

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON MAY 7, 2015 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: DAVID A. WHITE, PRESIDENT, RICK G. WALTERS, VICE PRESIDENT, AND RONALD L. FEATHERS, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. WHITE LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Justin Bradley from WMOA Radio, Muskingum Township Trustee Gary Doan, Amanda Nicholson, Reporter, and Anna Gibbs, Intern, from *The Marietta Times*, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., May 7, 2015**

9:00 Business Meeting
11:00 Michael Melliere, Ice Miller LLP – Resolution Granting Approval for Marion County Commissioners to Issue Revenue Bonds for the Purchase of Glenwood Retirement Community and Harmar Place by United Church Homes

UNFINISHED BUSINESS

None

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Resolution – Designation of Washington County Day of Prayer
Resolution – Recognition of Retirement of Kathy Dodrill from OSU Extension
Additional Appropriation – Recorder
Transfer - Auditor
Transfer - Commissioners
Then & Now's
Travel – Family & Children First
Appointment of Special Prosecutor (2)
Recommendation Letter, Courthouse Windows Project
Extension of Big Brothers-Big Sisters Memorandum of Understanding, Family & Children First
Monthly Report of Care of Prisoners during April
Letter from Health Commissioner to Director of Ohio EPA
Engineer – Memorandum of Understanding, PDC Energy
Engineer – Notice of Commencement of Garrett Bridge Replacement Project
Engineer – Declaration of Emergency Situation and Contract for Landslip Repair on CR 354

INFORMATION

Monthly County Home Meeting, 8:30 a.m., **Tuesday**, May 12, at County Home
Township Trustees Annual Meeting, 6:00 p.m., **Thursday**, May 14, Our Lady of Mercy Catholic Church, Lowell
Washington Electric Cooperative Annual Meeting, 5:00 p.m., **Thursday**, May 14
Muskingum Valley Area Chamber of Commerce Annual Meeting, 6:00 p.m., **Thursday**, May 14, St. Bernard's Catholic Church, Beverly
Planning Commission, 7:00 p.m., **Monday**, May 18
Monthly Finance Committee Meeting, 10:00 a.m., **Tuesday**, May 19
Courthouse Closed, **Monday**, May 25, Memorial Day

RE: AGENDA

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

Add: Letter of Support, SEOPA
Letter from Board of Elections to County Auditor
Change: Auditor Transfer Request to Auditor Additional Appropriation Request

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

RE: APPROVAL OF MINUTES

Mr. Walters moved and Mr. Feathers seconded a motion to approve the minutes for April 30, 2015, and to dispense with the reading of them.

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

RE: PAYMENT OF BILLS

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

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

RE: RESOLUTION, DESIGNATION OF WASHINGTON COUNTY DAY OF PRAYER

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

***WHEREAS**, the first Day of Prayer was declared in 1775 when the Continental Congress "designated a time for prayer in forming a new nation"; and*

***WHEREAS**, George Washington proclaimed a day of public thanksgiving and prayer, February 19, 1795; and*

***WHEREAS**, Abraham Lincoln signed a Congressional resolution of March 3, 1863, which called for a day of fasting and prayer during the Civil War; and*

***WHEREAS**, a bill proclaiming an annual National Day of Prayer was unanimously passed by both Houses of Congress, and signed by President Truman on April 17, 1952; and*

***WHEREAS**, in 1988 a bill was introduced to Congress which fixed the annual National Day of Prayer at the first Thursday in May and, having received broad bipartisan sponsorship and support, became Public Law 100-307; and*

***WHEREAS**, on our National Day of Prayer it is our hope, then, that we join together as people of many faiths to petition God to show us His mercy and His love, to heal our weariness and uphold our hope, that we might live ever mindful of His justice and thankful for His blessing.*

***NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Washington County, Ohio, on behalf of the citizens of Washington County, do hereby designate Thursday, May 7, 2015, **Washington County Day of Prayer**. On that day we ask all who believe to join with us in giving thanks to Almighty God for the blessings He has bestowed on this land and the protection He affords us as a people. Let us join together before God, fully aware of the trials that lie ahead and the necessity for divine guidance. With unshakeable faith in God and the liberty which is our heritage, we as a free people will surely survive and prosper.*

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

RE: RESOLUTION, RECOGNITION OF KATHY DODRILL'S RETIREMENT

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

***WHEREAS**, Kathryn Chenoweth Dodrill began her service as Home Economics Extension Agent to The Ohio State University Extension Office in Washington County on May 1, 1980; and*

***WHEREAS**, Kathryn Dodrill currently serves as the Extension Educator of the Family and Consumer Sciences Division of The Ohio State University Extension Office; and*

***WHEREAS**, Kathy Dodrill has provided throughout her service to Washington County high quality, research-based educational programs to build healthy people, healthy finances and healthy relationships; and*

***WHEREAS**, thousands of Washington County residents have benefited from those programs provided by the Extension Office's Family and Consumer Sciences Division;*

***WHEREAS**, Kathy Dodrill is retiring from public service on May 31, 2015.*

***NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Washington County, Ohio that we, on behalf of the citizens of Washington County, congratulate Kathy Dodrill on her retirement from public service in Washington County, having served the public for thirty-five years.*

***BE IT FURTHER RESOLVED** that we extend our thanks and appreciation to Kathy Dodrill for serving the citizens of Washington County so well, exhibiting throughout her years of service professionalism, expertise, creativity, insight, efficiency, collaboration and cooperation.*

***BE IT FURTHER RESOLVED** that we, the Board of Commissioners of Washington County, Ohio, on behalf of the citizens of Washington County, Ohio, wish Kathryn Chenoweth Dodrill the very best in her retirement years, filled with good health and much relaxation.*

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

RE: ADDITIONAL APPROPRIATIONS

Mr. Walters moved and Mr. Feathers seconded a motion to approve the following requests for additional appropriations:

| | | |
|----------|----------------|--------------|
| Recorder | 200-0151-53500 | \$ 15,000.00 |
| Auditor | 200-0106-57100 | \$ 5,200.00 |

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

RE: TRANSFER

Mr. Feathers moved and Mr. Walters seconded a motion to approve the following request for transfer of funds:

| <u>Department</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|-------------------|----------------|----------------|---------------|
| Commissioners | 100-0100-57400 | 100-0200-57400 | \$ 232.96 |

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

RE: THEN & NOW'S

Mr. Walters 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> |
|--------------------------|----------------|-------------------|---------------|
| Developmental Disability | 210-0620-53000 | Charlene Mowery | \$ 546.25 |
| Commissioners | 100-0109-53000 | Perfection Group | \$ 792.60 |
| Commissioners | 100-0109-53000 | Murray's Glass | \$ 107.08 |
| Commissioners | 300-0599-55200 | Putnam Auto Sales | \$ 479.00 |
| Commissioners | 100-0101-53000 | DMG Auto Repair | \$ 1,862.32 |
| Commissioners | 100-0109-53000 | Biehl Concrete | \$ 5,750.00 |
| Commissioners | 100-0109-53000 | Jani Source | \$ 450.00 |

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

RE: TRAVEL REQUEST

Mr. Walters moved and Mr. Feathers seconded a motion to approve the following request for reimbursement of expenses for training and travel pursuant to the policies and procedures and in compliance with the Annual Appropriations for Fiscal Year 2015 and any and all amendments subsequent thereto:

FCF

Elaine Corbitt: One-day trip to Columbus to attend Train the Trainer Trauma Informed Care session; May 19, 2015.

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

RE: APPOINTMENT OF LEGAL COUNSEL

Mr. Feathers moved and Mr. Walters seconded a motion to appoint Attorneys James R. Gorry, Kelley A. Gorry, and Mark H. Gillis, Rich & Gillis Law Group, LLC, to represent the Washington County Auditor and/or the Washington County Board of Revision, as needed, in cases involving tax appeals before the Ohio Board of Tax Appeals and/or in Courts of Common Pleas, and to allow Mr. White to sign the Appointment Application and Journal Entry, as prepared and requested by County Prosecutor Jim Schneider.

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

RE: APPOINTMENT OF SPECIAL PROSECUTOR

Mr. Walters moved and Mr. Feathers seconded a motion to appoint Attorney Jared Erb as a Special Prosecuting Attorney, to prosecute a specific criminal case investigated by the Marietta Police Department, in Washington County Common Pleas Court and/or Marietta Municipal Court, in which one of the full-time assistant prosecuting attorneys employed by Washington County may be a necessary witness, and to allow Mr. White to sign the Appointment Application and Journal Entry, as prepared and requested by County Prosecutor Jim Schneider.

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

RE: COURTHOUSE WINDOWS PROJECT

Mr. Feathers moved and Mr. Walters seconded a motion to accept the recommendation of Architect David Haught, Project Consultant, to enter into contract with Murray Glass Company,

for the amount of \$45,835.00, to proceed with the Courthouse Windows Repair and/or Replacement Project.

President White said Mr. Haught has consulted with Murray Glass to discuss the scope of this particular project, and the vendor has assured him of their ability to complete the job at the proposed contract amount. Mr. White noted this originally was a sealed bid project, but both bids submitted were rejected. He said there has been no change to the project specifications.

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

RE: EXTENSION MEMORANDUM OF UNDERSTANDING, FAMILY & CHILDREN FIRST

Mr. Walters moved and Mr. Feathers seconded a motion to approve a Memorandum of Understanding to extend the term for use of space by the Big Brothers-Big Sisters organization at Washington County Family & Children First offices at 202 Davis Avenue in Marietta, from May 1, 2015 through June 30, 2015, as prepared and requested by Cindy Davis, Family & Children First.

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

RE: MONTHLY REPORT ON PRISONER CARE

The Commissioners acknowledged receipt of a report from Sheriff Larry Mincks on the care of prisoners at the Washington County Jail during the month of April 2015, indicating a prisoner count of 347 and a total cost of \$197,880.00.

RE: LETTER FROM HEALTH COMMISSIONER TO OHIO EPA DIRECTOR

The Commissioners acknowledged receipt of a letter from Washington County Health Commissioner Dr. Richard A. Wittberg to Ohio EPA Director Craig W. Butler, dated March 11, 2015, pertaining to the Devola Phase II sewer project.

RE: LETTER FROM BOARD OF ELECTIONS TO COUNTY AUDITOR

The Commissioners acknowledged receipt of a letter from Tara Hupp, Washington County Board of Elections, to County Auditor Bill McFarland, rescinding compensation increases awarded April 8, 2015 by the Board of Elections to staff of the Board of Elections, to have been effective May 1, 2015.

RE: MEMORANDUM OF UNDERSTANDING

Mr. Walters moved and Mr. Feathers seconded a motion to approve a Memorandum of Understanding with PDC Energy, Inc., for the County and PDC to agree to negotiate in good faith and seek implementation of a Road Use Maintenance Agreement (RUMA) for portions of Coal Run Drive and Tick Hill Road, as requested by County Engineer Roger Wright.

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

RE: NOTICE OF COMMENCEMENT, GARRETT BRIDGE REPLACEMENT PROJECT

Mr. Feathers moved and Mr. Walters seconded a motion to approve a Notice of Commencement for the Garrett Bridge Replacement Project on Washington County Road 25, contractor Tom Mayle & Sons Construction, Inc., and to allow Mr. White to sign the Notice.

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

RE: CONTRACT WITH LARRY LANG EXCAVATING FOR LANDSLIP REPAIR ON CR 354

Mr. Walters moved and Mr. Feathers seconded a motion to approve a contract with Larry Lang Excavating, Inc., for two landslip repairs on County Road 354 in Liberty Township, as declared an emergency repair by the County Engineer, for the amount of \$13,688.50, as prepared and requested by County Engineer Roger Wright.

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

RE: LETTER OF SUPPORT TO SEOPA

Mr. Feathers moved and Mr. Walters seconded a motion to approve support of the Southeastern Ohio Port Authority's request to AEP to not allow division of Newbury Farm, as such action might be detrimental to economic development efforts in Washington County.

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

RE: PUBLIC HEARING, ISSUE OF REVENUE BONDS BY MARION COUNTY

Mike Melliere, Ice Miller, LLP, met with the Commissioners to present a proposal for the Marion County Commissioners to issue health care revenue bonds, in part to allow for the purchase by United Church Homes, Inc., of Glenwood Retirement Center and Harmar Place in Washington County. He explained it is necessary to conduct public hearings in both Marion and Washington Counties, as this is a tax-exempt bond issue. He said an ad has been placed in the local newspaper announcing this public hearing.

At 11:00 a.m. the Commissioners conducted a public hearing to hear comments relative to the issuance of revenue bonds by Marion County, primarily to allow a Marion County corporation, United Church Homes, Inc., to purchase healthcare facilities located in Washington County, specifically Glenwood Retirement Center and Harmar Place. President White asked for comments. Attending were Commissioners White, Walters and Feathers, Amanda Nicholson from *The Marietta Times*, Michael Melliere from Ice Miller, LLP, and Clerk Rick Peoples.

Receiving no comments, Mr. Melliere addressed questions from the Commissioners. He noted:

- Memorial Health Systems and United Church Homes have been negotiating this sale for several months.
- The sale transaction is anticipated in summer of 2015.
- United Church Homes, in his opinion, is a top notch service provider in this industry, and Marietta Health Systems is fortunate to have them interested in the purchase of these properties.
- The revenue bonds will not exceed \$32,000,000, only a portion of which is to be used for the purchase of these facilities in Washington County.
- The Commissioners will be asked to sign an agreement once the transaction is complete.

RE: RESOLUTION, SUPPORT OF MARION COUNTY BOND ISSUE

Mr. Feathers moved and Mr. White seconded a motion to adopt the following resolution, requested by Mike Melliere, Ice Miller, LLP:

A RESOLUTION GRANTING APPROVAL OF THE ISSUANCE BY THE COUNTY OF MARION, OHIO OF ITS HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2015, A PORTION OF THE PROCEEDS OF WHICH WILL BE USED TO REFINANCE FACILITIES OWNED AND OPERATED BY UNITED CHURCH HOMES, INC. LOCATED WITHIN THE COUNTY OF WASHINGTON, OHIO AND APPROVING THE EXECUTION OF A PUBLIC HOSPITAL AGENCIES AGREEMENT

WHEREAS, the County of Marion, Ohio (the "Issuer"), as a public hospital agency, as defined in Chapter 140 of the Ohio Revised Code (the "Act") is empowered to acquire, construct, improve and equip hospital facilities, as defined in the Act and issue its revenue bonds to pay costs of hospital facilities; and

WHEREAS, the Issuer intends to issue Health Care Facilities Revenue Bonds, Series 2015 (United Church Homes, Inc.) in one or more series (collectively, the "Bonds") to assist United Church Homes, Inc., an Ohio nonprofit corporation, or one or more of its affiliates (the "Corporation") in financing or refinancing the acquisition, construction, installation, equipping, furnishing and improvement of certain health care facilities constituting "hospital facilities" (as defined in the Act). The proceeds of the Bonds will be made available by the Issuer to the Corporation and used by the Corporation to:

(a) finance the acquisition of a residential and assisted living facility, known as Glenwood Retirement Community, consisting of approximately 74 independent living units, approximately 48 assisted living units and approximately 24 garages, the land on which such facilities are located and all related assets, including equipment, all located at 200 Timberline Drive, Marietta, Ohio (the "Glenwood Campus");

(b) finance the acquisition of an approximately 88-bed intermediate care nursing facility, known as Harmar Place, the land on which such facility is located and all related assets, including equipment, all located at 401 Harmar Street, Marietta, Ohio (the "Harmar Campus");

(c) finance the acquisition of an approximately 61 independent living unit facility known as Fairwood Village, the land on which such facility is located and all related assets, including equipment, all located at 1956 N. Fairfield Rd., Beavercreek, Ohio (the "Fairwood Campus");

(d) finance, or reimburse the Corporation for, working capital and the acquisition, construction, renovation and equipping of additional health care or residential facilities, and all related equipment, furnishings, appurtenances and improvements, located or to be located on the Glenwood Campus, the Harmar Campus and/or the Fairwood Campus;

(e) finance the expansion and renovation of, and providing furnishings, equipment and other improvements at three of the Corporation's owned long term health care campuses, namely: Fairhaven Community located at 850 Marseilles Avenue, Upper Sandusky, Ohio ("Fairhaven Campus"); Trinity Community located at 3218 Indian Ripple Road, Beavercreek, Ohio ("Trinity Campus") and/or Patriot Ridge Community located at 789 Stoneybrook Trail, Fairborn, Ohio ("Patriot Ridge Campus"); and additionally, at the Corporation's headquarters located at 170 East Center St., Marion, Ohio;

(f) refund all or a portion of certain revenue bonds issued by the Issuer for the benefit of the Corporation, the proceeds of which revenue bonds were used to finance or refinance the expansion and renovation of, and providing furnishings, equipment and other improvements at five of the Corporation's owned long term health care campuses, namely: the Fairhaven Campus, the Trinity Campus, the Patriot Ridge Campus, the Chapel Hill Community located at 12200 Strausser Street NW, Canal Fulton, Ohio and the Four Winds Community located at 215 Seth Avenue, Jackson, Ohio (the land, facilities and other assets described in clauses (a), (b), (c), (d), (e) and (f) are collectively referred to herein as the "Project");

(g) fund a debt service reserve fund for the Bonds;

(h) pay interest on all or a portion of the Bonds; and/or

(i) pay costs of issuing the Bonds.

WHEREAS, a portion of the proceeds of the Bonds will be used to finance or refinance facilities located at the Glenwood Campus and/or the Harmar Campus (collectively, the "Washington Facilities"), which facilities are located in the County of Washington, Ohio;

WHEREAS, because the Washington Facilities are not situated within the immediate jurisdiction of the Issuer, as prerequisites to the Issuer issuing the Bonds, it is necessary: (i) to obtain "host approval" pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and the Treasury Regulations thereunder from the County of Washington, Ohio and (ii) for the County of Washington, Ohio to enter into a Public Hospital Agencies Agreement with the Issuer and other "public hospital agencies" within the meaning of the Act in order to jointly associate for the purpose of issuing revenue bonds, including the Bonds, to finance and/or refinance the Corporation's facilities within their respective boundaries (the "Public Hospital Agencies Agreement"); and

WHEREAS, on April 22, 2015 a notice of public hearing was published in *The Marietta Times*, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things; and

WHEREAS, this Board of County Commissioners has conducted a public hearing on the date hereof regarding the issuance by the Issuer of the Bonds and the Project to be financed and refinanced thereby; and

WHEREAS, the County of Washington, Ohio desires to assist in facilitating the issuance of the Bonds by providing "host approval" (as provided for in the Code) and by entering into a Public Hospital Agencies Agreement with the Issuer and other "public hospital agencies" within the meaning of the Act in compliance with the provisions of the Act;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners (the "Board") of the County of Washington, Ohio:

SECTION 1. This Board, as an applicable elected representative for purposes of Section 147(f) of the Code, hereby approves the issuance of the Bonds by the County of Marion, Ohio.

SECTION 2. That the appropriate officers of the County of Washington, Ohio, be and they are hereby authorized to negotiate the terms of, and any two members of this Board are hereby authorized to execute and deliver, a Public Hospital Agencies Agreement with the Issuer and other "public hospital agencies" within the meaning of the Act in order to facilitate compliance with the Act, enabling the Issuer to issue the Bonds.

SECTION 3. That the appropriate officers of the County of Washington, Ohio, be and they hereby are authorized to execute and deliver on behalf of the County of Washington, Ohio such other certificates, documents and instruments that may be necessary in connection with the issuance of the Bonds or the execution and delivery of the Public Hospital Agencies Agreement.

SECTION 4. That 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 in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 5 That all resolutions and ordinances or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

SECTION 6. *That this resolution shall be effective from and after its adoption.*

SECTION 7. *The Bonds shall not be a debt, obligation or liability of the County of Washington, Ohio and are special, limited obligations of the Issuer payable solely from proceeds of the Bonds or funds made available by the Corporation.*

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

RE: TYLER TECHNOLOGIES CONTRACT AMENDMENT

Mr. Walters moved and Mr. Feathers seconded a motion to approve an amendment to the contract with Tyler Technologies, removing the optional EnerGov ePortal for \$20,000.00, for a new contract total of \$135,284, as presented and requested by Building Official Chris Wilson.

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

RE: ADJOURNMENT

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

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 11:20 a.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk