

**SUMMARY OF MINUTES  
BOARD OF DIRECTORS  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT  
Held at Tuscarawas County Senior Center  
October 21, 2011, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at the Tuscarawas County Senior Center, 425 Prospect Street, Dover, Ohio, on Friday, October 21, 2011, 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. Boyle, Mr. Horstman, Mr. Kokovich, Mr. Parham, and Mr. Pryce.

Present from MWCD staff were Scott Barnhart, Mary Burley, James Cugliari, John Hoopingarner, Darrin Lautenschleger, Sean Logan, Karen Miller, Boris Slogar, and Mark Swiger.

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

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

Also in attendance for all or portions of this meeting were: Jim Pringle (*MWCD Legal Counsel*); Maureen Wise (*Rural Action, Huff Run Watershed Coordinator*); Curt Schneider (*Chartwell Group*); Doyle Hawk, Jeff Ohler, and Tom Wheaton (*Carroll County Commissioners*); Glenn Enslin (*Carroll County Economic Development*); Ron and Marie Lampe (*Magnolia residents*); Allison Ginter, David Haught, and Brenda Haught (*Assisted Living Ministry Services, East Liverpool*); George May, Mr. and Mrs. Jack McDade (*Magnolia residents*); and Eric Reip (*New Philadelphia resident*).

Mr. Lampe addressed the Board regarding his question about mineral rights on his mother's property. He indicated that he has conducted some research and has received information from the MWCD in answer to public records requests, including a history of the transactions on the property.

Mr. and Mrs. Haught addressed the Board stating their interest in acquiring the Atwood Lake Lodge property. Their presentation will be heard during executive session.

Mr. May made a public records request for the audited financial statements of the MWCD for the past three years.

**HUFF RUN WATERSHED**

Maureen Wise made a presentation to the Board concerning the Partners in Watershed Management (PWM) grant program. Huff Run Watershed received a grant from the PWM program and Ms. Wise reported on the use of those funds, as well as providing a brief background about the Huff Run project.

The Huff Run Watershed Restoration Partnership, a citizen-based catalyst group, was formed in 1996. The ultimate goal of the Partnership is to return Huff Run to its original warm water habitat. The group conducts extensive environmental education and works closely with government agencies to accomplish their restoration mission.

Rural Action works in Appalachian Ohio on environmental, economic and social justice issues. Programs include watershed restoration, sustainable agriculture, zero waste initiative, environmental education, sustainable forestry, and energy. Rural Action works in the Huff Run, Mud Run, Sunday Creek and Monday Creek Watersheds. The main office is located in Trimble, Ohio, with many satellite offices.

The Huff Run Watershed is located in Tuscarawas and Carroll counties and is 14 square miles, 10-mile-long stream. The area is severely impacted by acid mine drainage.

### **3. APPROVAL OF MINUTES**

On motion by Mr. Boyle, seconded by Mr. Horstman, the minutes of the September 23, 2011, meeting of the Board of Directors were approved.

### **4. FINANCIAL**

Mr. Cugliari presented the financial report for the periods ending September 30, 2011. The total revenue excluding the Atwood Resort operations is \$24,894,814.00 with the expenses of the \$7,831,291.00 resulting in an excess of revenue over expenses of \$17,063,523.00.

#### **Conservation Fund**

- Revenues in this fund are on target with budget expectations. Farm Operations – Sharecrops are just beginning harvest and at this point the yield looks good with high market prices.
- Forestry Operations revenues are running in line with budget expectations.

#### **Recreation Funds – Parks**

- Total park revenues are 94.67% of budget, just slightly ahead of last year.
- Vacation cabins are at 99.40% of budget and most certainly will meet the budget.
- Park Camping Operations are 97.70% of budget and at this point about \$8,000.00 behind last year. For the month of October so far, we have generated \$34,178.00 leaving \$55,500.00 short of budget and 98.5% of budget.
- Camper Trailer Storage revenues will begin to come in over the next couple of months and should be at budget expectation.
- General Park Operations is 97.60% of budget and pretty much wrapped up for the year.
- Expenses continue to be in line with budget at this point.

#### **Recreation Fund – Non Park**

- Total revenues are at 81.72% of budget.
- Marina Operations continue to run behind budget and last year's numbers.
- Piedmont Marina Operations are running behind last year. Storage revenue will bring this closer to budget by year end.
- Piedmont Marina Camping is 86.14% of budget for the year.

#### **Debt**

- The debt section of the report reflects the payoff of the debt for the office building, Tappan vacation cabins and Atwood vacation cabins as approved by the Board last month.
- Under the Atwood Resort Operations, the debt retirement is reflected in the monthly totals for the Line of Credit and the Interest SWAP being paid off. All debt associated with Atwood Resort is paid off.

#### **Maintenance Assessment Fund**

- Revenues are 104.60% of budget with all second half settlements being received. I have included with the report a schedule of Assessment Collections for 2011 for your review.

We continue to monitor both revenues and expenses with the desire to meet budget projections. The total cash balance is \$26,459,432.41 of which \$13,230,031.27 is Maintenance Assessment and \$13,229,401.14 of Operating Funds.

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

## **5. PAYMENT OF BILLS**

On motion by Mr. Pryce, seconded by Mr. Boyle, a report of the payment of bills for the period ending September 30, 2011, was approved as presented.

## **6. BUSINESS**

### **6.01 LEASE TRANSACTIONS**

On motion by Mr. Parham, seconded by Mr. Pryce, the 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 MWCD authorized.

### **6.02 BUDGET ADJUSTMENTS**

On motion by Mr. Parham, seconded by Mr. Pryce, budget adjustments made during the month of September, as recommended and set forth in the above memorandum, were approved.

### **6.03a HUMAN RESOURCES SUMMARY**

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

### **6.03b LIFE AND LONG-TERM DISABILITY PLANS RENEWAL**

On motion by Mr. Pryce, seconded by Mr. Boyle, renewal of the life, accidental death and disability, and long-term disability plans with Mutual of Omaha, as recommended and set forth in the above memorandum, was authorized.

### **6.04a EMPLOYMENT CONTRACT WITH CHIEF COUNSEL**

On motion by Mr. Pryce, seconded by Mr. Horstman, the employment contract for the period of December 1, 2011 through November 30, 2012, with Kyler, Pringle, Lundholm & Durmann, chief legal counsel, as recommended and set forth in the above memorandum, was approved.

### **6.04b 2011-2012 SHORELINE STABILIZATION PROJECTS**

On motion by Mr. Parham, seconded by Mr. Boyle, award of shoreline stabilization projects at Atwood and Clendening to Tucson, Inc. in the amount of \$246,468.75 and \$195,770.50, respectively, as recommended and set forth in the above memorandum, was authorized.

**6.04c PLEASANT HILL LAKE SLOPE STABILIZATION PHASE III CONTRACT AWARD**

On motion by Mr. Parham, seconded by Mr. Pryce, authorization to solicit bids and award a modified shoreline stabilization project at Pleasant Hill to the lowest and/or best bid not to exceed \$350,000.00, as recommended and set forth in the above memorandum, was authorized.

**6.04d PURCHASE OF 2012 FORD F-550**

On motion by Mr. Pryce, seconded by Mr. Parham, authorization to seek bids for the lease/purchase of a 2012 Ford F-550 truck at a cost not to exceed \$70,000.00 and the associated budget revision, as recommended and set forth in the above memorandum, was authorized.

**6.05 DEVELOPMENT ADVISORY COMMITTEE**

On motion by Mr. Horstman, seconded by Mr. Boyle, reappointment of Jeff Heacock and David White; recognition of Todd Davis, Kevin Keffer, Denny Roudebush and James Rowe as recommended and set forth in the above memorandum, were approved.

**6.06 ATWOOD LAKE RESORT AND CONFERENCE CENTER**

Mr. Schneider reported that he has been working with the three entities – Ohio Department of Natural Resources, Carroll County Commissioners and Kent State University Tuscarawas – in an effort to donate the Atwood Lake Resort facility to one or a combination of three. The Carroll County Commissioners and Mr. and Mrs. Haugt addressed the Board. All discussions took place in executive session.

**6.07 STRATEGIC PLANNING**

Jack Steele of Active Strategy met with the Board at the conclusion of this meeting to work on the strategic planning project.

**OTHER BUSINESS**

**DOVER DAM GROUNDBREAKING CEREMONY**

A groundbreaking ceremony for Phase II of the Dover Dam rehabilitation project has been scheduled for Monday, November 7 at 10:00 a.m.

**OHIO SHALE COALITION**

MWCD has been invited to participate in the Ohio Shale Coalition. This group's primary goal is to provide all Ohioans with information about the Marcellus and Utica shale and its potential for economic development and job creation. The first step the coalition will take is commissioning a study that will gauge the economic impact for Ohio including upstream, midstream and downstream job opportunities from shale drilling. On motion by Mr. Boyle, seconded by Mr. Horstman, the Board authorized staff participation in the Ohio Shale Coalition.

**OHIO WATER ADVISORY COUNCIL**

Mr. Hoopingarner has received a request from the office of Governor Kasich to continue his participation with the Ohio Water Advisory Council. On motion by Mr. Pryce, seconded by Mr. Horstman, the Board authorized Mr. Hoopingarner's participation on the Ohio Water Advisory Council.

## **7. REPORTS**

### **7.01 SUMMARY OF MARINA OPERATIONS**

Board members received a copy of the Summary of Marina Operations report through September 30, 2011. No action required.

### **7.02 UPDATE ON 2011 GOALS**

Mr. Hoopingarner reported on the progress of work toward accomplishing the 2011 goals as adopted by the Board of Directors.

- 1) To develop and implement a strategic plan of management for the Muskingum Watershed Conservancy District.
- 2) To evaluate and recommend a course of action in light of current oil and gas development opportunities.
- 3) To reduce the negative financial liability of the Atwood Lake Resort and Conference Center so that it is no longer a material factor in the overall operations of MWCD.
- 4) To address recreation operations in light of current economic conditions and customer demands.
- 5) To identify and develop conservation programs under the Amendment to the Official Plan.
- 6) To submit for consideration of the Conservancy Court the Subsequent Appraisal Record as required by law (this goal is complete).

### **7.03 USACE PROJECTS STATUS REPORT**

Mr. Boyle accompanied staff in attending a recent partnering meeting between the USACE and MWCD. He reported that he was impressed with the precision of the meeting and the dedication of all involved. Mr. Boyle noted that a strong and symbiotic relationship exists between these two entities. The partnering meetings are held two times per year (one at Huntington and the other in the MWCD area).

Mr. Slogar recently learned that the Huntington District has been designated as a regional dam safety modification production center. This designation assures them to continue working on the Muskingum Basin projects.

The anchor drilling has begun at the USACE Dover project with 36 anchors to be installed. Phase II of the project was recently awarded in the amount of \$20 million to Brayman Construction. Phase II will include installation of 21 anchors, making a total of 57 anchors installed.

A contract was recently awarded to Massillon Construction in the amount of \$3.75 million for installation of a seepage blanket at Bolivar Reservoir.

In addition, the USACE is working on a risk assessment for Mohawk Dam and is planning future work at Beach City Dam.

Mr. Hoopingarner serves as chairman of the water availability and management committee of the Ohio River Basin Alliance. This group, representing 15 states, recently met in Huntington, West Virginia.

**7.04 ATWOOD REGIONAL WATER AND SEWER DISTRICT UPDATE**

Mr. Parham reported that the ARWSD agreed to a discount on the utility billing for Resort. However, this discount prompted the ARWSD Board of Trustees to take action to implement a \$3.00 across-the-board increase to all other users. The first billing to reflect this change will be sent in November.

**7.05 CHARLES MILL HORSEPOWER UPDATE**

The Ohio Department of Natural Resources, Division of Watercraft, has announced that there will be no change in the horsepower limit for boats operating on Charles Mill Lake. The limit of 10 horsepower will remain in effect. A petition presented last year to the Division of Watercraft and the MWCD requested that the horsepower limit on Charles Mill Lake be increased to 30 horsepower.

Three public hearings were held to accept comments and suggestions, and to discuss proposed alternate solutions. However, a consensus could not be achieved on either the original petition or an alternate solution.

**7.06 LICKING RIVER ROUND UP**

Board members received a copy of a letter of appreciation from the Licking River Round Up Committee. MWCD served as a sponsor for this event funded by the education and outreach portion of the maintenance budget.

The Licking River Round Up was deemed a big success. Approximately 225 volunteers, sponsors and partners helped with the event. Nearly 13 miles on both the North Fork Licking and Licking Rivers were covered and the collection included over 350 tires and about 20 yards of trash. Some of the more interesting items collected included several grocery carts and a submerged motor boat.

**7.07 IMMINENT OR PENDING LITIGATION**

This matter was discussed in executive session.

**8. LEGISLATIVE REVIEW**

**8.01 CURRENT LEGISLATIVE ACTIVITIES**

Mr. Hoopingarner reported on current legislative activities.

**9. SUBDISTRICTS**

**9.01 BLACK FORK SUBDISTRICT**

Mr. Slogar is working on development of a cost estimate for the planning phase of the Black Fork Subdistrict. Mr. Cugliari recently met with the Ohio Water Development Authority (OWDA) to discuss potential funding for the planning phase.

**EXECUTIVE SESSION**

On motion by Mr. Horstman, seconded by Mr. Pryce, the Board of Directors entered into executive session at 10:45 a.m. to discuss matters related to ORC §121.22 (G) (2) and (3). On roll call: Mr. Boyle-yes; Mr. Horstman-yes; Mr. Kokovich-yes; Mr. Parham-yes; and Mr. Pryce-yes. The executive session ended at 1:00 p.m.

**10. ADJOURN**

There being no further business, on motion by Mr. Parham, seconded by Mr. Pryce, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, November 18, 2011, at 9:00 a.m. at the New Philadelphia City Council Chambers.

*10/21/2011*  
*Approved 11/18/2011*