

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: J. P. Dutton, Josh Meyer 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 Mr. Dutton, seconded by Mr. Meyer 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 \$1,025,309.92

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF TRANSFERS WITHIN FUND

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

A00 GENERAL FUND

FROM	TO	AMOUNT
E-0170-A006-G02.002 Salaries	E-0170-A006-G09.003 PERS	\$600.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Meyer	Yes
Mr. Dutton	Yes

IN THE MATTER OF ADDITIONAL APPROPRIATIONS FOR VARIOUS FUNDS/CLOSED CARRY-OVER PURCHASE ORDERS

Motion made by Mr. Thomas, seconded by Mr. Meyer to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of May 23, 2018:

CARRYOVER PURCHASE ORDERS THAT HAVE BEEN CLOSED AND REQUIRE REAPPROPRIATION

A00 General Fund

E-0181-A003-A02.000	Poll Workers-Salaries	\$45,836.70
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Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Meyer	Yes
Mr. Dutton	Yes

IN THE MATTER OF ADDITIONAL APPROPRIATIONS

Motion made by Mr. Thomas, seconded by Mr. Meyer to make the following additional appropriations, in accordance with the Official Certificate of Estimated Resources as approved by the Budget Commission, under the May 23, 2018 meeting:

A00 GENERAL FUND

E-0051-A001-A08.000	Travel and Expenses	\$690.00
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H10 CHILD SUPPORT ENFORCEMENT ADMIN/BCDJFS

E-2760-H010-H15.000	Other Expenses	\$98,947.00
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L01 SOIL CONSERVATION/BSWCD

E-1810-L001-L07.000	Service Fees	\$1,833.33
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L05 WATERSHED COORDINATOR GRANT/BSWCD

E-1815-L005-L01.002	Salaries	\$21,000.00
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E-1815-L005-L11.003	PERS	\$5,500.00
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E-1815-L005-L12.004	Workers Comp	\$1,000.00
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E-1815-L005-L13.005	Medicare	\$500.00
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E-1815-L005-L15.006	Hospitalization	\$7,000.00
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T11 BEL.CO COMMISSIONERS CDBG

E-9702-T011-T01.000	Grants	\$24,139.00
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Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Meyer	Yes
Mr. Dutton	Yes

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

Motion made by Mr. Dutton, seconded by Mr. Meyer to request the Belmont County Budget Commission certify the following monies. **GENERAL FUND/PRIMA CONFERENCE REIMBURSEMENT FROM CORSA-\$690.00** deposited into R-0050-A000-A45.500 Refunds & Reimbursements 05/21/18.

T11 GRANT MONIES-\$3,950.00 deposited into R-9720-T011-T01.501 on 05/9/18

\$3,265.00 deposited into R-9720-T011-T01.501 on 05/14/18

\$16,924.00 deposited into R-9720-T011-T01.501 on 05/21/18

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

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

Motion made by Mr. Dutton, seconded by Mr. Meyer to execute payment of Then and Now Certification dated ___ May 23, 2018,

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:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL

Motion made by Mr. Dutton, seconded by Mr. Meyer granting permission for county employees to travel as follows:

DJFS-Joanne Fabry, Randy Fisher, Lori Leiffer, Lisa Kahrig, Christina DiNapoli, Cassady Lohr, Janie Meintel, Ashley Bobek, Yvonne Graham, Derrick Sochor, Stephanie Hall, Emily Taylor, Melissa Regis, Hollee Goudy and Tanya Mayberry to Muskingum County on May 22, 2018, for EDMS Training. Larisa Hissom, Jennifer Johnson-Collins, Michele Goodson, Michele Schramm, Jenny Sechrest, Amber Wiley, Debbie Rhodes, Beth Pollock, Rosa Zeno, Brad Ross, Missy Ketzell, Teri Coleman and Erica Price to Muskingum County on May 23, 2018, for EDMS Training. Jonette Lowe, Michelle Mobley, Mary Hagiloizou, Lori Bittengle and Taralyn Manukin to Muskingum County on May 25, 2018, for EDMS Training. Amber Wiley and Michelle Mobley to Muskingum County on June 11, 2018, for EDMS Training. Jenny Sechrest to Muskingum County on June 18, 2018, for EDMS Training. Rosa Zeno, Missy Ketzell, Tina Perry and Brad Ross to Muskingum County on June 25, 2018, for EDMS Training. Debbie Rhodes and Beth Pollock to Muskingum County on June 27, 2018, to attend EDMS Training. Jonette Lowe and Teri Coleman to Muskingum County on July 9, 2018, for EDMS Training. Rosa Zeno, Missy Ketzell, Tina Perry, Brad Ross, Jonette Lowe and Teri Coleman to Muskingum County on July 10, 2018, for EDMS Training. Joanne Fabray to Muskingum County on July 12, 2018, for EDMS Training. County vehicles will be used for travel. Estimated expenses: \$780.00

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

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

Motion made by Mr. Dutton, seconded by Mr. Meyer to approve the minutes of the Belmont County Board of Commissioners regular meeting of May 16, 2018.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

Mr. Dutton made the following announcement-

The Mental Health and Recovery Board is seeking applications to fill three (3) positions on that Board. Interested parties should contact Jayn Devney at the Mental Health and Recovery Board's office to request an application at 740-695-9998.

IN THE MATTER OF AUTHORIZING COMMISSION PRESIDENT TO SIGN THE JUVENILE COURT FUNDING APPLICATION UPDATE FOR ODYS SUBSIDY GRANT FY 2019

Motion made by Mr. Meyer, seconded by Mr. Thomas to approve and authorize Commission President J. P. Dutton to sign the **Ohio Department of Youth Services Subsidy Grant-Juvenile Court Funding Application Update** on behalf of Belmont County Juvenile Court for Fiscal Year 2019.

Note: This grant covers program costs for C-CAP.

Upon roll call the vote was as follows:

Mr. Meyer	Yes
Mr. Thomas	Yes
Mr. Dutton	Yes

IN THE MATTER OF APPROVING THE RIGHT OF ENTRY FOR COMCAST CABLE COMMUNICATIONS/SSOBC

Motion made by Mr. Meyer, seconded by Mr. Thomas to approve and authorize Commission President J. P. Dutton to sign the right of entry for Comcast Cable Communications to run service lines to the Senior Services of Belmont County Community Building located at 67650 Oakview Dr., St. Clairsville.

Note: Val Tech Communications will assume all costs for this upgrade which will increase the bandwidth and decrease connectivity problems for this location.



Comcast Cable Communications Management, LLC
c/o Market Development, Comcast Business
3800 Horizon Blvd, Ste 300, Trevose, PA 19053

RE:

Property Address: 67650 OAKVIEW DR
Street Address (include apartment/suite, exclude suite number)
SAINT CLAIRSVILLE, OH 43950
City, State and Zip
Additional Address Information (optional)

Dear Comcast:

The Owning Entity identified below, being the owner of the premises described above (the "Property"), hereby consents to the installation, operation, and maintenance by Comcast Cable Communications Management, LLC, on behalf of its affiliates (together, "Comcast"), at Comcast's sole cost and expense, of Comcast's cable and other equipment into, over, under, across, and along the Property, to be used by Comcast to provide communications services to tenants and other occupants of the Property.

Comcast will contact the Owner, or Owner's representative, before work begins. This information will not be used for any other purpose.

Owning Entity: BELMONT COUNTY COMMISSIONERS DEB SENIOR SERVICES OF BELMONT COUNTY

Contact name: GARY ARMSTRONG, DIRECTOR, SENIOR SERVICES

Contact phone number: 740-695-4142 Ext _____

Contact email address: gary.armstrong@ssobc.com

Additional Contact (optional): _____

Comcast shall repair any damage to the Property caused by the installation, operation, or maintenance of Comcast's equipment on the Property.

Owner's consent will continue for so long as Comcast provides communications services to tenants or other occupants of the Property. The Access to Property shall bind and benefit the parties and their respective successors and assigns.

Sincerely,

Signature: Date Signed: 5-23-18
Owner or Daily Authorized Agent of Owner

Print Name: J. P. DUTTON

Full Title: BELMONT COUNTY COMMISSIONER

Upon roll call the vote was as follows:

Mr. Meyer	Yes
Mr. Thomas	Yes
Mr. Dutton	Yes

IN THE MATTER OF THE VACATION AND REDEDICATION OF COUNTY ROAD 114 (FAIRVIEW ROAD) KIRKWOOD TWP. SEC. 31, T-9, R-6 AND WARREN TWP. SEC. 36, T-8, R-6/AMENDED RD IMP 1145

**Office of County Commissioners
Belmont County, Ohio**

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 23rd day of May, 2018, at the office of the Commissioners with the following members present:

Mr. Dutton
Mr. Meyer
Mr. Thomas

RESOLUTION – ORDER TO CLOSE ROAD
Sec. 5563.01 O.R.C.

Mr. Dutton moved the adoption of the following Resolution:

WHEREAS, At least ten days have elapsed since the final order of the board in the matter of this improvement, and

WHEREAS, No person, firm or corporation interested, has effected an appeal from our orders in the matter of the above named improvement, therefore, be it

RESOLVED, That it is hereby ordered that the proceedings be recorded as provided by law, and that said road be vacated and rededicated, as ordered heretofore, made on journal of the date of May 9, 2018, and a copy of this resolution be forwarded to the Kirkwood and Warren Township Trustees.

Mr. Meyer seconded the Resolution and the roll being called upon its adoption the vote was as follows:

<u>Mr. Dutton</u>	, Yes
<u>Mr. Meyer</u>	, Yes
<u>Mr. Thomas</u>	, Yes

Adopted the 23rd day of May, 2018.

Jayne Long /s/
Clerk, Board of County Commissioners
Belmont County, Ohio

1. “locating,””establishing,””altering,””widening,””straightening,””vacating” or “changing the direction of.””

IN THE MATTER OF ENTERING INTO ROADWAY USE AND MAINTENANCE AGREEMENT WITH STRIKE FORCE EAST, LLC/ENGINEERS

Motion made by Mr. Dutton, seconded by Mr. Meyer to enter into **Roadway Use and Maintenance Agreement** with Strike Force East, LLC, effective May 23, 2018, for the use of 1.83 miles of CR 2 (Deep Run Road) for pipeline or drilling activity for the Ridgetop to Slingshot pipeline.

Note: Blanket Bond #B009860 for \$2 million on file.

BELMONT COUNTY ROADWAY USE AND MAINTENANCE AGREEMENT FOR PIPELINE AND COMPRESSOR PROJECTS AND INFRASTRUCTURE

THIS AGREEMENT is entered into at St. Clairsville, Ohio, by and between THE BELMONT COUNTY COMMISSIONERS, a political subdivision, whose mailing address is 101 W. Main St., Courthouse, St. Clairsville, Ohio 43950 (hereafter “Authority”), and Strike Force East, LLC whose address is 2200 Energy Drive, Canonsburg, PA 15317 (Hereafter “Operator”), and shall be as follows:

RECITALS

WHEREAS, Authority has control of the several county/township roads within Pease Township in Belmont County, Ohio and is required by law to keep such roads in good repair; and

WHEREAS, Operator is the operator of certain oil and gas leasehold, and intends to develop and operate the [BUEMS001 and BUEMD001 (Ridgetop to Slingshot) pipeline], including the equipment, facilities, impoundments, and pipelines necessary for the operation of the [BUEMS001 and BUEMD001 (Ridgetop to Slingshot) pipeline] (hereafter collectively referred to as “oil and gas development site”) located in Pease Township in Belmont County, Ohio; and

WHEREAS, Operator intends to commence use 1.83 miles of CR 2 (Deep Run Road) for the purpose of ingress to and egress from the pipeline or drilling facilities for the [BUEMS001 and BUEMD001 (Ridgetop to Slingshot) pipeline] for traffic necessary for the purpose of constructing the pipeline or drilling facilities, (hereinafter referred to collectively as “Pipeline or Drilling Activity”); and

WHEREAS, Authority and Operator desire to enter into an agreement, providing for the repair and maintenance of said roads and bridges thereon as a result of such Pipeline or Drilling Activity; and

WHEREAS, if any county or township roads contemplated herein contain any railroad crossings, Section 3 below shall apply;

NOW THEREFORE, in consideration of the good faith performance by each party of the mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Operator agrees to the maintenance and repair of said roads and bridges, to their pre-Pipeline or Drilling Activity condition or as modified pursuant to Appendix A, thereon for any damages thereto, as a result of Pipeline or Drilling Activity related to such sites.

FURTHER, Operator shall also provide for the strengthening and upgrading of the roads and bridges if mutually agreed to be necessary for the Pipeline or Drilling Activity, prior to the start of Pipeline or Drilling Activity. The areas and structures required to be strengthened and/or upgraded shall be determined by an engineer provided by the Operator with the approval of the County Engineer to be provided within thirty (30) days of a written request submitted by the Operator. Operator’s engineer shall provide a written report to the County detailing the condition of the roads and appurtenances covered under this Agreement along with any recommendations, if necessary.

BOTH PARTIES FURTHER AGREE to the following additional terms and conditions:

1. The portion of CR 2 (Deep Run Road) to be utilized by Operator hereunder, is that exclusive portion beginning at the intersection with SR 647 (Mt. Pleasant Pike) and ending at the turnaround location (40.139365, -80.774252). It is understood and agreed that the Operator shall not utilize any of the remainder of CR 2 (Deep Run Road) for any of its Pipeline or Drilling Activities hereunder.
2. Those portions of said roads and bridges and their appurtenances to be used by Operator hereunder and mutually agreed to require necessary strengthening and/or upgrading by the Operator’s Engineer in conjunction with the County Engineer, shall be strengthened and/or upgraded to a condition sufficient and adequate to sustain the anticipated Pipeline or Drilling Activity by Operator, at Operator’s sole expense, and with the advice and approval of the County Engineer as detailed in Appendix A. Thereafter, such roads shall be maintained by Operator for damages caused by Operator’s Pipeline or Drilling Activity, at Operator’s sole expense, throughout the term of this Agreement, to a level consistent with the condition of such roads at the commencement of its use by the Operator hereunder or as modified pursuant to Appendix A, as determined by the Operator’s engineer and the Belmont County Engineer. The maintenance of aforementioned roads includes the use of a commercially recognized dust palliative to control the airborne dust created and/or contributed to by the Operator or the Operator’s contractors and or agents.
3. The Operator shall give notice to the railroad at least thirty (30) days prior to any known Pipeline or Drilling Activity utilizing a railroad crossing so that a joint inspection can determine the condition of the crossing. Additionally, the Operator shall coordinate all work needing to be performed at a railroad crossing with the railroad company at least thirty (30) days prior to starting work on a railroad crossing. If the railroad company fails to respond to the Operator’s notice of work needing to be performed at a railroad crossing within thirty (30) days of receipt of such notice, then the railroad waives all rights it has under this agreement with respect to the work specified in the notice. Work performed at a railroad crossing may include a separate agreement at the railroad’s discretion. The Authority shall not be liable for any incidents arising out of or related to work performed at any railroad crossing pursuant to this Agreement or any separate Agreement between the Operator and the railroad company, or lack of notification by Operator.
4. Either the Operator or the Authority may terminate this Agreement with just cause following at least thirty (30) days written notice to the other of its intent to terminate. As soon as possible after receipt of such notice, the Authority and the Operator shall inspect said roads and bridges and their appurtenances. Following final inspection, the parties shall meet, and all restoration resulting from Operator’s Pipeline or Drilling Activity shall be identified and thereafter completed by the Operator to insure the roads are at least returned to the condition they were in prior to the Operator’s use for its Pipeline or Drilling Activity, at Operator’s sole expense. Following completion of all restoration work, this Agreement shall be terminated and of no further force or effect.
5. Unless accepted for the reasons provided below, prior to the Pipeline or Drilling Activity on the designated Route, Operator shall post a bond or other surety in a form satisfactory to the Authority to cover the costs of any damage caused by the Pipeline or Drilling Activity on the Route by Operator. The amount of the bond or surety shall be in an amount of \$732,000 & 00/100 DOLLARS (\$400,000.00/mi paved & \$100,000/mi gravel). However, no such bond or surety shall be required of Operator, if any of the following conditions are satisfied. The

Operator has obtained a County-Wide Bond (B009860) in the amount of \$2,000,000 (Two Million Dollars), therefore satisfying Condition c below. This bond is on file at the Belmont County Engineer's Office and is for use of any County Road.

- a. A geotechnical analysis of the route provided by the Operator and mutually accepted by the Authority and Operator exhibits that the route's condition is sufficient for the expected traffic necessary for the development of the oil and gas development site.
 - b. The Operator provides a geotechnical analysis of the route, mutually accepted by the Authority and Operator, and based on that analysis, an Operator and Authority-approved maintenance plan for the route or an Operator and Authority-approved preventative repair plan of the route is attached to the Agreement as an addendum.
 - c. The Operator has provided a sufficient bond or surety accepted by the Authority and Operator, in favor of the Authority for road usage by the Operator within the Authority's oversight.
6. All motor vehicles to be utilized by Operator hereunder, whether owned by Operator or others, shall comply with all legal size, load and weight limits in accordance with State Law, and all non-conforming vehicles shall require the proper local permit.
 7. Operator shall furnish the Authority with a written Letter of Authority, setting forth all necessary contact information, including a twenty four (24) hour emergency contact number, for the authorized local representative of the Operator, and such information shall be maintained and kept current at all times concerned hereunder.
 8. If Authority determines that any additional traffic signage is needed, or desired, as a result of this Agreement and in the interests of safety, then Operator shall provide for such signage at Operator's sole expense. In the event that any other safety concerns should arise during the course of this Agreement, Operator and Authority agree that they will mutually discuss such concerns and reach a resolution satisfactory to all concerned.
 9. Operator acknowledges that pursuant to Ohio Attorney General Opinion 2012-029 issued on September 19, 2012, the County is required to comply with Revised Code 4115.03-.16 when the total overall project cost to the Operator is fairly estimated to be more than the amount prescribed in Ohio Revised Code Section 4115.03 (B)(4). Operator further acknowledges that at the time any necessary road maintenance or repairs are required, the estimated costs and actual cost of such work to be performed pursuant to this agreement will be solely within the knowledge of Operator since Operator is responsible for paying 100% of said cost. Therefore, Operator hereby agrees that Operator will take all measures to ensure compliance with Ohio's Prevailing Wage Laws.
 10. Operator shall protect, save, indemnify, and hold the Authority, its officials, agents and employees harmless from any liability, claims, damages, penalties, charges, or costs including reasonable attorney's fees which may arise or be claimed as a result of any violations of any laws or ordinances, or any loss, damage or expense, including injury or death to any person, from any cause or causes from Operator's use of the roads pursuant to this Agreement. "The forgoing indemnity shall not apply to the extent that such claims are attributable to the fault or negligence of the Authority".
 11. Operator assumes all liability for subcontractors and or agents working on Operator's behalf for this specific agreement.
 12. This Agreement shall be binding upon Operator and Authority, and their respective successors and assigns.
 13. In any event that any clause, provision or remedy in this Agreement shall, for any reason, be deemed invalid or unenforceable, the remaining clauses and provisions shall not be affected, impaired or invalidated and shall remain in full force and effect.
 14. Agreement shall be governed by the laws of the State of Ohio.
 15. This Agreement shall be in effect on May 23, 2018.

Executed in duplicate on the dates set forth below.

Authority

By: J. P. Dutton /s/

Commissioner

By: Mark A. Thomas /s/

Commissioner

By: Josh Meyer /s/

Commissioner

By: Terry Lively /s/

County Engineer

Dated: 5-23-18

Approved as to Form:

Daniel P. Fry /s/

County Prosecutor

Upon roll call the vote was as follows:

Operator

By: Ralph D. Deer /s/

Printed Name: Ralph D. Deer

Company Name: Strike Force East, LLC

Title: Authorized Representative

Dated: 5/7/18

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF RESCINDING THE MOTION OF FEBRUARY 8, 2017, APPOINTING COMMISSION PRESIDENT TO THE BELMONT COUNTY TOURISM COUNCIL BOARD OF DIRECTORS ANNUALLY

Motion made by Mr. Dutton, seconded by Mr. Meyer to rescind the resolution dated February 8, 2017, appointing the Belmont County Commission President to the Belmont County Tourism Council Board of Directors annually.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF HIRING JASON LOVEJOY AS SUMMER EMPLOYEE AT RECORDS DEPARTMENT

Motion made by Mr. Dutton, seconded by Mr. Meyer to approve the hiring of Jason Lovejoy as a summer employee at Belmont County Records Department, effective May 29, 2018, at the rate of \$8.30 per hour (minimum wage).

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF HIRING KAILEY DRAKE AS SUMMER EMPLOYEE AT RECORDS DEPARTMENT

Motion made by Mr. Dutton, seconded by Mr. Meyer to approve the hiring of Kailey Drake as a summer employee at Belmont County Records Department, effective June 4, 2018, at the rate of \$8.30 per hour (minimum wage).

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF HIRING THOMAS SCOTT

AS SUMMER EMPLOYEE/SSD

Motion made by Mr. Dutton, seconded by Mr. Meyer to approve the hiring of Thomas Scott as a summer employee at Belmont County Sanitary Sewer Department, effective May 29, 2018, at the rate of \$8.30 per hour (minimum wage).

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF RESOLUTION TO LEVY AN ANNUAL LICENSE TAX

The Board of Commissioners of Belmont County, Ohio met in regular session on the 23rd day of May 2018, with the following members present:

J. P. Dutton, President, Josh Meyer and Mark A. Thomas

Commissioner Dutton moved the adoption of the following:

RESOLUTION TO LEVY AN ANNUAL LICENSE TAX FOR BELMONT COUNTY, STATE OF OHIO PURSUANT TO SECTIONS 4504.15, 4504.16, AND 4504.24 OF THE REVISED CODE OF THE STATE OF OHIO

WHEREAS, additional monies are needed for the planning, construction and maintaining and repairing the public roads, highways, streets, bridges and culverts in Belmont County for the reason revenues have not kept up with the cost of overhead and road maintenance materials; and

WHEREAS, the Board of County Commissioners recognize the need to maintain an adequate system of roads and bridges on the County, Municipal and Township systems, and

WHEREAS, the Board of County Commissioners may, pursuant to sections 4504.15, 4504.16, and 4504.24 of the Ohio Revised Code (ORC), levy an annual license tax, in addition to the tax levied by sections 4503.02, 4503.07 and 4503.18 of the ORC, upon the operation of motor vehicles upon public roads and highways; and,

WHEREAS, the tax shall be at the rate of \$5.00 per vehicle pursuant to section 4504.15 of the ORC, and \$5.00 per vehicle pursuant to section 4504.16 of the ORC, and \$5.00 per vehicle pursuant to section 4504.24 of the ORC, for a total of \$15.00 per vehicle on all motor vehicles in the district of registration, to wit: Belmont County, and

WHEREAS, the first hearing pursuant to the law was held on May 9, 2018 at 9:30 o'clock a.m., and the second hearing was held on May 16, 2018 at 9:30 o'clock a.m. at the Belmont County Commissioners' office and after the proper notice thereof as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, BELMONT COUNTY, OHIO:

1. The Board of County Commissioners, pursuant to sections 4504.15, 4504.16, and 4504.24 of the ORC, hereby determine that it is necessary to levy additional county motor vehicle license taxes, for the preservation of the public safety; and
2. That an additional annual license tax is hereby levied pursuant to sections 4504.15, 4504.16, and 4504.24 of the ORC; this tax is in addition to any tax levied pursuant to sections 4503.02, 4503.07 and 4503.18 of the ORC; the tax shall be at the rate of \$5.00 per vehicle pursuant to section 4504.15 of the ORC, and \$5.00 per vehicle pursuant to section 4504.16 of the ORC, and \$5.00 per vehicle pursuant to section 4504.24 of the ORC, for a total of \$15.00 per vehicle on all motor vehicles in the district of registration which is in Belmont County, Ohio; the tax shall be in addition to the taxes at the rates specified in section 4503.04 and 4503.16 of the ORC, subject to reductions in the manner provided in section 4503.11 of the ORC and the exemptions provided in sections 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43 of the ORC, and,
3. That this resolution shall become effective thirty days following adoption and is subject to referendum as provided in Sections 305.31 to 305.41 of the ORC.
4. That the Clerk of the Board of County Commissioners shall provide written notice of the adoption of this resolution to the legislative authority of each municipal corporation and the board of trustees of each township that is located in the county in accordance with sections 4504.15, 4504.16, and 4504.24 of the ORC.
5. That the Clerk of the Board of County Commissioners is hereby directed to certify a copy of this resolution to the County Engineer, the County Auditor, and the County Treasurer.
6. That the Clerk of the Board of County Commissioners is directed to certify a copy of this Resolution to the Bureau of Motor Vehicles, Attention: Tax Distribution Section.

BE IT FURTHER RESOLVED that all formal actions of the board relating to the adoption of this resolution were taken in an open meeting of the board in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Commissioner Meyer seconded the foregoing Resolution and upon roll call the vote was as follows:

<u>Mr. Dutton</u>	<u>Yes</u>
<u>Mr. Meyer</u>	<u>Yes</u>
<u>Mr. Thomas</u>	<u>Yes</u>

Mr. Dutton read from a prepared statement-

"I believe that our board works extremely hard at evaluating decisions, particularly those that are very complex. Like other difficult issues that have come before this board, we have had some fairly heated discussions on this topic. But through these discussions have come decisions. These decisions are based on numbers and facts. So to review, in regards to this decision, which was not an easy one, here are those facts and figure.

Unlike most other county offices, the County Engineer is funded outside of the general county finances. His funding is derived from two sources, the gasoline tax and the license plate fee. The tax on gasoline sales is the responsibility of the federal and state government. The state gas tax, which is the one that filters down to the county level, has not been altered in 12 years. In our County, the license plate fee has not changed in 50 years. In recent years, rather than change the gasoline tax, the state government has added additional \$5 dollar license plate fee increments that counties can enact to increase funding, putting the onus on counties to make these difficult decisions, which this board is doing today. Although it has been discussed in this room in the past and although some of our townships and villages had prior enacted plate fees, Belmont County has never enacted beyond the original 1968 fee increment until now. So coupled with the gas tax, for the past 12 years, the Engineer's budget has basically remained the same. In the meantime, in regards to the gas tax, vehicles have become more fuel efficient and even more importantly, expenses (concrete, asphalt, steel, etc) have increased. The number of employees in that department has been reduced to roughly half of the number at its highest point in the past.

More facts and figures. Of our 300 miles of roads, 200 miles are paved. To maintain a consistent paving program, one that resurfaces a road every 10 years at current prices of roughly \$100,000 a mile means that the engineer would need to budget roughly two million dollars every year toward a resurfacing program. We do not currently have a resurfacing program. We have not since 2009. Nearly 10 years. In the meantime, roads that have been paved have been by oil and gas companies (roughly 70 miles) and from funding from this office by way of oil and gas lease agreements (in 2014). Thus, to reinstitute strong resurfacing program, the engineer needs roughly \$2 million extra dollars a year just to regularly resurface our roads. This does not include future growth, or catching up on bridge repairs and replacements or the extreme damage that was experienced this spring due to the inordinate number of slips in which some roads have been closed indefinitely until repairs can be made. Frankly and unfortunately, these slips have now risen to the highest priority in terms of project importance.

As you can see, there is a significant need for additional funding. There has been for quite some time actually. Now, this action today only partially helps to fill that gap. At most, it will add a little over \$800,000 but could be lessened by recent township and village decisions. We believe that our need is not in the thousands but in the millions. But, this action today is also not going to be the final action from this board on this issue. We are currently working on a complimentary option that will attempt to further fill this need. We commit that this will not be a levy or additional taxes and fees. We commit that we will work to find additional assistance with the confines of existing county finances. It is our goal to complete this process and report to our residents by the end of the summer, at the latest.

At the end of this process, I believe that we can honestly state that we have done what we can locally to improve our county infrastructure. This includes recent action on water and sewer infrastructure. We can honestly tell the state and federal government, with hard proof, that we, as a community, have made the tough, difficult choices, and taken on the major responsibility of improving our infrastructure. We believe that this strengthens our case on outside funds, whether it is grant dollars or it is the severance tax currently being collected on oil and gas activities. Speaking specifically to the severance tax issue, although we have continued to speak to state officials, we are working on new campaign on requesting that at least a portion of those funds be made available to oil and gas counties, for infrastructure. Roads and bridges, water and sewer, broadband, property site development for new businesses. We are trying to prepare and manage potential growth that may be closer than we all realize. In my mind that begins with better infrastructure.”

Mr. Meyer concurred it was not an easy decision. He said it took a lot of discussion, amongst themselves and constituents, with township trustees and municipality leaders. “At the end of the day, it was the right thing to do for Belmont County. Nobody wants their fees raised, of course. I don’t want fees raised, but when something has been neglected, on the county’s part, for nearly 50 years and puts the Engineer behind the eight-ball, that over time when you haven’t increased something since 1968, income to his department has flat-lined, costs are increasing at the same time so that puts him behind,” said Mr. Meyer. He added, “Today, what we have done, is help to a certain degree, the Engineer and his finances to help repair some roads, slips, bridges, but it’s only a small piece of the puzzle. It’s not the fix.” He said the Board will be looking at other ways to help supplement the Engineer’s Department because there is a huge need. He said it (the fees) not only helps the county, but it will help the municipalities and townships. One of the fees will be a fifty-fifty split with municipalities if they haven’t already enacted the fee, and 30% of one of the fees will go to the townships. Mr. Thomas said, “Today’s decision was a decision of necessity, not desire.” He said they appreciate the input they have had over the last month, especially from the township trustees and they also respect and understand the ones that spoke out against the increase. “When a decision is made out of necessity, I can come back and respectfully challenge, if we don’t do this, what do we do, because for public safety reasons and for the normal course of travel through and on Belmont County roads, we have to maintain them. The County Engineer, by law, is charged with maintaining, repairing and replacing roads,” said Mr. Thomas. He added we are put in this position today because the federal gas tax has not been raised since 1993. You can’t continue to repair roads under Ohio and Federal law with funding that’s been stagnant 25 years and it’s been 12 years for Ohio. “This is a desperate plea to the Feds and to the state to understand what local government in Ohio is facing.” said Mr. Thomas. He thanked the County Engineer, Terry Lively, for his diligent effort. He said the County Commissioners will continue their effort, in Columbus, by going to the legislature and remind them the severance tax that’s being pulled out of this ground by oil and gas companies is not coming back to Belmont County to help fix the roads.

Discuss held regarding Annual License Tax: Mike Bianconi, Pease Township Trustee, said he appreciates and supports the increase. Frank Shaffer, Township Trustee Association President and Pultney Township Trustee, commended the Board on making the tough decision. He offered his assistance to pursue efforts at the state regarding the severance tax. Mr. Lively thanked the Board for taking the “desperately needed” action. He said it took political courage to take a problem head on. He said he has seen this Board do that with the roads and the water and sewer. Frank Papini said he appreciates and thanks the board. He said he knows it needed done but was not in total agreement.

Open Public Forum: Richard Hord questioned why the President of the Board no longer sits on the Tourism Board. Mr. Dutton replied they have a fantastic relationship with the Tourism Board. He explained that early on, a Commissioner didn’t sit on the Tourism Board, it was a more recent development over the past few years. He said they don’t feel there is any need for a Commissioner to sit on the Board directly, but as with other boards, they will be in close communication.

Richard Hord inquired about the jail overcrowding issue. Mr. Dutton said the numbers are down compared to what they were the 2nd half of last year and they have not had to use the Jefferson County agreement (for housing of prisoners).

RECESS

9:30 Agenda Item: Public Hearing- Road Improvement 1160
Re: Vacation of T-16 (Betts Rd.) and T-17 (Dody Rd.), Somerset Township
Present: Terry Lively, County Engineer and Will Eddy, Drafting Technician II

Mr. Eddy reviewed maps. He said the road is a right-of-way that is not used for public use. Present at the viewing were Mr. Lively, Mr. Eddy, Dave Sandy, petitioner, and residents Robert Smeal and Dave Matz who are both in favor. The Township Trustees are also in favor per Mr. Eddy.

REPORT OF COUNTY ENGINEER
OHIO REV. CODE, SEC. 5553.06
ROAD IMP # 1160

IN THE MATTER OF
THE VACATION OF T-16 (BETTS RD.) & T-17 (DODY RD.)
SOMERSET TWP. SEC. 25, T-7, R-6/ RD IMP 1160
DATE: May 22, 2018

To the Board of County Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated **May 16, 2018**

Proceeded on **May 23, 2018** to make an accurate survey and plat of the Public Road proposed to be improved and respectfully submits the following report:

In the opinion of the undersigned the proposed improvement should be granted.

An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believe will be necessary to be taken in the event the proposed improvement is made, together with the name of each owner, accompany this report and are made a part thereof.

An accurate and detailed description of the proposed improvement describing therein the centerline and right-of-way lines follow:
“See Attached Plat”

The undersigned recommends the following changes in the proposed improvement which in his judgment should be made in the event the proposed improvement is granted.

Terry Lively /s/
Terry D. Lively, P.S., P.E.,
COUNTY ENGINEER OF BELMONT CO, OH

IN THE MATTER OF THE VACATION OF
T-16 (BETTS RD.) & T-17 (DODY RD.)
SOMERSET TWP. SEC. 25, T-7, R-6/RD IMP 1160

Office of County Commissioners
Belmont County, Ohio

RESOLUTION-GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.
Rd. Imp. #1160

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 23rd day of May, 2018 in the office of the Commissioners with the following members present:

Mr. Dutton
Mr. Meyer
Mr. Thomas

Mr. Dutton moved the adoption of the following Resolution:

May 23, 2018

WHEREAS, This day this matter came on to be heard on the report, survey, plat, and detailed and accurate descriptions as filed by the County Engineer, and said report having been read in open session, the Board proceeded with the hearing of testimony bearing upon the necessity of the said improvement for the public convenience or welfare and offered either for or against going forward with the proposed improvement by interested persons; and

WHEREAS, Said Board has considered said report and all the testimony offered, and all the facts and conditions pertaining to said matter; therefore, be it

RESOLVED, That said Board of County Commissioners do find said improvement will serve the public convenience and welfare; and be it further

RESOLVED, That said improvement as set forth and defined in said report, survey, plat and detailed and accurate descriptions as filed by the County Engineer be and the same is hereby granted and said road is hereby ordered vacated.

RESOLVED, That the County Engineer be and he is hereby directed to cause and record the proceeding, including the survey and plat and accurate and detailed description of said proposed improvement, to be forthwith entered in the proper road records of said County; and be it further

Mr. Meyer seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

Adopted the 23rd day of May, 2018

Jayne Long /s/
Clerk, Board of County Commissioners,
Belmont County, Ohio

RECESS

IN THE MATTER OF ENTERING EXECUTIVE SESSION AT 9:49 A. M.

Motion made by Mr. Dutton, seconded by Mr. Meyer to enter executive session with Katie Bayness, HR Administrator, pursuant to ORC 121.22(G)(1) Personnel Exception to consider the employment of public employees.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

IN THE MATTER OF ADJOURNING EXECUTIVE SESSION AT 10:00 A.M.

Motion made by Mr. Dutton, seconded by Mr. Meyer to exit executive session at 10:00 a.m.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

AS A RESULT OF EXECUTIVE SESSION-NO ACTION TAKEN AT THIS TIME

IN THE MATTER OF ENTERING EXECUTIVE SESSION AT 10:41 A. M.

Motion made by Mr. Dutton, seconded by Mr. Meyer to enter executive session with Attorneys Jeff Stankunas and Molly Gwin (via phone) and Katie Bayness, HR Administrator, pursuant to ORC 121.22(G)(3) Court Action Exception to consider pending litigation.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

Note: Mrs. Bayness stepped out of executive session at 10:47 a.m. and it continued.

IN THE MATTER OF ADJOURNING EXECUTIVE SESSION AT 11:02 A.M.

Motion made by Mr. Dutton, seconded by Mr. Meyer to exit executive session at 11:02 a.m.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

AS A RESULT OF EXECUTIVE SESSION-NO ACTION TAKEN AT THIS TIME

IN THE MATTER OF APPROVING QUOTE FROM HITEK SECURITY SOLUTIONS/9-1-1 CENTER

Motion made by Mr. Dutton, seconded by Mr. Meyer to approve the quote from HiTek Security Solutions, dated April 18, 2018, in the amount of \$4,898.00 for all labor and materials required to install and program two (2) door access control units at Belmont County 9-1-1 Center.

Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

Mr. Dutton noted this is due to the failure of the existing door access control unit.

May 23, 2018

May 23, 2018

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 11:24 A.M.**

Motion made by Mr. Dutton, seconded by Mr. Meyer to adjourn the meeting at 11:24 a.m.
Upon roll call the vote was as follows:

Mr. Dutton	Yes
Mr. Meyer	Yes
Mr. Thomas	Yes

Read, approved and signed this 30th day of May, 2018.

J. P. Dutton /s/ _____

Mark A. Thomas /s/ _____ COUNTY COMMISSIONERS

Josh Meyer /s/ _____

We, J. P. Dutton 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.

J. P. Dutton /s/ _____ PRESIDENT

Jayne Long /s/ _____ CLERK