracts based upon satisfactory performance. Multiple quotes were received: Waste Management Solutions - \$175.00 per month; Hemmelgarn Services (container only 12 yard); Haulwaste – no dumpster services; Roberts & Sons Hauling, no quote received. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Mercer, Yea; Mr. Westfall, Yea.

RESOLUTION NO. 21-09-1284

Mr. Westfall moved and Mr. Mercer seconded the motion to authorize and sign the attached Memorandum of Agreement Addendum #1 with Miami County Recovery Council (MCRC) for Adolescent Outreach Group, as requested by Juvenile Court. Said addendum sets compensation at \$225 per program, not to exceed \$8,000 per year, and further sets the program to accommodate six to eight youth in a one and half hour (1½), six (6) week program, wherein videoconferencing, upon agreement of the parties may be used instead of in-person groups. Said MOU addendum will be effective September 1, 2021 through December 31, 2021. The Board voted as follows upon roll call: Mr. Mercer, Yea; Mr. Westfall, Yea; Mr. Simmons, Yea.

RESOLUTION NO. 21-09-1285

Mr. Mercer moved and Mr. Westfall seconded the motion to authorize and sign a Memorandum of Agreement with the Miami County Recovery Council, as requested by Juvenile Court, for the provision of a New Direction Group program for youth referred by the Court, for the period of September 1, 2021 through December 31, 2021. Services will include substance abuse relapse prevention to the Court involved youth in need of more support than the Outreach Group, utilizing a mutually agreed upon curriculum. The cost is \$225.00 for each of the 10 weekly sessions, \$160.00 for each assessment performed, and \$150.00 for each counseling session provided. Cost not to exceed \$25,000.00 per year, which shall be paid from Fund 118-185. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Yea.

RESOLUTION NO. 21-09-1286

Mr. Westfall moved and Mr. Mercer seconded the motion to authorize the Board of Miami County Commissioners' Administrator to purchase HON office furniture including desks, cabinets, chairs and tables, from FriendsOffice, Columbus, Ohio 43620, through the Ohio DAS Purchasing Program (Member No. 800766), total cost not to exceed \$5,063.31, including delivery and setup, with a material deposit of fifty (50%) percent due at time of order. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Mercer, Yea; Mr. Westfall, Yea.

RESOLUTION NO. 21-09-1287

Mr. Mercer moved and Mr. Westfall seconded the motion to authorize a ninety (90) day extension to the Emergency Paid Sick Leave (EPSL) Policy in the Commissioners Personnel Policy Manual through December 31, 2021. The Board voted as follows upon roll call: Mr. Mercer, Yea; Mr. Westfall, Yea; Mr. Simmons, Yea.

RESOLUTION NO. 21-09-1288 Then and Now Certificates

Mr. Westfall moved and Mr. Mercer 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, Yea.

RESOLUTION NO. 21-09-1289 through 21-09-1293 Transfers

Mr. Mercer 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. Mercer, Yea; Mr. Westfall, Yea.

RESOLUTION NO. 21-09-1294 through 21-09-1295 Additional Appropriations

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

RESOLUTION NO. 21-09-1296 Signatures Only:

Payroll Change(s)

Mr. Mercer 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, Yea.

RESOLUTION NO. 21-09-1297 Zoning Hearing – Richard Oaks, Monroe Township

Mr. Westfall moved and Mr. Mercer seconded the motion to approve Zoning Amendment #1835-06-2021, filed by Richard Oaks, Boone Road (Parcel G12-048510), Tipp City, requesting permission to rezone 10.3 acres from A-2, General Agriculture to A-1, Domestic Agriculture and approximately 10.5 acres from A-2, General Agriculture to R-1AAA, Single Family Residential. For the following tract of land: being a 22.033 acre tract located on Boone Road (Parcel G12-048510), Tipp City, Ohio, Section 31, Town 4, Range 6 of Monroe Township. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Mercer, Yea; Mr. Westfall, Yea.

RESOLUTION NO. 21-09-1298 Zoning Hearing – Ebbert's Field Seeds, Newberry Township

Mr. Mercer moved and Mr. Westfall seconded the motion to approve Zoning Amendment #1841-07-2021, filed by Ebbert's Field Seeds, 6840 State Route 48, Covington, Ohio 45318, requesting permission to rezone 1.16 acres from R-1AAA, Single Family Residential to A-2, General Agriculture. For the following tract of land: being a 1.517 acre tract located at 8020 Klinger Road, Covington, Ohio, Section 19, Town 8, Range 5 of Newberry Township. The Board voted as follows upon roll call: Mr. Mercer, Abstain; Mr. Westfall, Yea; Mr. Simmons, Yea.

RESOLUTION NO. 21-09-1299 Zoning Hearing – David Hayes, Union Township

Mr. Westfall moved and Mr. Mercer seconded the motion to approve Zoning Amendment #1842-07-2021, filed by David Hayes, 4240 State Route 48, West Milton, Ohio 45383, requesting permission to rezone 2.02 acres from I-1, Light Industrial to R-1AAA, Single Family Residential. For the following tract of land: being a 2.02 acre tract located at 4240 State Route 48, West Milton, Ohio, Section 16, Town 6, Range 5 of Union Township. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Yea.

RESOLUTION NO. 21-09-1300 Zoning Hearing – Bogle Investments, LLC, Concord Township  
Mr. Mercer moved and Mr. Westfall seconded the motion to approve Zoning Amendment #1843-07-2021, filed by Bogle Investments LLC, 722 Sedgewick Way, Troy, Ohio 45373, requesting permission to rezone 16.53 acres from A-2, General Agriculture to A-1, Domestic Agriculture and approximately 9.54 acres from A-2, General Agriculture to R-1AAA, Single Family Residential. For the following tract of land: being a 52 acre tract located at 2805 Fenner Road, Troy, Ohio, Section 30, Town 5, Range 6 of Concord Township. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Mercer, Yea; Mr. Westfall, Yea.

RESOLUTION NO. 21-09-1301 Zoning Hearing – William Scott, Springcreek Township  
Mr. Westfall moved and Mr. Mercer seconded the motion to approve Zoning Amendment #1844-07-2021, filed by William Scott, 9410 Looney Road, Piqua, Ohio 45356, requesting permission to rezone 8.122 acres from A-2, General Agriculture to A-1, Domestic Agriculture. For the following tract of land: being an 8.122 acre tract located at 9410 Looney Road, Piqua, Ohio, Section 26, Town 1, Range 12 of Springcreek Township. The Board voted as follows upon roll call: Mr. Mercer, Yea; Mr. Westfall, Yea; Mr. Simmons, Yea.

RESOLUTION NO. 21-09-1302 Zoning Hearing – Christopher Smith, Staunton Township  
Mr. Mercer moved and Mr. Westfall seconded the motion to approve Zoning Amendment #1837-06-2021, filed by Christopher Smith, 4935 DeWeese Road, Troy, Ohio 45373, requesting permission to rezone 4.13 acres from A-2, General Agriculture to R-1AAA, Single Family Residential and 5.5 acres from A-2, General Agriculture to A-1, Domestic Agriculture. For the following tract of land: being an 11.608 acre tract located at 4935 DeWeese Road, Troy, Ohio, Section 9, Town 1, Range 11 of Staunton Township. The Board voted as follows upon roll call: Mr. Westfall, Yea; Mr. Simmons, Yea; Mr. Mercer, Yea.

RESOLUTION NO. 21-09-1303(ADD) Executive Session – Pending Imminent Litigation  
Mr. Westfall moved and Mr. Mercer seconded the motion to enter into Executive Session at 2:30 p.m. for the purpose of Pending Imminent Litigation with Counsel. The Board voted as follows upon roll call: Mr. Simmons, Yea; Mr. Mercer, Yea; Mr. Westfall, Yea.

Mr. Mercer moved and Mr. Westfall seconded the motion to adjourn Executive Session at 2:40 p.m. The Board voted as follows upon roll call: Mr. Mercer, Yea; Mr. Westfall, Yea; Mr. Simmons, Yea.

#### **ACTION FOLLOWING EXECUTIVE SESSION:**

Mr. Westfall moved and Mr. Mercer seconded the motion as follows:

WHEREAS, the Board is one of the many governmental plaintiffs, and Mallinckrodt PLC is one of the many defendants, in the case of *In Re National Prescription Opiate Litigation* (Case No. 17-md-02804, MDL No. 2804) multidistrict litigation (“MDL”) against opioid manufacturers, distributors and retailers that came about as a result of the “opioids crisis”; and

WHEREAS, Mallinckrodt PLC has previously filed bankruptcy via the case of *In Re Mallinckrodt PLC et. al.* (Delaware Bankruptcy Court Case No. 20-12522 (JTD)), in which case the Board, along with the other governmental plaintiffs in the MDL has a claim against Mallinckrodt PLC; and

WHEREAS, the Bankruptcy Court will be considering Mallinckrodt's plan for restructuring the week of September 30, 2021, of which plan the Board is entitled to either "approve" or "not approve"; and

WHEREAS, the Board has consulted with counsel on this matter.

NOW, THEREFORE BE IT RESOLVED, by the Board of Miami County Commissioners, that it hereby "approves" *Mallinckrodt PLC's* proposed "plan of restructuring" and authorizes its counsel to cast a vote so "approving" the proposed "plan of restructuring".

There being no further business to be transacted, the Board of Miami County Commissioners adjourned from the General Session at 2:42 p.m. on this 23rd day of September 2021.

Respectfully submitted:  
Janelle S. Barga, Clerk

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

*The Commissioners will be attending an Elected Officials luncheon today at the Boathouse, Troy, OH @ 11:30 a.m.*