

# Minutes for June 29, 2023

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

**RES 23-0689** Meeting was called to order at 10:00 a.m. on the motion of Commissioner Cameron and the second of Commissioner Bell.  
Vote was Cameron, aye; Bell, aye, Crooks, aye. Motion carried.

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

The following legislation was now considered:

**RESOLUTION 23-0690** rescind Resolution 23-0683 dated 06.26.2023 for the Muskingum County Court. Auditor/Bookkeeping was able to do an expense adjustment for payroll, so this resolution is no longer needed to move appropriations.  
Motion made by Commissioner Crooks, seconded by Commissioner Bell.  
Roll call: Cameron, aye; Bell, aye; Crooks, aye. Motion carried.

**RESOLUTION 23-0691** sign on behalf of the Board of Muskingum County Commissioners the Annual Aggregator Registration Application for Aggregator Services in Ohio Poser Company d/b/a AEP Ohio as presented by Bob Snavelly, Palmer Energy. (see attached)  
Motion made by Commissioner Bell, seconded by Commissioner Crooks.  
Roll call: Cameron, aye; Bell, aye; Crooks, aye. Motion carried.

**RESOLUTION 23-0692** adopted a resolution determining to submit to the electors of Muskingum County, Ohio, the question of levying an additional tax in excess of the ten-mill limitation, as described below, a copy of which resolution was certified to the County Auditor of Muskingum County; and  
WHEREAS, the County Auditor has certified to this Board that the total current tax valuation of Muskingum County, Ohio is \$2,393,387,660 and the dollar amount of revenue that will be produced annually by the millage stated below would be \$1,197,000.

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF COUNTY COMMISSIONERS, MUSKINGUM COUNTY, OHIO, that:

Section 1. This board determines and declares that the revenue which will be raised by all tax levies which the county is authorized to impose will be insufficient to provide an adequate amount for the necessary requirements of Muskingum County, Ohio, and that it is therefore necessary to levy an additional tax in excess of the ten-mill limitation for the purpose of providing and maintaining senior citizens services or facilities for the benefit of the Muskingum County Center for Seniors.

Section 2. Said levy is an additional 0.50 mill levy, which amounts to \$0.0005 for each dollar of valuation, for five years.

Section 3. The question of approving the levy shall be submitted to the electors of Muskingum County, Ohio at the election to be held on November 7, 2023, and that said levy be placed on the tax lists commencing in 2023, first due in calendar year 2024, in compliance with the provisions of Section 5705.34, if a majority of the electors voting thereon vote in favor thereof.

Section 4. The Clerk of this Board of County Commissioners, Muskingum County, Ohio is hereby directed to certify a copy of this Resolution to the Board of Elections, Muskingum County, Ohio, not less than ninety days before the election, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

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Section 5. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Commissioner Bell seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Roll call: Cameron, aye; Bell, aye; Crooks, aye.

Motion carried.

**RESOLUTION 23-0693** approve the Supplemental Appropriation of Funds within Fund Number 033, for the Muskingum County Juvenile, as requested by Rachael Dille, Finance Manager of Juvenile.

**SUPPLEMENTAL APPROPRIATION OF FUNDS**

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Foundation Funds	033-244-504037	\$10,000.00

These funds were awarded to the Court from the Straker Foundation in 2022 and are being spent in 2023.

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

Roll call: Cameron, aye; Bell, aye; Crooks, aye.

Motion carried.

**RESOLUTION 23-0694** authorize Cindy S. Cameron to sign on behalf of the Board of Muskingum County Commissioners the Letter of Intent with (ODNR) Ohio Department of Natural Resources for the North River Road-Memory Road Water Project. This project will connect the ODNR facility on Memory Road to the existing waterline on North River Road at minimal cost to the county. Muskingum County will own, operate, and maintain the waterline once it is completed and passes testing, the county will charge ODNR normal and customary water rates

Motion made by Commissioner Crooks, seconded by Commissioner Bell.

Roll call: Cameron, aye, Bell, aye; Crooks, aye.

Motion carried.

**RESOLUTION 23-0695** adopted Lodging Tax Regulations [Regulations] for the imposition and collection of a Lodging Tax as authorized by former Ohio Revised Code §5739.024 (renumbered as Ohio Revised Code §5739.09); and

WHEREAS, pursuant to the Regulations, all hotels operating within Muskingum County are required to collect a 3% (three-percent) lodging tax on all transient guests; and

WHEREAS, pursuant to the Regulations, all hotels operating within Muskingum County are required to file with the Commissioners a Monthly Lodging Excise Tax Return by the 20<sup>th</sup> (twentieth) day of the month for the preceding month and remit the 3% lodging tax to the Commissioners; and

WHEREAS, Kautilya Zanesville Hotel LLC d/b/a Travelodge by Wyndham Zanesville operates a hotel located at 4645 East Pike, Zanesville, Perry Township, Muskingum County, Ohio; and

WHEREAS, Kautilya Zanesville Hotel LLC d/b/a Travelodge by Wyndham Zanesville has failed to file a Monthly Lodging Excise Tax Return with the Commissioners for the months of August 2022 through and including May 2023; and

WHEREAS, the Commissioners, pursuant to the Regulations, imposed the assessment of the Lodging Excise Tax for the months of August 2022 through and including March 2023 against Kautilya Zanesville Hotel LLC a/k/a Travelodge by Wyndham Zanesville on or about May 4, 2023 (see attached Notice of Assessment of Lodging Excise Tax); and

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WHEREAS, Kautilya Zanesville Hotel LLC d/b/a Travelodge by Wyndham was served with the Notice of Assessment of Lodging Excise Tax by certified U.S. Mail on or about May 17, 2023; and

WHEREAS, Kautilya Zanesville Hotel LLC d/b/a Travelodge by Wyndham has failed to timely object to an assessment of the lodging excise tax within 30 (thirty) days of the imposition of the assessment, as required by the Regulations, by the filing of a petition with the Commissioners objecting to the Assessment of Lodging Excise Tax.

NOW, THEREFORE, the Board of County Commissioners, Muskingum County, Ohio hereby authorizes the Muskingum County Prosecuting Attorney to commence all legal proceedings authorized by Ohio law against Kautilya Zanesville Hotel LLC d/b/a Travelodge by Wyndham for the collection of the Lodging Excise Tax.

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

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

**RESOLUTION 23-0696** approve the fund-to-fund transfer of monies for the Muskingum County Commissioners as requested by Beth Iden, Deputy Clerk, as follows:

**FUND TRANSFER OF MONIES**

<u>From Fund</u>	<u>To Fund</u>	<u>Amount</u>
001-999-510002-Transfer Out	196-000-414002-Transfer In	\$5,000.00

Motion made by Commissioner Crooks, seconded by Commissioner Bell.

Roll call: Cameron, aye; Bell, aye; Crooks, aye. Motion carried.

**RESOLUTION 23-0697** approve the transfer of monies from the General Fund (001) to the Community Project Fund-Avondale (151) to cover the Avondale HVAC Project costs.

**FUND TRANSFER OF MONIES**

<u>From Fund</u>	<u>To Fund</u>	<u>Amount</u>
001-999-510002	151-000-414002	\$31,000.00

Motion made by Commissioner Crooks, seconded by Commissioner Bell.

Roll call: Cameron, aye; Bell, aye; Crooks, aye. Motion carried.

**RESOLUTION 23-0698** approve the Supplemental Appropriation of Funds within fund number 151, for the Muskingum County Commissioners, as requested by Eric Reed, ARPA Compliance Officer.

**Supplemental Appropriations:**

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-102-504013	Engineering Services (HVAC)	\$31,000.00

Motion made by Commissioner Crooks, seconded by Commissioner Bell.

Roll call: Cameron, aye; Bell, aye; Crooks, aye. Motion carried.

**RESOLUTION 23-0699** hereby appoint Abby Corder to the Mental Health & Recovery Board with a term to commence July 01, 2023 and end on July 30, 2027.

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

Roll call: Cameron, aye; Bell, aye; Crooks, aye. Motion carried.

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**RESOLUTION 23-0700** approve the line-item transfer of monies within Fund Number 001 as requested by Ron Welch, Prosecuting Attorney, as follows:

**LINE ITEM TRANSFER OF MONIES**

<u>From Line Item</u>	<u>To Line Item</u>	<u>Amount</u>
001-105-504036-Special Legal Couns	001-105-506001-Equip & Maint	\$5,000.00

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

Roll call: Cameron, aye; Bell, aye; Crooks, aye.

Motion carried.

**RESOLUTION 23-0701** authorize Cindy S. Cameron to sign on behalf of the Board of Muskingum County Commissioners the Loan Agreement and Associated Documents for the for the Virginia Ridge, Irish Ridge, Duncan Run, Butterbean Ridge and Old River Road Project. (see attached)

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

Roll call: Cameron, aye, Bell, aye; Crooks, aye.

Motion carried.

- Eric Reed, Compliance Officer, came to update the Commissioners
  - Cleanface
    - Eric has received an invoice from APG for \$12,350. This will complete 88% of their contract
  - Avondale
    - There was much discussion regarding Avondale window and HVAC projects
      - There will be meeting with Pat Kelly, Gary King, Eric Reed and the Commissioners next Thursday, July 6; 11:00 a.m.
      - Pat Kelly has recommended a 60 day extension for the window replacement project
        - All agreed that it was not fair to hold the contractor (G &M Construction) to the deadline for completion, when it was not their issue that the project has run past contract completion date
        - The following was then considered:

**RESOLUTION 23-0702** approve a sixty (60) calendar day extension of the Avondale Youth Center Window Replacement project. The time of commencement and substantial completion date will be August 27, 2023.

Motion made by Commissioner Crooks, seconded by Commissioner Bell.

Roll call: Cameron, aye; Bell, aye; Crooks, aye.

Motion carried.

There was continued discussion regarding the Avondale projects.

There was discussion regarding DLZ's proposal for jail architect. Also discussed, was the Preferred Delivery Model for the jail project. Laura from Bricker Graydon will be preparing a draft agreement with APG. After much discussion, the following was considered:

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**RESOLUTION 23-0703** agree on the Construction Manager at Risk (CMR) delivery model per Ohio law including but not limited to Ohio Revised Code Sections 9.33, et seq. and Ohio Administrative Code 153:1-6-01, for the procurement process and construction on the New Muskingum County Jail Project.

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

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

Motion carried.

There was continued discussion regarding Laura Bowman's questions (Bricker Graydon) for this afternoon's virtual meeting.

Don Madden, Project Manager; Zach Forker, Projects Assistant and Eric Reed, Compliance Officer, met with the Commissioners for updates.

- Norfield/Arch Hill Project going really well
  - Copper sitters for the project will not be here until October
- Virginia Ridge/Irish Ridge
  - Zemba ready to start July 20 to middle of August
- Licking View
  - Started on easements; residents seem to be accepting
- Not yet heard about Department of Development grants
- ODNR
  - Wanting to run water from SR666 to State Nursery
    - Minimal cost to the County
- The Commissioners approved Don (Water Department) to move ahead with several "in-house" projects

The following was then considered:

**RESOLUTION 23-0704** declare an Executive Session at 11:54 a.m. for the purpose of discussing a Real Estate Matter of the Muskingum County Projects Department. This session ended about 1:00 p.m.

Motion made by Commissioner Crooks, seconded by Commissioner Cameron.

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

Motion carried.

The Commissioners discussed parking and security at the Hixson Building, specifically Domestic Court, with Scott Lee, Facilities Superintendent.

Judge Kalis and Wendy Roush from Domestic Court came to talk with the Commissioners regarding parking issues for their employees.

- Judge Kalis would like to recommend new and bigger signage for the area
  - She has emailed Mark Zanghi, Assistant Prosecutor, asking him about the wording for the signage
- Judge Kalis also had questions about the ability to access all areas of the Hixson Building
  - The Commissioners will discuss with Scott Lee and Robert Moore, IT Director

After additional discussion the following was considered:

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**RESOLUTION 23-0705** Whereas Section 6103.02(A) of the Revised Code of Ohio states “for the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county”; and

Whereas the Board of County Commissioners, Muskingum County, Ohio has determined it is necessary to expand the capacity of the county water system to provide water to the county for its present and future requirements; and

Whereas the Board of County Commissioners, Muskingum County, Ohio has identified a potential site for the construction of a well field and water treatment facility to provide additional capacity for the county water system.

Now, therefore, be it resolved by the Board of County Commissioners, Muskingum County, Ohio that the board enter into an Option Agreement to Purchase Real Estate for the purpose of the acquisition, construction, maintenance, and operation of a public water supply facility.

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

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

Motion carried.

**RESOLUTION 23-0706** declare an Executive Session at 2:04 p.m. for the purpose of discussing a Real Estate Matter of the Muskingum County Commissioners. This session ended about 2:34 p.m.

Motion made by Commissioner Bell, seconded by Commissioner Crooks.

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

Motion carried.

Kyle Dunn, Community Development, came in to let the Commissioners know that one of his CDBG grants is going to be audited, which is standard.

Commissioner Bell reported that she will not be able to attend the next Records Commission meeting, so she will have to appoint someone to attend in her place.

The Commissioners met virtually with Laura Bowman of Bricker Graydon to discuss further details of hiring the Architect and Owner’s Representative. Mark Zanghi, Assistant Prosecutor and Eric Reed, Compliance Officer, were also in attendance.

Commissioner Bell gave an update on the Lorena.

- Income to date: \$20,935.25
- **Total Expenses to date: \$47,903.87** (Includes salaries to date of: \$26,092.25)
- **Total deficit to date: \$26,968.62**

Commissioner Cameron discussed the Convention Facilities Meeting.

- The Convention Facility is moving forward with eminent domain with property for the Gateway Project
- Likely, City will not approve a billboard on Fifth Street

Wendy Sowers, Clerk of Courts, reported that one of the Judges made the decision not to allow purses in the Courtrooms.

- She will be following up to see if it would be possible to notify jurors on the mailed cards, so they will know that before they arrive at the Courthouse

The Commissioners adjourned at 4:25 p.m. on the motion of Commissioner Cameron and the second of Commissioner Bell.

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The Commissioners reconvened when Pam Davis, Human Resources, came in to discuss County Administrator survey results.

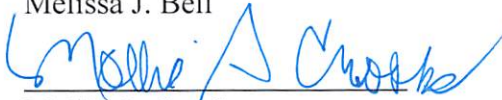
Eric Reed, Compliance Officer, came to continue discussion about Avondale projects.

- It was agreed that the current “over-all” condition of the building needs to be considered when considering these projects.

With no further business being before the Board, the meeting was adjourned at approximately 4:52 p.m. on the motion of Commissioner Cameron and the second of Commissioner Crooks.

  
Cindy S. Cameron

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Melissa J. Bell

  
Mollie S. Crooks

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