

March 22, 2017

Agenda

Pledge of Allegiance

- 3:15 Mike Jones Reject Bids – Sandyville/East Sparta WWTP Improvement Project
Notice of Bidding – Sandyville/East Sparta WWTP Improvement Project
- 3:30 HEARING Road Vacation CR 111A

Approve Minutes

Before/after Expenditures

Inter-fund Transfer/Advance

Supplemental Appropriation (1)

Affirmative Action Plan 2017

Equal Employment Opportunity 2017

Travel – W/S (4)

Declare Items Obsolete for Use – Vehicle (DD)

ORDC Administrative Services & Application CHIP

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, WEDNESDAY, THE 22ND DAY OF MARCH, 2017, WITH THE FOLLOWING MEMBERS PRESENT:

Kerry Metzger
Joe Sciarretti

Commissioner Metzger presiding.

NOTE: Commissioner Abbuhl absent due to attendance at the Appalachia Regional Conference in Washington DC.

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

RESOLUTION (278-2017) APPROVE MINUTES

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the minutes of the previous meeting as written.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (279-2017) BEFORE/AFTER EXPENDITURES

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

Union Hospital (TB)	32.40
John Hupp (Maintenance)	466.85

Radiology Associates of Canton (Sheriff)	320.86
Zashin & Rich (Auditor)	425.50
WE Quicksall (W/S)	5998.29

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (280-2017) INTER-FUND TRANSFER/ADVANCE

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following inter-fund transfer/advance as per State Auditor’s recommendation:

Treasurer, Tusc. Co. Co. General to Children Services \$210,417.61

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (281-2017) SUPPLEMENTAL APPROPRIATIONS

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Hazardous Materials	B050-B10	B050-B04	\$2,000.00	Software updates

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Discussion: Commissioner Metzger stated the Affirmative Action Plan and the Equal Employment Opportunity Policy were approved during the re-organizational meeting in January. The Human Resource Manager updated the language in the plan so it is more technical in nature.

RESOLUTION (282-2017) AFFIRMATIVE ACTION PLAN 2017

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following:

The Tuscarawas County Commissioners are committed to hire qualified applicants and treat employees in all aspects of their employment without regard to race, religion, color, sex, pregnancy, genetic information, age, national origin or ancestry, disability or military status or any other unlawful basis. In carrying out this responsibility:

1. We will recruit, hire, compensate, assign, classify, transfer, layoff, recall, test and promote for all job classifications without regard to race, religion, color, sex, pregnancy, genetic information, age, national origin or ancestry, disability or military status except where age or sex is a bona fide occupational qualification and we will recruit, hire and promote disabled veterans and Viet Nam Era veterans for all job classifications who qualify and/or are qualified for said positions.
2. We will base decisions on employment solely upon an individual’s qualifications for the position available.
3. We will make promotional decisions based on the individual’s qualifications as related to the position for which he or she is being considered.
4. We will insure that all other employment decisions and practices such as compensation, benefits, discipline, suspensions, demotions, terminations and evaluations will be administered without regard to race, religion, color, sex, pregnancy, genetic information age, national origin or ancestry, disability or military status or any other unlawful basis.

The successful achievement of a nondiscriminatory employment program requires a maximum of cooperation between employer and employees. In fulfilling its part in this cooperative effort, employer is obligated to lead the way by establishing and implementing affirmative procedures, policies and practices which will insure our objective, namely, equitable employment opportunity for all.

Now, therefore, be it resolved, to appoint the Human Resource Manager, as Affirmative Action Coordinator.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (283-2017) EQUAL EMPLOYMENT OPPORTUNITY NOTICE AND POLICY

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following:

I. SCOPE

This policy applies to all employees under the appointing authority of the Board of Tuscarawas County Commissioners, as well as applicants for employment in positions to be filled under the appointing authority of the Board of Tuscarawas County Commissioners.

II. PURPOSE

This Equal Employment Opportunity Policy communicates the commitment of the Board of Tuscarawas County Commissioners to be an Equal Opportunity Employer and to comply with all federal and state equal employment laws and requirements, as well as to take the measures necessary to attract and retain a workforce as diverse as the population we serve.

III. POLICY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions regarding selection/hiring, promotion, classification, job assignment, rate of compensation, layoff, recall, transfer, discipline, demotion, termination, testing, access to benefits (subject to the "Tuscarawas County Employee Health Benefit Plan" plan document and eligibility rules, as amended from time to time) and participation in training will be based upon merit, qualifications and abilities, and will not be influenced by or affected by an employee's or applicant's race, color, religion, sex or gender identity, national origin or ancestry, age, marital status, disability, pregnancy, military/veteran status, genetic information or sexual orientation. Any discrimination which violates federal or state law, or this policy, is strictly prohibited and employees who engage in such discrimination will be subject to disciplinary action up to and including removal.

The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) prohibits job discrimination and requires federal contractors and subcontractors to take affirmative action to employ and advance in employment qualified Vietnam era veterans, special disabled veterans, recently separated veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. This law is enforced by the Veterans' Employment and Training Service (VETS).

Military reservists and National Guard members called to active duty have rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

IV. PROCEDURE

A. Covered employees or applicants are encouraged to immediately document their complaints of employment discrimination to the Human Resource Manager *or designee*.

B. The complainant will give permission to the Human Resource Manager *or designee* to share the complainant's name and the details of the complaint and alleged discrimination with others as necessary to investigate the complaint.

C. The Human Resource Manager *or designee* will conduct a thorough investigation of the complaint and provide a written report of the findings and any recommendations to both the complainant and the Board of Tuscarawas County Commissioners within a reasonable period of time given the particulars of each complaint.

D. Employees or applicants who believe that they are victims of illegal employment discrimination may also file a charge directly with either the Ohio Civil Rights Commission (OCRC) and/or the federal Equal Employment Opportunity Commission (EEOC).

E. Retaliatory action of any kind taken by an employee of the Board of Tuscarawas County Commissioners against any other employee as a result of that person's filing of a charge or complaint, cooperating in an investigation or otherwise participating in any protected activity under this policy or federal or state law is expressly prohibited. Retaliatory acts are subject to a separate investigation and may result in disciplinary action, up to and including removal.

F. Falsification of testimony and/or evidence submitted in connection with the filing of a charge or complaint and/or investigation of a charge or complaint is expressly prohibited and may result in disciplinary action, up to and including removal.

If a program applicant, participant, or employee feels he or she has been discriminated against in employment, seeking employment, or training, he or she should immediately contact Human Resource Manager at (330) 365-3204 or *designee* to pursue the proper discrimination complaint procedure.

Now, therefore, be it resolved, to appoint the Human Resource Manager, as Equal Employment Act Officer.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (284-2017) OUT OF COUNTY TRAVEL – W/S

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following travel request as submitted by Michael Jones, Director:

DATE: April 26-27, 2017
LOCATION: 339 E. Maple St. Suite 200, North Canton OH 44720
ATTEND: Todd Tacy, Eric Maurer
EXPENSE: \$15.00 meal x 4 + max 20% gratuity (2 days)
REASON: OBWC OSHA 10 Hr. Safety Elements

DATE: May 17, 2017
LOCATION: 61501 Southgate Rd Cambridge, Ohio 43725
ATTEND: Dave Festi, Pat Mahaffey
EXPENSE: \$15.000 meal x 2 + max 20% gratuity
REASON: OBWC Effective Safety Teams, Safety Series Workshop 1

DATE: May 24, 2017
LOCATION: 339 E. Maple St. Suite 200 North Canton OH 44720
ATTEND: Pat Mahaffey, Rick Martino
EXPENSE: \$15.00 meal x 2 + max 20% gratuity
REASON: OBWC Work Zone Traffic Control

DATE: June 1, 2017
LOCATION: 339 E. Maple St. Suite 200 North Canton OH 44720
ATTEND: Eric Hykes
EXPENSE: \$15.00 meal x 1 + max 20% gratuity
REASON: OBWC Electrical Basics, LOTO

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (285-2017) DECLARE ITEMS OBSOLETE FOR USE – VEHICLE (DD)

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to declare, as obsolete for the use for which it was acquired in accordance to Ohio Revised Code 307.12 (B) as requested by the Tuscarawas County Board of Developmental Disabilities.

2006 Ford E-Series van

This vehicle will then be disposed of by selling it directly to the New Philadelphia City School District. In the event that the vehicle is not purchased by the New Philadelphia School District, it will be posted for sale on the internet auction website GovDeals.com.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Discussion: Commissioner Sciarretti noted as Mr. Kamban, Transitional Assistant Superintendent of the Board of Developmental Disabilities has been taking a hard look at the assets. They are sharing the assets they do not need with other offices including the Dog Pound and Coroner. They are great partners. This month is Developmental Disability Awareness Month.

RESOLUTION (286-2017) CHIP – ADMINISTRATION/APPLICATION AUTHORIZATION

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following Resolution authorizing the Commissioners to enter into a contract with Ohio Regional Development Corporation (ORDC) for Administration Services for 2017 Community Housing Impact and Preservation (CHIP) Program and authorizing ORDC to submit the PY 2017 CHIP application with the State of Ohio on behalf of Tuscarawas County:

WHEREAS, the Grantee, in conjunction with the Partners, is applying for PY 2017 Community Housing Impact and Preservation Program (CHIP) funding from the State of Ohio, Development Services Agency, Office of Community Development(OCD) in the amount of \$800,000 for the purpose of addressing local housing needs;

WHEREAS, the City of Dover will be the Partners and Tuscarawas County will be the Grantee of the Partnership, as per the Partnership agreement, therefore, the Consultant will provide services that cover the Partner's jurisdictions as well.

WHEREAS, the Grantee, in conjunction with the Partners, is applying for PY 2017 Community Housing Impact and Preservation Program (CHIP) funding from the State of Ohio, Development Services Agency, Office of Community Development(OCD) for the purpose of addressing local housing needs;

WHEREAS, Grantee and Consultant understand this agreement is contingent on PY 2017 CHIP funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD);

WHEREAS, OCD Policy 15-02, 2 CFR 200.320, and the Partnership Agreement authorizes the Grantee to hire an administrative consultant, on behalf of the partnership, and those services are detailed in this contract for administrative services;

WHEREAS, this agreement is in effect until the CHIP funds are expended and the funded activities are complete and closed out.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Tuscarawas County, Ohio:

Section 1: That Tuscarawas County authorizes Ohio Regional Development Corporation, to file a PY-2017 Community Housing Impact and Preservation (CHIP) Program Application with the State of Ohio, Development Services Agency, and to provide all information and documentation required in said Application submission.

Section 2: That Tuscarawas County hereby approves the filing of said Application.

Section 3: The Tuscarawas County Commissioners authorize the execution of an Agreement for the PY-2017 Community Housing Impact and Preservation (CHIP) Program for Administration and Implementation Services with the Ohio Regional Development Corporation (ORDC). However, the agreement is only enforceable upon funding of the PY 2017 CHIP, therefore contingent upon funding from the State of Ohio, Development Services Agency. ORDC is to work with and at the direction of the Tuscarawas County in order to assure that all services, information and documentation required by said Agreements, HUD, the State of Ohio and/or CHIP guidelines are provided.

This resolution also authorizes the president and/or vice president of the board of commissioners to sign any and all documentation related to the execution of said contract/agreement.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Discussion: Michael Jones, Sanitary Engineer and Director of Tuscarawas County Metropolitan Sewer District, stated that last week only one bid was received for the Sandyville/East Sparta Waste Water Treatment Plant (WWTP) Improvement Project (Stanley Miller Construction). The bid exceeded 10% of the Engineer's estimate therefore he is unable to award that bid. Mr. Jones is recommending rejecting that bid. He presented a proposal to authorize the amendment of the Engineer's estimate and re-advertise the bids. Commissioner Sciarretti asked if the bid specifications are different from the first time it was bid. Mr. Jones explained the Engineer reevaluated the potential construction costs to ascertain what is driving the cost up. They also looked at areas they could do in house. The terrain is the main factor driving the cost up as it is a difficult site for construction.

RESOLUTION (287-2017) REJECT BIDS – SANDYVILLE/EAST SPARTA WWTP

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following as recommended by Michael Jones, Sanitary Engineer:

**A RESOLUTION AUTHORIZING THE REJECTION OF ALL BIDS RELATED TO
THE SANDYVILLE/EAST SPARTA WWTP IMPROVEMENT PROJECT**

Resolution Number 287-2017

WHEREAS, the Board of Commissioners, Tuscarawas County, Ohio ("Board") received, opened and publicly read aloud bids for the Sandyville/East Sparta WWTP Improvement Project on March 15, 2017, and

WHEREAS, bids received for such project exceeded ten (10) percent of the engineer's estimate for the improvements, and

WHEREAS, Ohio Revised Code ("ORC") 153.12(A) provides that no contract shall be entered into if the price of the contract is in excess of ten (10) percent of the estimate thereof, and

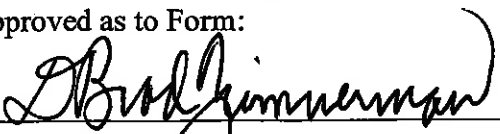
WHEREAS, pursuant to ORC 307.90, the Board may reject all bids and return the bond or bid guaranty to all unsuccessful bidders.

NOW THEREFORE, BE IT RESOLVED by the Board:

Section 1: The Board hereby rejects all bids received, opened and publicly read aloud on March 15, 2017 for the Sandyville/East Sparta WWTP Improvement Project and orders the return of bonds or bid guarantees to all unsuccessful bidders.

Section 2: It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Approved as to Form:



D. Brad Zimmerman
Special Counsel to the
Tuscarawas County Metropolitan Sewer District

Adopted by the Board of Commissioners of Tuscarawas County, Ohio, this 22ND day of
MARCH, 2017.

ROLL CALL VOTE:

Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (288-2017) RE-BID - SANDYVILLE/EAST SPARTA WWTP

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following as recommended by Michael Jones, Sanitary Engineer:

A RESOLUTION AUTHORIZING NOTICE OF COMPETITIVE BIDDING FOR THE SANDYVILLE/EAST SPARTA WWTP IMPROVEMENT PROJECT

Resolution Number 288-2017

WHEREAS, pursuant to Resolution Number 287-2017, dated March 22, 2017, the Board of Commissioners, Tuscarawas County, Ohio ("Board") rejected all bids received on March 15, 2017 for the Sandyville/East Sparta WWTP Improvement Project, and

WHEREAS, pursuant to Ohio Revised Code ("ORC") 307.91, upon rejection of all bids, the Board may cause to be amended the engineer's estimate for such project and proceed to advertise in the manner provided for notice in ORC 307.86, and

WHEREAS, such advertisement shall be in compliance with the Tuscarawas County Procurement Policy, as adopted by the Board, and

WHEREAS, such notice of competitive bidding shall be published in a newspaper of general circulation within Tuscarawas County on Thursday, March 23, 2017 and such notice shall include a statement that the notice is posted on the Tuscarawas County Metropolitan Sewer District's (TCMSD) website with instructions describing how the notice may be accessed, and

WHEREAS, pursuant to ORC 307.87, the Board shall also maintain in its office a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of bids, and

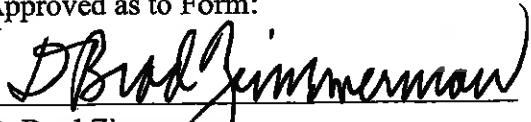
WHEREAS, such notice shall specify that the time for receiving, opening, and publicly reading aloud such bids shall be Monday, April 10, 2017 at 9:30 AM.

NOW THEREFORE, BE IT RESOLVED by the Board:

Section 1: The Board hereby authorizes the amendment of the engineer's estimate and authorizes the Tuscarawas County Sanitary Engineer, Michael Jones, to provide notice of competitive bidding in the form and manner specified in ORC 307.87 and the Tuscarawas County Procurement Policy, a copy of such notice is attached hereto and made a part hereof, the same as though rewritten herein in full.

Section 2: It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Approved as to Form:


 D. Brad Zimmerman
 Special Counsel to the
 Tuscarawas County Metropolitan Sewer District

Adopted by the Board of Commissioners of Tuscarawas County, Ohio, this 22ND day of MARCH, 2017.

ROLL CALL VOTE:

Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, yes;

RESOLUTION (289-2017)**PAY BILLS**

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve for payment the following bills:

911

Language Line Services	Interpreter	110.65
Guernsey Muskingum Electric Coop	Tower Electric	285.97

Auditor

Harris Computer Systems	Monthly Payroll Support	1,792.77
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Child Support

American Electric Power	Electric	1,535.41
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Clerk of Courts

Twin City Chamber	Lease	175.00
Independence Business Supply	Supplies	6.50
Treasurer Tusc Co	IT Server Maintenance	495.52

Commissioners

Staples Business Advantage	Supplies	60.63
Tusc Co General Health District	TB Treatment	182.00
American Electric Power	Electric/125 EH	4,618.37
Tusc Co Chamber of Commerce	Safety Council/March 2017	17.00
Office Depot	Supplies	357.90
G & L Supply	Supplies	558.09
Pitney Bowes Reserve Account	Postage	20,000.00
Frontier	Service/339.1855	397.05
Tusc Co Soil Conservation	Fourth Quarter 2017	50,098.50
Davis Electric	Repair Parking Lot Light/Health Dept	821.00
John Hupp	Reimburse Supplies	42.18
RJ Beck Protective Systems	Alarm Monitoring Service	93.00
American Electric Power	Electric/107 EH	2,458.41
Proforma Graphic Services	Commissioner Journals	700.82

Common Pleas

Monica Benavides-Lee	Interpreter	717.00
Lindsay Wilhelm	Interpreter	1,131.88
Stark County Bar Association	2016 Criminal Law Seminar	225.00
Elizabeth Stephenson	Reimbursement/Supplies	35.65

Community Corrections

Steve Pompey	Travel	282.62
Discount Drug Mart	Supplies	22.21
Cristal Studer	Travel	280.17
Melymbrosia	Assessment/Evaluation/Treatment	675.00

Coroner

Johnson Printing	Supplies	390.50
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Dog Pound

Staley Technologies	Repairs	360.22
Ferrellgas	Propane	1,436.46
Staples Business Advantage	Supplies	50.48

Emergency Management

Xerox Financial Services	Copier Lease	100.00
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Human Resources

Harris Computer Systems	Support	39.00
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Job & Family Services

Pathway Caring for Children et al	Boarding Home Payroll	22,579.52
Amazon	Mop Bucket, Car Seat & Chair	439.13
Cincinnati Bell Technology	Phone Bill	2,484.68
David Haverfield	Mileage & Transportation	134.64
Brittany Mason	Diversions	449.00

Building Block Adoption Service	Adoption Incentive	2,457.78
Constance Welsh	FC Neurofeedback & Family Therapy	128.78
Building Block Adoption Service	Adoption Incentive	1,142.22
American Electric Power	Prevention	190.00
Community Mental Healthcare	FACES/Evaluation	396.00
Charles & Karla Neal	Transportation	288.88
Constance Welsh	FC Neurofeedback & Family Therapy	96.22
Constance Welsh	FC Neurofeedback & Family Therapy	99.00
Juvenile/Probate		
Elizabeth Zlocki	Interpreter	20.00
Monica Benavides-Lee	Interpreter	166.00
Ziegler Tire	Auto Repairs & Maintenance	21.82
Law Library		
Ashtabula County Law Library	Registration Fee	25.00
Park Department		
Average Joe's Tree Service	Tree Removal/CLP	1,200.00
Prosecutor		
Comdoc Leasing	Contract Services	428.88
LEADS Fiscal Service	Contract Services	3,120.00
Public Defender		
Tusc County Bar Association	Bar Dues	110.00
Sheriff		
MNJ Technologies	Supplies	51.00
MNJ Technologies	Supplies	268.10
Johnsons Printing	Supplies	945.00
Union Hospital	Inmate Medical Treatment	1,545.30
MNJ Technologies	Printer/Toner Supplies	98.00
Ziegler Tire	Repairs	3,446.57
Fedex	Express Shipping	19.77
Staley Technologies	Radio Repair	447.50
Diamond Medical Supply	Medical Supplies	658.38
Treasurer		
Harris Computer Systems	Software Support	412.97
Tax Ease	Reimb/2 Liens Sold in Error	200.00
Water & Sewer		
HD Supply	Materials	743.52
Frontier	Service	45.83
Frontier	Service	52.83
Frontier	Service	1,168.78
American Electric Power	Electric	109.61
Fastenal	Materials	145.75
Rex Pipe	Materials	20.12

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (290-2017) RECESS

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to recess at 3:27 p.m. until 3:30 p.m. for the purpose of the Road Vacation Gearing on CR 111A.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Commissioner Metzger called the meeting out of recess at 3:30 p.m. for the purpose of convening the public hearing in the mater of a request for vacation of CR 111A.

HEARING – ROAD VACATION CR 111A

Commissioner Metzger convened the Public Hearing in the matter of a request for vacation of a right-of-way on County Road 111A filed by the Tuscarawas County Engineer at 3:30 p.m.

HEARING ATTENDANCE: Kerry Metzger, Commissioner; Joe Sciarretti, Commissioner; Joseph Bachman, County Engineer; and Jane Clay, Acting Clerk/Executive Assistant.

Commissioner Metzger stated the viewing was held at 10:00 a.m. on site with himself, Commissioner Sciarretti, Joe Bachman in attendance. Mr. Bachman explained to the Commissioners the reasons why it is appropriate to vacate this portion of the road. There were no residents that attended. Mr. Bachman stated that he had no comments other than he was in favor of the road vacation.

There was no one else in attendance to speak for or against the road vacation.

Therefore, Commissioner Metzger closed the hearing at 3:31 p.m.

**TUSCARAWAS COUNTY COMMISSIONER'S
RESOLUTION 291-2017**

**IN THE MATTER OF APPROVING A REQUEST FOR
VACATION OF A RIGHT-OF-WAY
ON COUNTY ROAD 111A FILED BY
JOSEPH S. BACHMAN, TUSCARAWAS COUNTY ENGINEER**

The Board of Tuscarawas County Commissioners, Tuscarawas County, Ohio met in regular session on March 22, 2017, with the following members present:

Kerry Metzger, and Joseph Sciarretti.

Commissioner Sciarretti, moved the adoption of the following resolution:

WHEREAS, R.C. 5553.04 provides that when the Board of County Commissioners is of the opinion that it will be for the public convenience or welfare to locate, establish, alter, widen, straighten, vacate, or change the direction of a public road, it shall so declare by resolution, which resolution shall set forth the general route and termini of the road, or part of the road, to be located, established, or vacated, or the general manner in which the road is to be altered, widened, or straightened, or the direction of the road is to be changed.

WHEREAS, a request was filed with the Acting Clerk of the Board of County Commissioners on January 19, 2017, by Joseph S. Bachman, Tuscarawas County Engineer, regarding the vacation of a right-of-way for County Road 111A in Lawrence Township; the request and reasons underlying the request are set forth in Exhibit "A" attached, a January 18, 2017, letter from Joseph S. Bachman, Tuscarawas County Engineer; Exhibit "B" attached contains a description/plat of the right-of-way limits of the portion of Tuscarawas County Road 111A sought to be vacated.

WHEREAS, by Resolution 166-2017, dated February 15, 2017, the Board of Tuscarawas County Commissioners agreed to consider if it would be for the public convenience and welfare to vacate such portion of County Road 111A located in Lawrence Township; and

WHEREAS, the Tuscarawas County Commissioners conducted a view at the site of the vacation on March 22, 2017 at 10:00 a.m. and held a public hearing on March 22, 2017 at 3:30 p.m. to hear comment on the proposed vacation; and

WHEREAS, the Acting Clerk of the Board gave notice of the time and place for both the view and hearing by publishing an appropriate notice in *The Times-Reporter* once a week for two consecutive weeks which included a brief statement of the character of the requested improvement; and

WHEREAS, after hearing public comment and in consideration of the Tuscarawas County Engineer's request, the Board of Tuscarawas County Commissioners accepts the Engineer's request and recommendation and agrees to approve the vacation of County Road 111A as reflected in Exhibit "A," attached and as prepared by the Tuscarawas County Engineer's Office, a copy of which is attached; and

WHEREAS, the Board of Tuscarawas County Commissioners finds that such vacation will serve the public convenience and welfare and, accordingly, approves the requested vacation under the authority of R.C. 5553.04 through 5553.11; and

RESOLVED, that a certified copy of this Resolution shall be filed with the Tuscarawas County Engineer, Water Resources, County Recorder, County Auditor, Lawrence Township Trustees and a Vacation Plat shall be signed by the Tuscarawas County Engineer, the Tuscarawas County G.I.S. Department and each member of the Board of Commissioners, and subsequently recorded with the Tuscarawas County Recorder's Office; and

BE IT FURTHER RESOLVED, the Board of Tuscarawas County Commissioners finds and determines that all formal actions of this Board concerning or relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board resulted in those formal actions were in meetings open to the public in compliance with law, including R.C. 121.22.

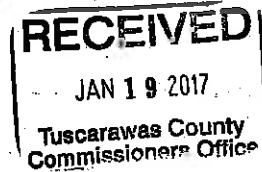
Commissioner Metzger seconded the Resolution, and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Chris Abbuhl - absent
Kerry Metzger - yes
Joseph Sciarretti - yes

EXHIBITS:



Joseph S. Bachman, P.E., P.S. Tuscarawas County Engineer
832 Front Avenue SW, New Philadelphia, OH 44663
Phone: (330) 339-6648 Fax: (330) 339-8687 Email: engineer@co.tuscarawas.oh.us



January 18, 2017

TO: Tuscarawas County Commissioners ✓

RE: Vacation of CR 111A

We request that the Commissioners initiate proceedings to vacate the right-of-way for County Road 111A (unnamed) in Lawrence Township.

This right-of-way, as shown on the attached plat, is approximately 264 ft. long and 60 ft. wide. It apparently was an active County road prior to the construction of Interstate 77; it has not been maintained by the County in my 28 plus years as County Engineer, and we have no record of prior maintenance.

Two properties (Sivy and Troup per the attached) have driveways that connect to this right-of-way. Both of these properties have frontage on Fort Laurens Road, so they will not be landlocked. We did not do any property surveying, but it appears that the southerly property owner (Troup) has planted a hedge and constructed a fence near the center of the right-of-way. It appears that neither property owner will be adversely affected by the requested road vacation; in fact, each will gain a 30 ft. strip of "useable" property unencumbered by the right-of-way.

Please advise if you have questions.

Sincerely,

Joseph S. Bachman, P.E., P.S.
Tuscarawas County Engineer

Copy: Lawrence Township Trustees
Map Office
Gregory J. Sivy
Matt and Tanya Troup

DESCRIPTION OF VACATED TUSCARAWAS COUNTY ROAD 111A (60' RW)

Situated in the Township of Lawrence, County of Tuscarawas and State of Ohio:

Being a part of Lots No. 2 and 3 in the Second Quarter of Township 10, Range 2 of the United States Military District and being more fully described as follows:

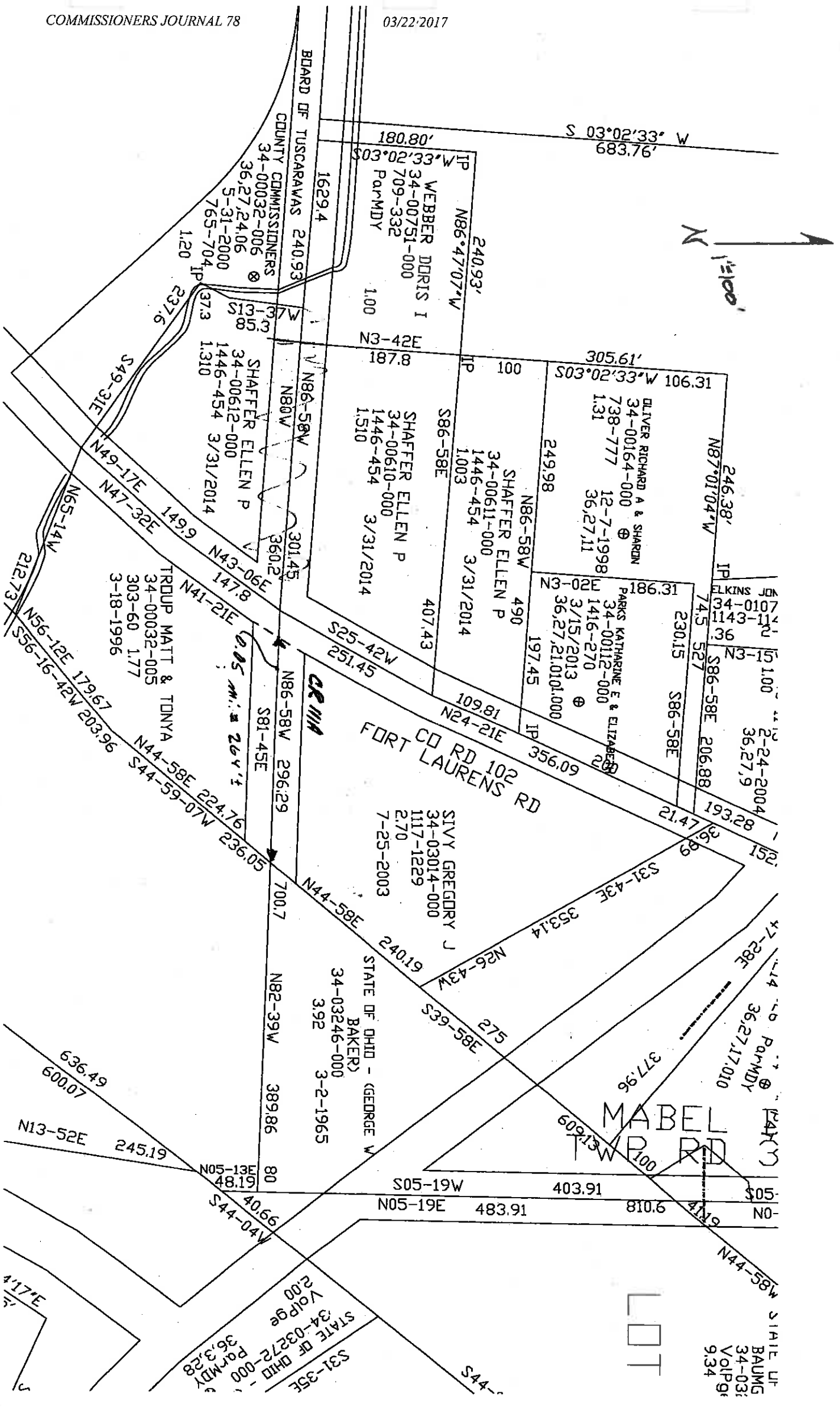
Beginning at the intersection of the centerline of Tuscarawas County Road 111A herein to be vacated with the intersection of the centerline of Tuscarawas County Road 102 (Fort Laurens Road); said point being on the north line of the above mentioned Lot No. 2 and the south line of Lot No. 3; said point also being the southwesterly corner of a 2.70 acre tract as conveyed to Gregory J. Sivy in Tuscarawas County Official Record 1117, Page 1229 and the northwesterly corner of a 1.77 acre tract as conveyed to Matt and Tonya Troup in Tuscarawas County Deed Volume 303, Page 60.

Thence from said point with the centerline of Tuscarawas County Road 111A herein to be vacated and with the north line of said Lot 2, south line of said Lot 3 and the boundary line of Sivy and Troup South 81°45'00" East, 296.29 feet to an iron pin found at the **terminus** of said Tuscarawas County Road 111A on the Limited Access Right of Way Line of Interstate 77.

Bearings are referenced to the north line of Lot 2.

The above description is intended to vacate the entire length and 60' Right of Way width of Tuscarawas County Road 111A.

Survey and description by Tuscarawas County Engineer's office.



Discussion: Commissioner Sciarretti reiterated that he and Commissioner Metzger went out to the site for the road vacation where the County Engineer gave a history of the interstate going through the area prior. The blacktop was eroded as no maintenance has been done. There was no one else at the site even though every effort was made to contact the landowners. The County Engineer spoke to one of the landowners but did not hear back from the others.

NO OTHER BUSINESS COMING BEFORE THE BOARD.


RESOLUTION (292-2017) ADJOURN


It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to adjourn at 3:37 p.m. to meet in Regular Session, Monday, the 27th day of March, 2017.

VOTE: Chris Abbuhl, absent;
Kerry Metzger, yes;
Joe Sciarretti, 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.

Commissioner Abbuhl, absent;


Kerry Metzger


Joe Sciarretti

Attest: 
Acting Clerk

