

**REGULAR SESSION**

**THURSDAY**

**MARCH 18, 2021**

The Board of Huron County Commissioners met this date in Regular Session. Roll being called found the following members present: Terry Boose, Joe Hintz and Bruce Wilde.

21-098

**IN THE MATTER OF APPROVING REQUESTS FOR EXPENDITURE OF OVER \$1,000.00  
SUBMITTED TO THE BOARD MARCH 18, 2021**

Bruce Wilde moved the adoption of the following resolution:

**WHEREAS**, requests for expenditures of over \$1,000.00 have been submitted for approval by the Board of Huron County Commissioners as follows:

**Buildings & Grounds (022-00280-001)**

RJ Beck Protective Systems, Inc.	Replace aging smoke heads @ Office Building	\$5,199.00
		now therefore

**BE IT RESOLVED**, that the Board of Huron County Commissioners hereby approves of the requests for expenditure of over \$1,000.00 as listed above; and further

**BE IT RESOLVED**, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Joe Hintz seconded the motion.

**\*Discussion:** Mr. Boose explained this was just to finish what they started last year. They are just replacing what was there.

The roll being called upon its adoption, the vote resulted as follows:

Aye – Terry Boose  
Aye – Joe Hintz  
Aye – Bruce Wilde

**At 9:05 a.m. Public comment.** Mr. Boose noted there were a lot of people present that wanted to talk about wind energy. He wanted to make it known this had nothing to do with whether they like or don't like wind. He explained the Board had to make a decision and they had based that decision on current law.

Patricia Didion. Ms. Didion thanked the Board for the opportunity to speak. She stated she lived on Williams Road in Bellevue, Lyme Township, which was in the Emerson Creek wind project footprint. She stated she was opposed to wind development and explained her reasons. She asked that they not aware the Payment In Lieu of Taxes designation to Emerson Creek.

Jessie Roeder. Ms. Roeder did not feel wind farms were truly farms. She thought giving them concessions would only make them richer, not the average person. Ms. Roeder did not think they were needed in the community, there are already good sources of energy that are reasonable. She did not want wind turbines in her backyard.

Paula Roeder Fox. She stated she was just a repeat.

Sheila Poffenbaugh. Ms. Poffenbaugh was from Norwich Township. She had many questions about the Apex project and the numbers that had been presented. She expressed concern that Apex had indicated they would challenge property tax assessments if they were not given a PILOT. Companies like this receive tax breaks with tax dollars already; now they were taking advantage of the citizens even more by asking for the PILOT. She felt the Board should not agree to a PILOT until they asked questions and received answers and a guarantee in writing.

21-099

**IN THE MATTER OF APPROVING A QUALIFIED ENERGY PROJECT APPLICATION  
SUBMITTED BY APEX CLEAN ENERGY FOR THE EMERSON CREEK WIND FACILITY IN  
HURON COUNTY AND SUPPORTING EXEMPTING SUCH PROPERTY FROM TAXATION,  
REQUIRING ANNUAL SERVICE PAYMENTS AND SPECIFYING THE TIME AND MANNER**

**OF SUCH PAYMENTS.**

Mr. Bruce Wilde moved the adoption of the following Resolution:

**WHEREAS**, the Board has received a qualified energy project (“QEP”) exemption application submitted by Apex Clean Energy (“Apex”) to the Ohio Development Services Agency (“ODSA”) for the wind-powered electric generation facility known as Emerson Creek Wind Energy Project to be located in Huron County (“QEP Application”); and

**WHEREAS**, in the event Apex foregoes its QEP Application in the future and the Board receives a tax exemption application submitted by Apex to the Ohio Air Quality Development Authority’s (“OAQDA”) Clean Air Improvement Program (“CAIP”) for the wind-powered electric generation facility known as Emerson Creek Wind Energy Project to be located in Huron County (“CAIP Application”) Apex desires to perform the statutory obligations as set forth in ORC 5727.75; now therefore

**BE IT RESOLVED**, The Board hereby approves the QEP Application submitted by Apex pursuant to Ohio Revised Code (“ORC”) 5727.75(E)(1)(b). and further

**BE IT RESOLVED**, the approval of the QEP Application is expressly conditioned upon the payment of the annual service payment of \$7,000 for each megawatt (“MW”) of nameplate capacity of Apex’s project, as required under ORC 5727.75(G) for each tax year for which the property is exempt pursuant to ORC 5727.75. The payment shall be charged, collected, and distributed at the same time and in the same manner as the taxes imposed on taxable property subject to assessment under ORC Chapter 5727.01 et seq. and further

**BE IT RESOLVED**, the approval of the QEP Application is also expressly conditioned upon the payment of an additional annual service payment of \$2,000 for each MW of nameplate capacity of Apex’s project for each year the property is exempt pursuant to ORC 5727.75, which is in addition to the annual service payment required to be made under ORC 5727.75(G). The total annual payment shall be equal to the base payment set forth as set forth above and required under ORC 5727.75(G) plus the additional annual service payment provided for herein, or \$9,000 for each MW of nameplate capacity for the project in Huron County. The additional annual service payment shall be charged and collected at the same time in the same manner as the taxes imposed on taxable property subject to assessment under ORC Chapter 5727.01 et seq. The additional annual service payment will be deposited into Huron County’s general fund to be used for any purpose for which money credited to that fund may be used as decided annually by the Huron County Board of Commissioners. and further

**BE IT RESOLVED**, in the event Apex determines to forego its QEP Application and the Board of Commissioners receives a Clean Air Impact Program (CAIP) Application submitted by Apex to the Ohio Air Quality Development Authority (OAQDA) pursuant to ORC Chapter 3706.01 et seq., the Board will support approval of the CAIP Application expressly conditioned upon the payment of the annual service payment of \$7,000 for each megawatt (“MW”) of nameplate capacity of Apex’s project, as required under ORC 5727.75(G) for each tax year for which the property is exempt pursuant to ORC 5727.75. The payment shall be charged, collected, and distributed at the same time and in the same manner as the taxes imposed on taxable property subject to assessment under ORC Chapter 5727.01 et seq.. Furthermore, the Board’s support for approval of Apex’s CAIP Application is also expressly conditioned upon the payment of an additional annual service payment of \$2,000 for each MW of nameplate capacity of Apex’s project for each year the property is exempt pursuant to ORC 5727.75, which is in addition to the annual service payment required to be made under ORC 5727.75(G). The total annual payment shall be equal to the base payment set forth as set forth above and required under ORC 5727.75(G) plus the additional annual service payment provided for herein, or \$9,000 for each MW of nameplate capacity for the project in Huron County. Moreover, the Board’s approval of the CAIP Application is also expressly conditioned upon Apex complying with the requirements of ORC Chapter 5727.01 et seq., specifically ORC 5727.75(F) and (G), relative to the Emerson Creek Wind Energy Project. and further

**BE IT RESOLVED**, the Board determines that all sales of tangible personal property to Applicant used or consumed directly and primarily by Applicant’s wind-powered electric generation facility for purposes of generating, transmitting, and distributing electricity for use by others, shall be exempt from any applicable Huron County sales tax. and further

**BE IT RESOLVED**, the clerk of this Board is directed to send a certified copy of this resolution by certified mail to the Director of ODSA before April 1, 2021. and further

**BE IT RESOLVED**, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio relating thereto were conducted in meetings open to the

public, in compliance with all applicable legal requirements, including ORC 121.22.

Mr. Joe Hintz seconded the motion.

***Bruce Wilde moved to amend Resolution 21-099 to correct the date to send the resolution to the Director of ODSA from March 2, 2021 to read: “BE IT RESOLVED, the clerk of this Board is directed to send a certified copy of this resolution by certified mail to the Director of ODSA before April 1, 2021”. Joe Hintz seconded the motion. The roll being called upon its adoption, the vote resulted as follows:***

*Aye – Terry Boose*

*Aye – Joe Hintz*

*Aye – Bruce Wilde*

***\*Discussion:*** Mr. Wilde wanted to reiterate what Mr. Boose had said. This had nothing to do with whether Apex comes or not. That was up to the Siting Board. If they were coming, the Board wanted to make sure the County was paid. They have learned some things over the last couple years. Mr. Wilde read an email from Auditor Roland Tkach regarding the Nexus Pipeline. They had appealed the value of the property and had cut the payments in half. Something similar had happened in Fremont. Real estate taxes did not seem to be a good idea.

Jessie Roeder. Ms. Roeder asked what the pipeline was carrying. Mr. Boose thought natural gas. Mr. Wilde said they were seeing a pattern. He noted that about 75% of taxes go to the schools. He felt they should be protected. The Payment in Lieu of Taxes would guarantee funds.

Mr. Hintz asked everyone to understand that this was beyond the Commissioner’s control. The PILOT was not, but whether the wind farms came was beyond their control. Between the PILOT or real estate taxes, he thought the PILOT was the best they could do. There was not a lot of local control.

Ms. Roeder appreciated Mr. Hintz saying that. She was glad to hear him say that they were going to hold their feet to the fire when it came to money for the taxpayer. Mr. Boose explained that by passing the resolution they were going to hold them to the PILOT project and the rules under Ohio Revised Code for a PILOT project. They had not given automatic approval to this. They had talked to the school districts and looked at numbers from both Apex and the County Auditor.

Ms. Didion thought they had made this decision without informing the public. Mr. Wilde told her all their meetings were public. She asked if the public was entitled to know that they have receive this formal request? Mr. Strickler said there was no legal requirement for that. Mr. Boose again explained the steps they had taken in making the decision.

Paula Roeder Fox said that it was mentioned that Nexus wasn’t paying the money they were supposed to be paying. She asked what would happen if Apex didn’t pay what they were supposed to pay. Mr. Boose stated it was based on the Ohio Revised Code. He was sure there was a legal process established for that situation.

Sheila Poffenbaugh asked if they had any figures as to how much money was going to go to each entity. Mr. Boose said they do but they were only estimates. Ms. Poffenbaugh asked what would happen if they did not produce at their nameplate capacity. Mr. Strickler said it would not matter, the payments were based on the capacity on the nameplate.

Robert Sousticowski asked if he was correct that there was nothing in the PILOT to protect residential property values. Mr. Boose said that was between the homeowner and the State. He explained passing the resolution will have no affect at all. If they are going to put up turbines, they are going to be put up.

Jessie Roeder asked how the County could get more local control. Mr. Boose said it all comes from the State. She did not think that seemed fair. Mr. Wilde agreed, they have said that for years.

Sheila Poffenbaugh asked if the Board supported HB118 and SB52. Mr. Boose said he doesn’t like to make decisions until the bill was close to being passed. He had learned that what is introduced and what gets passed can be two totally different things. Mr. Strickler did not think it was a good idea to take a position on any pending bill.

Patricia Didion thought the Nexus Pipeline had influenced the Board’s decision. She thought it had driven them to take the stance they had. Mr. Boose explained they brought up Nexus because they were local. There were other projects that had gone through this. He explained he was working with Representative Stein on trying to find a solution. He thought it was horrible that these companies can do what they do. But for now they can only follow the State laws.

Jessie Roeder thought what the Board was saying was that they were trying to protect the County. Everyone agreed they were. Mr. Strickler explained that if the Board didn't agree to this, there would be a fight with Apex over the value. It would go to the Board of Revision and Board of Tax Appeals in Columbus. The County would have no idea how much tax money it would get. Mr. Wilde thought that if they didn't pass the PILOT Apex would definitely fight the value. Mr. Hintz agreed, saying they were really trying to do what was best for the County. The Board was not their enemy.

Paula Roeder Fox clarified that by passing the PILOT it did not make it easier for them to put up the turbines. Mr. Wilde explained it was up to the Power Siting Board and he did not think it made any difference to them. Mr. Boose agreed, saying that was why they had waited until now to make the decision.

The roll being called upon its adoption, the vote resulted as follows:

Aye – Terry Boose  
Aye – Joe Hintz  
Aye – Bruce Wilde

Jessie Roeder asked if they could put a notation on indicating they were not approving the wind coming in. Mr. Strickler said there was no need for that. The Commissioners have no say in that decision, it was up to the Power Siting Board.

21-100

**IN THE MATTER OF APPROVING 2021-2022 PAYMENT SCHEDULE FOR THE LEASE AGREEMENT BETWEEN THE BOARD OF HURON COUNTY COMMISSIONERS (LESSOR) AND THE HURON COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES (LESSEE)**

Bruce Wilde moved the adoption of the following resolution:

**WHEREAS**, the Board of Huron County Commissioners and the Huron County Department of Job and Family Services entered into a ten (10) year lease agreement on October 8, 2019, Resolution 19-296, for the premises located at 185 Shady Lane Drive, Norwalk, Ohio 44857; and

**WHEREAS**, the rental amount, per the terms of the lease, are to be fixed semi-annually; and

**WHEREAS**, the Board desires to affix the rental amount as set forth on the schedule attached hereto and identified as Amended Attachment A, 2021-2022 Payment Schedule; now therefore

**BE IT RESOLVED**, that the Board of Huron County Commissioners hereby approves the Amended Attachment A of the Huron County Job & Family Services Lease Agreement, 2021-2022 Payment Schedule. A copy of which is attached hereto and expressly incorporated by reference herein; and further

**BE IT RESOLVED**, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Joe Hintz seconded the motion.

**\*Discussion:** Mr. Boose clarified with Ms. Ziemba that this was done every other year. Ms. Ziemba said the lease itself was for ten years but they review the payment amount every other year.

The roll being called upon its adoption, the vote resulted as follows:

Aye – Terry Boose  
Aye – Joe Hintz  
Aye – Bruce Wilde

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**At 10:00 a.m. Jacob Stephens, Prosecutor's Office** requests an executive session to discuss purchase or sale of the Old Jail.

***Bruce Wilde moved to enter into Executive Session ORC 121.22 (G)(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is***

*adverse to the general public interest. Joe Hintz seconded the motion. The roll being called upon its adoption, the vote resulted as follows:*

*Aye – Terry Boose  
Aye – Joe Hintz  
Aye – Bruce Wilde*

*At 10:55 a.m. Bruce Wilde moved to end Executive Session ORC 121.22 (G) (2). Joe Hintz seconded the motion. The roll being called upon its adoption, the vote resulted as follows:*

*Aye – Terry Boose  
Aye – Joe Hintz  
Aye – Bruce Wilde*

*\*No action taken from Executive Session ORC 121.22 (G)(2).*

Mr. Boose informed Mr. Welch he had received a call from Ms. Hazel who mentioned there were some big cracks in the parking lot and sidewalk downtown. Mr. Welch said he had one quote and had contacted another company who was going to take a look at it.

Mr. Boose asked Mr. Welch about Meeting Room A soundproofing and doors. Mr. Welch said he was getting costs for the soundproofing. There had been some confusion with scheduling the guy to look at the door. Mr. Boose explained they were not sure they wanted the door, but they decided to at least get a quote. They knew they wanted to do the other door. Ms. Ziemba explained they already had a quote and were delayed because the company was coming out to measure to place the order. They will place an order for one door. Mr. Boose explained to Mr. Welch that there was no sense in putting the other door in if the sound was not taken care of.

**IN THE MATTER OF TRAVEL – none.**

**SIGNINGS – none.**

#### **OLD BUSINESS**

Architects. Ms. Ziemba explained Mr. Welch was trying to get a more firm number from Garman Miller for the overall projects. That is why they had been on the roof – to get a good estimate.

Deferred comp Roth option. Ms. Ziemba said Mr. Strickler had reviewed the agreement. Mr. Strickler stated he didn't think there was anything in it that would affect us negatively. Ms. Ziemba will try to have that ready for Tuesday.

Board of Elections space. Mr. Wilde wanted to discuss this. He thought if they were going to move them, now would be the time. Board of Elections had \$28,000 available from their security grant. The County also had one-time money. The basement was sitting empty and he thought the square footage on the first floor would be much more attractive. Mr. Hintz suggested that would alleviate the handicap problem with the elevator. Mr. Boose said it would just cause the same problem for whoever goes on the first floor. Mr. Wilde agreed, but noted there were a lot more people coming in for Board of Elections than necessarily who would be on the first floor. Mr. Boose pointed out they just had the biggest election ever held in Huron County, and there were no issues.

Mr. Hintz expressed concerns with Dominion and thought it was time to look at a different company. He realized there were not a lot of options. Mr. Strickler didn't know if there was time; the Dominion contract would be expiring.

Mr. Boose noted they had two discussions going on but they did tie into each other. He was concerned that early voting would be a major discussion and there would be big changes made. Right now the federal government wanted to take authority away from the State. He would prefer not to jump into anything until they knew what changes were going to be made.

Last on Ms. Ziemba's list for Old Business was the Sheriff's vehicle. She did talk to Deputy Ditz to let him know that what they are waiting for. He was having the mechanic look at both vehicles to make an informed decision about which vehicle was the most road ready before they put one up for sale. He understands if they use the one that was purchased with General Fund money the Special Fund will need to pay the General Fund for the value. Hopefully she will have something by the end of the week.

Ms. Ziemba stated that New London had applied for the Critical Infrastructure grant through the CDBG program. They had received notice at end of the day yesterday that Huron County will be awarded \$480,300 for the PY 2020 water critical infrastructure project in New London. The grant was contingent on whether the

project could wait until September 1. This will mean the project could not be bid and no construction could start until after the September 1, 2021 grant agreement issuance date and receipt of the environmental review release of funds. They are going to wait, so they will bid the project out in January 2022. This will be the first critical infrastructure grant Huron County has received.

Ms. Ziemba reminded the Board that on Tuesday she had read an email from the Sheriff about them wanting to move money from PERS to their salary line. She needs an answer for them. Everything is ready to go the Auditor's office for the budget to be approved except this. Mr. Boose did not think this was a conservative approach because there is more money in one account that they make sure to go out and spend and put it in another account. He suggested they don't do the transfer. At the end of the year if the Sheriff needs it then they can discuss it again. He thought they set a budget, and he was going to leave it at that. Mr. Wilde agreed they should not allow the transfer since they could look at it later. Mr. Hintz agreed. Ms. Ziemba said she would respond to them that the transfer was not approved in the budget right now but can be readdressed later in the year if there was a need.

**NEW BUSINESS**

Ms. Ziemba had received an email from Ms. Horvatic as the Auditor's office. The State Auditor has begun their audit of the County and they would like an entrance meeting the afternoon of April 1. The email also went to Mr. Tkach, Ms. Schaffer and Ms. Bursley. They would like a Commissioner at the meeting. They just wanted to extend the invitation and let them know what to expect from the audit. Mr. Strickler reminded them that the State Auditor was actually doing the audit, they were not having their contract auditors do it this year. Mr. Boose did not think the Commissioners could add much to the discussion. But if they wanted them there he did not have a problem doing it as long as it didn't interfere with a regular commissioner meeting. Ms. Ziemba said it would be Thursday, April 1 in the afternoon. Mr. Boose thought that would be fine now that budget was passed. Ms. Ziemba will attend and will ask Ms. Stebel to attend as well.

Mr. Boose stated that he had received an email from CCAO regarding a Regional Legislative Briefing. They had asked him to be chair. He did not think that would be a problem. It will be virtual and will be scheduled in mid-April.

Mr. Boose said they have another "save the date" from CCAO for April 9. Mr. Wilde said he had a CEBCO meeting that day.

Mr. Boose thought that, based on what Mr. Hintz had mentioned, they should ask Board of Elections to give them a presentation from at least one other vendor. Mr. Strickler noted there were only two or three vendors who do this. Ms. Ziemba had received an email on this. The Board asked Ms. Ziemba to respond that the Commissioners would like to look at least one other vendor.

Mr. Hintz had an LEPC meeting at 1:00; he will attend via Zoom. Mr. Boose had a Government Legislative Committee meeting at 1:00. He thought it was interesting that they planned to talk about future Board of Election budgets. Mr. Wilde will attend LEPC in person.

At 11:27 a.m. With no further business to discuss, Bruce Wilde moved to adjourn. Joe Hintz seconded the motion. The meeting stood adjourned.

**IN THE MATTER OF CERTIFICATION**

The Clerk to the Board does hereby attest that the foregoing is a true and correct record of all actions taken by the Board of Huron County Commissioners on March 18, 2021.

**IN THE MATTER OF ADJOURNING**

The meeting was called to order at 9:00 a.m. With no further business to come before the Board, the meeting was adjourned at 11:27 a.m.

Signatures on File

**REGULAR SESSION**

**THURSDAY**

**MARCH 18, 2021**

The following bids for the 2021 New State Road Resurfacing Project Re-bid were opened on March 19, 2021 at 9:01 a.m.:

Erie Blacktop	\$485,025.00
Kokosing	491,699.58
Gerken Paving	558,717.50
A.J. Riley	576,856.50