

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON APRIL 10, 2014 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RONALD L. FEATHERS, PRESIDENT, DAVID A. WHITE, VICE PRESIDENT, TIMOTHY C. IRVINE, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG. MR. FEATHERS THEN LED THOSE ATTENDING IN PRAYER.

Also attending were Muskingum Township Trustee Gary Doan, Amanda Nicholson from the *Marietta Times*, Justin Hearn from WMOA Radio, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
April 10, 2014**

9:00 Business Meeting
10:00 Dave White – Timber Issue in Salem Township
2:00 Doug Matheny – Coal-Fired Power Plants Legislation
2:30 Pooled Funding

UNFINISHED BUSINESS

None

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Additional Appropriation – WCBDD
Transfer – Sheriff
Transfer - Auditor
Then & Now's
Travel – Family Job & Family First
Travel – Human Resources
Response to Federal Transit Administration FY 2013 Triennial Review
Satisfaction of Mortgage
Revision to PRC Plan, JFS
Drawdown of CHIP Funds
Engineer - Agreement for Professional Services, Goyle Engineering, Inc. (2)
Engineer – Bridge Load Limit Postings Update

INFORMATION

Waterford High School FFA Banquet, 6:00 p.m., **Thursday**, April 10
Monthly Finance Committee Meeting, 11:00 a.m., **Tuesday**, April 15
Safety Council Awards Luncheon, 11:30 a.m., **Wednesday**, April 16, Shrine Club
Planning Commission, 7:00 p.m., **Monday**, April 21
Beverly-Waterford Chamber of Commerce Dinner, 6:30 p.m., **Thursday**, April 24
Eastern Ohio Development Alliance Annual Meeting, 10:30 a.m., **Friday**, April 25, Carlisle Inn

RE: AGENDA

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

Add: Transfer – Commissioners
 Transfer – Sheriff
 9:30 Alison Cauthorn, Assistant Prosecutor – Ingenuity Center Documents

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

RE: APPROVAL OF MINUTES

Mr. White moved and Mr. Irvine seconded a motion to approve the minutes of the Commissioners' April 3, 2014 meeting and to dispense with the reading of them.

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

RE: PAYMENT OF BILLS

Mr. Irvine moved and Mr. White seconded a motion to approve the payment of bills from various departments.

identified 3 items of concern. Each of those items has been, or will be, corrected. Mr. Irvine said the results of this review were excellent.

RE: SATISFACTION OF MORTGAGE

Mr. Irvine moved and Mr. White seconded a motion to approve a Satisfaction of Mortgage by Separate Instrument document, certifying the mortgage deed and promissory note dated February 26, 1999 and executed by Kelli Mongell, 804 Talbott Street, Belpre, Ohio, has been fully paid and satisfied, thereby discharging the record.

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

RE: REVISION TO PRC

Mr. Irvine moved and Mr. White seconded a motion to approve a revision to the Washington County PRC (Program, Retention & Contingency) Plan, as requested by Tom Ballengee, Department of Job and Family Services, as follows:

Add PRC Item 5: Visitation/Mediation Program. This program will serve custodial and noncustodial parents experiencing difficulty in establishing and/or maintaining relationships with their children.

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

RE: DRAWDOWN OF CHIP FUNDS

Mr. Irvine moved and Mr. White seconded a motion to approve a drawdown of Community Housing Improvement Program (CHIP) funds in the amount of \$62,825.00, and to allow Mr. Feathers and Mr. White to sign the request, as prepared and requested by Gerry Spencer, Washington-Morgan Community Action Program.

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

RE: AGREEMENTS FOR PROFESSIONAL SERVICES, GOYLE ENGINEERING

Mr. White moved and Mr. Irvine seconded a motion to approve the following Agreements for Professional Services with Goyle Engineering, as requested by County Engineer Roger Wright:

Subsurface investigation of bridges WAS-C-4-0824, WAS-T-120-0215, and WAS-T-120-0252
\$ 26,420.00

Subsurface investigation of bridges WAS-C-22-0096 and WAS –C-3-1151
\$ 11,350.00

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

RE: BRIDGE LOAD LIMIT POSTINGS

Mr. Irvine moved and Mr. White seconded a motion to approve the county and township bridge load limit postings list (on file in the Commissioners' Office) prepared by County Engineer Roger Wright in accordance with Ohio Revised Code 5591.42.

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

RE: ASSISTANT PROSECUTOR ALISON CAUTHORN – INGENUITY CENTER DOCUMENTS

Alison Cauthorn, Assistant Prosecuting Attorney for Washington County, talked with the Commissioners about documents she has prepared pertaining to funding of construction of the Ingenuity Center for the Southeastern Ohio Port Authority. Also attending was County Auditor Bill McFarland. Specifically, she said, she has been working on the documents of guaranty for Port Authority's participation in the Rural Industrial Park Loan project through the Ohio Department of Development. The mortgage from the Port Authority to the Director of the Department of Development requires the Commissioners to deposit an amount equal to one year's payments on that mortgage, only to be accessed in the event the Port Authority is unable to lease sufficient space at the Project to make such payments. The total amount of the County's obligation as to this guaranty is \$55,291.79.

Mr. Irvine moved and Mr. White seconded a motion to approve the following resolution:

Whereas, the Board of Commissioners of Washington County (the Board) is a member of the Southeastern Ohio Port Authority (the Port Authority); and

Whereas, the Board supports the goals of the Port Authority to facilitate economic development in Washington County; and

Whereas, the Board has been apprised of and involved in the participation of the Port Authority in the Rural Industrial Park Loan project, pursuant to Ohio Revised Code 122.24, for construction of the Ingenuity Center (the Project) in Washington County, Ohio. This program is available through the Ohio Development Services Agency. The Board has also been apprised of the various grants and loans applied for and obtained by the Port Authority to finance construction of the Project; and

Whereas, in particular, the Board is aware of the loan from the Development Services Agency to finance construction of the Project which includes as its condition a mortgage from the Port to the Director of the Development Services Agency and a condition that the Board deposit an amount equal to one year's payments on said mortgage, as Guaranty (to be accessed in the event the Port is unable to lease sufficient space at the Project to make such payments). The amount of the County's obligation as to this Guaranty is limited to \$55,291.79 (fifty-five thousand two hundred ninety-one dollars and seventy-nine cents); and

Whereas, the Port has agreed to provide a mortgage to the Board to secure the Guaranty Fund described above which will be subordinate to the mortgage of the Director of Development Services Agency; and

Whereas, upon consideration and consultation with members of the Port and the Ohio Development Services Agency, it is therefore resolved that the Board shall establish a Guaranty Fund to be available for access by the Director of the Ohio Department of Development in the event that the Port is unable to lease sufficient space at the Project to finance monthly mortgage payments to the Director, to promote economic development in rural areas and to improve the economic welfare of the people of the state, and in particular to promote economic development in Washington County and to improve the economic welfare of the people of Washington County, pursuant to Ohio Revised Code Section 122.24 et seq.; and

Whereas, the terms of such Guaranty are more specifically set forth in the Debt Reserve Guaranty Agreement and the Deposit Account Control Agreement and the terms of the Board's mortgage from the Port are set forth in the Mortgage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Washington County, Ohio shall sign or cause to be signed, the necessary documents to enable the closing and disbursement of the funds provided by the Director of the Ohio Development Services Agency under the Rural Industrial Park Loan Fund, and to enable the deposit of the Guaranty amount as required; and

BE IT FURTHER RESOLVED that the Clerk of the Washington County Board of Commissioners shall and is hereby directed to submit or otherwise process the necessary documents for deposit of the Guaranty amount with the Bank specified therein and to ensure the filing by the Port of the Mortgage and any supporting documents from the Port to secure the Guaranty fund.

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

The Commissioners instructed the Clerk to coordinate with the County Auditor the allocation and/or transfer of sufficient funds from the Revolving Loan Fund for Economic Development and the County General Fund, to facilitate transfer or payment of the guaranty amount to Peoples Savings Bank in New Matamoras, Ohio.

Commissioner Irvine thanked Ms. Cauthorn for working with the Port Authority and the Development Services Agency, and their attorneys, to compile appropriate documents to allow for the continuation of this project, keeping the welfare and resources of the County in highest regard.

RE: DAVE WHITE – TIMBER ISSUE ON PERSONAL PROPERTY

Salem Township resident Dave White talked with the Commissioners about the unlawful removal of trees from his personal property. He said he contacted the Sheriff, the Prosecutor, the City Law Director, the U.S. Attorney General and the Ohio Attorney General, all without satisfactory resolve.

Mr. White said he gave permission for a neighbor to move a skidder through his property for the purpose of removing trees downed in a storm. In addition to the skidder, though, the neighbor brought trucks across his property, and proceeded to remove not only the neighbor's downed trees, but also two trees the neighbor allegedly cut down and moved from Mr. White's property. Mr. White said he at no time gave permission for the movement of a truck through his property, which did significant damage to his property, or for the removal of trees from his property.

Mr. White informed the Commissioners he recently settled this dispute out of court, but he considers this issue of "timber trespassing" important enough to share with them in hopes of avoiding similar situations for others in the future.

Commissioner Irvine excused himself from the meeting at 1:15 p.m.

RE: DOUG MATHENY – COAL-FIRED POWER PLANTS

Doug Matheny shared with the Commissioners his support of coal-fired power plants, and his concern of pending federal and/or state legislation that might negatively impact their future. Also attending was Danielle Staub from WTAP News.

Mr. Matheny said the federal government is directing the U.S. Environmental Protection Agency (EPA) to develop regulations and standards for reduction of carbon dioxide emissions at power plants, but those regulations and standards are too stringent for plants in Ohio. He expressed his support of Ohio House Bill 506, which transfers enforcement of new federal EPA standards to the Ohio EPA. Mr. Matheny said it is imperative that Ohio maintains oversight and guidance of its power plants, which are now dependent upon the use of coal.

Mr. Matheny asked for the Commissioners' support of his effort to promote the continuing use of coal in power plants throughout Ohio.

Mr. White moved and Mr. Feathers seconded a motion to adopt the following resolution:

Whereas, a reliable and affordable energy supply is vital to Ohio's economic growth, jobs, and the overall interests of its citizens; and

Whereas, Ohio supports an all-the-above energy strategy because it is in the best interest of Ohio and the Nation; and

Whereas, the United States has abundant supplies of coal that provide economic and energy security benefits; and

Whereas, coal provides affordable and reliable electricity to the citizens of Ohio; and

Whereas, carbon regulations for existing coal-fueled power plants could threaten the affordability and reliability of Ohio's electricity supplies and, therefore, threaten the well-being of its citizens; and

Whereas, carbon dioxide emissions from U.S. coal-fueled power plants represent only three percent of global anthropogenic greenhouse emissions; and

Whereas, the U.S. Energy Information Administration projects that U.S. electric sector carbon dioxide emissions will be fourteen percent below 2005 levels in 2020, and that carbon dioxide emissions from U.S. coal-fueled power plants will be nineteen percent below 2005 levels in 2020; and

Whereas, on June 25, 2013, the President directed the Administrator of the U.S. Environmental Protection Agency (EPA) to issue standards, regulations, or guidelines to address carbon dioxide emissions from new, existing, modified, and reconstructed fossil-fueled power plants; and

Whereas, the President expressly recognized that states "will play a central role in establishing and implementing carbon standards for existing power plants"; and

Whereas, the Clean Air Act requires the EPA to establish a "procedure" under which each state shall develop a plan for establishing and implementing standards of performance for existing sources within the state; and

Whereas, the Clean Air Act expressly allows state, in developing and applying such standards of performance, "to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies"; and

Whereas, the EPA's existing regulations provide that state may adopt "less stringent emissions standards or longer compliance schedules" than EPA's guidelines based on factors such as "unreasonable cost of control", "physical possibility of installing necessary control equipment", or other factors that make less stringent standards or longer compliance times "significantly more reasonable"; and

Whereas, it is in the best interest of electricity consumers in Ohio to continue to benefit from reliable, affordable electricity provided by coal-based electricity generating plants.

Now, therefore, be it resolved by the Board of Commissioners of Washington County, Ohio, that the State of Ohio should urge the EPA, in developing guidelines for regulating carbon dioxide emissions from existing power plants, to respect the primacy of Ohio and other states and to rely on state regulators to develop performance standards for carbon dioxide emissions that take into account the unique policies, energy needs, resource mix, and economic priorities of Ohio and other state; and

Be it further resolved that the EPA should issue guidelines and approve state-established performance standards that are based on reductions of carbon dioxide emissions achievable by measures undertaken at fossil-fueled power plants; and

Be it further resolved that the EPA should allow Ohio and other states to set less stringent performance standards and longer compliance schedules for power plants within their jurisdictions; and

Be it further resolved that Ohio and other states should be given maximum flexibility by the EPA to implement carbon dioxide performance standards for fossil-fueled power plants within their jurisdiction.

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

Commissioner Irvine returned to the meeting at 2:30 p.m.

RE: EXECUTIVE SESSION

Mr. White moved and Mr. Irvine seconded a motion to enter Executive Session for the purpose of discussing placement(s) of minor child(ren), open discussion of which could violate federal and/or state regulations, and to invite Judge Timothy Williams from Juvenile Court, Cindy Davis and Regina Duff from Washington County Family & Children First, Alice Stewart and Jamie Vuksic from Washington County Children Services, and Washington County resident Billia Farley to attend.

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Timothy Irvine aye. The motion passed, and the Commissioners entered Executive Session at 2:35 p.m.

The Commissioners returned to Regular Session at 3:29 p.m.

RE: ADJOURNMENT

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

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 3:30 p.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk