

Work Sessions held on April 2, 2024 9:00 a.m. Topic: General Matters/Agenda Items

In Attendance: Kathryn Whittington, J. P. Ducro IV, Casey Kozlowski, Janet Discher, Lisa Hawkins, Crystal Sturgill, Jake Brand, Sarah Jammal, Matt Hebebrand, Calvin Nguyen, David Thomas, Sharon Larz, Robert Sturm, Trista Weber, Press: Brian Haytcher, Via Zoom: Jacquelyn Boling, Mario Larz, Daniel Pier

The following persons attended the meeting to discuss items of interest:

Calvin Nguyen and Matt Hebebrand from the Prosecutor's office reviewed the legal opinion regarding the solar questions submitted, as the Board of Commissioners waived attorney/client privilege. There were 5 queries submitted and the answers to such queries are further outlined in the legal opinion dated February 14, 2024, Legal Opinion, Matrix Matter Number 2024-OPN-0018.

Below is a recap of the discussion:

1. Concerning HB 501, what authority does the Board of County Commissioners (BCC) have to regulate small solar facility projects in Ashtabula County? The Board has authority to regulate small solar facilities, but must act under its county rural zoning authority, which involves a multi-step process that includes: pass resolution relating to county zoning authority, rural zoning commission creation, then evaluated through a public hearing, then planning commission, then commissioners vote on it, then township voters can approve or deny at an election.
2. What is the regulation process for BCC to regulate small solar facility projects? After fulfilling each of the statutory requirements to enact a zoning plan, the BCC can enforce their regulation by injunction, fine or a system of zoning certificates. The process is very similar to the process outlined in No. 1.
3. How does it affect local zoning if there is local zoning? If there is already local/township zoning at the time that the BCC passes a county zoning resolution, generally the township zoning resolution will apply since it was adopted first.
4. Does the BCC have the authority to file an Injunction on a current project, that is in the works in Windsor Township? The BCC cannot file an injunction to stop a project in the works in Windsor Township unless there is a zoning regulation that has been violated. If no county or twp. zoning, there is no violation.
5. How does the public utilities exemption under Section 303.211 affect the authority of the BCC to regulate small solar facilities under Section 303.213? The public utilities exemption under Section 303.211 would not affect the authority of the BCC to regulate small solar facilities under Section 303.213. Before passage of HB501, does not apply to small solar facilities. County zoning resolution would have to follow the process above.

The County has the ability to implement zoning on a countywide level that impacts all unincorporated areas, but not if zoning is already in place, twp. voters could vote to use county zoning and would have to approve it. The public has to weigh in and approve or deny. Commissioners have never implemented countywide zoning. Airport zoning is the only one we have. The local community should spur this, if a township would like to adopt a township zoning resolution, there is process in place for them to accomplish this, similar to county zoning. It was stated here is a 63% Amish community in Windsor, who are not registered to vote, it wouldn't affect the ability of the twp. to go thru the process. This process could begin at any time. Sharon Larz stated she has been trying to talk to trustees to implement zoning, they are unwilling as of now to proceed. She believes the community is willing. If they do not answer or is not satisfactory, there is a petition process for residents. They were advised to seek legal counsel on that process, use resources available at the County Law Library office and/or contact the Board of Elections. The County Prosecutor's office is working with the trustees. Prosecutors cannot provide legal advice, as they represent the Board of Commissioners and the townships. Robert Sturm asked about zoning, they would need to get their own attorney, they can advocate to Comrs. and Windsor Twp. Trustees. The township is not keeping them informed. This Board cannot speak on behalf of the Trustees, Comr. Kozlowski has had conversations with them. Mario Larz stated if he were to pump diesel fuel in his land, ok with neighbors? They could call the EPA. There has to be harm that would occur. The voters are over the trustees. The process of countywide zoning includes public hearings in all 27 townships, could take years to complete. Ms. Weber stated there are people who do not know the solar farms are going in the communities, no regulations or oversight. She reached out to the local state rep. The Board of Comrs. has no legislative power, we are creatures of ORC. Zoning text was discussed. Trumbull Twp. has added solar in their zoning text. It was suggested that any township looking for assistance in zoning regulations, including solar, reach out to the Planning & Development Office and the County Prosecutor. A model text is available that was provided to Trumbull Township from the Planning & Development Office, constituents could reach out to Trumbull Twp. for a copy.

The Board has not discussed or addressed large solar farm, reference back to the Airport Zoning opinion that has been completed.

ARPA update- Katelin Lamson provided the following update:

Fair Board- Purchase order is on the books for \$320,130.88. This will be the first disbursement of their \$650k award. I should have the check next week. Should we set up a time to have them pick up the check so you all can present to them?

Conneaut Township Park- Amendment was sent to Township Park for review/signing. They have a meeting scheduled for April 10th and will get it back to me shortly after. Once returned, I will present to you all and will work through the check processing.

Ashtabula Historical Society- Janet allocated the \$5,000 and I will be working through the check process. I should have the check ready for them within the next two weeks.

Visitors Bureau- I disburse funds as they submit documentation for reimbursement. I should have a disbursement for them within the next two weeks.

Boy Scouts- No update at this time

OTT Broadband- No update at this time

Conneaut Port Authority- No update at this time

OSU Extension- No update at this time

Clerk of Courts- No update at this time

ACDES- Doug is working on obtaining quotes for the generators.

❖ **David Thomas/Lisa Hawkins, Credit Card Policy**

A cheat sheet was distributed outlining the changes in the credit card policy due to the changes in the ORC from October, 2023. It was suggest to include terminology that states credit card users must follow other established policies including travel, procurement and Data Board. Decision: put the policy on next week's agenda, with the suggested changes.

The following schedule items were discussed:

Reschedule Veteran Services from 4/2 to 12:30 to 1:30 p.m. on 4/9/ Decision: move to 4/16 at 2:00 p.m.

Public meeting at Saybrook Twp BZA re: chicken processing plant 4/8 7pm . Commissioner Ducro can attend. Asst. Clerk will respond and send him the details.

GOTL ribbon cutting Rentals on the Lake & Haunted Historical Walk 4/23 12pm Decision: put on calendars

Ribbon cutting Vital Spa 4/25 12pm Decision: put on calendars

The following Miscellaneous Items were discussed:

Recommendation of award for DJFS addition and alteration project received from Patrick Arcaro, Director, bid came in approximately \$500,000 less than the project estimate. The Board waived an informal as the bidder did not submit the Drug Free Work Place policy as required with the bid, but did submit the following day. Decision: on today's agenda for award and contract approval with

Request for Ashtabula County info from Jace R. (4th grader from Beverly Ohio) Decision: draft a letter Comrs. will sign and send the packet of information.

ODOT Rte. 531 letter prepared and ready for distribution. Decision: ok to send.

Senior Levy Annual Report Letter Decision: ok to send.

Eclipse day on 4/8 Coroner, Comrs. Courts, Sheriff's, Prosecutor, Auditor, are all open. Records, Title, Treasurer are closed.

The Zoom equipment needs fixed.

❖ **Legal Review:**

- Court Computer funding (file opened in 2022)
- Airport Zoning Board update
- Civic Plus agreement
- HB 52 allowing counties to pass res add. powers over wind/solar development

❖ **Old Business:**

Old YDC building

Main Avenue Building

NOPEC grants- approved grant agreement and sample resolution

Quadient(Clerk of Courts) agreements are not a party to the contracts

Medical Debt legislation/program (JP)

YO Worksite Agreement- JFS

ACMC Foundation- new patient tower unveiling, Thursday, 5/23, 5:30pm to 8:00pm- deadline 5/4

Letter of support request for Ice rink/house at Spire – pending

❖ **Outstanding/Upcoming Board Appointments-**

- CFA all up for renewal 5/31/24 Holly Mayernick, Doniella Winchell, Dwayne Bennett, Toni Armeni, 2 current vacancies from resignations - Jim Pearson and Linda Profaunt (spelling)
- District Library Board Jo Misener term ends 5/18/24 wants reappointed. Decision: on todays agenda.