

**SUMMARY OF MINUTES  
BOARD OF DIRECTORS  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT  
Held at Kent State University Tuscarawas, New Philadelphia, Ohio  
February 20, 2009, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at Kent State University Tuscarawas, New Philadelphia, Ohio, on Friday, February 20, 2009, at 9:00 a.m., pursuant to notice duly given all Directors, and the general public in accordance with law.

**1. ROLL CALL**

Directors present were: Mr. Horstman, Mr. Kokovich, Mr. Parham, Mr. Pryce, and Mr. Tribbie.

Present from Conservancy District staff were Scott Barnhart, Donnie Borland, Mary Burley, Mike Cable, James Cugliari, John Hoopingarner, Mark Jukich, Kelli Karns, Darrin Lautenschleger, Karen Miller, John Olivier, James Pringle, Bernie Schreiner, Boris Slogar, Mark Swiger, and Scott Tritt.

Mr. Pryce, President of the Board of Directors, presided.

**2. APPROVAL OF MINUTES**

On motion by Mr. Parham, seconded by Mr. Horstman, the minutes of the January 23, 2009, meeting of the Board of Directors were approved.

**3. INTRODUCTION OF VISITORS AND PUBLIC COMMENT**

Also in attendance for all or portions of this meeting were: Mark Buchenic (*URS, Akron*); John Kitto (*Atwood resident*); Larry Kerr (*Atwood resident*); Joe Carlisle, Jr. (*Carroll County resident*); Scott Levengood (*Mineral City resident*); and Eric Reip (*New Philadelphia resident*).

**4. FINANCIAL**

Mr. Cugliari presented the financial report for the period ending January 31, 2009. The total revenue is \$149,172.00 with expenses of \$635,239.00, resulting in an excess of expenses over revenue of \$486,067.00 (compared to expenses over revenues of \$62,670.00 during the same reporting period in 2008). The total cash balance is \$1,188,410.78 of which \$881,685.29 is in the general checking account and business high yield savings account and available for meeting operational needs.

During the month of January there is limited revenue activity. The one item of note in the revenue area is on page 3 under the Recreation Improvement Fund, where \$33,000.00 in grant funding was received for the Atwood shower building, restroom addition in 2008.

Expenses for the month were higher than last year mainly as a result of a third pay in the month of January compared to two in January 2008.

We will continue to monitor both revenues and expenses as the year moves forward as it relates to our economic situation.

On motion by Mr. Horstman, seconded by Mr. Tribbie, the financial report was accepted as presented.

## 5. PAYMENT OF BILLS

On motion by Mr. Kokovich, seconded by Mr. Parham, a report of the payment of bills for the period ending January 31, 2009, was approved as presented.

## 6. BUSINESS

### 6.01a ASSIGNMENTS, CANCELLATIONS, NEW LEASES, FARM LEASES, MORTGAGE CONSENT AND AGREEMENT CANCELLATIONS, AND MORTGAGE CONSENT AND AGREEMENTS

On motion by Mr. Horstman, seconded by Mr. Kokovich, these assignments, cancellations, new leases, farm leases, mortgage consent and agreement cancellations, and mortgage consent and agreements were approved and execution by the proper officers of the Conservancy District authorized.

### 6.01b ODOT STATE ROUTE 212 EASEMENT

On motion by Mr. Tribbie, seconded by Mr. Kokovich, an easement on State Route 212 to the Ohio Department of Transportation for highway purposes, as recommended and set forth in the above memorandum, was approved.

### 6.01c COTTAGE SITE LEASE RATE ADJUSTMENT FOR 2009

On motion by Mr. Horstman, seconded by Mr. Kokovich, a cottage site lease rate adjustment for all leases consisting of the CPI through January (anticipated to be a negative 0.2%) and no application of the discretionary clause, as recommended and set forth in the above memorandum, was approved. Mr. Parham and Mr. Tribbie abstained from this matter.

### 6.02a FUND TRANSFERS

On motion by Mr. Parham, seconded by Mr. Kokovich, resolutions for 2008 fund transfers, as recommended and set forth in the above memorandum, were adopted.

### 6.02b NATUREWORKS – KOKOSING SHELTER AND PLAY EQUIPMENT

On motion by Mr. Kokovich, seconded by Mr. Horstman, a resolution of authorization for application for financial assistance for the Kokosing campground shelter and play equipment project, as recommended and set forth in the above memorandum, was adopted.

### 6.02c NATUREWORKS – SENECA LAKE PARK SHELTER

On motion by Mr. Kokovich, seconded by Mr. Horstman, a resolution of authorization for application for financial assistance for the Seneca Lake Park shelter project, as recommended and set forth in the above memorandum, was adopted.

### 6.02d NATUREWORKS – LEESVILLE SOUTHFORK SHELTER

On motion by Mr. Kokovich, seconded by Mr. Horstman, a resolution of authorization for application for financial assistance for the Leesville Southfork campground shelter project, as recommended and set forth in the above memorandum, was adopted.

**6.03a HUMAN RESOURCES SUMMARY**

On motion by Mr. Tribbie, seconded by Mr. Horstman, human resources activities, as recommended and set forth in the above memorandum, were approved.

**6.03b LEAD EQUIPMENT OPERATOR**

On motion by Mr. Parham, seconded by Mr. Tribbie, the post and fill of a new position, Lead Equipment Operator, as recommended and set forth in the above memorandum, was approved.

**6.03c SEASONAL STAFFING PLAN FOR 2009**

On motion by Mr. Kokovich, seconded by Mr. Tribbie, 2009 seasonal wage adjustments, as recommended and set forth in the above memorandum, were approved.

**6.03d HEALTH FAIR AND WELLNESS PROGRAM**

On motion by Mr. Kokovich, seconded by Mr. Parham, implementation of an employee health fair and wellness program, as recommended and set forth in the above memorandum, was approved. Mr. Pryce abstained from this matter.

**6.03e PARKS REORGANIZATION PLAN**

On motion by Mr. Parham, seconded by Mr. Tribbie, implementation a plan of reorganization of the parks department, as recommended and set forth in the above memorandum, was approved.

**6.03f OUT-OF-STATE TRAVEL – MARK JUKICH**

On motion by Mr. Tribbie, seconded by Mr. Kokovich, out-of-state travel for Mark Jukich to attend the Water Quality Credit Trading Workshop on March 4-5, 2009, at Chesapeake College in Maryland, as recommended and set forth in the above memorandum, was approved.

**6.04a PARK CONCESSION OPERATIONS – TAPPAN**

On motion by Mr. Horstman, seconded by Mr. Parham, a lease agreement with Sarah Law for the operation of the food service and general store at Tappan Lake Park Activity Center for 2009 through 2011, as recommended and set forth in the above memorandum, was approved.

**6.04b TRASH REMOVAL CONTRACTS**

On motion by Mr. Kokovich, seconded by Mr. Parham, a contract with J&J Refuse, Inc. for trash removal at Tappan, Atwood and Leesville parks and launch ramps, through December 31, 2009, as recommended and set forth in the above memorandum, was approved.

**6.04c PURCHASE OF 2009 SUV**

On motion by Mr. Tribbie, seconded by Mr. Kokovich, lease/purchase of a 2009 4 x 4/AWD Ford Explorer from Palotta Ford of Wooster at their quoted 2-year lease payment option of \$10,393.18 annual payments with a \$1.00 buy-out at the end of the lease period, as recommended and set forth in the above memorandum, was approved.

**6.05 GOLF CART POLICY AND GUIDELINES – DRAFT**

At its January 19, 2007, meeting, the Board of Directors instructed staff to establish a task force to review issues arising from the use of golf carts on Muskingum Watershed Conservancy District (MWCD) property. The goal of the task force was to identify problems, evaluate potential solutions and develop recommendations for consideration by the Board of Directors.

The task force, comprised of seasonal campers, cottage site lessees, youth camp managers, adjacent private property owners, MWCD Development Advisory Committee members and staff, met five times between May 25, 2007, and May 22, 2008. The group gathered information from a broad range of sources including the Ohio Highway Patrol, the Ohio Department of Public Safety, the Ohio ADA (Americans with Disabilities Act), various sheriff's offices, municipalities and golf cart manufacturers. With assistance from legal counsel, an opinion from the office of the Ohio Attorney General was requested to clarify requirements for a disabled person to operate a golf cart on a public highway. The Ohio Attorney General's office has determined that a golf cart is a motor vehicle and, as such, is not exempt from licensing, even if operated by someone who is disabled. Accordingly, the task force has developed a draft golf cart policy and guidelines with the Ohio Attorney General's legal opinion in mind.

Board members received a draft policy that reflects the desire of the task force to help those who need to use golf carts, while at the same time maintaining consistent rules with consistent enforcement. Staff feels it is now clear that golf carts must be licensed through the Ohio Department of Public Safety, Bureau of Motor Vehicles in order to operate on public roadways within MWCD landholdings. Realizing that there is also a need by some to operate a golf cart off of a public roadway, we also developed guidelines to address who can use golf carts off-road, where they can be used and under what conditions.

Board members were asked to review the draft document carefully and make note of those items they feel may require additional clarification and/or revision. No action by the Board of Directors is requested at this time, however, further discussion leading to final approval and implementation of a policy at a subsequent meeting is recommended.

Mr. Horstman asked for explanation of the need to establish a policy for the use of golf carts on MWCD property. He stated his opposition to the proposed \$25 inspection fee and suggested that there be no fee at all or, if there is a fee, that it be minimal (\$5.00 suggested).

Mr. Pryce stated a concern for the number of steps an individual would have to go through to legally operate a golf cart on MWCD property and suggested that a simplified list of the requirements for the use of golf carts could be developed to help individuals clearly understand what steps need to be taken.

Mr. Kokovich commented that his local community has taken steps to determine requirements for the use of golf carts. There have been a lot of difficult issues related to the use of golf carts. One requirement that his community established was the display of a slow-moving vehicle symbol on the golf cart.

Mr. Parham commented that this has been a difficult issue for the staff as well as the Development Advisory Committee and commended the efforts of everyone involved in developing the draft policy.

**6.06 ANNUAL REPORT OF OPERATIONS – 2008**

Mr. Lautenschleger gave a brief overview of the preliminary plans for the 2008 Annual Report of Operations. It is anticipated that a draft report will be available at the March meeting for review and comment.

**6.07a ATWOOD LAKE RESORT – LEGAL COUNSEL**

Mr. Hoopingarner reported that he, along with Mr. Parham and Mr. Pryce, met earlier this week with two prospective law firms interested in providing legal services for the potential involvement of Kent State University Tuscarawas and a transaction for operation of the Atwood Lake Resort facility. Attorney Pringle has indicated that he cannot serve as legal counsel for MWCD due to a potential conflict because of his association with the Board of Trustees of Kent State University Tuscarawas.

Divesting the Atwood Lake Resort property will be a highly specialized transaction, in both real estate and hotel management. The property is subject to a number of legal restrictions.

Mr. Pryce stated an opinion that there is not an immediate need to retain this specialized legal counsel but it will be helpful to identify the appropriate firm so that they can work with MWCD when the need arises.

Mr. Parham commented on the need to determine the exact portions of the Atwood Lake Resort that will be involved in the potential transaction. Mr. Pryce mentioned that the Board and staff will need to work together to arrive at a mutual agreement of the property to be involved.

**6.07b ATWOOD LAKE RESORT – PROJECT MANAGER**

Mr. Hoopingarner informed the Board of the need for the services of a project manager to assist in the process of divestiture of the Atwood Lake Resort property. A project manager would provide organization of the overall process, providing analysis of all options as well as developing reports of potential financial impacts of those options.

On motion by Mr. Kokovich, seconded by Mr. Parham, the Board authorized staff to retain the services of a project manager for any potential transaction involving the Atwood Lake Resort. The project manager will be under a contractual agreement, not an employee of MWCD.

**OTHER BUSINESS**

No other business at this time.

**7. REPORTS**

**7.01 MAINTENANCE ASSESSMENT STATUS UPDATE**

Mr. Hoopingarner distributed a report entitled “2009 Assessment Call Center Metrics.” This report summarizes county-by-county the number of calls as well as the number of Phone Inquiry Records and Requests for Review as a result of the calls. General information calls were not included on the report. A total of 1,335 calls have been received as of February 17, 2009 with the largest volume of calls (56.03%) from the Stark County area. All 18 counties in the MWCD jurisdiction have now mailed their first half tax duplicates.

**7.02 IMMINENT OR PENDING LITIGATION**

These matters were discussed in executive session.

**7.03 UPDATE ON 2009 GOALS**

Mr. Hoopingarner reported on the progress of meeting the “Goals for 2009” as adopted by the Board on January 23, 2009.

## **8. LEGISLATIVE REVIEW**

### **8.01 CURRENT LEGISLATIVE ACTIVITIES**

The Ohio Conservancy District Conference (OCDC) held a legislative reception, sponsored by the Miami Conservancy District, on February 12 in Columbus. The OCDC then met at The Ohio State University following that reception

There is no pending legislation to date that would affect the operation of conservancy districts.

## **9. SUBDISTRICTS**

### **9.01 PURCHASE OF 2009 JEEP LIBERTY**

On motion by Mr. Parham, seconded by Mr. Horstman, the purchase of a 2009 Jeep Liberty sport utility vehicle at a total cost not to exceed \$25,000, as recommended and set forth in the above memorandum, was approved.

### **9.02 CHIPPEWA PROJECT ADVISORY COMMITTEE UPDATE**

Mr. Slogar reported that the Chippewa Project Advisory Committee met on February 4, 2009. This committee discussed planning of projects for 2009. Emergency action plans will be developed for two of the Chippewa structures as well as sediment removal planning for two other structures. There is a potential to partner with the U.S. Geological Survey to develop a watershed model to assist with maintenance planning efforts. In addition, there is an intention to increase education and outreach efforts for the Chippewa Subdistrict – including a continual update of the MWCD website to include Chippewa projects.

## **EXECUTIVE SESSION**

On motion by Mr. Parham, seconded by Mr. Horstman, the Board of Directors entered into executive session at 10:20 a.m. to discuss matters related to ORC §121.22 (G) (1) (employment and compensation) and (G) (3). On roll call: Mr. Horstman-yes; Mr. Kokovich-yes; Mr. Parham-yes; Mr. Pryce-yes; and Mr. Tribbie-yes. On motion by Mr. Parham, seconded by Mr. Tribbie, the Board returned to open session. The executive session ended at 10:50 a.m.

## **10. ADJOURN**

There being no further business, on motion by Mr. Horstman, seconded by Mr. Kokovich, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is March 20, 2009, at 9:00 a.m. at the New Philadelphia City Council Chambers.

*02/20/2009*

*Approved 3/20/2009*