

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON MAY 19, 2016 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RICK G. WALTERS, PRESIDENT, RONALD L. FEATHERS, VICE PRESIDENT, AND DAVID A. WHITE, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. WALTERS LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Muskingum Township Trustee Gary Doan, Karen Doan, Glen Pawloski, Building Official Chris Wilson, Brittany Landers from *The Marietta Times*, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., May 19, 2016**

9:00 Business Meeting
9:30 Jeff Lauer, EMA Director – EMA Update
10:00 Jamie Vuksic, Alice Stewart, Sherri Tucker – Children Services Budget Status
11:00 Richard Wittberg, Health Department – Communication with Ohio EPA

UNFINISHED BUSINESS

Annual WIOA Subgrant Agreement and Data Share Agreement
Proposal for Architectural/Engineering Services, Jail Security Screens Project
Consideration of Sewer Rate Change
Additional Appropriation - Sheriff
Request to Dispose of Bus by Transfer to WASCO
Resolution – Vacation Wesley Township Road 303

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Resolution – Repair of Landslips on Washington County Public Roadways 79 and 60
Additional Appropriation – Family & Children First
Additional Appropriation – Sheriff (2)
Transfer – Building Department
Transfer – Sheriff
Transfer – Auditor
Transfer - Commissioners
Then & Now's
Travel – Human Resources
Travel – Child Support Enforcement Agency
Travel – Family & Children First
Travel – Clerk of Courts
Travel - JFS
Request to State Auditor to Extend Filing Deadline
Invitation to Bid for Non-emergency Transportation Services, JFS
Request to Hire Part-time Plans Examiner, Building Department
Engineer – Notice of Commencement, Westview Salt Storage Building
Engineer – Specifications and Solicitation for Quotes, Emergency Landslip Repair (2)

INFORMATION

Council of Governments, 12:00 p.m., **Monday**, May 23, at JFS
AEP/Wash. Electric Cooperative Open House, 5:30 p.m., **Tuesday**, May 24, at Lowell Elementary
Township Trustees Association Meeting, 7:00 p.m., **Thursday**, May 26, at County Engineer's
Courthouse Closed, Memorial Day, **Monday**, May 30
County Home Ice Cream Social, 6:00 p.m., **Thursday**, June 2

RE: AGENDA

Mr. Feathers moved and Mr. White seconded a motion to accept the agenda, with the following adjustments:

Add: Drawdown of CDBG Funds
Delete: Resolution – Repair of Landslips
Specifications and Solicitation for Quotes for Emergency Landslip Repair (2)

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: APPROVAL OF MINUTES

Mr. White moved and Mr. Feathers seconded a motion to dispense with the reading and approve the minutes of the May 12, 2016 meeting.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: BILLS FOR PAYMENT

Mr. Feathers moved and Mr. White seconded a motion to approve the list of bills from various departments for payment, as prepared by the County Auditor.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: ADDITIONAL APPROPRIATIONS

Mr. Feathers moved and Mr. White seconded a motion to approve the following requests for Additional Appropriations:

Family & Children First	602-2030-52000	\$ 2,500.00
	602-2030-53403	\$ 500.00
Sheriff	100-0384-54406	\$ 10,000.00
	100-0384-54407	\$ 50,000.00

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: TRANSFERS

Mr. White moved and Mr. Feathers seconded a motion to approve the following requests for Transfer of funds:

<u>Department</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
County General	100-0170-53000	100-0170-53403	\$ 900.00
Sheriff	100-0384-57100	210-0396-49100	\$ 1,147.50
County General	100-0120-51120	100-0120-54400	\$ 100.72
	100-0102-57401	100-0120-54400	\$ 312.36
County General	100-0101-51104	100-0100-51104	\$ 13,400.00

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: THEN & NOW'S

Mr. White moved and Mr. Feathers seconded a motion to approve the following Then & Now's:

<u>Dept</u>	<u>Account</u>	<u>Vendor</u>	<u>Amount</u>
Maintenance	100-0109-54000	K-Mart	\$ 142.96
County Home	200-0630-53000	Marietta Memorial	\$ 184.63
Commissioners	100-0109-53100	AEP	\$ 2,525.21
Maintenance	100-0109-54000	American Flags & Poles	\$ 204.00
Maintenance	100-0109-53000	Winan's Service	\$ 720.00

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: TRAVEL REQUESTS

Mr. Feathers moved and Mr. White seconded a motion to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures and in compliance with the Annual Appropriations for Fiscal Year 2016 and any and all amendments subsequent thereto:

Human Resources

Darla Miller: One-day trip to Columbus to attend Workers' Compensation Group Retro meeting; May 18, 2016 (retroactive).

CSEA

Kim Hinkle: Three-day trip to Columbus to attend SERB Academy; May 18-20, 2016 (retroactive).

Kim Hinkle, Barb Danford, Denise Hinton: One-day trip to Columbus to attend Ohio Fatherhood Summit 2016; May 25, 2016.

Kim Hinkle, Barb Danford, Denise Hinton: Two-day trip to Dublin to attend OCDA Partners' Summit; July 14-15, 2016.

Family & Children First

Elaine Corbitt: One-day trip to Columbus to attend CLAS training; June 8, 2016.

Clerk of Courts

Brenda Wolfe: Three-day trip to Blue Ash to attend Ohio Clerk of Courts Association Summer

Conference; June 14-16, 2016.

JFS

Candy Nelson, Terri Long, Laura Tornes: Three-day trip to Zanesville to attend CCMEP training; July 12-14, 2016.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: REQUEST TO STATE AUDITOR TO EXTEND FILING DEADLINE

Mr. White moved and Mr. Feathers seconded a motion to approve County Auditor Bill McFarland's request to the State Auditor for a two-month extension for filing of the December 31, 2015 General Purpose External Financial Statements, due to delay in receipt of financial documents from the Southeastern Ohio Port Authority, and to allow Mr. Walters to sign the request letter.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: DRAWDOWN OF CDBG FUNDS

Mr. White moved and Mr. Feathers seconded a motion to approve the following request for drawdown of Community Development Block Grant (CDBG) funds, as prepared by Michelle Hyer, Buckeye Hills-Hocking Valley Regional Development District, and to allow Mr. Walters and Mr. Feathers to sign the request:

B-F-15-1CY-1 \$ 49,600.00

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: INVITATION TO BID FOR NON-EMERGENCY TRANSPORTATION SERVICES, JFS

Mr. Feathers moved and Mr. White seconded a motion to approve the invitation to bid for non-emergency transportation services at Washington County Department of Job and Family Services during the period July 1, 2016 through June 30, 2017, with a bid due date of June 9, 2016.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: REQUEST TO HIRE PART-TIME PLANS EXAMINER IN THE BUILDING DEPARTMENT

Mr. White moved and Mr. Feathers seconded a motion to approve Building Official Chris Wilson's request to hire a part-time Plans Examiner, to start on or about June 6, 2016, at the hourly rate of \$28.00.

Mr. Wilson said this new position is requested because:

- Potential new projects will require an additional Plans Examiner.
- The current Plans Examiner intends to retire.
- Adequate training will be necessary prior to retirement of Plans Examiner.
- A back-up Plans Examiner is needed in case service of current Plans Examiner is not available.

Mr. Wilson said his desire is to hire someone licensed in Ohio, who is both local and accessible.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: NOTICE OF COMMENCEMENT, SALT STORAGE BUILDING

Mr. White moved and Mr. Feathers seconded a motion to approve a Notice of Commencement for the Westview Salt Storage Building, contract Miller Builders, LLC, as prepared and requested by County Engineer Roger Wright, and to allow Mr. Walters to sign the Notice.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: CONSIDERATION OF SEWER RATE CHANGE

Mr. White moved and Mr. Feathers seconded a motion to return from Unfinished Business consideration of a change to the monthly sewer service rate.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

Mr. Feathers moved and Mr. White seconded a motion to set the monthly sewer service rate, beginning July 1, 2016, at \$64.00 per billable unit.

Commissioner Feathers said the Commissioners reviewed appropriate financial information, including debt principal and interest and recent increases from both the City of Marietta and City of Belpre. He said this \$2.00 per month increase is approximately 3.2%, which is less than originally considered necessary to fund the sewer program of the County and less than the statewide average increase in sewer rates. He reminded those attending that there was no increase in sewer rates in 2015.

Commissioner White said he is pleased this \$2.00 increase is actually less than 3.00 % when taking into account it is the first change in two years.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

RE: RESOLUTION TO VACATE WESLEY TOWNSHIP ROAD 303 (BRILL ROAD)

Mr. Feathers moved and Mr. White seconded a motion to return from Unfinished Business consideration of a Resolution to vacate Wesley Township Road 303.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

Mr. White moved and Mr. Feathers seconded a motion to adopt a Resolution to vacate a portion of Wesley Township Road 303 (Brill Road) and to declare the remaining portion of Wesley Township Road 303 as “non-maintained”, described as follows:

The following is the general route and termini of said road:

Beginning at ⁴

Situated in the State of Ohio, County of Washington, Township of Wesley, Section 4, Town 7, Range 12 and being more fully described as follows:

Commencing for reference at the intersection of Washington County Road No. 99 and Wesley Township Road No. 303 (formerly Township Road No. 193), in Section 4, Town 4, Range, 7;

Thence in a Northerly direction through the lands of Arthur J. Hearn, Barbara Brill and Michael Earl Brill an approximate distance of 0.242 miles or approximately 1,280 feet to a point at the northeast corner of an 80.84-acre tract owned by Arthur J. Hearn, as recorded in Official Record 456, Page 2316 of Washington County Records. This approximate 0.242 mile portion of Township Road No. 303 shall be re-classified as “Non-maintained” in the Ohio Department of Transportation Road Inventory System.

Thence from the north point of the Hearn property and said “non-maintained” section of Township Road No. 303, vacating Township Road 303 from said point and continuing in a Northerly direction 0.281 miles or 1481 feet, to a point in the Northeast quarter of Section 4, said point being in the lands of Barbara and Michael Earl Brill as recorded in Official Record 385, Page 1135 of Washington County Records.

Said sum of distances of 0.242 miles and 0.281 mile equaling of 0.523 miles, being the entire public road mileage on file with the Ohio Department of Transportation Road Inventory System.

Thence continuing in a Northerly direction along abandoned Township Road 193, a distance of approximately 0.3 miles, said right of way having been abandoned for a period well over twenty-one years, to a point in which old Township Road 193 meets current Township Road 296. Township Road 296 having a public road mileage on file of 0.108 miles, South of State Route 550.

It is the purpose of this description to reclassify the Southern 0.242 miles of Wesley Township Road No. 303 as “Non-maintained” and furthermore to vacate all the remaining portions of Wesley Township Road No. 303 (formerly Township Road 193), North of the re-classified “Non-maintained” road, total length of vacation 0.281 miles. Additionally vacating any remaining portions of old abandoned Township Road 193 to Township Road 296, total length of approximately 0.3 miles. Total length of vacation being 0.581 miles.

This description was prepared by the Washington County Engineers Office.

1. *“Locating”, “establishing”, “altering”, “widening”, “straightening”, “vacating”, or “changing the direction of”.*
2. *Insert “a part of”, if so.*
3. *If the proposed improvement is on the State Highway System the approval of the Director of Highways shall be had before proceeding further. See Sec. 553.02 R.C.*
4. *Here set forth the general route and termini of the road, or part thereof, to be located, established, or vacated, or the general manner in which such road is to be altered, widened, straightened, or the direction thereof changed.*

This description was prepared by the Washington County Engineer’s Office.

The Clerk noted a request was received to vacate Brill Road, and the Commissioners held a public viewing and a public hearing to consider the request. The Resolution was tabled by the Commissioner on May 12 because there was objection to vacating the entire length of Brill Road, and the County Engineer hadn’t had time to prepare revision to the legal description in the document. The Commissioners, he said, are in agreement the request to revise the length of road vacation is reasonable.

A calling of the roll resulted in the following vote: Rick Walters aye, Ronald Feathers aye, David White aye. Motion passed.

The Clerk was directed to inform the Wesley Township Trustees, the petitioner, the 911 Coordinator, the County Engineer, and the Tax Map Office of this action.

RE: COMMENTS FROM VISITORS

Glen Pawloski reminded the Commissioners both former Prosecutor Jim Schneider and current Assistant Prosecutor Nicole Coil indicated Ohio EPA drywell regulations are prospective, not retrospective. He said he appreciates that Commissioner Feathers has been a staunch supporter of personal property rights, especially those rights that allow homeowners to forbid further testing and sampling of their septic systems. He asked the Commissioners to provide public notice of this right to refuse to submit to drywell inspection and/or sampling.

Commissioner White said he isn't inclined to render legal advice to property owners in Devola, as such advice might put them at risk.

Commissioner Feathers said the Board of Health has the right to require inspection and sampling, so the Commissioners have to be careful what message they send so as to not contradict the Board of Health.

Mr. Pawloski said the new water plant in Devola has significantly lowered the level of nitrates in finished drinking water, and yet there continues to be interest in testing and sampling. He said the only remaining issue must non-health related. He noted Muskingum River's pre-existing 3 ppm typical nitrate concentration and the 0.5 ppb increase the Ohio EPA previously determined comes from unsewered Devola's impact on the river per WRSLA, 01-1-13, page 15. Mr. Pawloski said it is completely "out-of-line" to require additional testing and sampling in Devola. He said he believes it to be an economic life-changing event to burden Devola homeowners with an approximate \$24,200 cost to be sewered, on top of a monthly sewer fee. He noted local legal authorities determined new drywell regulations cannot be forced upon owners of existing operable drywell systems, and he again asked the Commissioners to inform Devola property owners they have the right to refuse to allow further testing and sampling on their properties.

RE: EMA UPDATE

EMA Director Jeff Lauer updated the Commissioners on EMA (Emergency Management Agency) projects and initiatives:

- Hazard Mitigation Plan: On schedule for completion in accordance with contract.
- Reimbursement: Received \$16,236.25 for one quarter reimbursement, and submitting for another.
- On-site Monitoring: Ohio EMA will conduct on-site monitoring in near future.
- Departmental Statistics: Totals from all departments have been compiled, including numbers of personnel (firefighters, EMT's, first responders, etc.) and events (fire runs, squad runs, haz-mat runs).
- Directory: New directory of fire and EMS for Washington County has been distributed.
- Training: CAMEO (Computer-assisted Management of Emergency Operations) training is scheduled for August 23-25, 2016.
- Air Truck: Needs new carbon monoxide monitor.

The Commissioners authorized Mr. Lauer to proceed with his search for funds to replace the carbon monoxide monitor on the air truck for an estimated cost of \$5,320.

RE: CHILDREN SERVICES UPDATE

Jamie Vuksic, Alice Stewart and Sherri Tucker from Children Services updated the Commissioners on Children Services financial condition and initiatives:

- Discretionary Merit Pay: The Commissioners clarified use of the Discretionary Merit budget line item, and suggested using 2% cost of living adjustment and 1% discretionary merit.
- Departmental Cost Report: Ms. Tucker thoroughly reviewed the Report for May 18, 2016, indicating a cash balance of \$557,206.45 and current monthly revenues exceeding expenses by \$20,986.99. She noted year-to-date revenues are at 54% of budget, and expenses are at 43% of budget.
- Placements: Mr. Vuksic said he continues to be overwhelmed by the increasing costs for placements of children, and his search for acceptable placement facilities is ongoing.
- New Position: Mr. Vuksic requested permission to proceed with hiring of a Visitation Transportation Services Coordinator, with an annual salary of \$26,000 and a total cost of \$36,508.

Mr. Vuksic said that by filling the new position of Transportation Services Coordinator, other agency expenses may be lowered. He noted his staff actually identified this as a high priority need. Commissioner Feathers said the Commissioners can't "create" funds for the position, and Children Services has no funds available for it. He noted major facility issues at the County Jail are not only requiring use of limited resources, but also forcing delay of other requests and needs. Ms. Stewart said filling this position will allow caseworkers to stay more on task, eliminating excessive time for travel and visitation. It was determined up to \$13,000 of the position cost might be reimbursable.

Mr. Vuksic said operating levies and assistance from Job and Family Services might help other counties make ends meet each year. Mr. Feathers said Washington County is one of only a few in Ohio that automatically distribute portions of its Permissive Sales Tax revenues to townships and the County Engineer.

Commissioner Feathers said the information provided is of great value to the Commissioners, and a

decision will most likely be made by May 26 on the request for a new position at Children Services. He said the position is actually “an investment for the future”.

Mr. Feathers said the Commissioners will look for options to fund the position.

RE: HEALTH DEPARTMENT UPDATE

Dr. Richard Wittberg, Health Commissioner for the Washington County Board of Health, updated the Commissioners on his communication with the Ohio EPA. Attending this meeting were Dr. Wittberg, the Commissioners, the Clerk, and Devola residents Glen Pawloski, Edith Newman, Gib Moody, and Kevin Francis.

Dr. Wittberg shared with the Commissioners a letter dated May 9, 2016 from Ohio EPA Director Craig Butler. That letter, Dr. Wittberg said, is in response to his letter dated April 16, 2016 to the Ohio EPA Director.

Dr. Wittberg said he concluded the following from Mr. Butler’s letter:

- The EPA is routinely including the communities of Oak Grove and Reno in its communications about Devola.
- While *E.coli* is not mentioned in the original Findings & Orders from the EPA, Mr. Butler refers to it as having been “identified in Devola at high levels”.
- The EPA continues to press for additional inspection and sampling in Devola.

He said the EPA seems to be pushing local health departments to inspect septic systems and drywells. Dr. Wittberg said the Board of Health may have to hire private contractor(s) to conduct these inspections. He said he’ll consult with township trustees before initiating any inspections throughout the County. Dr. Wittberg noted newer septic systems use ultraviolet rays to eliminate all contaminants, while older systems eliminate most of those contaminants.

Commissioner Feathers said new Findings & Orders would need to be issued if the EPA is addressing *E.coli*. He noted surface water tests are sometimes skewed due to flow rates and time of year of testing. Mr. Feathers said he believes there is a common pipe that may be used for several residences in Oak Grove, but that situation can be remedied without requiring the entire community to be sewered.

Dr. Wittberg said the drywell issue as to whether to exempt existing functioning drywells from adhering to regulations for new drywells may be challenged in court, likely here in Washington County. Mr. Feathers asked Dr. Wittberg if he knows if the Ohio EPA has issued orders to the City of Marietta for the high levels of *E.coli* in Goose Run, which runs through the City. He said he believes those levels to be higher than the levels in Devola.

Dr. Wittberg said it just doesn’t make good sense to proceed with corrective action on drywells while the County is still under the original Findings & Orders from the EPA. He said there needs to be a comprehensive overall plan before any movement forward is made in any of the three communities. He said it appears the EPA has shifted its concern from ground water to surface water.

Dr. Wittberg shared a draft of his response to Director Butler. He asked the Commissioners to review it prior to him sending it.

In other matters, Dr. Wittberg noted:

- He has applied for about \$25,000 to address issues relating to the Zika virus.
- There recently have been several cases of suspected tuberculosis (TB) in Washington County. The Health Department is determining how to best fund testing and treatment of TB.
- The Commissioners recently billed the Health Department for \$1,684 in financial audit costs. Dr. Wittberg said the Board of Health is required to have an annual audit on their records, and this assessment seems to be duplicative and unfair. (The Commissioners said they will talk with the State Auditor’s on-site representatives about this to see if two audits are necessary for the Health Department.)
- The District Licensing Council will be eliminated since it is relatively inactive.
- Dr. Wittberg would like to have an attorney fill a vacancy on the Board of Health.

RE: ADDITIONAL COMMENTS FROM VISITORS

Mr. Pawloski asked the Commissioners to protect Devola homeowners from OEPA over-reach, the punishing “double remedy” of phase 2 sewer project. Mr. Pawloski asked the Commissioners to continue their efforts to convince the Ohio EPA that a new sewer system is both unwanted and unwarranted in their community. He encouraged them to notify homeowners they have the right to refuse inspections of their septic systems, and a grandfathering clause, as determined by then-Washington County Prosecutor Jim Schneider and current Assistant Prosecutor Nicole Coil, allows their continuing use of drywells.

President Walters said it is important for all residents to keep in mind that if they are using an aerator system, they must ensure it is property working.

Ms. Newman said she has lived in Devola nearly 40 years and does a lot of walking through the community. She reported she has not noticed any odors from septic systems in many years.

RE: ADJOURNMENT

Mr. Feathers moved and Mr. White seconded a motion to adjourn.

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 11:55 a.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk