

June 6, 2016

Agenda

Pledge of Allegiance

1:30 Road Vacation Hearing Mill Township

Approve Minutes

Transfer of Funds

Supplemental Appropriation

Before/After Expenditures

Service Contract-David Blackwell (Inmate Services)

Approve Dangerous Wild Animal Emergency Response Plan

Award Contract-Courthouse Dome Project-Schooley Caldwell Associates, Inc.

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, MONDAY THE 6th DAY OF JUNE, 2016, WITH THE FOLLOWING MEMBERS PRESENT:

Kerry Metzger
Chris Abbuhl
Belle Everett

Commissioner Metzger presiding.

*The Lord's Prayer was said.
The Pledge of Allegiance was said.*

NOTE: Ms. Sara Clore and her brother John Clore (Eagle Scout Candidate) were present for the meeting.

RESOLUTION (528-2016) APPROVE MINUTES

It was moved by Commissioner Abbuhl, seconded by Commissioner Everett, to approve the minutes of the last meeting as written.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (529-2016) TRANSFER OF FUNDS

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Water & Sewer	O53-O01	O53-O02	\$14,300.00	USDA-RD Stonecreek Interest

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (530-2016) SUPPLEMENTAL APPROPRIATIONS

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Water & Sewer	Q75-Q99	Q75-Q55	\$3,000.00	Permits/Legal/Advertising

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (531-2016) BEFORE & AFTER EXPENDITURES

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following before/after expenditures:

Lexis Nexis-Matthew Bender	141.43
Owens Implement	236.28

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (532-2016) SERVICE CONTRACT-DAVID BLACKWELL (INMATE SERVICES)

It was moved by Commissioner Abbuhl, seconded by Commissioner Everett, to approve the following service contract with David L. Blackwell for inmate legal services at the Tuscarawas County Justice Center in the amount of \$5,000.00 per year.

SERVICE CONTRACT

This contract is entered into June 1st 2016 by and between the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's Office, hereinafter referred to as Contractor, and David L. Blackwell, hereinafter referred to as Contractee.

PURPOSE

The purpose of this Contract is to hire Contractee to provide legal services to jail inmates at the Tuscarawas County Justice Center, to assist them in the area of legal research and to aid in meeting their legal needs in a practical manner; provided, however, that said Contractee shall not handle, file or otherwise be retained as the inmates' private counsel as to any lawsuits, civil or criminal.

DEFINITION

Contractee shall be considered, for purposes herein, an independent contractor, and as such, not an employee of Contractor.

CONTRACT LENGTH

The contract shall be for a period of one year, subject to renewal by the agreement of Contractor and Contractee in writing, commencing June 1, 2016 and expiring May31, 2017. Either party may cancel the agreement upon thirty (30) days written notice.

SALARY

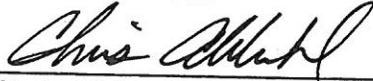
Contractor shall pay Contractee \$5,000.00 per year, with payments to be made in two \$2,500.00 installments. The Contractee will provide a proper invoice for payment after rendering services.

WORK SCHEDULE

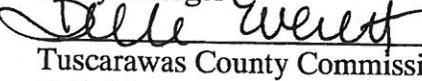
Contractee shall work a minimum of one day per week at the Tuscarawas County Justice Center, and be available to any and all inmates who have requested assistance from the Contractee. Contractee shall assist the inmates in as prompt a manner as possible. Additionally, Contractee shall try to maintain a regular schedule, subject to court scheduling, so that the inmates may anticipate a predictable time to meet with Contractee. Contractee may schedule to meet with the inmates in a manner that is practicable and serves the interests of fairness and efficiency. Contractee reserves the right, due to a conflict of interest with a particular inmate, to refer legal assistance from other competent sources to the inmate.

IN WITNESS WHEREOF, the Contractor and Contractee hereunto subscribe their names on the date aforesaid.

CONTRACTOR:

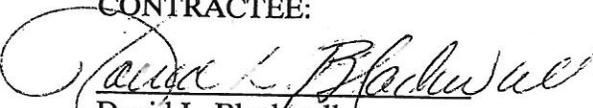

Chris Abbuhl
Tuscarawas County Commissioner


Tuscarawas County Commissioner
Kerry Metzger


Tuscarawas County Commissioner
Belle Everett


Walter R. Wilson
Tuscarawas County Sheriff

CONTRACTEE:


David L. Blackwell
Attorney at Law

VOTE:

Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

DISCUSSION: Gail Baldwin, Deputy Director, Tuscarawas County EMA was present to give an overview of the Dangerous Wild Animal Emergency Response Plan. Every year the Dangerous Wild Animal Respond Team (DWARD) which was appointed on May 2, 2016 reviews this plan and forwards it to the Ohio Department of Agriculture Dangerous Wild Animal Office. This team is appointed every three years and the members are from various disciplines including law enforcement, fire, first aid, and veterinary care. The creation of the team and the plan came about after the wild animal release in Muskingum County in 2011. The DWARD was established in 2013 and needs to comply with the plan and update accordingly. Commissioner Abbuhl asked about any wild animals in Tuscarawas County. Ms. Baldwin said the wild animals that were in Tuscarawas County have passed and are not aware of any other wild animals.

RESOLUTION (533-2016) APPROVE DANGEROUS WILD ANIMAL EMERGENCY RESPONSE PLAN

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following:

WHEREAS, Section 935.27 of the Ohio Revised Code established that the County Commissioners by resolution approve the Tuscarawas County Dangerous Wild Animal Response Team and;

WHEREAS, Section 935.27 the Dangerous Wild Animal Emergency Response Team is required to annually update the Tuscarawas County Dangerous Wild Animal Emergency Response Plan, which outlines the duties of the county dangerous wild animal response team;

WHEREAS, the Tuscarawas County Dangerous Wild Animal Response Team has prepared an annual update of the Tuscarawas County Dangerous Wild Animal Response Plan to be forwarded to the Department of Agriculture Dangerous Wild Animal Office by June 30, 2016, and is hereby presented to the Commissioners for approval:

THEREFORE, be it resolved that the Tuscarawas County Commissioners hereby approves this resolution; thus formally approving the annual update of the aforementioned County Dangerous Wild Animal Emergency Response Plan.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (534-2016) AWARD CONTRACT-ENGINEERING SERVICES COURTHOUSE DOME RESTORATION PROJECT

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to authorize a contract in the amount of Thirteen Thousand Dollars (\$13,000.00) with Schooley Caldwell Associates, Inc. for the architect's basic services for the Courthouse Dome Restoration Project, this contract may also be modified at a later date by the Commissioners to approve additional work by the Architect to complete the Dome Restoration project through construction at a rate not to exceed 7.75% of the total cost of the project. This Resolution also authorizes the President and/or Vice-president of the Board of Commissioners to sign all documents relating to the awarding and execution of said contract as well as additional services that may arise during the course of the project with Schooley Caldwell Associates, Inc.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (535-2016) PAYMENT OF BILLS

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve for payment the following bills.

Auditor		
Treasurer State of Ohio	LGS Audit	2,300.00
Harris Computer Systems	Monthly Payroll Support	1,699.30
Wendy Ivette Oehlers	Monthly On-Line Dog Licensing	200.00

Child Support Enforcement Agency		
Graphic Enterprises Office	Copier Maintenance	121.70
Frontier	Fax Service	50.52
Dominion East Ohio	Monthly Natural Gas Usage	31.20

Clerk of Courts

Postmaster	PO Box Rental	228.00
Slingshot Technology	Service	39.99
GBS	Supplies	933.42
Commissioners		
Fenton Brothers	Supplies/Repairs	111.07
Brandywine Valley Development	Royalty Sharing	166.25
Staples Business Advantage	Supplies	55.86
US Bank Equipment	Copier Lease	89.00
ACY Communications	Cable Drop/Boardroom	300.00
Pitney Bowes Global Financial	Lease/Postage Machine	669.00
Dominion East Ohio Gas	Utilities/107 EH	122.83
Dominion East Ohio Gas	Utilities/125 EH	182.29
Dominion East Ohio Gas	Utilities/JFS	274.54
American Electric Power	Electric/NJNP	94.43
Common Pleas		
Matthew Bender & Co.	Legal Publications	147.53
Sound Communications	Support coverage – Encompass Software	2,148.68
Community & Economic Development		
Haugh Construction	Courthouse Elevator Project	332.10
Haugh Construction	Courthouse Elevator Project	21,453.70
Dog Pound		
Leopha Randolph	Claim – Damages	250.00
Blasenhauer Plumbing	Repairs	399.50
Town & Country Vet Clinic	Medical Care	270.56
Oak Point Vet Care	Medical Care	80.90
Scott’s Lawn Care	Summer Mowing	125.01
American Electric Power	Electric	461.87
Verizon Wireless	Service	101.25
Hillyard Ohio	Supplies	44.67
Dress Down Day		
American Cancer Society	May DDD 2016	368.00
Emergency Management Agency		
Pitney Bowes	Postage Meter Lease/EMA Share	79.50
Information Technology		
ProVantage	Printer Supplies	248.08
Job & Family Services		
Beth Kiggans	Travel	14.77
Park Department		
Roberts Screen Printing & Embroidery	Trailblazer Shirts	31.12
Sheriff		
Miller & Company	Porta John Service	80.00
Mr. Trailer Sales	Trailer Repair	290.31
Zeigler Tire	Brake Work for IWP Truck	223.18
Treasurer		
US Postal Service	Post Office Box Fee	130.00
Veterans		
Xerox Corporation	Xerox Monthly Payment	308.08
Action Now Pest Control	Pest Control for May	45.00
Finishing Touch Carpet Cleaning	Office Cleaning for May	468.00
Time Warner Cable – Northeast	Monthly Service	212.56
Verizon Wireless	Cell Phones for Transportation	114.94
Water/Sewer		
OWDA	Interest WH WWTP Upgrade	951.93
OWDA	Principal WH WWTP Upgrade	7,671.73
OWDA	Principal WH Aerator Replacement	1,501.06

Water/Sewer

OWDA	Interest WH WWTP Upgrade	951.93
OWDA	Principal WH WWTP Upgrade	7,671.73
OWDA	Principal WH Aerator Replacement	1,501.06
OWDA	Interest WH Aerator Replacement	1,000.52
OWDA	Interest Mineral City SSI	23,873.44
OWDA	Principal Mineral City SSI	57,017.71
OWDA	Interest Dundee WTP	1,327.15
OWDA	Principal Dundee WTP	1,689.66
OWDA	Interest SVW Transmission-Line	4,339.12
OWDA	Principal SVW Transmission Line	7,250.00
OWDA	Interest Mineral City WS Upgrade	3,356.34
OWDA	Principal Mineral City WS Upgrade	19,551.62

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

RESOLUTION (536-2016) RECESS

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to recess at 1:08 p.m. until 1:30 p.m., for the purpose of Road Vacation Public Hearing-Mill Township-Kilpatrick Subdivision.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

Commissioner Metzger called the meeting out of recess at 1:30 p.m. for purpose of Road Vacation Public Hearing-Mill Township-Kilpatrick Subdivision.

PUBLIC HEARING: ROAD VACATION-MILL TOWNSHIP-KILPATRICK SUBDIVISION

Commissioners Metzger opened the hearing at 1:30 p.m. Commissioner Metzger asked if there was anyone in the audience to speak in favor or in opposition of the road vacation; there were no responses. Commissioner Metzger also confirmed there wasn't any prior communication for or against the road vacation.

Commissioner Metzger closed the hearing at 1:30 p.m. and back into Regular Session.

DISCUSSION: Commissioner Abbuhl explained the alleys requested to be vacated are off Kilpatrick Road SE, Uhrichsville. The properties were laid out to be a subdivision; however the subdivision was never developed and the abutting land owners to these properties maintained them as their own property. They are recorded as roads, but there are not any plans to develop the area. The vacated alleys will become part of the abutting lands owner's properties. The Mill Township Trustees petitioned the Board of Commissioners to act on this road vacation. Commissioners Metzger, Abbuhl and Everett all viewed the area of the requested road vacation.

ROAD VACATION HEARING 6/6/16
Kilpatrick Rd.

NAME (pl. use print)	ADDRESS	CITY STATE/ZIP
John Clore	3143 SR 39 NE	New Phila OH 44663
Sarah Clore	" "	" "
May McClintock	WTU2	
Chris Abbuhl	125 East High	NP OH 44663
Kerry Metzger	"	"
Belle Everett	"	"
Maxine [unclear]	" "	" "

RESOLUTION (537-2016) ROAD VACATION-MILL TOWNSHIP-KILPATRICK SUBDIVISION

It was moved by Commissioner Abbuhl, seconded by Commissioner Everett, to approve the Mill Township-Kilpatrick subdivision road vacation contingent upon receiving the County Engineers appropriate reports.

**BOARD OF COMMISSIONERS, TUSCARAWAS COUNTY, OHIO
VACATING TWO 12' ALLEYS IN
WALTER S. KILPATRICK'S SUBDIVISION
AS PETITIONED BY THE MILL TOWNSHIP TRUSTEES**

The Board of Tuscarawas County Commissioners met in regular session on June 6, 2016, with respect to the hearing upon Mill Township Resolution 2016-Alley, a Petition filed by the Township Trustees for the vacation of two 12' alleys in Mill Township, with the following members present: Belle Everett, Kerry Metzger, Chris Abbuhl.

1. WHEREAS, R.C. 5553.045 authorizes a board of township trustees to petition the Board of County Commissioners to vacate a township road, to include a street or alley, by passing a resolution that requests the vacation of the road or portion and which includes a description of the general route and termini of the road or portion; and

2. WHEREAS, under R.C. 5553.045 the Mill Township Fiscal Officer, James J. Ong, has filed a copy of Resolution 2016-Alley, with the Board of Commissioners and has certified another copy to the County Engineer for the issuance of a written report under R.C. 5553.06; and the County Engineer has issued a report dated _____, 2016, approving the survey, plat and description and determining that the vacation of the subject alleys are appropriate; and

3. WHEREAS, R.C. 5553.042 indicates that a township shall lose all rights in and to a public road, highway, street or alley which has been abandoned and not used for a period of (21) years, and requires that the board of county commissioners upon petition and determination that the subject public road, highway, street or alley has been abandoned and not used for a period of 21 years, to, by resolution, order the road, highway, street or alley vacated and the roadway to pass in fee to the abutting landowners subject to the preservation of any existing right of way in favor of a public utility as required under R.C. 5553.043; and

4. WHEREAS, the Mill Township Trustees have requested and received from Diversified Engineering, Inc., a "Plat of Alley Vacation" dated January 27, 2016, (Exhibit A attached) depicting the alleys to be vacated to abutting landowners, which is adopted within this resolution by reference; and

5. WHEREAS, the Board, upon viewing the subject street and alleys depicted in the Plat, has determined that, in accordance with R.C. 5553.042, the alleys have been abandoned in that they have not been developed and/or used for a period in excess of twenty-one (21) years. Specifically, the two (2) alleys situated in Mill Township, Tuscarawas County, Ohio, as platted and recorded in Volume 8, Page 58, of the Tuscarawas County Plat Records, which were never constructed or opened by the developer or the Township Trustees.

6. WHEREAS, the Plat and accompanying descriptions contain specific descriptions of the general route and termini of the alleys to be vacated.

7. WHEREAS, the Board has determined that the abandoned alleys should properly be vacated pursuant to R.C. 5553.045 and R.C. 5553.042 since the alleys constitute an abandoned township road, under Ohio law.

8. WHEREAS, pursuant to R.C. 5553.045, the Board has set this date for the public hearing on the requested vacation, not more than 45 days after the resolution was

filed with the Board. The Clerk of the Board of Commissioners has received a Waiver of Notice from the landowners abutting the street or alley proposed to be vacated, informing such owners of the filing of the Board of Township Trustee's Petition requesting the vacation of the alleys and informing the landowners of the time and place of the public hearing scheduled for June 6, 2016. Moreover, the hearing was subject to a notice published in *The Times-Reporter*, a newspaper of general circulation in Tuscarawas County, Ohio, and published on May 17, 2016 and May 24, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Tuscarawas County Commissioners that the petition filed by the Board of Township Trustees of Mill Township, Tuscarawas County, Ohio, requesting the vacation under R.C. 5553.045(B) of the subject alleys is granted. The alleys described in the attached Plat, as platted in Volume 8, Page 52, Tuscarawas County Plat Records are vacated as follows and; Tracts 1 and 2 Geraldine Nugent – the owner of lot 452, formerly lot 15, PPN 39-00674-000; tracts 2 and 3 – Geraldine Nugent, the owner of lots 449, formerly lot 12 and lot 450 formerly lot 13, PPN 39-00675-000, Vol. 679, Page 524, Tuscarawas County Deed Records; 6428 Edie Hill Road, S.E., Uhrichsville, Ohio, 44683; Ronald E. Parr II, 3936 Clay Street, S.E., Dennison, Ohio, 44621, who has an interest in the lots by virtue of a land contract recorded in volume 1328, Page 2626 of the Tuscarawas County official records, as noted in the plat and described in Tracts 1, 2 and 3, attached prepared by Diversified Engineering, Inc., shall be vacated to the abutting owners as reflected on the Plat dated January 27, 2016, is approved and shall be recorded by the Petitioning Township upon receipt of a certified copy of this Resolution, at its cost:

ROLL CALL: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

NO OTHER BUSINESS COMING BEFORE THE BOARD

RESOLUTION (538-2016) ADJOURN

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to adjourn at 1:34 p.m. to meet in Regular Session, Thursday, the 9th day of June, 2016.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Belle Everett, yes;

We hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before us on the day and year first written above.

Kerry Metzger
Chris Abbuhl
Belle Everett

Attest: Maria Lautenschlager
Clerk of the Board