

Minutes for March 31, 2022

Commissioners Present: Crooks, Porter, Cameron
Staff Present: Susan Reese

RES 22-0335 Meeting was called to order at 10:00 a.m. on the motion of Commissioner Porter and the second of Commissioner Cameron.
Vote was Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Porter moved to approve the payment of bills, pending review.
Seconded by Commissioner Crooks.
Vote was Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Porter asked for an explanation of Monday's schedule with Mark Eicher being scheduled for 1:30 p.m. when he is scheduled to be out of the office until at least 3:00 p.m. If Mark is going to be discussing the federal grant and debt or his new office building, Commissioner Porter would like to be present.

Commissioner Cameron explained that she had forgotten he was scheduled out that afternoon until the Clerk reminded her. The Clerk is to reschedule Mark for Monday morning.

There was discussion regarding a letter from Amy Young from the Port Authority regarding a letter of support for TID application.

- Commissioner Porter asked if that means we are committing to the project
 - He would caution that in past, on similar projects, ODOT said the County might have to return the monies
- A call was placed to Matt Abbott, he was not available, but Amy said this application is for funds for a Developmental Study.
 - Matt will call the Commissioners back

Commissioner Porter reported that he called Dan Arter of the Soldiers and Sailors parking lot

- They are seriously considering selling the lot and will be meeting with their attorney April 8
 - They will also be asking their attorney about the lessee sub-leasing the lot

Mark Eicher, County Engineer, came to talk with the Commissioners and explain the request for a letter of support for TID.

- Mark reported that he did find out that we could get up to 90 – 100% if we have other grants.
- He has met with Jeannette at OMEGA and she is willing to help with this process
- He currently has \$500,000 safety grant money for Pinecrest that could go towards that federal project
- Mark said they did just hire someone for project management; she'll start in about a week
- They have applied for several bridge grants
- He has hired three different surveying crews for bridges

Mark also reported that Pinkerton Lane will be closed for a week beginning April 11 due to the Thompson Run Road Bridge replacement.

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Matt Abbott joined the conversation and explained the need for the support letter for TID.

George Sowards, a former County employee, who had moved to Florida, stopped in to tell the Commissioners how much he appreciated moving back to a “well-kept” Muskingum County.

RESOLUTION 22-0336 declare an Executive Session at 10:51 a.m. for the purpose of discussing Real Estate Matters of the Muskingum County Commissioners. This session ended about 12:00 Noon.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

The Commissioners adjourned for lunch to resume session at 1:30 p.m.

At 1:30 p.m. Pat Kelly, Architect for the new K-9 Adoption Center, came at the Commissioners' request to discuss the kennels walls being compromised by the dogs. Scott Lee, Facilities Superintendent was also present.

- Pat brought a sample of the kennel walls which he says is made for agricultural and commercial applications
- Commissioner Crooks asked Pat if in the future he's asked to cut costs, please tell us, what we are going to get
- Pat will look into costs for replacing with Mason Kennels; or concrete walls or covering the wall with aluminum or stainless
 - He will also check the warranty on what is currently there

Eric Reed, ARPA Compliance, also joined the conversation.

- Pat was asked if he had any interest in engineering the windows and HVAC system at Avondale
 - Pat will look at the building next week

Eric reported that he called Linn Engineering and learned that they are partnered with a company based in Marietta and Cleveland.

Eric reported on the OMEGA meeting that he attended.

- Broadband
 - State grant has more teeth than RDOF
 - Ability, now, to fine the companies that don't do something
 - Wireless is only a temporary fix, until fiber available
- Suspension of motor tax
 - It was suggested that the County support opposition by resolution
- Commissioner Crooks added that the OMEGA board approved for Buckeye Hills Regional Council to facilitate the formation of the ONE Ohio Region 12 Board with support from OMEGA

Eric asked about Debra Nye's request to move three adjusters into the Projects' Office.

- Eric talked with Debbie who said even though the adjusters will be working full-time they will not be in the office full-time
- Commissioner Cameron asked about the conference room in the Auditor's Office
 - Commissioner Cameron offered her office, the IT office and the office in the basement hallway

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- She's afraid we will see Don less and less if they move in
- Commissioner Porter said it's up to Don and Eric – but there are other alternatives- but she'll do what she wants anyway
 - Eric said he was told that Debra's preference is the Projects' Office because of the proximity to the Auditor's Office
- Commissioner Cameron thinks Don is afraid to hurt anyone's feelings
- Commissioner Crooks said if Don and Eric don't have a problem with it; it's silly to spend this much time on this
 - Commissioner Cameron said that seems to be the way with a lot of things in here

Regarding communication with Ed Fell and his email about Vista View, it is okay for Eric to respond that the County Engineer is willing to help, but would be next year before his schedule allows

Eric reported that the contract is ready for the waterline at the Fairgrounds. Mark Zanghi has signed off, as well as, Debra Nye. After Hazen signs, Eric will have the Commissioners sign. Commissioner Crooks signed the Notice of Award to Hazen. Completion date is 60 days from Notice to Proceed.

Eric talked with Jeremy Davis regarding CMAR for the Clean Face project.

- Jeremy sent a sample RFQ and advertisement
- Are the Commissioners ready to advertise
 - Waiting on Jeremy to complete RFQ documents

The following legislation was now considered:

RESOLUTION 22-0337 approve the payment of invoices incurred in 2021 with 2022 Funds payable to the following vendors for invoice(s) dated prior to encumbrances as requested by Stephanie Neuhart, Business Manager.

<u>Name of Vendor</u>	<u>Description</u>	<u>Amount</u>
Muskingum Valley E.S.C	Billing # 9097	\$65.00

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: crooks, aye; Porter, aye; Cameron, aye. Motion carried.

RESOLUTION 22-0338 approve the assessment of the Lodging Excise Tax for the months of May 2021, June 2021, July 2021, August 2021, October 2021, November 2021, and December 2021, against Travelodge by Wyndham Zanesville and/or Kautilya Zanesville Hotel LLC located at 4645 East Pike, Zanesville, Muskingum County,

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

RESOLUTION 22-0339 approve the payment of the County's contribution to EMA Fund 130 for 2022 in the amount of \$100,134.00 to be paid from 001-902-507024; Intergovernmental, Outside Agencies.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, present; Cameron, aye. Motion carried.

A call was placed to Jeff Jadwin about the above resolution. Commissioner Crooks had a different number than Jeff. It was decided that this is the correct number.

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RESOLUTION 22-0340 hereby approve the Supplemental Appropriation of Funds within Fund Number 053, for the Muskingum County Commissioners, as requested by Beth Iden, Deputy Clerk.

SUPPLEMENTAL APPROPRIATION OF FUNDS

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Flecto Construction	053-102-504001	\$90,041.69

Motion made by Commissioner Crooks, seconded by Commissioner Cameron.
Roll Call: Crooks, aye; Porter, present; Cameron, aye. Motion carried.

RESOLUTION 22-0341 WHEREAS, James W. McClelland and Aridean H. McClelland, husband and wife, granted a perpetual easement to the Board of County Commissioners of Muskingum County, Ohio, for the right to erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove a sewer main or mains and appurtenances, including the installing and maintaining of service connections and pipes, setting and maintaining all appurtenances and the making of all repairs to mains, services and appurtenances connected therewith that in the opinion of the Board of County Commissioners of Muskingum County, Ohio may be necessary at any time, also to disconnect any service or main, or to do any other thing that may be necessary or advisable in the judgment of the Board of County Commissioners of Muskingum County, Ohio, its successors or assigns, in order to maintain or operate said mains, connections, pipes and appurtenances in accordance with the Rules and Regulations for the management and protection of the sewer sub-district, Maysville III, Contract B, Line C-14; and

WHEREAS, said perpetual easement is 20 (twenty) feet in width and is more fully described as Line C-14 in the Right-of-Way Easement recorded at Volume 953, Page 287 of the Deed Records of Muskingum County, Ohio; and

WHEREAS, Richard H. McClelland, Trustee of the Richard H. McClelland Revocable Trust and Joyce Ann McClelland, Trustee of the Joyce Ann McClelland Revocable Trust, are the owners of record and the successor in title to the real property located at 104 Maysville Pike (Lot No. 682), Zanesville, Ohio, also known as Muskingum County Auditor Tax Parcel No. 63-06-04-09-000; said real property being more fully described in the instrument recorded at Volume 2704, Page 239 of the Official Records of Muskingum County, Ohio; and

WHEREAS, the real property located at 104 Maysville Pike (Lot No. 682), Zanesville, Ohio is subject to the perpetual easement described as Line C-14 in the Right-of-Way Easement recorded at Volume 953, Page 287 of the Deed Records of Muskingum County, Ohio; and

WHEREAS, Richard H. McClelland, Trustee of the Richard H. McClelland Revocable Trust and Joyce Ann McClelland, Trustee of the Joyce Ann McClelland Revocable Trust, desire to construct a building on the real property located at 104 Maysville Pike (Lot No. 682), Zanesville, Ohio that will encroach into the perpetual easement described as Line C-14 in the Right-of-Way Easement recorded at Volume 953, Page 287 of the Deed Records of Muskingum County, Ohio; and

THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, Muskingum County, Ohio that Richard H. McClelland, Trustee of the Richard H. McClelland Revocable Trust and Joyce Ann McClelland, Trustee of the Joyce Ann McClelland Revocable Trust, shall be permitted to construct a building, subject to any applicable building code and/or zoning requirements, on the real property located at 104 Maysville Pike (Lot No. 682), Zanesville, Ohio, which encroaches into the perpetual easement described as Line C-14 in the Right-of-Way Easement recorded at Volume 953, Page 287 of the Deed Records of Muskingum County, Ohio; and

BE IT FURTHER RESOLVED that the Board of County Commissioners, Muskingum County, Ohio, its successors and assigns, shall be remain responsible for the maintenance and repair and/or replacement of any and all sewer mains, services and appurtenances located within the perpetual easement described as Line C-14 in the Right-of-Way Easement recorded at Volume 953, Page 287 of the Deed Records of Muskingum County, Ohio; and

BE IT FURTHER RESOLVED that to the extent allowed by law, and except to the extent arising out of the negligent acts or omissions, intentional misconduct, or illegal acts of the Board of County Commissioners, Muskingum County, Ohio, its officers, employees, agents, contracted servants, and its successor and assigns, Richard H. McClelland, Trustee of the Richard H. McClelland Revocable Trust and Joyce Ann McClelland, Trustee of the Joyce Ann McClelland Revocable Trust, their successors and assigns, shall indemnify and hold harmless the Board of County Commissioners, Muskingum County, Ohio, its officers, employees, agents, contracted servants, and its successors and assigns, from any and all damages to the premises and real property located at 104 Maysville Pike (Lot No. 682), Zanesville, Ohio, resulting from the right to erect, construct, install and lay, and thereafter use,

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operate, inspect, repair, maintain, replace, and remove a sewer main or mains and appurtenances, including the installing and maintaining of service connections and pipes, setting and maintaining all appurtenances and the making of all repairs to mains, services and appurtenances connected therewith that in the opinion of the Board of County Commissioners of Muskingum County, Ohio may be necessary at any time, also to disconnect any service or main, or to do any other thing that may be necessary or advisable in the judgment of the Board of County Commissioners of Muskingum County, Ohio, its successors or assigns, in order to maintain or operate said mains, connections, pipes and appurtenances in accordance with the Rules and Regulations for the management and protection of the sewer sub-district, Maysville III, Contract B, Line C-14; and

BE IT FURTHER RESOLVED that the Board of County Commissioners, Muskingum County, Ohio, its officers, employees, agents, contracted servants, and its successors and assigns shall not be responsible for any loss of revenue and or other costs incurred by Richard H. McClelland, Trustee of the Richard H. McClelland Revocable Trust and Joyce Ann McClelland, Trustee of the Joyce Ann McClelland Revocable Trust, their successors and assigns, which may occur from the maintenance and repair and/or replacement of any and all sewer mains, services and appurtenances located within the perpetual easement described as Line C-14 in the Right-of-Way Easement recorded at Volume 953, Page 287 of the Deed Records of Muskingum County, Ohio; and

BE IT FURTHER RESOLVED that Richard H. McClelland, Trustee of the Richard H. McClelland Revocable Trust and Joyce Ann McClelland, Trustee of the Joyce Ann McClelland Revocable Trust, their successors and assigns shall be solely responsible for the cost of any and all water and sewer usage charges and fees incurred for services furnished and/or rendered by Muskingum County to the premises located at 104 Maysville Pike (Lot No. 682), Zanesville, Ohio; and

BE IT FURTHER RESOLVED that the Clerk of this Board of County Commissioners, Muskingum County, Ohio shall cause a copy of this Resolution to be recorded in the Official Records of Muskingum County, Ohio, upon obtaining the signatures of the parties.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye.

Motion carried.

RESOLUTION 22-0342 accept the specification and authorize the advertisement of proposals for furnishing and delivery of asphalt emulsion to be utilized by the Muskingum County Engineer for various applications, including coldmix production and ship-seal operations. Advertisement in the Zanesville Times Recorder will be April 04, 2022 and also on the County website through April 18. Bids will be opened Monday, April 18; 11:00 a.m.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye.

Motion carried.

RESOLUTION 22-0343 accept the specification and authorize the advertisement of proposals for furnishing culvert pipe to be utilized by the highway crews for various storm water projects throughout the County. Advertisement in the Zanesville Times Recorder will be April 04, 2022 and also on the County website through April 18. Bids will be opened Monday, April 18; 11:15 a.m.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye.

Motion carried.

RESOLUTION 22-0344 accept and approve Tax Incentive Review Council Recommendations for 2022.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye.

Motion carried.

RESOLUTION 22-0345 sign SIB Loan 230001/PID #101730 documents for the Gaysport Bridge Replacement as requested by Mark Eicher, County Engineer.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye.

Motion carried.

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The following was now considered:

RESOLUTION 22-0346 declare an Executive Session at 3:06 p.m. for the purpose of discussing Personnel Matters pertaining Muskingum County Job and Family Services. This session ended about 3:35 p.m.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

RESOLUTION 22-0347 authorize and approve a wage adjustment for Peggy Taylor, Office Manager, Muskingum County Water Department. Increase of \$1.33 per hour to be retroactive to January 02, 2022.

Motion made by Commissioner Crooks, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, nay; Cameron, aye. Motion carried.

The Commissioners began reviewing the minutes of March 21, 2022.

Commissioner Porter asked that it be noted in today's minutes, again, that he does not appreciate tax payer monies providing transportation for Jeff Jadwin, other than to work.

Commissioner Crooks asked for a change to be made to the minutes and Commissioner Porter asked her if that's what she said and she said that's what she wants. Commissioner Porter said the minutes are not what you want, it's what you said. She's done minutes for 40 years and knows what can be put in minutes.

Commissioner Crooks made a motion to approve the March 21, 2022 minutes with changes. No second. Commissioner Porter asked the difference if we purchase a program to transcribe the minutes and going in to change it to what you want it to say.

Commissioner Crooks said that's a transcript and minutes are not a transcript. Unless you want it in quotes, it does not have to be verbatim. Commissioner Porter told her that she has an issue here, because she's not getting what she wants. Commissioner Cameron said she was not here for that meeting.

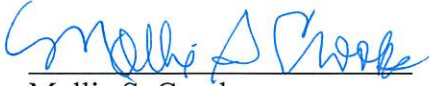
The Clerk changed back to the original wording presented and Commissioner Porter seconded. Vote was: Crooks, aye; Porter, aye; Cameron, abstain.

Commissioner Cameron wasn't in session on March 21.

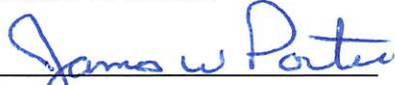
- She's not sure what the remark about the "Good Ole Boys Club" meant
- Mayor Mason called her on Thursday, while she was on a plane and then called her on Sunday. As soon as he hung up she sent an email to Commissioners Porter and Crooks telling them what he asked
- She thinks that remark totally questions her integrity
 - The Mayor called her and she doesn't think she did anything wrong; she told the Mayor that she had been the least involved in any conversation about the Lorena. She was not doing anything the "back-door" way; He called, she answered and she told both other Commissioners what he said and asked

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With no further business being before the Board, the meeting was adjourned at approximately 4:13 p.m. on the motion of Commissioner Cameron and the second of Commissioner Porter.



Mollie S. Crooks



James W. Porter



Cindy S. Cameron

This is a condensed version of today's session. For a more detailed account, feel free to request a DVD recording.