

St. Clairsville, Ohio

September 21, 2016

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Ginny Favede, Matt Coffland and Mark A. Thomas, Commissioners and Jayne Long, Clerk of the Board.

MEETINGS ARE NOW BEING RECORDED
ALL DISCUSSIONS ARE SUMMARIZED. FOR COMPLETE PROCEEDINGS
PLEASE SEE CORRESPONDING CD FOR THIS MEETING DAY.

IN THE MATTER OF APPROVING RECAPITULATION OF VOUCHERS FOR THE VARIOUS FUNDS

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve and sign all bills that have been certified in the Auditor's office and considered by the Board. It is hereby ordered that the County Auditor issue his warrant on the County Treasurer in payment of the bills allowed:

IN THE TOTAL AMOUNT OF \$1,287,914.15

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF TRANSFERS WITHIN FUND

Motion made by Mr. Thomas, seconded by Mr. Coffland to approve the following transfers within fund for the following funds:

GENERAL FUND

FROM	TO	AMOUNT
E-0051-A001-A50.000 Budget Stabilization	E-0052-A001-A92.011 Contract-Services	\$20,000.00

P51 SSD #1 REVENUE FUND/BCSSD

FROM	TO	AMOUNT
E-3704-P051-P09.000 Sewage Disposal	E-3704-P051-P01.002 Salaries	\$5,000.00

S30 OAKVIEW JUVENILE REHABILITATION FUND

FROM	TO	AMOUNT
E-8010-S030-S40.000 Grant Holding	E-8010-S030-S72.000 Capital Repairs	\$9,745.50

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Coffland	Yes
Mrs. Favede	Yes

IN THE MATTER OF TRANSFER OF FUNDS FOR FORT DEARBORN LIFE INSURANCE

CHARGEBACKS FOR THE THIRD QUARTER PERIOD:(JULY, AUGUST & SEPTEMBER, 2016)

Motion made by Mrs. Favede, seconded by Mr. Coffland to make the following transfer of funds for the Fort Dearborn Life Insurance Chargebacks for the Second Quarter (July, August & September, 2016)

Transfer From	Transfer To	Amount
E-0256-A014-A09.006 TOTAL GENERAL FUND	R-9891-Y091-Y05.500	2,119.44
E-1551-S088-S03.006 CTY CT PROBATION	R-9891-Y091-Y05.500	0.00
E-0170-A006-G11.000 PUBLIC DEFENDER	R-9891-Y091-Y05.500	41.70
E-0181-A003-A11.000 BD. OF ELECTIONS	R-9891-Y091-Y05.500	57.39
E-1410-W082-T097.006 TREASURER DRETAC	R-9891-Y091-Y05.500	0.00
E-1600-B000-B13.006 DOG & KENNEL	R-9891-Y091-Y05.500	73.95
E-0910-S033-S47.006 D.D.HOME	R-9891-Y091-Y05.500	183.60
E-5005-S070-S22.006 SENIOR PROGRAM	R-9891-Y091-Y05.500	282.01
E-1571-S087-S03.006 EASTERN COURT SPECIAL	R-9891-Y091-Y05.500	7.65
E-1561-S086-S03.006 NORTHERN COURT SPECIAL	R-9891-Y091-Y05.500	0.00
E-1551-S088-S03.006 WESTERN COURT SPECIAL	R-9891-Y091-Y05.500	7.65
E-1310-J000-J06.000 REAL ESTATE ASSESS	R-9891-Y091-Y05.500	43.38
E-2811-K200-K10.006 ENGINEER K-1 & K-2	R-9891-Y091-Y05.500	3.84
E-2812-K000-K20.006 ENGINEER K-11	R-9891-Y091-Y05.500	198.90
E-2813-K000-K39.006 ENGINEER K-25	R-9891-Y091-Y05.500	53.55
E-3701-P003-P31.000 WATER/SEWER WWS #2	R-9891-Y091-Y05.500	38.10
E-3702-P005.P31.000 WATER/SEWER WWS #3	R-9891-Y091-Y05.500	141.28
E-3704-P051-P15.000 WATER/SEWER SSD #1	R-9891-Y091-Y05.500	23.29
E-3705-P053-P15.000 WATER/SEWER SSD #2	R-9891-Y091-Y05.500	31.86
E-3706-P055.P15.000 WATER/SEWER SSD #3A	R-9891-Y091-Y05.500	3.89
E-3707-P056-P15.000 WATER/SEWER SSD #3B	R-9891-Y091-Y05.500	1.31
E-1810-L001-L14.000 SOIL CONSERVATION	R-9891-Y091-Y05.500	7.65
E-1815-L005-L15.006 SOIL CONSERVATION-Watershed	R-9891-Y091-Y05.500	15.30
E-6010-S079-S07.006 CLERK OF COURTS/TITLE	R-9891-Y091-Y05.500	53.55

E-8010-S030-S68.006	OAKVIEW JUVENILE	R-9891-Y091-Y05.500	119.88
E-2510-H000-H16.006	DJFS	R-9891-Y091-Y05.500	687.75
E-2760-H010-H12.006	CHILD SUPPORT	R-9891-Y091-Y05.500	77.82
E-2210-E001-E15.006	COUNTY HEALTH	R-9891-Y091-Y05.500	44.71
E-2213-F075-F02.003	VITAL STATISTICS	R-9891-Y091-Y05.500	0.00
E-2215-F077-F01.002	REPRODUCTIVE HLTH&WELLNESS	R-9891-Y091-Y05.500	11.97
E-2231-F083-F01.002	PHEP	R-9891-Y091-Y05.500	2.57
E-2232-F084-F02.008	NURSING PROGRAM	R-9891-Y091-Y05.500	0.00
E-2218-G000-G06.003	FOOD SERVICE	R-9891-Y091-Y05.500	33.77
E-2230-F082-F01.002	PREP	R-9891-Y091-Y05.500	5.99
E-2233-F085-F01.002	CHILD FAMILY HEALTH SERVICES PROG.	R-9891-Y091-Y05.500	4.28
E-4110-T075-T52.008	W.I.C. PROGRAM	R-9891-Y091-Y05.500	45.90
E-2310-S049-S63.000	MENTAL HEALTH	R-9891-Y091-Y05.500	30.60
E-1511-W080-P07.006	VICTIMS ASSISTANCE	R-9891-Y091-Y05.500	7.65
E-1520-S077-S04.006	COMMUNITY GRANT	R-9891-Y091-Y05.500	7.65
E-0400-M060-M29.008	JUVENILE COURT GRT	R-9891-Y091-Y05.500	22.95
E-0400-M060-M64.008	JUVENILE COURT GRT	R-9891-Y091-Y05.500	7.65
E-0400-M067-M05.008	JUVENILE COURT GRT	R-9891-Y091-Y05.500	7.65
E-0400-M078-M02.008	JUVENILE COURT GRT	R-9891-Y091-Y05.500	30.60
E-9799-S012-S02.006	PORT AUTHORITY	R-9891-Y091-Y05.500	15.30
E-0063-A002-B30.000	MAGISTRATE EMPLOYEE	R-9891-Y091-Y05.500	0.00
E-1600-B000-B13.006	AUDITORS CLERK	R-9891-Y091-Y05.500	0.00
E-1518-S075-S03.002	MHAS SUBSIDY GRANT	R-9891-Y091-Y05.500	7.65
E-0914-S035-S05.000	SARGUS GRANT	R-9891-Y091-Y05.500	0.00
Total amount this transfer			4,561.63

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF REQUEST FOR CERTIFICATION OF MONIES BY THE BUDGET COMMISSION

Motion made by Mrs. Favede, seconded by Mr. Coffland to request the Belmont Co. Budget Commission certify the following monies. **T11 FUND/CDBG RECEIPTS-\$7,000.00**-deposited into R-9702-T011-T01.501 on 09/15/16.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING THEN AND NOW CERTIFICATE/AUDITOR'S

Motion made by Mrs. Favede, seconded by Mr. Coffland to execute payment of Then and Now Certification dated September 21, 2016, presented by the County Auditor pursuant to O.R.C. 5705.41(d) 1, and authorizing the drawing of warrant(s) in payment of amounts due upon contract to order.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL

Motion made by Mrs. Favede, seconded by Mr. Coffland granting permission for county employees to travel as follows: **COURT OF COMMON PLEAS**-Judy Winland to Columbus, OH, on October 17, 2016, to attend the Ohio Association Probate Clerks Conference.

DJFS-Michael Schlanz to Columbus, OH, on September 27-28, 2016, to attend the 2016 CFIS Web Users' Conference. Estimated expenses: \$493.50. Lori O'Grady to Columbus, OH, on October 31-November 1, 2016, to attend the 2016 FKA Seminar. Estimated expenses \$514.50. Lori O'Grady to Dublin, OH, on December 6-8, 2016, to attend the SERB Conference. Estimated expenses: \$633.40

ENGINEER-Dwayne Leach, Frank Mayo and Scott Britton to Mt. Sterling, OH, on October 19-20, 2016, to attend the 2016 Superintendents & Mechanics Conference & Trade Show. Estimated expenses: \$750.00.

SENIORS-Sue Neavin to Wheeling, WV, on October 21, 2016, for a senior outing to Abbey's Restaurant. A county vehicle will be used for travel.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING MINUTES OF REGULAR BOARD OF COMMISSIONERS MEETINGS

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the minutes of the Belmont County Board of Commissioners regular meetings of September 7 and September 14, 2016.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

THE MATTER OF ADOPTING RESOLUTION GRANTING AUTHORITY TO THE DIRECTOR OF BELMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES TO TRANSFER FUNDS FROM THE PA FUND TO THE CSEA FUND FOR SFY 2016

Motion made by Mrs. Favede, seconded by Mr. Coffland to adopt the following:

RESOLUTION

Whereas, the Child Support Enforcement Agency (CSEA) of Belmont County operates an administrative fund for the operation of a child support enforcement program; and

Whereas, the activities of the child support enforcement program are allowable activities as defined by Ohio Administrative Code 5101:9-6-83; and

Whereas, in order to properly access these fund for this purpose, the funds must be transferred from the Public Assistance (PA) Fund in which they are received from the Ohio Department of Job and Family Services into the CSEA Fund of the Belmont County Department of Job and Family Services.

Now, Therefore Be It Resolved, the Board of Commissioners of Belmont County on this 21st day of September, 2016, do hereby grant to Vince Gianangeli, Director of the Belmont County Department of Job and Family Services, the authority to approve the transfer of \$15,297.89 of Income Maintenance money from the PA Fund to the CSEA Fund. This transfer is made available due to a balance remaining in the Income Maintenance allocation at the end of the State Fiscal Year which ended on June 30, 2016.

Upon roll call the vote was as follows:

Mrs. Favede	<u>Yes</u>
Mr. Coffland	<u>Yes</u>
Mr. Thomas	<u>Yes</u>

IN THE MATTER OF APPROVING AND AUTHORIZING COMMISSION PRESIDENT TO SIGN THE GRANT AGREEMENT WITH OHIO DEVELOPMENT SERVICES AGENCY FOR CDBG PROGRAM/GRANT NUMBER B-F-16-1AG-1

Motion made by Mr. Thomas, seconded by Mr. Coffland to approve and authorize Commission President Ginny Favede, on behalf of the Board, to sign the grant agreement with the Ohio Development Services Agency for the Community Development Block Grant (CDBG) Program, Grant Number B-F-16-1AG-1, in the amount of \$179,000.00 for the period beginning September 1, 2016 and ending February 28, 2018.

Upon roll call the vote was as follows:

Mr. Thomas	<u>Yes</u>
Mr. Coffland	<u>Yes</u>
Mrs. Favede	<u>Yes</u>

IN THE MATTER OF ACCEPTING RESIGNATION OF VALERIE FORST, FLUSHING SENIOR CENTER DIRECTOR

Motion made by Mrs. Favede, seconded by Mr. Coffland to accept resignation from Senior Services of Belmont County Flushing Senior Center Director Valerie Forst, effective Friday, October 7, 2016.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF ACCEPTING RESIGNATION OF TIMOTHY ERWINE/ FLUSHING SENIOR CENTER DRIVER

Motion made by Mrs. Favede, seconded by Mr. Coffland to accept resignation from Senior Services of Belmont County Flushing Senior Center Driver Timothy Erwine, effective Friday, October 7, 2016.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF ADVERTISING FOR ONE FULL-TIME LPN/JAIL AND SARGUS

Motion made by Mrs. Favede, seconded by Mr. Coffland to advertise for one full-time LPN for the Belmont County Jail and Sargus Juvenile Center.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF AMENDED RESOLUTION ESTABLISHING CAPITAL PROJECTS-SENIOR CENTERS FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to adopt the following Resolution:

Pursuant to Ohio Revised Code Section 5705.13(C), the Board of Belmont County Commissioners has deemed it necessary to establish a Capital Projects-Senior Centers Fund to accumulate resources for the acquisition, construction, or improvement of fixed assets.

WHEREAS, this Resolution replaces the Resolution previously adopted April 17, 2013; and

WHEREAS, this fund shall accumulate monies transferred from Senior Services/In Home Care Levy Fund in the amount of \$4,186,680.00 and \$4,000,000.00 in a one-year bond anticipation note to be used for all costs associated with the construction of a new Senior Services of Belmont County – Community Building (including furniture, fixtures and kitchen equipment), and for the purchase of the formal Flushing Post Office building and all construction and related costs associated with its renovation to a Senior Center; and

WHEREAS, this fund can only be used for the purposes described pursuant to all other laws and regulations related to expenditures, normally the Ohio Revised Code; and

WHEREAS, this fund may be rescinded at any time by resolution and money that has accumulated in the fund shall be transferred to the fund or funds from which the money was originally transferred; and

WHEREAS, money shall not be accumulated in this fund for more than ten (10) years and, if not used after ten (10) years, the fiscal officer shall transfer all money in the fund to the fund or funds from which that money originally was transferred or the fund that originally was intended to receive the money.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING PAYMENT OF INVOICE (FINAL) FROM VAUGHN COAST VAUGHN/NEWELL AVENUE STORM SEWER PROJECT

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the payment of Invoice # 15066-1 (final) from Vaughn Coast Vaughn, Inc., in the amount of \$5,000.00 for Professional Services associated with the Newell Avenue Storm Sewer Project.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING AND SIGNING ADDENDUM NO. 1 TO THE ARCHITECTURAL SERVICES AGREEMENT WITH DDP AND ASSOCIATES/SSOBC COMMUNITY BUILDING

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve and sign Addendum No. 1 to the Architectural Services Agreement executed 04/22/15 with DDP and Associates to increase the Construction Observation budget by \$4,875.00 for the new SSOBC – Community Building (budget for reimbursables remains at \$1,200.00); revised contract amount \$16,075.00.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING QUOTE FROM CARDELLO ELECTRIC-WHEELING/AUDITOR'S OFFICE

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve Quote Number 539368 from Cardello Electric-Wheeling in the amount of \$6,442.80 for replacement LED light fixtures and bulbs for the County Auditor's Office.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING AND AUTHORIZING COMMISSION PRESIDENT TO SIGN THE GOLD SERVICE AGREEMENTS WITH THYSSENKRUPP ELEVATOR CORPORATION FOR MAINTENANCE/COURTHOUSE, DJFS, OAKVIEW ADMINISTRATION BUILDING AND NEW SENIOR SERVICES COMMUNITY BUILDING

Motion made by Mr. Thomas, seconded by Mr. Coffland to approve and authorize Commission President Ginny Favede, on behalf of the Board, to sign the Gold Service Agreements with ThyssenKrupp Elevator Corporation for maintenance of the elevators at the Belmont County Courthouse, Department of Job & Family Services, Oakview Administration Building, and new Senior Services of Belmont County – Community Building, all for the period of 10/01/16 – 09/30/21:

- Courthouse Unit ID US48345 \$250.00 a month/paid quarterly
- Job & Family Unit ID US48356 \$249.00 a month/paid quarterly
- Oakview Building Unit ID US48301 \$250.00 a month/paid quarterly
- New SSOBC Building Unit ID 24549-EDA710 \$250.00 a month/paid quarterly

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Coffland	Yes
Mrs. Favede	Yes

IN THE MATTER OF APPROVING AND AUTHORIZING COMMISSION PRESIDENT TO SIGN THE FINAL RESOLUTION FOR ODOT PROJECT, DRILLED SHAFT LANDSLIDE REPAIR PROJECT

Motion made by Mr. Thomas, seconded by Mr. Coffland, as the Local Public Agency (LPA), to approve and authorize Commission President Ginny Favede to sign the Final Resolution for the Ohio Department of Transportation Project, PID 101138, BEL-CR30-4.35 Drilled Shaft Landslide Repair Project; Estimated LPA share is \$76,010.00 to be paid from the Engineer's MVGT fund.

Note: The project consists of the Improvement of CR 30 (Kirkwood Heights) including the construction of a 184 foot long drill shaft and concrete lagging wall, new pavement and guardrail.

PID No. 101138
ODOT Project No. _____(2016)

FINAL RESOLUTION

The following Final Resolution enacted by the Board of County Commissioners, County of **Belmont**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **10th day of February, 2016**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of the improvement of CR 30, including the construction of a 184 foot long drill shaft and concrete lagging wall, new pavement and guardrail, lying with Belmont County.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The County agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid Emergency funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the County agrees to assume and bear 100% of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and right of way charges incurred by the State. Also, the County agrees to assume and bear the entire cost and expense of the installation and/or repair of curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act.

The share of the cost of the LPA is now estimated in the amount of **Seventy Six Thousand Ten and --- 00/100 Dollars (\$76,010.00)** but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Seventy Six Thousand Ten and - - - 00/100 Dollars (\$76,010.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **President** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 10th day of February, 2016, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon. We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 98, at Page N/A, and under date of September 21, 2016.

Legislative Authority of the
Board of County Commissioners
County of **Belmont**, Ohio
Ginny Favede /s/
President
Jayne Long /s/
Clerk (Secretary Ex-Officio)
PID No. **101138**
ODOT Project No. _____ (2016)

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street; Columbus, Ohio 43223, and the Board of County Commissioners, County of **Belmont**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of the improvement of CR 30, including the construction of a 184 foot long drill shaft and concrete lagging wall, new pavement and guardrail, lying within Belmont County; and

SECTION V: FINANCIAL PARTICIPATION

- 1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
- 2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
- 3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
- 4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount **Seventy Six Thousand Ten and - - - 00/100 Dollars (\$76,010.00)**.
- 5. **The County agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid Emergency funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the County agrees to assume and bear 100% of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and right of way charges incurred by the State.**
Also, the County agrees to assume and bear the entire cost and expense of the installation and/or repair of curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act.
- 6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
- 7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

- 1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
- 2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:

- A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
- B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
- C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

- 1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOTs policies and procedures.
- 2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
 - E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
 - F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

Board of County Commissioners
County of **Belmont**
101 West Main Street
St. Clairsville, Ohio
43950

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

- 1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such -action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
- 2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed on or behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requires in all subcontracts for such work.
- 3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

- 1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
- 2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
- 3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
- 4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- 5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
- 6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
- 7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 10203 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

**OHIO DEPARTMENT OF
TRANSPORTATION**

Director of Transportation

Date

SEAL
(If Applicable)
LOCAL PUBLIC AGENCY
Board of County Commissioners
County of Belmont
Fred F. Bennett /s/
County Engineer
Mark A. Thomas /s/
County Commissioner
Matt Coffland /s/
County Commissioner
Ginny Favede /s/
County Commissioner
9/21/16

Date
Approved as to Form:
Daniel P. Fry /s/
Prosecuting Attorney

Approved:
Mike DeWine
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

Upon roll call the vote was as follows:

Mr. Thomas Yes
Mr. Coffland Yes
Mrs. Favede Yes

OPEN PUBLIC FORUM-Richard Hord inquired if it was true that grant assistance program (GAP) funds will be diverted for the construction of a convention center in Belmont County. Mrs. Favede said that was actually Tourism dollars. She said, "There is lodging and excise tax, we do not have any funds here called "GAP" funds. That is a discussion we are having and we have no further information at this time."

Bill Dorsch, Lansing Community Center representative, thanked Mr. Thomas for sending Mr. Armitage, Senior Services Director, down to the center, though nothing was resolved. Mr. Dorsch asked if they will be getting a new director since Director Sandy Milovac's last day was yesterday. Mrs. Favede encouraged Mr. Dorsch to have a conversation with Mr. Armitage on the issue. Mr. Coffland said they are union and it takes time to post jobs, bid jobs and fill jobs. "We can't move until jobs are posted and jobs are filled per contract," said Coffland. Mr. Coffland said Mr. Armitage did go down and check the lock situation. The items that were missing were some water and crackers. Another cabinet is being built. "The property is leased and they (the owners) have their rules and regulations," said Mr. Coffland.

BREAK

9:30 Childhood Cancer Awareness Month Proclamation

Present: Natalie Zambori, mother of Leo Zambori.

IN THE MATTER OF ADOPTING THE PROCLAMATION IN RECOGNITION OF NATIONAL CHILDHOOD CANCER AWARENESS MONTH

Motion made by Mrs. Favede, seconded by Mr. Coffland to adopt the proclamation in recognition of September as Childhood Cancer Awareness Month.

Proclamation

National Childhood Cancer Awareness

WHEREAS, childhood cancer affects one out of every 15,000 of our country's young people each year, and the American Cancer Society reports about 10,380 children in the United States under the age of 15 will be diagnosed with cancer in 2016. Childhood cancer rates have been rising slightly for the past few decades; and

WHEREAS, due to high participation and advancements in medical treatments, mortality rates in childhood cancer have declined; however, despite such advances, in 2016, 1,250 children ages fifteen and under are expected to lose their battle with cancer; and

WHEREAS, each September we remember those who lost their lives to cancer far too young and honor the courageous children who bring unwavering strength and optimism to their fight against cancer every single day, and we refocus our efforts on striving to cure cancer once and for all; and

WHEREAS, during National Childhood Cancer Awareness Month, let us tell the stories of the brave children who battle cancer every day and thank the loved ones, health care professionals, and communities who lift them up. Let us renew our commitment to prevent, treat, and cure childhood cancer, and together ensure that all children can experience the full and healthy upbringing they deserve; and

WHEREAS, too many children and their families have faced the harmful effects of cancer. In memory of the young lives taken from us far too soon, and in honor of the families who stood beside them, we continue to support researchers, doctors, and advocates working to improve treatments, find cures, and reach a tomorrow where all our children can lead full and healthy lives.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Belmont County Commissioners encourages all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of childhood cancer.

Adopted this 21st day of September, 2016.

BELMONT COUNTY COMMISSIONERS

Mark A. Thomas /s/
Matt Coffland /s/
Ginny Favede /s/

Upon roll call the vote was as follows:

Mrs. Favede Yes
Mr. Coffland Yes
Mr. Thomas Yes

Mrs. Zambori shared her son Leo's story. He is a five-year old in treatment for leukemia. Mrs. Zambori said, "We need to raise awareness and we need to take action." She noted only four percent of funding is allotted for childhood cancer research and that some children are treated with drugs that were designed for adults.

IN THE MATTER OF ENTERING EXECUTIVE SESSION AT 10:08 A.M.

Motion made by Mrs. Favede, seconded by Mr. Thomas to enter executive session with Vince Gianangeli, Director and Lori O'Grady, Human Resource Manager, Department of Job & Family Services, pursuant to ORC 121.22(G)(1) Personnel Exception to consider the promotion and compensation of public employees.

Upon roll call the vote was as follows:

Mrs. Favede Yes
Mr. Thomas Yes
Mr. Coffland Yes

IN THE MATTER OF ADJOURNING EXECUTIVE SESSION AT 10:22 A.M.

Motion made by Mrs. Favede, seconded by Mr. Thomas to exit executive session at 10:22 a.m.

Upon roll call the vote was as follows:

Mrs. Favede Yes
Mr. Thomas Yes
Mr. Coffland Yes

AS A RESULT OF EXECUTIVE SESSION-

**IN THE MATTER OF PROMOTING
AND PAY RANGE ADJUSTMENT FOR
MR. MICHAEL WALLER/
BELMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES**

Motion made by Mrs. Favede, seconded by Mr. Coffland to adopt the following resolution.

RESOLUTION

WHEREAS, the Ohio Revised Code empowers, the Belmont County Board of Commissioners to establish compensation and set benefit levels for the Belmont County Department of Job and Family Services non-bargaining unit employees; and
WHEREAS, with this promotion, Mr. Waller will be responsible for the supervision of Labor Crew Leaders, routine and preventative building and vehicle maintenance; and

NOW THEREFORE, BE IT RESOLVED THAT, the Belmont County Board of Commissioners does hereby grant the Director of the Belmont County Department of Job and Family Services the authority to promote Michael Waller from the position of Maintenance Repair Worker III to Building Superintendent. Mr. Waller's wages to increase from Pay Range 7, Step Six (base rate \$22.49) to Pay Range 32, Step Three (base rate \$24.58), a base rate increase of \$2.09 per hour effective October 3, 2016.

Upon roll call the vote was as follows:

Mrs. Favede	<u>Yes</u>
Mr. Coffland	<u>Yes</u>
Mr. Thomas	<u>Yes</u>

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 10:23 A.M.**

Motion made by Mrs. Favede, seconded by Mr. Coffland to adjourn the meeting at 10:23 a.m.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

Read, approved and signed this 28th day of September, 2016.

Ginny Favede /s/_____

Mark A. Thomas /s/_____ COUNTY COMMISSIONERS

Matt Coffland /s/_____

We, Ginny Favede and Jayne Long, President and Clerk respectively of the Board of Commissioners of Belmont County, Ohio, do hereby certify the foregoing minutes of the proceedings of said Board have been read, approved and signed as provided for by Sec. 305.11 of the Revised Code of Ohio.

Ginny Favede /s/_____ PRESIDENT

Jayne Long /s/_____ CLERK