

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio, on Tuesday, April 26, 2022, with the following members present: Mr. Jay H. Wippel, Mr. Harold R. Henson, and Mr. Gary K. Scherer. April Dengler, County Administrator, was also in attendance.

In the Matter of
Minutes Approved:

Commissioner Gary Scherer offered the motion, seconded by Commissioner Jay Wippel, to approve the minutes from April 19, 2022, 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 Harold Henson offered the motion, seconded by Commissioner Gary Scherer, 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 April 27, 2022, 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 her warrant on this entry in the amount of \$186,177.50 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
Then and Now Certification Approved for Payment:

Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, 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 April 27, 2022, 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 her warrant on this entry in the amount of \$54,153.39 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

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

In the Matter of
Transfer and Reappropriations Approved:

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

\$34,223.00 – 202.3011.5401 – Motor Vehicle Permissive Contract Services – Engineer
TO
202.3012.5401 – Motor Vehicle Permissive Contract Services On Behalf - Engineer

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 Marc Rogols:

The following is a summary of the report provided by Marc Rogols, County Administrator:

- There were no BWC claims, and one unemployment claims filed for the week. The claim was a fraudulent claim file on a JFS employee that has continually been employed and worked since 2015. All fraudulent reports filed, and Joy Ewing is aware.
- Current auctions on Govdeals are a 2002 Gradall 3200 Excavator for the Highway Garage. The reserve is set at \$23,000 (trade-in amount). Development Disabilities table and chair set sold yesterday for \$25.
- Building Department meeting is scheduled for Friday with Kelly and Candy to go over the 1st quarter township payments.
- Wilson Partners has obtained updated claims data to finalize rates and has also met with CEBCO. Process continuing. Mr. Rogols met with Wilson Partners last Thursday to present scope of work for transition.
- Mr. Rogols met with Adena representative last Friday to discuss the Highway Garage biometric screenings approximately the 3rd weeks of June. The Mamobus is scheduled for June 20, 2022. The on-site biometric screening was at JFS last Thursday and 60 employees attended.
- Mr. Rogols reported that one new hire packet was sent out. Twenty-22 have been handed out year -to-date. The Accounts Payable/ Administrative Assistant and Maintenance position is posted on the county website and one interview each is pending. Part-time Custodial position is still posted with no applications received.
- Mr. Rogols received a resignation letter from Darrin Flick. Mr. Flick will no longer be working for pay and will be going to volunteer from this point on.

In the Matter of
IT Department Report:

The following is a summary of the report provided by Robert Adkins, Pickaway County IT Department Director:

- Continue pushing Spectrum to port phones for Garage and for Dog Shelter
- The Access Server has been successfully rebuilt as a virtual server.
- Sheriff's Office Wireless with Active Directory Authentication
- Working on a Vulnerability Management implementation for Board of Elections requested by Sheriff's Office
- Sheriff's Office Migration going well
- Sheriff's Office vehicle tracking Verizon presentation expecting a proposal from Verizon
- Sheriff's Office move to Verizon from AT&T finished
- Veeam Licensing
- Desktop Deployments

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

In the Matter of
Dog Shelter Report:

- Mr. Custer is waiting for the completion of the pavilion by Pine Valley. This will increase the number of outdoor kennels. They have had an organization that may be able to help fund some new additional kennels. Mr. Custer is awaiting blueprints from Pine Valley to figure the layout of the kennels.
- Teays Valley students came to the kennel and helped with cleaning of the facility.
- This Saturday the YMCA is holding a Kids Health Fair and the shelter will be present with dogs. Mr. Custer is going to utilize every event they can to present dogs available for adoption.

In the Matter of
Maintenance Department Report:

The following is a summary of the report provided by Jon Brown, Maintenance Supervisor:

- Mr. Brown discussed options for the front courthouse doors.
- The quote for the steel door on the west side of EMA.
- Service Center exterior lights, they found a short of the flag light and has been repaired. Demo took place over the weekend and have two more weekends to finish up.
- The EOC roof was started this morning of placing the metal up to match the Service Center.
- The Building Department deck project has changed the completion date to reflect WDC Group's completion date. There were five contracts that attended the pre-bid meeting.
- The tuck pointing for the Engineer's Office and Courthouse will have to be postponed a year due to the company has their entire crew in Alaska working. They may be able to make repairs to the hazards that need addressed immediately.
- Judge Harsha has asked Mr. Brown about space in the courthouse and Mr. Brown has referred her to the Commissioners.

In the Matter of
Report Provided by Gary Cameron:

The following is a summary of the report provided by Gary Cameron, EMA Director.

- This week the Mr. Cameron will attend Meeting with Millennium Trailers – proposed Mobile Command Trailer, Ross County Full Scale Disaster Exercise, Planning meeting for Pickaway County pipeline disaster exercise and Ohio EMA spring conference – virtual.
- General Information
 - COVID admissions in Central Ohio area are changed; low but an increasing number of admissions due to subvariants.
 - County Fire Chiefs have been asked to participate in Solar Farm Safety workshops as promoted by solar energy companies. Further discussions have led to a vote in opposition of the installation of solar farms while the perceived threats remain and there is no increase in capacity to respond to solar energy emergencies.
 - Continued reports of cyber-crime/hacking forwarded to IT
 - Seeking to remove radio equipment from the old jail location and dispose of properly
 - Programming Sheriff's Office radios
- EMA Projects
 - Continuing development of a full-scale preparedness drill at Deer Creek State Park in August. Event is hosted by Enterprise Products.
 - Effort underway to identify first responders in need of ICS/NIMS training as required by FEMA standards. Sense of urgency due to the upcoming disaster exercises.
 - EMA inventory audit – slow progress. Focusing on available PPE and need for rapid deployment kits.
 - Continuing development of the Community Emergency Response Team -training and background checks scheduled for May
 - WLOH antenna to be installed at the gun club tower May 9-11
- Issues requiring Commissioners Support/Notification:
 - NIMS training available to County Executives.

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

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:**
 - Special meeting today to consider Pumpkin Run II final plat. All departments
- **Outstanding Plats:**
 - Pumpkin Run II
- **Lot Splits:**
 - Approved 5 lot splits in the last week, 10 open applications currently.
- **CDBG:**
 - 2018 Allocation Grant Audit with the State due in 3 weeks.
- **Production Plus Tax Abatement:** Process requires Ashville to approve the abatement itself, followed by the Board of Commissioners review and execution.

In the Matter of
Report Provided by Sheriff Hafey:

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

- Sheriff Hafey reported that the LEPC exercise went well. Drug Take Back Day is this Saturday.

In the Matter of
Executive Session:

At 10:08 a.m., Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to enter into Executive Session pursuant to ORC §121.22 (G) (4) to discuss collective bargaining matters pertaining to the Pickaway County Sheriff's Office employees, with April Dengler, County Administrator 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 10:30 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
Bid Opening Conducted for
DAR-T163-0.05 653139 Prestressed Box Beams
Project for County Engineer's Department:

A bid opening was conducted for DAR-T163-0.05 653139 Prestressed Box Beams Project for the Pickaway County Engineering Department with Chris Mullins, County Engineer, Anthony Neff, Deputy County Engineer and Marcus Cradlebaugh, Engineer's Inspector were in attendance. The estimate for the project is \$71,987.70. Bids were submitted electronically through Bid Express.

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

The Crawford Construction Company, Inc.
782 Charles Street
P.O. Box 148
Galion, OH 44833
\$69,100.00

The Righter Company, Inc
2424 Harrison Road
Columbus, OH 43204
\$71,225.00

The bids were turned over to Mr. Mullins and Mr. Neff for review and contract award recommendation.

In the Matter of
Bid Opening 2022 Pickaway County &
Township Resurfacing Project:

The Commissioners conducted a bid opening for the project referred to as 2022 Pickaway County and Township Resurfacing Project for the Pickaway County Engineer Department was held April 26, 2022 at 11:01 a.m.. Chris Mullins, County Engineer and Anthony Neff, Deputy County Engineer and Marcus Cradlebaugh, Engineer's Inspector were in attendance. Bids were submitted electronically through Bid Express.

BID A -Engineer's Estimate: \$1,295,786.35

The following bids were received and read aloud:

- Kokosing Construction \$1,115,986.32
Westerville, Ohio 43081
- Cox Paving \$1,274,647.70
Washington Court House, Ohio 43160
- The Shelly Company \$1,166,765.05
Thornville, Ohio 43076

BID B -Engineer's Estimate: \$1,334,812.42

The following bids were received and read aloud:

- Kokosing Construction \$1,157,266.55
Westerville, Ohio 43081
- The Shelly Company \$1,206,729.45
Thornville, Ohio 43076

BID C -Engineer's Estimate: \$696,511.09

The following bids were received and read aloud:

- The Shelly Company \$642,521.68
Thornville, Ohio 43076

The bids were turned over to Mr. Mullins and Mr. Neff for their review and contract award recommendation.

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TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

In the Matter of
Atlanta Solar Project in Pickaway County with
Deercreek and Perry Township:

Melissa Betz, Pickaway County Auditor, started with explaining the process of distributions of a PILOT (payment in lieu of taxes). The company starts paying taxes once the project is completed. Mr. Betz explained the Brown County Solar Project and why they have not made a payment to their county yet. Brown County had not received a certification that the project was completed, but it was generating power. Commissioner Scherer discussed that he had asked how it was possible that they generate power and not send it to the grid, and it was explained to him that the power indeed was being sent to the grid but had not been certified complete. Cindy Miller asked the real estate is paid in arrears and they will not see a payment in lieu of taxes sheets she normally gets like the Metropolitan Housing. Mr. Betz explained why it is not on Williamsport millage. So, there will be a portioning sheet with a breakdown. It is Mrs. Millers understanding that it will be one to two years until Williamsport sees money. Sarah Moser explained that the first PILOT payment would come in 2025 because of being in arrears. Mr. Moser explained that if they do not meet their date there are significant penalties that they have to pay of around \$43,000 a day. Mrs. Betz addressed that it would have to be addressed if the property is being used as agricultural land and if it will be taxes as CAUV or real estate taxes. The payments may not be due at the same time as all other county real estate taxes.

Public Utilities must be reported to Ohio Department of Taxation, and it will have a bigger part than the PILOT Program payment. Mrs. Moser stated that they need to keep on the State of Ohio because the companies will not pay until they are required by the state. Mrs. Moser can forward the Certificate of Delivery once Savion receives it, so the County Auditor know the payment is coming to the County. Commissioner Wippel addressed that the Commissioners have addressed the value of PILOT versus non-PILOT and none of the companies have wanted to disclose that information. Mrs. Moser explained that it can be stacked with the Air Quality Control and treat is more like an abatement. The Commissioners did not want to make the discussion of who got what, so they did the PILOT with the Atlanta Solar Project for distribution to be fair. Mrs. Moser explained that there are concerns with non-pilot and schools losing their funding versus if there is a PILOT it does not register, and schools get to keep funding. Mrs. Betz explained that the PILOT does not come into consideration on any millage. The schools with the ROCKY Pipeline and greenhouse appeals will be dollars lost to Westfall Schools and this PILOT will a new form of dollars coming to the school. The Fire District is running a levy to build a new fire house and Mr. Metzger asked if any of their funds will be going to that levy and Mrs. Betz explained that this will go in as revenue and disbursed. Mrs. Betz explained that the payment will be received, just not as quickly as anticipated. Mrs. Moser explained that they are working out having a strip of land outside of the fencing farmed by the landowner to create a buffer but continue to lease. Re-appraisals are coming up in 2024 by the County. Fly over appraisals are taking place every two years and Mrs. Betz just received the contract for another 6 years of Pictometry.

❖ **Attendees: Melissa Betz, Auditor, Randy Metzger, Trustee, Cindy Miller, Fiscal Specialist, Charlie Galloway, Trustee, Sarah Moser, Savion, Bill Keller, Trustee**

In the Matter of
Out of County Travel Addendum 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 May 2022, at the total probable cost \$2,2,519.50. Commissioner Harold 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

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

In the Matter of
County Administrator Report:

The following is a summary of the report provided by April Dengler, County Administrator:

- Ms. Dengler provided a pay rate spreadsheet for the Sheriff's Office for review.
- Ms. Dengler prepared a press release for ARP subgrantee with Pickaway County Community Foundation.
- Ms. Dengler discussed Imagination Station funding. She will collect a list of other local matches.
- The pre-bid meeting was held for the Building Department Porch Project. Five attendees were present.
- The Chamber Dinner is scheduled for May 19th at Heritage Hall and confirmed with the Commissioners to reserve a table.
- Ms. Dengler attended the Farm to Table meeting, and they have set aside 45 minutes for the inductee program. Chipmunk Solar donated \$15,000 to the event.
- Thad Boggs contacted Ms. Dengler regarding the sale of Airbase Road property for Teays Valley School District.
- Ms. Dengler will be filing the ARP report with Melissa Betz, Auditor, on Wednesday.

In the Matter of
Architectural/Design/Planning Firms
Selected Regarding Request for Qualifications Related to the
Pickaway County Fairgrounds Revitalization Phase II Plan:

The Commissioners reviewed submitted RFQ's for the Pickaway County Fairgrounds Revitalization Phase II Project. The following have been ranked by the commissioners as the top two firms, in compliance with the Ohio Revised Code, with which to implement discussions regarding the scope of planning services, terms/contract negotiations, and a timeline for the completion of a deliverable master plan:

MS Consultants, Inc. 2221 Schrock Road Columbus, Ohio 43229	Score 374 out of 400 for an average of 93.5% average
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WDC Group 23 S. Center Street Springfield, Ohio 45502	Score 331 out of 400 for an average of 82.7%
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Following discussion regarding the matter, it was determined that a meeting will be scheduled with MS Consultants, Inc. as soon as possible. If an agreement is unable to be reached with the company, a meeting will be scheduled with the second ranked firm.

In the Matter of
Developer's Agreement with D&E Properties of Laurelville, LLC
With the Pickaway County Engineer for the Pumpkin Run II Project:

Chris Mullins, County Engineer submitted a Developer's Agreement for the subdivision/ lot split of Pumpkin Run II with D&E Properties of Laurelville, LLC. The Developer has paid the Pickaway County Engineer the sum of \$560.00 to cover plan review costs as per current fee schedule and the Developer shall assume all costs in connection with the construction of the streets, storm sewers, public utilities, and appurtenance including engineering, testing, furnishings all labor, material and equipment, and the cost pf inspections. The Developer shall pay to the Pickaway County Engineer with signing of Agreement the sum of \$810.00, the minimum charge to cover the cost of inspection of the installation of the streets, storm sewers, detention basin and appurtenances. If the actual inspections cost exceeds the minimum, the developer will make additional payments to cover those actual costs incurred by the County prior to the approval of the public facilities by the Pickaway County Engineer.

Commissioner Harold Henson offered the motion, seconded by Commissioner Gary Scherer, to approve the Engineer's Developer's Agreement with D&E Properties of Laurelville LLC for the subdivision lot split know as Pumpkin Run II.

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

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
Banking Institutions Submission
For Purchase of Tractors and Mowers for the
Pickaway County Engineering Department:

On May 22, 2022, the commissioners approved the purchase of the following through STS Contract 800528 with the State of Ohio Department of Administrative Services Cooperative Purchase Program, minus a trade-in in the amount of \$112,500 for four Case Maxxum 110 tractors, leaving \$465,171.44 to finance over a 4-year period with annual payments with first payment due in 2023.

- 4 – John Deere 610 M Tractors at \$98,892.86 each for a total of \$395,571.44
- 4 – Tiger TSR-60C Rotary Mowers at \$29,165.00 each for a total of \$116,660
- 4 – Tiger TRF96-EXC-SS Flail Mowers at \$16,360.00 each for a total of \$65,440

The commissioners reviewed the three (3) responses received, with Pickaway County Banking Center, Circleville providing the lowest interest rate of 2.79%, with no loan origination fees.

At the conclusion of the review, Commissioner Henson offered the motion, seconded by Commissioner Gary Scherer, to adopt the following Resolution:

Resolution No.: PC-042622-35

WHEREAS, on behalf of the Pickaway County Engineering Department, the Pickaway County Commissioners solicited local banks for an \$465,171.44 four (4)-year loan with four (4) annual payments for the purchase of 4 – John Deere 610 M Tractors at \$98,892.86 each (total of \$395,571.44), 4 – Tiger TSR-60C Rotary Mowers at \$29,165.00 each (total of \$116,660) and 4 – Tiger TRF96-EXC-SS Flail Mowers at \$16,360.00 each (total of \$65,440); and,

WHEREAS, The Pickaway County Banking Center of Circleville provided the lowest interest rate of 2.79% with no loan origination fees; then,

THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby accepts the proposal from The Pickaway County Banking Center in Circleville for the above-mentioned loan amount, interest rate, and term.

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
Health & Welfare Benefits Consulting and
Management Services Scope of Work
Proposal & Letter of Agreement
With Wilson Partners:

Marc Rogols, Deputy County Administrator, presented a contract with Wilson Partners to provide ongoing Health and Welfare Benefits Consulting and Management Services Scope of Work Proposal and Letter of Agreement. This will allow for Wilson Partners to provide Plan Management Services such as: Strategic Compliance Management Services, Communication Management Services, Health, Well-being and Engagement Management Services, Vendor Management Services, Reporting Management Services, Analytics Management Services, Benefit Administration Services and Employer HR Hub. Wilson Partners will be retained at the rate of \$50,000 annually for a three (3) year term. The Letter of Agreement shall

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

remain in effect unless one party gives the other party thirty (30) days prior written notice of its intent to terminate this Letter of Agreement. Upon review Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve the Ongoing Health and Welfare Benefits Consulting and Management Services Scope of Work Proposal and Letter of Agreement.

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
Atlanta Solar Project
Road Use Maintenance Agreement with
Pickaway County Engineer:

Sarah Moser, Savion, Chris Mullins, County Engineer, Randy Metzger, Deercreek Township Trustees, Paul Briggs and Kyle Miller, Dominion Energy met with the Commissioners to discuss the Road Use Maintenance Agreement for the Atlanta Solar Project. Deercreek Township passed Resolution No. 2022-5-2022 last night for the RUMA and Perry Township passed Resolution No. 04-25-2022 Authorizing their township trustees to enter into a Roadway Use and Maintenance Agreement with the Pickaway County Board of Commissioners and Atlanta Farms Solar Project, LLC. The RUMA has been modified with correction per the County Engineer's request from their last meeting. Mr. Briggs requested that if there are any problems that he be contacted immediately so that they can resolve any issues or concerns with the project. Dominion Energy will be able to hold their closing to purchase the project from Savion soon.

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

Resolution No.: PC-042622-36

**ROADWAY USE AND MAINTENANCE AGREEMENT
FOR ATLANTA FARMS SOLAR PROJECT**

THIS AGREEMENT is entered into at Circleville, Ohio, by and between the Board of Commissioners, Pickaway County, Ohio, a political subdivision ("County"), whose mailing address is 139 West Franklin Street, Circleville, Ohio 43113, the board of Trustees of Perry Township, Pickaway County, Ohio, a political subdivision, whose mailing address is P.O. Box 327, New Holland, Ohio 43145, the board of Trustees of Deercreek Township, Pickaway County, Ohio, a political subdivision, whose mailing address is 9980 US Rte. 22, P.O. Box 114, Williamsport, OH 43164, (hereafter collectively referred to as "Authority"), and Atlanta Farms Solar Project, LLC, whose address is 422 Admiral Blvd, Kansas City, Missouri 64106 (hereafter "Operator"), and shall be as follows:

RECITALS

WHEREAS, Authority has control of the county and township roads within Perry Township and Deercreek Township, Pickaway County, Ohio and is required by law to keep such roads in good repair; and

WHEREAS, Operator intends to develop and operate the Atlanta Farms Solar Project, including the solar generating equipment, facilities, and construction equipment necessary for the construction and operation of the solar power generating facility (hereafter collectively referred to as ("Project")); and

WHEREAS, Operator intends to commence use of various miles of County and Township Roads, as found on the attached map, marked Exhibit A, and incorporated herein by reference, for the purpose of ingress to and egress from the Project to bring in certain materials and equipment through vehicles as outlined in Exhibit B in preparation for alternate access which will allow the Project to avoid use of County and Township Roads during actual Project construction (hereinafter referred to collectively as "Pre-Construction Activity"); and

WHEREAS, Authority and Operator desire to enter into an agreement, providing for the repair and maintenance of said roads and bridges thereon as a result of such Pre-Construction Activity; and

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

NOW THEREFORE, in consideration of the good faith performance by each party of mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Operator agrees to the maintenance and repair of said roads and bridges to their Pre-Construction Activity condition, for any damages thereto, as a result of Pre-Construction Activity related to such sites.

FURTHER, Operator shall also provide for the strengthening and upgrading of the roads and bridges if mutually agreed to be necessary, prior to or during any Pre-Construction Activity. Operator shall not unreasonably withhold consent hereunder. The areas and structures required to be strengthened and/or upgraded shall be determined by an engineer provided by the Operator contingent upon approval of the Pickaway County, Ohio Engineer to be provided within thirty (30) days of a written request submitted by the Operator. Operator's engineer shall provide a written report to the County Engineer detailing the condition of the roads and appurtenances covered under this Agreement along with any recommendations, if necessary.

BOTH PARTIES FURTHER AGREE to the following additional terms and conditions:

1. The portion of County and Township Roads to be utilized by Operator hereunder for Pre-Construction Activity, are those exclusive portions as detailed on the attached map marked Exhibit A and incorporated herein by reference ("Impacted Roads"). It is understood and agreed that the Operator shall not utilize any of the remainder of County or Township roads for any of its construction Activities hereunder (other than private vehicles and unloaded light duty trucks used solely for personnel transportation). Should Operator violate this provision and utilize unauthorized roads in the County or Township, Operator shall be responsible, at Operator's sole expense to upgrade and/or strengthen the road(s) to the satisfaction of the Pickaway County Engineer, in the Engineer's sole discretion as to what is required to upgrade and/or strengthen the road for Pre-Construction Activity and Construction Activity.
2. Those portions of said Impacted Roads and bridges and their appurtenances to be used by Operator hereunder detailed on Exhibit A, and mutually agreed to require necessary strengthening and/or upgrading by the Operator's Engineer in conjunction with the County Engineer, shall be strengthened and/or upgraded to a condition sufficient and adequate to sustain the anticipated Pre-Construction Activity by Operator, at Operator's sole expense and with the advice and approval of The County Engineer. Thereafter, such roads shall be maintained by Operator for damages caused by Operator's Pre-Construction Activity, at Operator's sole expense, throughout the term of this Agreement, to a level consistent with the condition of such roads at the commencement of its use by the Operator hereunder, as determined by the Operator's engineer and the Pickaway County Engineer.
3. The Project also crosses various county and township maintained drainage features that shall be protected by the Operator at all times and shall be subject to the following special provisions:
 - a. Expose all tile where determined within the existing county/township road right-of-ways prior to boring to ensure proposed Project facilities have a minimum of 24" of separation from existing tiles.
 - b. Ensure that the Project facilities will have a minimum of six (6) feet of cover at all stream crossings or County maintained drainage improvements (ditches and tiles). County maintained tile shall require a minimum of 24" of separation.
 - c. Notify the Pickaway County Engineer prior to constructing the Project facilities across any roadways or County maintained drainage improvements according to items 1 & 2 above. Operator agrees to allow inspection at said sites to verify compliance.
4. The Operator agrees that the right to occupy the county and township road right-of-way and county maintained drainage improvement easements shall be subordinate to the rights held by the Authority with respect to any future road or county maintained drainage improvements, which includes any alterations, realignments or widening. Operator further agrees any additional, necessary right-of-way, immediately adjacent to the existing right-of-way, or as part of a petitioned county maintained drainage improvement, to the extent necessary to undertake any such future road or county maintained drainage improvement, shall be subordinate as if it was occupying the existing right-of-way; and that any necessary relocation of the Project facilities due to any road or county maintained drainage improvement shall be at Operator's sole cost and expense, and be completed within a reasonable time after receiving notice from the county.

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

The Operator, its heirs, executors, administrators, successors and assigns agree that all road right-of-way and maintained drainage improvement easements, now and in the future, shall run with the land and further agree that the rights held by the Authority, its heirs, executors, administrators, successors and assigns are superior in all cases.

5. Any changes or alterations to the Impacted Roads plans at Exhibit A by the Operator will require a written approval by the Authority.
6. Either the Operator or the Authority may terminate this Agreement with just cause provided the following: (1) at least thirty (30) days written notice is given to the other party of its intent to terminate, (2) Operator has completed all construction activity, and (3) as soon as possible after receipt of such written notice required herein above, the Authority and the Operator shall inspect said Impacted Roads and bridges and their appurtenances and all restoration of damage resulting from Operator's construction activity shall be identified and thereafter completed by the Operator, at Operator's sole expense, satisfactory to the Authority. Upon satisfaction of the above conditions, this Agreement shall be terminated and of no further force or effect and the Financial Security shall promptly be released to Operator.
7. Prior to the Pre-Construction Activity on the Route(s), Operator shall post a bond or other surety in a form satisfactory to the Authority (listing all named entities above) to cover the costs of any damage caused by the Pre-Construction Activity or construction activity on the Route(s) by the Operator. The amount of the bond or surety shall be in an amount no less than One Million Dollars (\$1,000,000.00).
8. All motor vehicles to be utilized by Operator hereunder, whether owned by Operator or others, shall comply with all legal size, load and weight limits in accordance with State Law, and all non-conforming vehicles shall require the proper state and local permits. Said permits shall not relieve the Operator from liability from damages occurring during Pre-Construction Activity and construction activity.
9. Operator shall furnish the Authority with a letter setting forth all necessary contact information, including a twenty four (24) hour emergency contact number, for the authorized local representative and the corporate project manager of the Operator, and such information shall be maintained and kept current at all times concerned hereunder.
10. If Authority determines that any additional traffic signage is needed, or desired, other than that required by the Ohio Manual of Traffic Control Devices, as a result of this Agreement and in the interests of safety, then Operator shall provide for such signage at Operator's sole expense. In the event that any other safety concerns should arise during the course of this Agreement, Operator and Authority agree that they will mutually discuss such concerns and reach a resolution satisfactory to all concerned.
11. Operator shall protect, save, indemnify, and hold the Authority, its officials and employees harmless from any liability, claims, damages, penalties, charges, or costs which may arise or be claimed as a result of any violations of any laws or ordinances, or any loss, damage or expense, including injury or death to any person, from any cause or causes from Pre-Construction Activity or Project construction whatsoever. To that end, Operator shall have, at Operator's expense, a commercial general liability policy of insurance in an amount no less than Two Million Dollars (\$2,000,000.00).
12. Operator assumes all liability for subcontractors and or agents working on Operator's behalf.
13. This Agreement shall be binding upon Operator and Authority, and their respective successors and assigns.
14. In any event that any clause, provision or remedy in this Agreement shall, for any reason, be deemed invalid or unenforceable, the remaining clauses and provisions shall not be affected, impaired or invalidated and shall remain in full force and effect.
15. Agreement shall be governed by the laws of the State of Ohio.

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

16. This Agreement shall be in effect on April 26, 2022.

17. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which together shall constitute but one and same instrument.

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
EMA Door Replacement Proposal with
All-Ohio Door and Glass:

Jon Brown, Maintenance Supervisor, presented a proposal from All-Ohio Door and Glass for the replacement of an exterior door at the EMA Center. The proposal includes a 40'x82' welded masonry style frame, 3068 hollow metal polystyrene insulated door, heavy duty entry lever set, heavy duty door closer, narrow door lite, heavy duty 4.5"x4.5" ball bearing hinges non removable pin, ADA threshold and door sweep for the total of \$1,975.00 with installation and materials. Exclusions are board up, preparation of new opening and any other items not mentioned in the above proposal and final cleaning and painting. All-Ohio Door and Glass Proposal \$1,975.00 total with install and materials.

Upon review Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve and authorize Commissioner Wippel to sign the proposal with All-Ohio Door and Glass for the replacement of an exterior door at the EMA Center, 160 Island Road, Circleville.

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
Sheriff's Office Lieutenant's Payroll:

Upon discussion Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to approve a pay increase for the Sheriff's Office Lieutenant's Payroll Line Item of \$22,400 (7%) starting with week 10 payroll.

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
Ohio Attorney General's Office
Representative Jim Shaw:

Jim Shaw, Ohio Attorney General's Office Representative, met with the Commissioners to provide an update and the close of what happened in 2021. Classes will be held regional to become more accessible to law enforcement, one being in London and the other at Hocking College. They may be adding a northwest location soon. Every Law Enforcement Officer is required to complete 24 hours of class certification. They have two days in May for Crime Advocate Conference and Law Enforcement Conference is September.

TUESDAY, APRIL 26, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

In the Matter of
Weekly Dog Warden Report:

The weekly report for the Wright Poling/Pickaway County Dog Shelter was filed for week ending April 23, 2022.

A total of \$50 was reported being collected as follows: \$50 in private donations.

Three (3) stray dogs were processed in; zero (0) dogs were adopted.

With there being no further business brought before the Board, Commissioner Scherer offered the motion, seconded by Commissioner Henson, 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